Final Program Environmental Impact Report
for the
County of San Diego Socially Equitable Cannabis Program
SCH # 2023090330

PREPARED FOR

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March 2026

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LIST OF ABBREVIATIONS

°F	degrees Fahrenheit
2020 Strategic Plan	County's 2020–2030 County Operations Strategic Sustainability Plan
2021 Regional Plan	*San Diego Forward: The Regional Plan*
2022 SIP	2022 State SIP Strategy
AB	Assembly Bill
ACM	asbestos containing material
ADT	average daily traffic
af	acre-feet
AFV	alternative fuel vehicles
AFY	acre-feet per year
AIA	Airport Influence Area
AICUZ	Air Installation Compatible Use Zone
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plans
amsl	above mean sea level
ASD	Alpine Sanitation District
ASTREA	Air Support to Regional Enforcement Agencies
ATP	County of San Diego Active Transportation Plan
AUMA	Adult Use of Marijuana Act
BERD	Build Environment Resources Directory
BIOS	Biogeographic Information and Observation System
BLM	US Bureau of Land Management
BMO	Biological Mitigation Ordinance
BMP	best management practice
Board	San Diego County Board of Supervisors
Borrego Basin	Borrego Valley Groundwater Basin
BOS	Board of Supervisors
BPTC	best practical treatment or control
BWD	Borrego Water District
CA MUTCD	California Manual on Uniform Traffic Control Devices
CA SDWA	California Safe Drinking Water Act
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Occupational Safety and Health Administration

CalARP	California Accidental Release Prevention
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen Code	California Green Building Standards Code
CALGreen	State Building Energy Efficiency Standards
CalIPC	California Invasive Plant Council
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
Cannabis Program	Socially Equitable Cannabis Program
Cannabis SIUR	Cannabis Small Irrigation Use Registration
CAP Checklist	2024 Climate Action Plan Consistency Review Checklist
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CCA	Community Choice Aggregation
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDC	Center for Disease Control
CDFW	California Department of Fish and Wildlife
CDPR	California Department of Pesticide Regulation
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CHHSL	Human Health Screening Levels
CHR	Colorado Hydrologic Region
CHRIS	California Historical Resources Information System
CHSC	California Health and Safety Code
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CP	countywide policies
CPA	Community Plan Area
CRHR	California Register of Historic Resources
CRPR	California Rare Plant Rank
CSA	County Service Area

CSD	Pauma Valley Community Services District
CTMP	Community Trails Master Plan
CTP	County of San Diego Trails Program
CUPA	Certified Unified Program Agency
CVC	California Vehicle Code
CWA	Clean Water Act
CWSMD	Campo Water and Sewer Maintenance District
dB	decibels
dBA	A-weighting decibel scale
DCC	California Department of Cannabis Control
DEHQ	Department of Environmental Health and Quality
DHS	California Department of Health Services
diesel PM	diesel particular matter
District	San Diego County Sanitation District
DOC	California Department of Conservation
DOD	US Department of Defense
DOF	California Department of Finance
DPLU	Department of Planning and Land Use
DPR	Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
ECA	Essential Connectivity Area
EDD	California Employment Development Department
EIR	Environmental Impact Report
Emergency Plan	State of California Emergency Plan
EMS	emergency medical service
EO	Executive Order
EOMSMD	East Otay Mesa Sewer Maintenance District
EPA	US Environmental Protection Agency
EPAct	Energy Policy Act of 1992
EPCRA	Emergency Planning and Community Right-to-Know Act of 1986
ESA	Endangered Species Act
EV	electric vehicles
FEIR	Final Environmental Impact Report
FEMA	Federal Emergency Management Agency
FHSZ	fire hazard severity zone
FIRM	Federal Insurance Rate Map
FMCSA 2020	Federal Motor Carrer Safety Administration

FMMP	Farmland Mapping and Monitoring Program
FPA	Z'berg-Nejedly Forest Practice Act of 1973
FPD	Fire Protection District
FPP	Fire Protection Plan
FRA	federal responsibility areas
FRAP	Fire and Resource Assessment Program
FSC	Fire Safe Council
FTA	Federal Transit Administration
FUDS	Formerly Used Defense Sites
General Plan	The County of San Diego General Plan
GHG	greenhouse gas
GMP	groundwater management plan
GPA	General Plan Amendment
GPU Draft EIR	General Plan Update Draft EIR
GPU PEIR	2011 General Plan Update Program EIR
GSA	groundwater sustainability agency
GSP	groundwater sustainability plan
H&SC	Health and Safety Code
HA	hydrologic area
HAM	Hazardous Agricultural Materials
HAP	hazardous air pollutant
HCD	California Department of Housing and Community Development
HCP	Habitat Conservation Plan
HIRT	Hazardous Incident Response Team
HLP	Habitat Loss Permit
HM	hazardous materials
HMBP	Hazardous Materials Business Plan
HMD	Hazardous Materials Division
HMIS	hazardous materials inventory statement
HMMP	hazardous material management plan
hp	horsepower
HR	Hydrologic Region
HU	hydrologic units
HVAC	heating, ventilation, and air conditioning
Hz	hertz
I-5	Interstate 5
IA	Implementing Agreement
IEPR	Integrated Energy Policy Report

IRWM	Integrated Regional Water Management
ITE's	the Institute Transportation of Engineers'
IWMP	Integrated Waste Management Plan
JPA	Joint Powers Authority
JRMP	Jurisdictional Runoff Management Program
JSD	Julian Sanitation District
kBTU	kilowatt-hours of electricity, British Thermal Units
LBP	lead based paint
LCFS	Low Carbon Fuel Standard
L_{dn}	Day-Night Level
LEA	Local Enforcement Agency
L_{eq}	Equivalent Continuous Sound Level
L_{max}	Maximum Sound Level
LOS	level of service
LRA	Local Responsibility Area
LSA Agreement	Lake and Streambed Alteration Agreement
LSD	Lakeside Sanitation District
LTO	Licensed Timber Operator
LUFT	leaking underground fuel tanks
maf	million acre-feet
MAUCRSA	Medicinal and Adult-Use Cannabis Regulation and Safety Act
MBTA	Migratory Bird Treaty Act
MCAS	Marine Corps Air Station
MCL	maximum contaminant levels
MCRSA	Medical Cannabis Regulation and Safety Act
MCV	Manual of California Vegetation
Metro	Metropolitan Wastewater System
mgd	million gallons per day
MLD	most likely descendant
mm/yr	millimeters per year
MMRP	mitigation monitoring and reporting program
$MMTCO_2e$	million metric tons of carbon dioxide-equivalent
mPa	micro-Pascals
MPO	metropolitan planning organization
MRZ	Mineral Resource Zones
MS4	Municipal Separate Storm Sewer Systems
MSCP	Multiple Species Conservation Program

MTS	Metropolitan Transit System
MUP	Major Use Permit
MWD	Metropolitan Water District
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCTD	North County Transit District
NEHRP	National Earthquake Hazards Reduction Program
NFIP	National Flood Insurance Program
NHTSA	National Highway Transportation Safety Administration
NO	nitric oxide
NO_2	nitrogen dioxide
NOP	notice of preparation
NO_X	oxides of nitrogen
NPDES	National Pollution Discharge Elimination System
NPPA	Native Plant Protection Act
NPS	National Park Services
NRHP	National Register of Historic Places
NVCS	National Vegetation Classification System
OAEP	Operational Area Emergency Plan
OAL	Office of Administrative Law
OAV	odor activity value
OEHHA	Office of Environmental Health Hazard Assessment
OES	County of San Diego Office of Emergency Services
OSHA	Occupational Safety and Health Administration
OWTS	onsite wastewater treatment systems
PAMA	Preapproved Mitigation Area
Pauma MWD	Pauma Municipal Water District
P-C	Production-Consumption
PDS	Planning & Development Services
PEIR	program environmental impact report
PM_{10}	respirable particulate matter that have an aerodynamic diameter of 10 micrometers or less
$PM_{2.5}$	fine particulate matter that have an aerodynamic diameter of 2.5 micrometers or less
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1970
PPV	Peak Particle Velocity
PRC	Public Resources Code
PRG	Preliminary Remediation Goal
PRP	Pesticide Regulation Program

PUD	City of San Diego's Public Utilities Department
PV	photovoltaic
PVSD	Pine Valley Sanitation District
RAQS	regional air quality strategy
RCA	Resource Conservation Area
RCRA	Resource Conservation and Recovery Act
Regulator Code	San Diego County Code of Regulatory Ordinances
RHNA	Regional Housing Needs Assessment
RMP	Risk Management Plan
RMS	root-mean-square
RPO	Resource Protection Ordinance
RTIP	Regional Transportation Improvement Program
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	regional water quality control board
SAM	Site Assessment and Mitigation
SANDAG	San Diego Association of Governments
SB	Senate Bill
SBAB	San Diego Air Basin
SCIC	South Coastal Information Center
SCS	Sustainable Communities Strategy
SDAPCD	San Diego Air Pollution Control District
SDCP	San Diego Community Power
SDCRAA	San Diego County Regional Airport Authority
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas and Electric Company
SDHR	San Diego Hydrologic Region
SDMMP	San Diego Management and Monitoring Program
SDTC	San Diego Transit Corporation
SEMS	Standard Emergency Management System
sf	square feet
SFHAs	Special Flood Hazard Areas
SGMA	Sustainable Groundwater Management Act
SGMP	Sustainable Groundwater Management Plan
SIP	state implementation plan
SIUR	Small Irrigation Use Registration
SLRMWD	San Luis Rey Municipal Water District
SMARA	Surface Mining and Reclamation Act
SO_2	sulfur dioxide
SoCalGas	Southern California Gas Company

Social Equity Program	Social Equity Program
South County Plan	County Subarea Plan
SPCC	Spill Prevention, Control, and Countermeasure
SPL	sound pressure level
SR	State Route
SRA	state responsibility area
SSMP	Sewer System Management Plan
State CEQA Guidelines	California Environmental Quality Act Guidelines
State Water Board	State Water Resources Control Board
SVSD	Spring Valley Sanitation District
SWPPP	stormwater pollution prevention plan
SWRCB	State Water Resources Control Board
SWRP	Stormwater Resource Plan
TAC	toxic air contaminant
TDM	Transportation Demand Management
THP	timber harvest plan
TM	Tentative Map
TMDL	total maximum daily load
TPMs	Tentative Parcel Maps
TPZ	timberland production zone
TRI	Toxic Release Inventory
TSDF	Treatment, Storage and Disposal Facilities
UDC	Unified Disaster Council
URM	unreinforced masonry buildings
US	United States
USACE	US Army Corps of Engineers
USC	US Code
USFS	US Forest Service
USFWS	US Fish and Wildlife Service
USGS	US Geological Survey
USLR	Upper San Luis Rey
USLRRCD	Upper San Luis Rey Resource Conservation District
USMC	United States Marine Corps
UST	underground storage tank
UWMP	Urban Water Management Plan
UWMPA	Urban Water Management Planning Act
VAP	Voluntary Assistance Program
VdB	vibration decibels
VegCAMP	Vegetation Classification and Mapping Program

VMT	vehicle miles traveled
VOC	volatile organic compound
WDR	waste discharge requirement
WGSMD	Winter Gardens Sewer Maintenance District
Williamson Act	California Land Conservation Act of 1965
WMA	Watershed Management Area
WPO	Watershed Protection, Stormwater Management, and Discharge Control Ordinance
WUI	wildland-urban interface
WWTP	Wastewater Treatment Plant
YMWD	Yuima Municipal Water District
ZEV	zero-emission vehicle
Zoning Ordinance	San Diego County Zoning Ordinance

This Final PEIR provides corrections to the text of the Draft PEIR. These revisions do not contain "significant new information," as defined in the State CEQA Guidelines Section 15088.5, which includes new or substantially more severe environmental impacts, new feasible mitigation measures or alternatives that San Diego County declined to adopt, or information indicating that the Draft PEIR is so fundamentally or basically inadequate as to preclude meaningful public review and comment.

SUMMARY

This summary is provided in accordance with California Environmental Quality Act Guidelines (State CEQA Guidelines) Section 15123. As stated in Section 15123(a), "an EIR [environmental impact report] shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical." As required by the guidelines, this chapter includes (1) a summary description of the Socially Equitable Cannabis Program (Cannabis Program), (2) identification of the alternatives evaluated and of the environmentally superior alternative, (3) a discussion of the areas of controversy associated with the project, and (4) a synopsis of environmental impacts and recommended mitigation measures (Table S.1, presented at the end of this chapter).

Overview

As required by CEQA, this program environmental impact report (PEIR) (1) assesses the potentially significant direct, indirect, and cumulative environmental effects of the Cannabis Program; (2) identifies potential feasible means of avoiding or substantially lessening significant adverse impacts; and (3) evaluates a range of reasonable alternatives to the Cannabis Program, including the required No Project Alternative. The County of San Diego (County) is the "lead agency" for the Cannabis Program evaluated in this PEIR and has the principal responsibility for certifying the PEIR and approving the Cannabis Program. Pursuant to State CEQA Guidelines, this PEIR evaluates the effects of the entire Cannabis Program. This PEIR will be used by the County to evaluate the environmental implications of adopting the Cannabis Program.

Project Description

On January 27, 2021, the Board of Supervisors (Board) directed County staff to develop the Cannabis Program, which would establish a licensing and permitting system for new commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges. The proposed Cannabis Program consists of 3 main components, which are discussed further below, (1) Social Equity Program, (2) Cannabis Ordinance amendments, and (3) a cannabis licensing and permitting system. The proposed Cannabis Program would follow the state regulations for buffers from sensitive uses.

The Cannabis Program would contain a Social Equity Program. The goal of the Social Equity Program is to ensure that individuals negatively or adversely impacted by cannabis criminalization are provided the opportunity to successfully participate in the regulated cannabis market. The Social Equity Program would help qualified social equity applicants participate in the legal cannabis industry by providing different types of assistance, including, but not limited to, expungement services, business and technical assistance, one-on-one coaching and mentoring, and grant opportunities.

The Cannabis Program also includes amendments to the San Diego County Code of Regulatory Ordinances (Regulatory Code) and Zoning Ordinance. Under these amendments, medicinal use and adult-use would be under the same regulations and referred to as "commercial cannabis," with no distinction between medicinal and adult-use. Amendments to the Regulatory Code and Zoning Ordinance would establish the requirements for operating a commercial cannabis business, and the Zoning Ordinance update would establish the zoning regulations to allow for commercial cannabis facilities. The Regulatory Code amendments developed for the Cannabis Program outline the requirements for running a commercial cannabis business in the unincorporated county, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges. The Zoning Ordinance amendments under the Cannabis Program would designate where cannabis operations can take place and would detail any performance standards required based on the cannabis activity type.

Development of the cannabis licensing and permitting system is being led by the County of San Diego Planning & Development Services (PDS). The licensing and permitting system would establish the structure (application framework, review processes) and procedures for obtaining the required County license(s) and permit(s) to operate commercial cannabis facilities. A corresponding fee structure would be established as part of the system's development. This licensing and permitting system would be established after initial adoption of the Cannabis Program.

Project Objectives

The overall purpose of the Cannabis Program is to acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization, in 2016 and allow for medicinal and commercial adult-use cannabis operations in unincorporated San Diego County, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges. The primary objectives of the Cannabis Program are to:

- develop a regulated and legal cannabis industry that allows for greater economic opportunity and safe access to cannabis;
- provide consistency with state law and County regulations associated with commercial cannabis operations;
- prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs;
- develop an efficient and user-friendly cannabis licensing and permitting system;
- develop a regulatory program that will assist in protecting public health, safety, and welfare;
- minimize the effects of commercial cannabis activities on sensitive populations and land uses;
- minimize the potential adverse effects of cannabis activities on the environment, natural resources, and wildlife, including wetlands and sensitive habitats, narrow endemic species, and vernal pools, as well as effects on water supply, water quality, and instream flows; and
- develop and implement a program designed to support and encourage farming in San Diego County, preserve agricultural land, and create new opportunities for farmers.

Impact Summary

This PEIR examines the potential environmental effects from implementation of the Cannabis Program, including information related to existing site conditions, analyses of the types and magnitude of individual and cumulative environmental impacts, and feasible mitigation measures that could reduce or avoid environmental impacts. In accordance with Appendix G of the State CEQA Guidelines, the potential environmental effects of the Cannabis Program are analyzed for the following issue areas:

- aesthetics;
- agricultural and forest resources;
- air quality;
- biological resources;
- cultural and paleontological resources;
- energy;
- geology, soil, and mineral resources;
- greenhouse gas emissions and climate change;
- hazards and hazardous materials;
- hydrology and water quality;
- land use and planning;
- noise;
- population and housing;
- public services;
- transportation;
- tribal cultural resources;
- utilities and service systems; and
- wildfire.

Table S.1, presented at the end of this chapter, provides a summary of the environmental impacts that could result from implementation of the Cannabis Program and feasible mitigation measures that could reduce or avoid environmental impacts. For each impact, Table S.1 identifies the significance of the impact before mitigation, applicable mitigation measures, and the level of significance of the impact after the implementation of the mitigation measures.

Alternatives to the Cannabis Program

The County is considering 5 alternative variations to the Cannabis Program, including the No Project Alternative. Alternative 2 (Proposed Project), Alternative 3 (Expanded Regulations), Alternative 4 (Outdoor Cannabis Cultivation Prohibition), and Alternative 5 (Maximum 1 Acre Outdoor Cannabis Cultivation), which would involve the same 3 components of the Cannabis Program (Social Equity Program, Cannabis Ordinance amendments, and a cannabis licensing and permitting system). The project alternatives differ in regard to the definition and buffer distance from sensitive uses, allowed license types, and allowed maximum outdoor cultivation canopy. Alternatives 2, 3, 4, and 5 would include the storefront license ceiling of 25 facilities established by the Social Equity Program. All alternatives will comply with State Water Resources Control Board Cannabis Cultivation General Order (Order No. WQ 2023-0102-DWQ) and other state operation requirements for cannabis facilities siting and design. These alternatives are described below.

- **Alternative 1: No Project—Retention of Current Cannabis Regulations.** This alternative would consist of not adopting the proposed Cannabis Program and ordinance amendments. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow expansion of their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed.

- **Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements.** This alternative would implement the Cannabis Program and would use state regulations for buffer standards (Business and Professional Code Section 26054(b)). Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.
- **Alternative 3: Cannabis Program with Expanded County Regulations.** This alternative would implement the Cannabis Program with incorporation of Measures 1, 2, and 3 from the June 15, 2022, Board direction. With inclusion of Measures 1 and 2, the definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. The required sensitive use buffer would be expanded to 1,000 feet. Measure 3 would expand existing County billboard regulations to prohibit advertising of cannabis on a billboard within 1,000 feet of a sensitive use. This alternative would result in a reduced number of eligible parcels that could be used for cannabis facilities as compared to Alternative 2 through implementation of the expanded buffers.
- **Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition.** Under Alternative 4, all commercial outdoor cannabis cultivation within the unincorporated county would be prohibited and mixed-light and indoor cultivation would be allowed only within a building or greenhouse. This alternative would include a 1,000-foot buffer from sensitive uses, defined as schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on a billboard would be prohibited within 1,000 feet of a sensitive use. This alternative would result in a reduced number of eligible parcels that could be used for cannabis facilities as compared to Alternative 2 through implementation of the expanded buffers.
- **Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy.** Under Alternative 5, outdoor commercial cannabis cultivation would be limited to 1 acre of total canopy area, or 25 percent of the lot size, whichever is less. This alternative would include a 1,000-foot buffer from sensitive uses, defined as schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on a billboard would be prohibited within 1,000 feet of a sensitive use. This alternative would result in a reduced number of eligible parcels that could be used for cannabis facilities as compared to Alternative 2 through implementation of the expanded buffers.

Table S.2, included at the end of this chapter, presents the significant environmental impacts of these alternatives compared to those of the Alternative 2 (proposed project).

Under Alternative 1, the No Project Alternative, there would be no changes to the Cannabis Program and ordinance amendments. Therefore, overall, Alternative 1 would be the environmentally superior alternative because this alternative would reduce and avoid significant environmental impacts under Alternative 2. However, if the No Project Alternative is the environmentally superior alternative, CEQA requires that the EIR "shall also identify an

environmentally superior alternative among the other alternatives" (Section 15126.6(e)(2)). Of the remaining alternatives, Alternative 4 would eliminate significant impacts to odors associated with Alternative 2 and would reduce the severity of significant and unavoidable impacts related to hydrology and water quality and water supply, discussed in Chapter 4, "Alternatives." Therefore, Alternative 4 is the environmentally superior alternative.

Areas of Controversy and Issues to Be Resolved by the Decision-Making Body

Areas of Controversy Known to the Lead Agency

State CEQA Guidelines Section 15123(b)(2) requires that an EIR identify areas of controversy, including issues raised by other agencies and the public. Areas of known controversy associated with the Cannabis Program that are relevant to the EIR are listed below:

- adverse effects on and potential changes in aesthetic character,
- light pollution,
- loss of agricultural land,
- impacts on sensitive habitats and species,
- land preserves under the San Diego Multiple Species Conservation Program,
- introduction of nonnative species,
- energy usage and demands and the use of renewable energy sources,
- greenhouse gas emissions and climate change impacts,
- pesticide and hazardous chemical use,
- groundwater management,
- water quality degradation,
- increased traffic noise,
- operational nighttime noise,
- roadway safety and transportation hazards,
- reduced access to public transportation,
- increased vehicle miles traveled,
- increased traffic,
- adequate water supply,
- utility infrastructure impacts,
- wildfire risk during operation of cannabis facilities,
- increased odors, and
- increased noise.

Issues to be Resolved by the Decision-Making Body

State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify issues to be resolved related to the proposed project. Issues to be resolved by the County are identified below, including issues that will not necessarily be resolved through the PEIR:

- Should the proposed Cannabis Program be adopted?
- Which project alternative (or combination) should be adopted?
- What buffers are most appropriate and from what uses?
- Should the proposed mitigation measures identified in this PEIR be applied to future licensing actions?

Table S.1 Summary of Impacts and Mitigation Measures

Issue Topic	Potential Direct Impact	Potential Cumulative Impact	Mitigation Measure(s)	Impact After Mitigation
2.2 Aesthetics				
1. Change or Obstruct Scenic Vistas and Scenic Resources	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2. Substantially Degrade Visual Character or Quality	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	M-AE.2-1	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
3. Adversely Affect Views due to New Light and Glare	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2.3 Agricultural and Forest Resources				
1. Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs	Alternatives 1–5: No Impact	Alternatives 1–5: No Impact	No Mitigation Required	Alternatives 1–5: No Impact
2.4 Air Quality				
1. Conflict with Air Quality Plans	Alternatives 1-5: Less than Significant	Alternatives 1-5: Less than Significant	No Mitigation Required	Alternatives 1-5: Less than Significant
2. Result in a Cumulatively Considerable Net Increase of Any Nonattainment Criteria Pollutant	Alternatives 1-5: Less than Significant	Alternatives 1-5: Less than Significant	No Mitigation Required	Alternatives 1-5: Less than Significant
3. Result in Emissions of Odors Adversely Affecting a Substantial Number of People	Alternative 1 and 4: Less than Significant Alternatives 2, 3, and 5: Significant	Alternatives 1-5: Less than Significant	No Mitigation Available	Alternative 1 and 4: Less than Significant Alternatives 2, 3, and 5: Significant and Unavoidable

Issue Topic	Potential Direct Impact	Potential Cumulative Impact	Mitigation Measure(s)	Impact After Mitigation
2.5 Biological Resources				
1. Special-Status Plant and Wildlife Species	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	M-BI.1-1, M-BI.1-2, M-BI.1-3, M-BI.1-4, M-BI.1-5, M-BI.1-6, M-BI.1-7, M-BI.1-8, M-BI.1-9, M-BI.1-10, M-BI.1-11, M-BI.1-12, M-BI.1-13, M-BI.1-14, M-BI.1-15, M-BI.1-16, M-BI.1-17, M-BI.1-18, and M-BI.1-19	Alternative 1: Less than Significant Alternatives 2–5: Less than Significant
2. Riparian Habitat and Other Sensitive Natural Communities	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	M-BI.2-1	Alternative 1: No Impact Alternatives 2–5: Less than Significant
3. State and Federally Protected Wetlands	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	M-BI.3-1	Alternative 1: No Impact Alternatives 2–5: Less than Significant
4. Wildlife Movement Corridors and Nursery Sites	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	M-BI.4-1 and M-BI.4-2	Alternative 1: No Impact Alternatives 2–5: Less than Significant
5. Conflict with Local Policies or Ordinances	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	M-BI.5-1	Alternative 1: No Impact Alternatives 2–5: Less than Significant
6. Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5 Less than Significant

Issue Topic	Potential Direct Impact	Potential Cumulative Impact	Mitigation Measure(s)	Impact After Mitigation
2.6 Cultural and Paleontological Resources				
1. Cause a Substantial Adverse Change in the Significance of a Historical Resource	Alternatives 1–5: Significant	Alternatives 1–5: Significant	M-CR.1-1	Alternatives 1–5: Less than Significant
2. Cause a Substantial Adverse Change in the Significance of an Archaeological Resource	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
3. Directly or Indirectly Destroy a Unique Paleontological Resource	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
4. Disturb Any Human Remains	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2.7 Energy				
1. Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2. Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency	Alternatives 1–5: Significant	Alternatives 1–5: Significant	M-EN.2-1	Alternatives 1–5: Less than Significant
2.8 Geology, Soils, and Mineral Resources				
1. Exposure to Seismic-Related Hazards	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant
2. Soil Erosion or Topsoil Loss	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
3. Soil Stability	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
4. Expansive Soils	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant

Issue Topic	Potential Direct Impact	Potential Cumulative Impact	Mitigation Measure(s)	Impact After Mitigation
5. Unique Geologic Features	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant
2.9 Greenhouse Gas Emissions and Climate Change				
1. Conflict with the San Diego County Climate Action Plan	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	M-GC.1-1	Alternatives 1–5: Less than Significant
2.10 Hazards and Hazardous Materials				
1. Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2. Airports	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant
3. Emergency Response and Evacuation Plans	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant
4. Vectors	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant

Issue Topic	Potential Direct Impact	Potential Cumulative Impact	Mitigation Measure(s)	Impact After Mitigation
2.11 Hydrology and Water Quality				
1. Water Quality Standards and Requirements and Consistency with Water Quality Control Plans	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2. Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	M-HYD.2-1	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
3. Consistency with Sustainable Groundwater Management Plans	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant
2.12 Land Use and Planning				
1. Conflict with Land Use Plans, Policies, or Regulations	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant
2.13 Noise				
1. Excessive Temporary (Construction-Related) Noise Levels	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternatives 1–5: Less than Significant	M-N.1-1	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
2. Excessive Long-Term Stationary Noise Levels	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternatives 1–5: Less than Significant	M-N.2-1	Alternatives 1–5: Less than Significant
3. Excessive Long-Term Traffic Noise Levels	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
4. Excessive Groundborne Vibration	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant

Issue Topic	Potential Direct Impact	Potential Cumulative Impact	Mitigation Measure(s)	Impact After Mitigation
2.14 Population and Housing				
1. Unplanned Population Growth	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2.15 Public Services				
1. Fire Protection Services	Alternative 1: No Impact Alternatives 2-5: Less than Significant	Alternative 1: No Impact Alternatives 2-5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2-5: Less than Significant
2. Police Protection Services	Alternative 1: No Impact Alternatives 2-5: Less than Significant	Alternative 1: No Impact Alternatives 2-5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2-5: Less than Significant
2.16 Transportation				
1. Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant
2. Exceed the Threshold for VMT	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	M-TR.2-1	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
3. Substantially Increase Hazards due to a Design Feature	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact
4. Result in Inadequate Emergency Access	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	No Mitigation Required	Alternative 1: No Impact Alternatives 2–5: Less than Significant

Issue Topic	Potential Direct Impact	Potential Cumulative Impact	Mitigation Measure(s)	Impact After Mitigation
2.17 Tribal Cultural Resources				
1. Substantial Adverse Change in the Significance of Tribal Cultural Resources	Alternatives 1-5: Less than Significant	Alternatives 1-5: Less than Significant	No Mitigation Required	Alternatives 1-5: Less than Significant
2.18 Utilities and Service Systems				
1. Adequate Water Supplies	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	M-UT.1-1 M-UT.1-2	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
2. Adequate Wastewater Treatment Facilities	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
3. Sufficient Landfill Capacity and Solid Waste Regulations	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2.19 Wildfire				
1. Increase the Risk of Wildland Fire Ignition	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
2. Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
3. Install Infrastructure That Exacerbates Fire Risk	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant
4. Expose People or Structures to Post-Fire Risks	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	No Mitigation Required	Alternatives 1–5: Less than Significant

Table S.2 Summary of the Environmental Effects of the Alternatives Relative to Those of the Proposed Project

Environmental Topic	Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements	Alternative 1: No Project—Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Aesthetics	Significant and unavoidable	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Agriculture and Forest Resources	No impact	Similar (NI)	Similar (NI)	Similar (NI)	Similar (NI)
Air Quality	Significant and unavoidable (odor impacts only)	Less (LTS, eliminates SU impact)	Less	Less (LTS, eliminates SU impact)	Less
Biological Resources	Less than significant (with mitigation)	Less	Similar	Less	Similar
Cultural and Paleontological Resources	Less than significant	Less	Similar	Less	Similar
Energy	Less than significant (with mitigation)	Less	Similar	Less	Similar
Geology, Soils, and Mineral Resources	Less than significant	Less	Similar	Less	Similar
Greenhouse Gas Emissions and Climate Change	Less than significant (with mitigation)	Less	Similar	Less	Similar
Hazards and Hazardous Materials	Less than significant	Less	Similar	Less	Similar
Hydrology and Water Quality	Significant and unavoidable (groundwater supply impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Land Use and Planning	Less than significant	Less (NI)	Similar	Similar	Similar
Noise	Significant and unavoidable (construction noise impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Population, and Housing	Less than significant	Less	Similar	Similar	Similar
Public Services	Less than significant	Less (NI)	Similar	Similar	Similar

Environmental Topic	Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements	Alternative 1: No Project—Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Transportation	Significant and unavoidable (vehicle miles traveled impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Tribal Cultural Resources	Less than significant	Less	Similar	Less	Similar
Utilities and Service Systems	Significant and unavoidable (water supply impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Wildfire	Less than significant	Less	Similar	Less	Similar

Notes: NI = no impact; LTS = less than significant; SU = significant and unavoidable.

Source: Compiled by Ascent in 2024.

CHAPTER 1 PROJECT DESCRIPTION, LOCATION, AND ENVIRONMENTAL SETTING

1.1 Introduction

The County's approach to the regulation of cannabis uses has been evolving since initial actions in 2010 that established licensing and operational requirements for medical cannabis facilities in the San Diego County Code of Regulatory Ordinances (Regulatory Code) and the San Diego County Zoning Ordinance (Zoning Ordinance). There are currently 5 existing cannabis facilities that are authorized to operate in the unincorporated area of the county. These facilities were in operation prior to the County's 2017 ban on new medical facilities and operate in a nonconforming status in accordance with the Zoning Ordinance. No new cannabis facilities or other cannabis operations are permitted under the existing ordinances.

On January 27, 2021, the San Diego County Board of Supervisors (Board) directed County staff to develop the Socially Equitable Cannabis Program (Cannabis Program), including a Zoning Ordinance amendment that will allow for a suite of medicinal and adult-use commercial cannabis uses, including retail, cultivation, manufacturing, distribution, testing, and microbusinesses. Staff were also directed to develop amendments to the Regulatory Code and develop a new cannabis permitting system that will allow existing and new medicinal and/or adult-use cannabis facilities to obtain a County operating permit. The permitting system was directed to contain a Social Equity Program that provides individuals with past cannabis arrests and/or convictions, and those who were low income and lived in high arrest communities or "disproportionately impacted areas" with greater opportunities to secure a County operating permit. Furthermore, the Cannabis Program was directed to allow for the sale of ingestible cannabis products, including edible and drinkable products, and allow for on-site consumption of cannabis products at specific cannabis facilities and at permitted events.

On June 9, 2021, the Board received information related to options for CEQA compliance and directed staff to proceed with the preparation of a program environmental impact report (PEIR). This Draft PEIR evaluates the environmental impacts associated with the implementation of the proposed Cannabis Program, specifically the Regulatory Code and Zoning Ordinance amendments that would allow for adult-use commercial cannabis uses within the unincorporated county. Adoption of the proposed Cannabis Program will require amendments to the Regulatory Code and Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation and noncultivation uses authorized under state law. The amendments to the Zoning Ordinance that are needed to implement Board direction are considered a "project" under CEQA and must comply with CEQA regulations. The County is considering 5 alternative variations of the Cannabis Program, all of which rely on the varied regulatory requirements that would address cannabis activities through land use, zoning, development standards, and licensing. The alternatives vary based on allowed cannabis license types, allowed locations based on zoning, controls on locations, and required buffers from identified sensitive uses. These alternatives are summarized in Section 1.6.

1.2 Project Objectives

The overall purpose of the Cannabis Program is to acknowledge the will of the voters in passing Proposition 64, Marijuana Legalization in 2016, and allow for medicinal and commercial adult-use cannabis operations in unincorporated San Diego County including retail, cultivation, manufacturing, distribution, testing, consumption lounges, temporary events, and microbusinesses. The primary objectives of the Cannabis Program are to:

- develop a regulated and legal cannabis industry that allows for greater economic opportunity and safe access to cannabis;
- provide consistency with state law and County regulations associated with commercial cannabis operations;
- prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs;
- develop an efficient and user-friendly cannabis licensing and permitting system;
- develop a regulatory program that will assist in protecting public health, safety, and welfare;
- minimize the effects of commercial cannabis activities on sensitive populations and land uses;
- minimize the potential adverse effects of cannabis activities on the environment, natural resources, and wildlife, including wetlands and sensitive habitats, narrow endemic species, and vernal pools, as well as effects on water supply, water quality, and instream flows; and
- develop and implement a program designed to support and encourage farming in San Diego County, preserve agricultural land, and create new opportunities for farmers.

1.3 Regional Location and Characteristics

The County of San Diego is in the southwestern corner of California, as shown in Figure 1.1, presented at the end of this chapter. The County is bordered by the Pacific Ocean to the west, Orange County at the northwest corner, Riverside County to the north, Imperial County to the east, and the Republic of Mexico to the south.

The unincorporated area of the county is characterized by its vast size, rural nature and dispersed development patterns, and diverse natural habitats. San Diego County is recognized as one of the most biologically diverse counties in the United States due to the wide variety of vegetation, animals, and habitats found across the region's microclimates, topography, soils, and other natural features. In the unincorporated area, inland valleys and hills blanketed with chaparral and oak woodlands give way to mountains that rise more than 5,000 feet above sea level before dropping into the desert.

The unincorporated county is home to 28 distinct communities that vary in land use and density. In general, these communities include a core of local-serving commercial uses, services, schools, and public facilities surrounded by residential neighborhoods. They range from semi-suburban residential neighborhoods that transition in scale and density from adjoining incorporated cities to low-density rural communities surrounded by hillsides, deserts, and agricultural lands.

In total, the unincorporated area encompasses approximately 2.3 million acres. Much of the unincorporated county, in excess of 90 percent, is open space or undeveloped and contains several large federal, state, and regional parklands in the eastern portions of the county. Only 35 percent, or about 772,239 acres, of the unincorporated county is within County land use jurisdiction.

Incorporated cities and federal, state, and tribally owned lands (including Marine Corps Base Camp Pendleton) are outside the County's jurisdiction. The remaining approximately 772,239

acres of land are within the County's jurisdiction and comprise the planning area for the Cannabis Program.

1.3.1 Technical, Economic, and Environmental Characteristics

The Cannabis Program establishes a licensing and permitting system for new commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges. Therefore, many technical aspects were considered in developing the proposed Cannabis Program, including existing land use patterns, potential hazards and safety risks, natural resources and visual features, and potential noise sources.

Economic considerations for the proposed Cannabis Program include developing a regulated and efficient cannabis licensing and permitting system for the County that is designed to be user-friendly and allow for greater economic opportunity. As described in Section 1.2, "Project Objectives," one of the project objectives of the Cannabis Program is to develop a regulated and legal cannabis industry that allows for economic opportunity and safe access to cannabis.

1.4 Environmental Setting

According to Section 15125 of the State CEQA Guidelines, an EIR must include a description of the existing physical environmental conditions in the vicinity of the proposed project to provide the "baseline condition" against which project-related impacts are compared. Normally, the baseline condition is the physical condition that exists when the notice of preparation (NOP) is published. The NOP for the Cannabis Program PEIR was published on September 15, 2023. However, the State CEQA Guidelines and applicable case law recognize that the date for establishing an environmental baseline cannot be rigid. Physical environmental conditions vary over a range of time periods; thus, the use of environmental baselines that differ from the date of the NOP is reasonable and appropriate when conducting the environmental analysis. The environmental topic sections rely on a variety of data to establish an applicable baseline. In sections such as agricultural resources, biological resources, water resources, and population and housing, available data was months and sometimes several years old, and therefore, assumptions in how those conditions might have changed since the data was prepared are also discussed. The environmental setting for each environmental issue is described in detail at the beginning of each section of Chapter 2.

1.5 Cannabis Overview

1.5.1 Summary of Cannabis Cultivation and Commerce Processes

Cannabis cultivation requires the same basic conditions of most plants: a growth medium, light, water, and nutrients. This section describes the general requirements and activities associated with cannabis cultivation, including stages of growth, indoor and outdoor growth requirements, harvesting activities, and preparation of cannabis products for sale. It also describes the commerce process for cannabis, which includes testing, manufacturing, distribution, and retail activities. This discussion begins with nursery operations and continues through the commerce process.

1.5.1.1 *Cultivation Operations*

The use of cannabis was initially regulated under federal law in 1937, when Congress passed the Marijuana Tax Act. The Marijuana Tax Act was repealed through passage of the Controlled Substances Act in 1970, which scheduled or categorized therapeutic goods. Through the Controlled Substances Act, cannabis was deemed to be a Schedule 1 substance, meaning that it is categorized by the federal government as having no valid medical uses and a high potential for abuse. Since that time, efforts to decriminalize, legalize, and otherwise reschedule marijuana have occurred at the federal and state levels.

The State of California regulates the cultivation, manufacture, and use of cannabis through a variety of legislative and regulatory processes. Local jurisdictions are allowed to enact more stringent regulations or to ban commercial cannabis activities.

Nursery Operations

To maintain specific varieties of cannabis at cultivation sites, the practice of cloning is often employed. Female plants, or "mother plants," maintained in a vegetative nonflowering stage using artificial light for approximately 18 hours per day are used as a source of the cuttings, or "clones." Cuttings (i.e., targeted trimmings of a plant) are taken and dipped into a medium to stimulate root growth. After roots develop, the clones are placed into small pots to grow to a size sufficient for transplanting to larger pots in which they grow to maturity. The clones must all be female plants with the same genetic composition as the "mother" plant.

Germination, the process during which seeds sprout, typically occurs in a nursery in an enclosed greenhouse building. Generally, germination is initiated by soaking seeds between wet paper towels, soaking them in a cup of water at room temperature, planting them in wet peat pellets, or planting them directly in potting soil. Warmth, darkness, and moisture initiate metabolic processes, such as the activation of hormones that trigger the expansion of the embryo in the seed. After germination is complete, seedlings are prepared for indoor, outdoor, or mixed-light cultivation.

Nurseries can be located on the cultivation sites as an ancillary component of cultivation operations when used to support on-site needs without separate state licensing. Nurseries can also be operated as a stand-alone retail or wholesale operation that can provide a source of seed or immature clone plants that can be purchased for personal use or as part of a commercial cultivation operation. These types of nurseries are licensed separately from cultivation under the state's licensing process. There are no existing licensed nurseries in the unincorporated area of the county.

Outdoor Cultivation

Cannabis can be grown outdoors, either in natural soil or in pots of premade or commercial soil with no artificial light, and cultivation can involve light deprivation of cannabis plants during the growing period. Some strains perform better than others in outdoor settings, depending on conditions. To generate optimum quantities of cannabinoids, the active chemical compounds in cannabis, the plant needs fertile soil and long hours of daylight. For outdoor cultivation, growers generally select areas that receive 12 hours or more of sunlight per day. Depending on the varietal, each plant can reach as much as 12 or more feet in height with a radius of 6 feet or more.

As identified in Table 1.2, presented at the end of this chapter, there are several state cannabis license types available for outdoor cultivation based on the number of cannabis plants or cannabis canopy area (canopy is the area where mature [flowering] plants are grown). The smallest outdoor cannabis cultivation state license type is "specialty cottage outdoor" (up to 25 mature cannabis plants), while the largest state license type is "large outdoor" (more than 1 acre of total cannabis canopy area).

There are no existing licensed outdoor cultivation sites in the unincorporated area of the county.

Mixed-Light Cultivation

Mixed-light cultivation uses a combination of natural or supplemental artificial lighting and light deprivation to increase the number of harvests in a year. Mixed-light cultivation operations allow for manipulation of light and dark cycles using artificial lighting or deprivation of light. Light manipulation is used to increase or decrease the vegetative and flowering phases by mimicking seasonal daylight variation. In the northern hemisphere, daylight exceeds 12 hours per day beginning with the vernal equinox (March 21) and is less than 12 hours per day after the autumnal equinox (September 21). Longer light exposure, which in nature peaks at the summer solstice (June 21), is associated with the vegetative stage; the flowering stage is prompted when the number of daylight hours approaches 12 hours per day or less.

Light manipulation techniques can increase the number of harvests per year. Artificial light is used to "extend" daylight hours or to disrupt periods of darkness (typically for approximately 2 hours in the middle of the night) to foster vegetative development. This is achieved in mixed-light operations by covering greenhouses (or similar structures) with light-blocking tarps or blinds, which are used to promote flowering. In addition, artificial light may be used to supplement sunlight during periods of low light. Light systems that are not connected to the electrical grid use generators or solar-powered systems.

As identified in Table 1.2, there are several state cannabis license types available for mixed-light cultivation based on the number of cannabis plants or cannabis canopy area. The smallest mixed-light cannabis cultivation license type is "specialty cottage mixed-light" (up to 2,500 square feet of total cannabis canopy area), and the largest license type is "large mixed-light" (more than 22,000 square feet of total cannabis canopy area). Mixed-light licenses also have 2 tiers based on the amount of artificial light used:

- Tier 1: Up to 6 watts per square foot of artificial light.
- Tier 2: 6 to 25 watts per square foot of artificial light.

There are no existing licensed mixed-light cultivation sites in the unincorporated area of the county.

Indoor Cultivation

Indoor cultivation makes exclusive use of artificial light during the vegetative and flowering phases. Generally, cultivating cannabis indoors rather than outdoors is more complicated and expensive, but it allows the cultivator complete control over the growing environment and provides regular harvests irrelevant of seasons. Plants of any type can be grown faster indoors than outdoors because light, carbon dioxide concentrations, and humidity can be controlled.

Plants can also be grown indoors through the use of hydroponics, which uses a mineral nutrient solution in water or other similar method rather than soil.

An indoor cultivation is defined by the State Water Resources Control Board as an operation that occurs within a structure with a permanent roof; a permanent, relatively impermeable floor (e.g., concrete or asphalt paved); and either (1) discharges all industrial wastewater generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater or (2) collects all industrial wastewater in an appropriate storage container to be collected and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater. Further, indoor cannabis cultivation structures are exempt from certain requirements if the conditions of Term 38 of the Cannabis Cultivation Policy are met.

As identified in Table 1.2, there are several state cannabis license types available for indoor cultivation based on the number of cannabis plants or cannabis canopy area. The smallest outdoor cannabis cultivation license type is “specialty cottage indoor” (up to 500 square feet of total cannabis canopy), and the largest license type is “large indoor” (more than 22,000 square feet of total cannabis canopy area).

One of the existing 5 cannabis facilities, located within the unincorporated area of El Cajon, is currently a licensed microbusiness that includes indoor cultivation.

1.5.1.2 *Processing Activities*

Processing involves drying, curing, grading, trimming, and packing. These steps may be performed within the parcel where the cannabis was grown or at separate licensed facilities that accept product from multiple cultivation sites. Plants are trimmed of their leaves to reveal buds, which typically are hang-dried or placed on drying racks in a warehouse, barn, or other enclosed building. Trimming may be done by hand or using mechanized trimming. Cultivation sites may accommodate harvest staff on-site, or staff may commute daily. Harvested and trimmed cannabis typically is vacuum sealed in plastic bags. The state allows cultivators to have their own processing license.

Two of the existing 5 cannabis facilities, located within the unincorporated areas of El Cajon and Ramona, are currently licensed microbusinesses that include processing activities.

1.5.1.3 *Testing Activities*

Upon taking physical possession of a cannabis goods batch, cannabis distributors are required under California Code of Regulations (CCR) Title 4, Division 19, Section 15304 to have the cannabis tested by a licensed testing laboratory. Testing facilities must be an accredited laboratory that performs tests consistent with the requirements of CCR Section 15714. Cannabis must be sampled for the following constituents:

- cannabinoids;
- foreign material;
- heavy metals;
- microbial impurities;

- mycotoxins;
- moisture content and water activity;
- residual pesticides;
- residual solvents and processing chemicals; and
- terpenoids, if applicable.

There are no licensed testing laboratory facilities in the unincorporated area of the county.

1.5.1.4 *Manufacturing Activities*

Manufacturing is the process by which the raw cannabis product is transformed into a concentrate, edible products, or a topical product. The production, preparation, propagation, or compounding of cannabis or cannabis product is accomplished through extraction methods or chemical synthesis. Extraction usually involves the use of a closed-loop system using carbon dioxide or volatiles (e.g., butane) to remove the key constituents from the cannabis. Various types of licenses can be obtained through the state for different types of manufacturing activities, which can include packaging or repackaging medical cannabis products or labeling or relabeling the cannabis product container.

There are several state cannabis license types available for a variety of manufacturing uses that include the following:

- Type 6: Non-Volatile Solvent Manufacturing or Mechanical Extraction. Mechanical extraction uses pressure, heat or cold to extract cannabinoids instead of using chemicals.
- Type 7: Volatile Solvent Manufacturing. Volatile solvents are chemicals that produce a flammable gas or vapor)
- Type N: Infusion of Products. Infusion mixes cannabis extract or plant material with other ingredients to make a cannabis product.
- Type P: Packaging and Labeling. Manufacturers can only package and label cannabis products
- Type S: Manufacturers Who Work in a Share-Use Facility. Shared-use facilities are places where multiple Type S manufacturers rotate on a schedule and share space and equipment. A Type 6, 7, or N license can register all or part of their manufacturing premises as a shared-use facility.

Two of the existing 5 cannabis facilities, located within the unincorporated areas of El Cajon and Ramona, are currently licensed microbusinesses that include manufacturing activities.

1.5.1.5 *Distribution Activities*

Under current state law, manufactured cannabis products must pass through a licensed distributor before they can be offered for retail sale to patients with physician recommendations for medical cannabis use or to adults for recreational use. The distribution phase includes an important quality control step whereby the product is held by independent licensed testing laboratories for testing for cannabis constituent content, strength, and contaminants.

The following are the state license types available for distribution uses:

- Type 11: Distributor. This license allows for the movement of cannabis and cannabis products between cultivation, manufacturing, and distribution uses. The license provides for storage of cannabis for other license cannabis uses, as well as the arrangement for testing of cannabis. It also allows of the movement of finished cannabis goods to retail premises.
- Type 13: Transport-Only Distributor. This license allows for the movement cannabis and cannabis products between cultivation, manufacturing, or distribution premises.

Two of the existing 5 cannabis facilities, located within the unincorporated areas of El Cajon and Ramona, are currently licensed microbusinesses that include distribution activities.

1.5.1.6 *Retail Activities*

Retail facilities are required under the state licensing process to maintain and implement operating procedures for the safe transportation of cannabis, inventory procedures, quality control process for cannabis goods, security and surveillance systems, and waste management procedures. Retail sale of cannabis products is required by state law to be conducted exclusively through licensed dispensaries to qualified patients holding physician recommendations for cannabis use, which may include people under 21 years of age, or through separate licensed retail outlets for adults 21 years of age and older for recreational use. The retail outlets may not offer alcohol or tobacco products for sale. However, state licenses do not require separate licensed retail outlets for medical cannabis and adult cannabis uses.

The following discussion describes state-licensed retail uses for cannabis and cannabis products:

- Type 9: Non-Storefront Retail. State-licensed non-storefront retail use consists of the selling of cannabis or cannabis products to consumers from licensed premises that are not open to the public and from a retailer that conducts sales exclusively for delivery.
- Type 10: Storefront Retail. State-licensed storefront retail uses include on-site sales and delivery of cannabis or cannabis products to consumers.

There are currently 5 licensed storefront retail facilities in the in the unincorporated areas of El Cajon, Escondido, and Ramona.

Cannabis Consumption Lounges

Pursuant to Business and Professions Code Section 26200(g), a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

(1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.

(2) Cannabis consumption is not visible from any public place or nonage-restricted area.

(3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

1.5.1.7 *Microbusiness*

Licensed microbusinesses may combine cultivation operations, manufacturing, distribution, and retail uses. This type of operation would be similar to a winery with an associated small vineyard and a retail outlet.

There are currently 2 licensed microbusinesses in the unincorporated areas of El Cajon and Ramona that are conducting cultivation, retail, distribution, processing, and manufacturing.

1.5.1.8 *Cannabis Events*

Temporary cannabis events are multiday events where people can sell and consume cannabis. These events last from 1 to 4 days at a location approved by the local jurisdiction (city or county). Cannabis event organizers host temporary cannabis events. Under current state law, to host a cannabis event you must have 2 licenses:

- Event Organizer: License required for the person hosting the cannabis event.
- Temporary Cannabis Event: License required for the cannabis event itself.

Cannabis events can only be held by a person with an event organizer license. The cannabis event license authorizes a licensed cannabis event organizer to hold a temporary cannabis event where the on-site sale and consumption of cannabis goods is authorized at the location indicated on the license during the dates indicated on the license. The licensed cannabis events are required to hire or contract for security personnel to provide security services. Security personnel are required to be present on the licensed premises at all times that cannabis goods are available for sale and cannabis goods consumption is allowed on the licensed premises. State licensing includes additional requirements for the security of cannabis productions from unlawful use.

1.5.2 Existing State and County Cannabis Regulations

Cannabis is currently regulated as a Schedule 1 drug under the federal Controlled Substances Act. In California, the passage of Proposition 215 in 1996 legalized medical marijuana, and the passage of Proposition 64 in 2016 decriminalized recreational marijuana for adults over 21 years of age. Both medical and recreational marijuana remain illegal under federal law. The following is an overview of state and County of San Diego cannabis regulations.

1.5.2.1 *Evolution of State Cannabis Regulations*

Compassionate Use Act (1996) and the Medical Marijuana Program Act (2003)

The Compassionate Use Act of 1996, which allowed for the medical use of cannabis in California under state law, was passed through voter approval of Proposition 215. It allowed patients with a valid doctor's recommendation and the patients' designated primary caregivers to possess and cultivate cannabis for personal medical use without facing criminal charges from the state. The Compassionate Use Act changed California's penal code by decriminalizing the cultivation and possession of medical marijuana by a patient or the patient's primary caregiver for the patient's personal use and by creating a limited defense to the crimes of possessing or cultivating marijuana.

The passage of Senate Bill (SB) 420 (Statutes of 2003) enacted the Medical Marijuana Program Act, which clarified the scope and application of the Compassionate Use Act and established the California medical marijuana program. Specifically, this act established a voluntary program for the issuance of identification cards to qualified patients and established procedures under which a qualified patient with an identification card may use marijuana for medical purposes to protect patients and their caregivers from arrest.

Medical Cannabis Regulation and Safety Act (2015)

Originally referred to as the Medical Marijuana Regulation and Safety Act but renamed through subsequent amendments, the Medical Cannabis Regulation and Safety Act (MCRSA) was established through a series of 3 separate bills that were enacted together in September 2015 (Assembly Bill [AB] 266, AB 243, and SB 643; former Business and Professions Code Section 19300 et seq.). MCRSA established California's first framework for the licensing, regulation, and enforcement of commercial medicinal cannabis cultivation, manufacture, retail sale, transport, distribution, delivery, and testing. Under MCRSA, all licenses were required to be approved by the applicable local jurisdiction.

AB 266 established a new Bureau of Medical Cannabis Regulation (later renamed the California Bureau of Cannabis Control) under the California Department of Consumer Affairs. SB 643 and AB 243 further identified 2 other licensing authorities: the California Department of Food and Agriculture, which was responsible for regulating commercial cannabis cultivation, and the California Department of Public Health, which was responsible for developing standards for the commercial manufacture, testing, and production and labeling of cannabis edibles.

Adult Use of Marijuana Act (2016) and Medicinal and Adult-Use Cannabis Regulation and Safety Act (2017)

On November 8, 2016, California voters approved Proposition 64, the California Marijuana Legalization Initiative, also known as the Adult Use of Marijuana Act (AUMA). Proposition 64 legalized the nonmedicinal adult use of cannabis; established California's framework for the licensing, regulation, and enforcement of commercial nonmedicinal cannabis activity; and set a date of January 1, 2018, for the licensing authorities to begin issuing commercial cannabis licenses.

In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that integrated MCRSA with AUMA and created the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). (Business and Professions Code Section 26000 et seq.). Under MAUCRSA, a single regulatory system was designed to govern the cannabis industry (both medicinal and adult-use) in California. Under MAUCRSA, 3 licensing authorities were established: the Bureau of Cannabis Control was charged with the licensing, regulation, and enforcement of commercial cannabis distribution, retail, microbusinesses, testing laboratories, and temporary cannabis events; the Department of Food and Agriculture's CalCannabis Cultivation Licensing Division was responsible for the licensing, regulation, and enforcement of commercial cannabis cultivation; and the Department of Public Health's Manufactured Cannabis Safety Branch was responsible for the licensing, regulation, and enforcement of commercial cannabis manufacturing. MAUCRSA also authorized the state licensing authority to issue temporary licenses until January 1, 2019, if specified conditions were met. On January 1, 2018, the licensing authorities began issuing the first temporary licenses for medicinal and adult-use cannabis activities.

On July 12, 2021, the governor signed California AB 141 (Chapter 70, statutes of 2021), which consolidated the 3 former cannabis licensing authorities—the Department of Consumer Affairs' Bureau of Cannabis Control, the Department of Food and Agriculture's CalCannabis Cultivation Licensing Division, and the Department of Public Health's Manufactured Cannabis Safety Branch—into a single California Department of Cannabis Control (DCC) within the Business, Consumer Services, and Housing Agency. The DCC inherited all the powers, duties, purposes, functions, responsibility, and jurisdiction of the 3 separate licensing entities formerly authorized by MAUCRSA. The DCC now serves as the single regulatory and enforcement entity for all licensed commercial cannabis businesses in California.

DCC regulates all commercial cannabis license holders in California, including cultivators, retailers, manufacturers, distributors, testing laboratories, microbusinesses, and temporary cannabis events.

1.5.2.2 *Current State Permitting of Commercial Cannabis Operations*

Permitting of commercial cannabis operations (medical and adult use) is regulated by DCC under CCR Title 4, Division 19. A summary of state cannabis operation license types is provided in Table 1.2.

1.5.2.3 *Current County Cannabis Regulations*

Currently, the County restricts cannabis operations to the 5 existing commercial cannabis facilities that were lawfully established before April 14, 2017. These existing operations are regulated under the Zoning Ordinance Section 6861 (Nonconforming Cannabis Facilities) and under Title 2, Division 1, Chapter 25 of the Regulatory Code.

Zoning Ordinance Section 6861 (Nonconforming Cannabis Facilities) authorizes the 5 existing cannabis facilities to engage in the following activities: medical cannabis collective, commercial cannabis microbusiness, or commercial cannabis retailer activities. Under the ordinance, the existing facilities are allowed to continue operation, as well as make repairs to existing facilities and improvements to existing structures up to a cumulative total of 10,000 square feet, and construct or convert small structures with an approved building permit(s). Repair, maintenance, alteration, an addition to an existing structure, and construction of a new structure used for cannabis purposes are exempted from B and S Special Area Designators. Nonconforming cannabis facilities may also build more than a cumulative total of 10,000 square feet of new floor area upon approval of a site plan. Section 6976 of the Zoning Ordinance (Prohibition of Cannabis Facilities–Medical or Non-Medical) prohibits the establishment of cannabis facilities that did not exist lawfully before April 14, 2017. As described in Section 1.5.1, "Summary of Cannabis Cultivation and Commerce Processes," these existing cannabis facilities are located in the unincorporated communities of El Cajon, Escondido, and Ramona.

Regulatory Code Chapter 25 outlines the operational requirements for the 5 existing cannabis facilities, including operating certificate procedures, infrastructure requirements, operating requirements, facility naming limits, and administrative and civil penalties. The San Diego County Planning & Development Services Code Compliance Division is responsible for the administration of the cannabis operating certificates and code enforcement in the unincorporated areas of the county and works with state and local law enforcement entities, counsel, the District Attorney's Office, and other agencies to address unlicensed cannabis activities.

Cannabis Taxation Program

The Commercial Cannabis Taxation Program establishes the County's tax policy for commercial cannabis facilities. On November 8, 2022, County Measure A (Cannabis Business Tax) was passed and added Chapter 4 to Title 2, Division 2 of the Regulatory Code. The ordinance was adopted by the Board in April 2023; became effective July 1, 2023; and applies to commercial cannabis facilities in the unincorporated area. Cannabis facilities in the unincorporated area, currently limited to the existing 5 facilities, are required to pay up to $7 per square foot for cultivation depending on type (i.e., Indoor Lighting, Mixed Lighting, Outdoor Lighting, Nursery), as well as 2.5 percent of gross receipts for manufacturing, 1 percent of gross receipts for testing, and 2 percent of gross receipts for distribution and retail sales. The San Diego County Treasurer-Tax Collector is responsible for the administration and collection of cannabis tax for establishments located in the unincorporated areas of the county.

1.6 Project Description

On January 27, 2021, the Board directed County staff to develop the Socially Equitable Cannabis Program, which would establish a licensing and permitting system for new commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges. The proposed Cannabis Program consists of 3 main components, discussed further below: (1) Social Equity Program, (2) Cannabis Ordinance amendments, and (3) a cannabis licensing and permitting system. The proposed Cannabis Program would follow the state regulations for buffers from sensitive uses. The County is considering the proposed Cannabis Program and 4 alternatives to the proposed Cannabis Program, which are discussed further in Section 1.6.1.6.

1.6.1 Project Components

1.6.1.1 *Social Equity Program*

The Cannabis Program will contain a Social Equity Program. On January 27, 2021, the Board directed County staff to develop a Social Equity Program that includes numerous elements to prioritize equity, access, and business opportunities to help rectify the disproportionate impact of cannabis criminalization and to implement it prior to the issuance of the first cannabis business license. On March 3, 2021, the Board directed the County's Office of Equity and Racial Justice (OERJ) to lead the efforts to establish the Social Equity Program and coordinate this with the cannabis licensing and permitting system being developed by Planning & Development Services (PDS).

The goal of the Social Equity Program is to ensure that individuals negatively or adversely impacted by cannabis criminalization are provided the opportunity to successfully participate in the regulated cannabis market. The Social Equity Program will help qualified social equity applicants participate in the legal cannabis industry by providing different types of assistance, including, but not limited to, expungement services, business and technical assistance, one-on-one coaching and mentoring, and grant opportunities.

On May 1, 2024, the Board considered and adopted key policy direction of the Social Equity Program:

- Minimum 51 percent social equity cannabis business ownership requirement to maintain social equity status and benefits

- Three-year head start for social equity applicants (cannabis licensing will only be open to social equity applicants for the first 3 years of the program)
- License ceiling of 25 total storefront retail licenses
- Minimum 50 percent of storefront retail licenses reserved for social equity applicants

In addition, the Board adopted a resolution establishing the San Diego County Cannabis Oversight Community Collaborative. This 9-member group, 1 member appointed by each County supervisor and 4 more to apply through application process, will assist on shaping the Social Equity Program and provide an annual report for the Board.

1.6.1.2 *Cannabis Ordinance Amendments*

PDS is responsible for developing the local regulatory requirements for operating a commercial medicinal or adult-use cannabis business, including retail, cultivation, manufacturing, distribution, microbusinesses, consumption lounges, temporary events, and testing. This includes amendments to the Regulatory Code and Zoning Ordinance. Under these amendments, medicinal and adult-use will be under the same regulations and referred to as "commercial cannabis," with no distinction between medicinal and adult-use (refer to Appendix B for the proposed amendments). Updates to the Regulatory Code and Zoning Ordinance would establish the requirements for operating a commercial cannabis business, and the Zoning Ordinance update would establish the zoning regulations to allow for commercial cannabis facilities.

The Regulatory Code is a set of local laws that guides various functions in the county. The Regulatory Code amendments developed for the Cannabis Program will outline the requirements for running a commercial cannabis business in the unincorporated county, including retail, cultivation, manufacturing, distribution, microbusinesses, consumption lounges, temporary events, and testing. Examples of regulatory ordinances include rules about operating procedures, what kind of security cannabis facilities must have, and information about who can get a license and how the license can be acquired.

The Zoning Ordinance regulates land uses in the unincorporated portions of the county. The Zoning Ordinance ensures that activities happen in places suited for them and protects sensitive locations and individuals. The Zoning Ordinance amendments developed for the Program will designate where cannabis operations can take place and will detail any performance standards required based on the cannabis activity type. Figure 1.2 identify areas that would potentially allow commercial cannabis uses through zoning.

1.6.1.3 *Summary of Proposed Amendments to the San Diego County Code of Regulatory Ordinances*

The proposed amendments to the Regulatory Code are summarized below. The complete text of the proposed amendments to the Regulatory Code is provided in Appendix B. The amendments would expand the allowable cannabis operations in the county to include:

- cannabis storefront retail, non-storefront retail, and consumption lounges;
- cannabis cultivation;
- cannabis manufacturing;

- cannabis distribution;
- cannabis microbusiness;
- cannabis testing laboratories; and
- temporary cannabis events.

While cannabis retail, cultivation, manufacturing, distribution, microbusinesses, testing laboratories, and special events would not be limited, a maximum of 25 licenses will be issued to storefront retail facilities. This will also limit consumption lounges to 25 facilities because they can be permitted only within a storefront retail facility. Licenses would be effective for a period of 1 year from the date of issuance and then would be subject to renewal. All licenses would be subject to building inspections, permits, and approval, which is typical of other business types in the county, including building permits, Fire Control Authority approvals, code compliance, planning, and County Department of Environmental Health and Quality approvals.

Operation of each cannabis business would be limited to hours specified in the license issued by the County. No visible cannabis products or graphics would be allowed on the exterior of any property, and signs would be posted prohibiting the smoking, ingesting, or consuming of cannabis product in the areas adjacent to the business. An odor control plan would be submitted as part of the license application and would include an air treatment system or other methods to prevent cannabis odors from being detected outside the facility. Types of central odor control systems to be installed on-site may include technology such as odor-absorbing ventilation and exhaust systems, negative air pressure systems, or other acceptable odor control systems to prevent cannabis odors from being detected outside the facility. In addition, each facility would be required to install video surveillance systems, commercial grade locks, and alarm systems, as well as support private security personnel.

Cannabis would be subject to accurate recordkeeping, detailing the revenues and expenses of the facility, the number and monetary amount of sales during the previous 12 months and on a per-month basis, and a register of the names and contact information of all owners, staff, and volunteers associated with the facility. Refer to Appendix B for further details on the proposed amendments to the Regulatory Code.

1.6.1.4 *Summary of Proposed Amendments to the San Diego County Zoning Ordinance*

The proposed amendments to the Zoning Ordinance are summarized below. The complete text of the proposed amendments to the Zoning Ordinance is provided in Appendix B. These amendments identify what cannabis uses are allowed in certain zoning districts. Permit type requirements by zone are provided in Table 1.1, presented at the end of this chapter. Figure 1.2, presented at the end of this chapter, identifies unincorporated areas where commercial cannabis uses would potentially be allowed under these amendments.

Proposed amendments to the Zoning Ordinance under Sections 6129, Temporary Cannabis Events, and 6995, Cannabis Facilities, define the standards and regulations for commercial cannabis facilities to protect public health, safety, and welfare; ensure compliance with local and state laws; and minimize the potential for negative impacts on communities and the environment by establishing land use requirements for cannabis facilities. This would include development and performance standards to be applied to all cannabis activities, as well as specific standards based on activity type, which are summarized below. Cannabis facilities

would be required to conform to the County General Plan and any applicable specific plans, master plans, and design requirements, as well as comply with all applicable zoning and regulatory standards and state regulations.

Development Standards

- Zoning: Limits cannabis activities to certain agricultural, commercial, and industrial zones based on the type of activity.
- Maximum number of cannabis activities: Establishes a maximum of 2 cannabis activities will be allowed on each lot, except when authorized as part of a microbusiness.
- Location: Prohibits cannabis facilities/activities in residential structures, trailers, recreational vehicles, or similar.
- Buffers: Establishes buffers for cannabis sensitive uses. Cannabis facilities must be sited outside of a 600-foot radius buffer from cannabis sensitive uses, including schools serving K-12 and transitional kindergarten, daycares, and youth centers.
- Parking: Requires cannabis facilities provide off-street and bike parking spaces based on the square footage of the facility and occupancy type.
- Signage: Requires compliance with County On-Premise Sign Regulations (Zoning Ordinance Section 6250). Signage shall not be attractive to youth or contain images of cannabis or individuals under the age of 21. No cannabis facilities shall advertise by having a person holding a sign and advertising the business to passersby. Off-premises signs must adhere to buffer requirements from sensitive uses.

Performance Standards

- Exterior lighting: Requires compliance with the County Light Pollution Ordinance (Regulatory Code Section 51.201 et seq.) and additional measures to minimize light escape.
- Fencing: Requires compliance with existing fencing and screening regulations (Zoning Ordinance Sections 6700–6714, except 6708.b.2) and considerations for movement of wildlife.
- Noise: Requires compliance with the County Noise Abatement and Control Ordinance (Regulatory Code Section 36.401 et seq) and General Plan Noise Element.
- Odor: Requires compliance with the new odor control provisions in the amended County Cannabis Business Regulations (Regulatory Code Section 21.2501 et seq.).
- Water Source: Trucked water will not be allowed except in case of emergencies.

Consumption Lounge Standards

- Consumption lounges may be permitted in all zones that allow cannabis storefront retail.
- Requires consumption lounges to be contained within the premises of a licensed retail storefront facility or microbusiness.
- Requires consumption lounges to be located on the same legal lot as the associated retail site.
- Allows for the preparation and sale of non-cannabis-infused food and/or beverages. The operator must comply with all applicable provisions established in the California Health and

Safety Code (Sections 113700 et seq.), as well as all applicable provisions established in the Regulatory Code that pertain to the operation of a retail food facility. All necessary approvals and permits must be obtained from the County of San Diego Department of Environmental Health and Quality prior to the operation of any retail food facility.

- Allows for live performances and similar events in designated lounge areas with additional requirements.

Cultivation Standards

- Requires outdoor and mixed-light cannabis cultivation areas to be setback a minimum of 100 feet from all lot lines.
- Requires outdoor and mixed-light cannabis cultivation areas to be setback a minimum of 300 feet from legal residences on adjoining parcels existing at the time of permit application submittal.
- Prohibits cannabis cultivation on slopes 25 percent or greater.
- Prohibits lighting in agricultural shade or crop structures.
- Requires nighttime light from mixed-light cultivation to be controlled using internal black-out curtains or other methods to prevent the facility from emitting nighttime light escape.
- Requires all cannabis processing activities (e.g., drying, curing, grading, and trimming) to occur within an enclosed, permanent structure.
- Prohibits use of generators for cultivation except for temporary use in case of emergency.
- Requires fencing around outdoor cannabis cultivation areas. Fencing cannot consist of razor wire, barbed wire, electric fencing, or similar types of materials.

Microbusiness Standards

- Microbusinesses must comply with the requirements specific to all applicable cannabis activities in which the facility engages.
- Manufacturing activities permitted as part of a microbusiness are limited to nonvolatile manufacturing consistent with state requirements.
- All cultivation permitted as part of a microbusiness is limited to a maximum of 10,000 square feet of canopy area consistent with state requirements.

Retail Standards

- In lots zoned A70 and A72, retail activities are limited to non-storefront retail (delivery) only.
- Requires the permitted premises of a non-storefront retailer to be closed to the public.
- Allows live entertainment at storefront retail facilities subject to additional requirements.

Temporary Cannabis Event Standards

- Requires compliance with Title 2, Division 1, Chapter 25 of the Regulatory Code and may be allowed subject to all application and license requirements in Section 21.2534 relating to temporary cannabis events.

- Location: Allows temporary cannabis events to be held on private property in C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Requires temporary cannabis events to be setback 600 feet from residential zones and cannabis sensitive uses. Temporary cannabis events shall not be allowed at a cannabis facility.
- Duration: A Temporary Cannabis Event License shall only be issued for up to 4 consecutive days, consisting of no more than 2 days of operation and 2 days for setup and breakdown/cleanup. The hours of operation for the event shall be from no earlier than 10:00 a.m. and no later than 10:00 p.m.
- Allowed number of events: A maximum of 6 temporary cannabis events shall be allowed per calendar year on each legal lot that is approved to host a temporary cannabis event.

Testing Laboratory Standards

- Requires testing to be the sole cannabis activity on the lot consistent with state requirements.

Permitting Requirements

- Establishes cannabis permit requirements based on the proposed cannabis activity. Cannabis facilities shall not operate until all applicable County permits have been issued and all permit conditions have been satisfied. In addition, permittees must also obtain and maintain in good status a valid County Cannabis Business License and valid state cannabis license(s), as required by the Department of Cannabis Control.
- Authorizes a ministerial Zoning Verification Permit process for certain cannabis activities, including outdoor cultivation 5,000 square feet or less in canopy area, distribution, manufacturing, testing laboratories, and retail, that meet specified criteria. Requires an Administrative Permit process for these activities if they do not meet the listed criteria.
- Requires a discretionary Administrative Permit process for all other cannabis activities, including outdoor cultivation greater than 5,000 square feet in canopy area, indoor cultivation, mixed-light cultivation, microbusinesses, and consumption lounges.

The existing 5 cannabis businesses would continue to be regulated by Section 6861, Nonconforming Cannabis Facilities, and the Regulatory Code. If these businesses were to expand beyond what is allowed within Section 6861, they would be required to come into compliance with current Zoning Ordinance regulations, as described in Section 6995, Cannabis Facilities. Refer to Appendix B for further details on the proposed amendments to the Zoning Ordinance.

1.6.1.5 *Cannabis Licensing and Permitting*

Development of the cannabis licensing and permitting system is being led by PDS. The licensing and permitting system would establish the structure (application framework, review processes) and procedures for obtaining the required County license(s) and permit(s) to operate commercial cannabis facilities. A corresponding fee structure would be established as part of the system's development. This permitting system will be refined and finalized after initial adoption of the Cannabis Program.

In order to operate, a cannabis facility must have the appropriate state cannabis license(s), local land use permit(s), and local cannabis business license. The licensing and permitting process for cannabis facilities generally consists of the following 3 phases:

1. Obtain appropriate County cannabis land use permit(s). Projects that meet specified criteria for a ministerial permit will need a Zoning Verification Permit, and all other projects will require a discretionary Administrative Permit, as well as any other applicable permits (e.g., grading permit, building permit). All projects, including ministerial projects, will involve preparation of a site-specific CEQA evaluation based on the Final Cannabis Program PEIR to facilitate DCC's review of applications for licensure per state requirements (CCR Title 4, Section 15010).

2. Obtain appropriate state cannabis license. Before applying to DCC, most applicants will have already applied for a local permit or authorization. When DCC receives an application, they will contact the County to confirm the applicant(s) meets local requirements and review the County's CEQA documentation before taking action to approve a state license. Prior to issuance, DCC will also coordinate with other state agencies to ensure the project has obtained all other required state permits (e.g., CDFW Lake and Streambed Alteration Agreement or State Water Board water quality permit).

3. Obtain County Cannabis Business License. The issuance of a new Cannabis Business License requires approval and signatures from all relevant County departments. The County will not issue a cannabis business license until all requirements are met, including the location has been approved by the Zoning Division, a state cannabis license has been issued, and any additional licenses and permits that may be required.

A person may apply for a County cannabis land use permit and cannabis business license by filing an application with PDS. Applications may require, but are not limited to, any or all of the following information be submitted depending on permit type and location: premises diagram, evidence of sensitive use buffer compliance, security plan, lighting plan, cultivation and operations plans, neighborhood compatibility plan, odor mitigation plan, and documentation of water use and storage.

As part of the land use permitting process, PDS works together with the Departments of Public Works, Parks and Recreation, Environmental Health and Quality, and the San Diego Fire Protection District to review privately initiated land development and building permit applications. Cannabis facilities would be authorized through 1 of the 2 types of land development permits that PDS processes, discretionary and ministerial permits, as described below. Specifically, the proposed ordinance amendments would authorize a ministerial Zoning Verification Permit for certain cannabis activities including outdoor cultivation 5,000 square feet or less in canopy area, distribution, manufacturing, testing laboratories, and retail, that meet specified criteria. A discretionary Administrative Permit would be required for all other cannabis activities, including outdoor cultivation greater than 5,000 square feet in canopy area, indoor cultivation, mixed-light cultivation, microbusinesses, and consumption lounges.

Discretionary permits, such as an Administrative Permit, require review and approval by a decision maker to allow a specific type of land use and/or to allow for the construction, modification, or use of a building. As part of the discretionary process, the project will be reviewed for conformance with all applicable ordinances and regulations including the County General Plan, Zoning Ordinance, and Community Plans and Design Guidelines. In addition,

the project will be reviewed for compliance with CEQA, which may require preparation of an environmental document and a public review period. A public hearing may also be required prior to issuing a discretionary permit.

Ministerial permits, such as a Zoning Verification Permit, are sometimes required for uses or structures that automatically meet County requirements. These permits do not require discretionary review and are approved by staff if the project complies with all applicable regulations and ordinances. In this case, the customer can proceed directly to the Building Division to apply for any necessary building permits. A building permit may require sign-off from other departments at the public counter, even if the project does not require planning review or approval.

1.6.1.6 *Cannabis Program Alternatives*

The County is considering 5 alternative variations to the Cannabis Program, including the no-project alternative. Alternative 2 (proposed project), Alternative 3 (expanded regulations), Alternative 4 (outdoor cannabis cultivation prohibition), and Alternative 5 (maximum 1 acre outdoor cannabis cultivation) would involve the same 3 components of the Cannabis Program (Social Equity Program, cannabis regulatory amendments, and a cannabis licensing and permitting system). The project alternatives differ in regard to the definition and buffer distance from sensitive uses, allowed license types, and allowed maximum outdoor cultivation canopy. Alternatives 2, 3, 4, and 5 would include the storefront license ceiling of 25 facilities established by the Social Equity Program. All alternatives will comply with State Water Resources Control Board Cannabis Cultivation General Order (Order No. WQ 2023-0102-DWQ) and other state operation requirements for cannabis facilities siting and design. These alternatives are described below.

Alternative 1: No Project—Retention of Current Cannabis Regulations

This alternative would consist of not adopting the proposed Cannabis Program and ordinance amendments. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow expansion of their existing facilities and operations to a total of 10,000 square feet of building area without any additional discretionary approval. However, no new commercial cannabis operations would be allowed.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

This alternative would implement the Cannabis Program and would use state regulations for buffer standards (Business and Professional Code Section 26054(b)). Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Alternative 3: Cannabis Program with Expanded County Regulations

This alternative would implement the Cannabis Program with incorporation of Measures 1, 2, and 3 from the June 15, 2022, Board direction. With inclusion of Measures 1 and 2, the definition of “sensitive uses” would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. The required sensitive use

buffer would be expanded to 1,000 feet. Measure 3 would expand existing County billboard regulations to prohibit advertising of cannabis on a billboard within 1,000 feet of a sensitive use.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, all commercial outdoor cannabis cultivation within the unincorporated county would be prohibited and mixed-light and indoor cultivation would be allowed only within a building or greenhouse. This alternative would include a 1,000-foot buffer from sensitive uses, defined as schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on a billboard would be prohibited within 1,000 feet of a sensitive use.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, outdoor commercial cannabis cultivation would be limited to 1 acre of total canopy area, or 25 percent of the lot size, whichever is less. This alternative would include a 1,000-foot buffer from sensitive uses, defined as schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on a billboard would be prohibited within 1,000 feet of a sensitive use.

1.7 Purpose and Use of this Program Environmental Impact Report

CEQA, signed by Governor Reagan in 1970, charges public agencies with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. The basic purposes of CEQA are to inform government decision makers about potential environmental impacts of projects, identify ways the impacts can be reduced or avoided, prevent significant unavoidable environmental damage through alternatives and mitigation, and disclose to the public the reason that decision makers approved a project that may result in environmental impacts, and disclose what those potential impacts may be. CEQA requires the preparation of an EIR for projects that require a discretionary action by government decision makers and may result in a significant environmental impact. A discretionary action is a decision to approve a project that requires judgment or deliberation beyond determining whether a project has conformed to applicable statutes, ordinances, or regulations. The lead agency is required to consider the information in the EIR, along with any other relevant information, in making its decisions on the project approval. A lead agency is defined in California Public Resources Code (PRC) Section 21067 as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment. The County of San Diego is the lead agency for the proposed project.

This PEIR is an informational document that will inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. CEQA requires that public agencies consider the significant adverse environmental effects of projects over which they have discretionary approval authority before taking action on those projects (PRC Section 21000 et seq.). It also requires that each public agency avoid or mitigate to less-

than-significant levels, wherever feasible, significant adverse environmental effects of projects it approves or implements. If implementing a project would result in significant and unavoidable environmental impacts (i.e., significant effects that cannot be feasibly mitigated to less-than-significant levels), the project can still be approved, but the lead agency decision maker—in this case, the Board—must prepare findings and issue a "statement of overriding considerations," explaining in writing the specific economic, social, or other considerations that they have determined, based on substantial evidence, make those significant effects acceptable (PRC Section 21002; CCR Section 15093).

According to State CEQA Guidelines Section 15064(f)(1), preparation of an EIR is required whenever a project may result in a significant adverse environmental impact that cannot be clearly mitigated to a less-than-significant level. As required by CEQA, an EIR is used to inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to mitigate or avoid the significant effects, and describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project.

1.7.1 Program Environmental Impact Report

This is a Program EIR, which is defined in State CEQA Guidelines Section 15168 as an EIR addressing a series of actions that can be characterized as 1 large project and are related either:

(1) Geographically;

(2) As logical parts in the chain of contemplated actions;

(3) In connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or

(4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental impacts which can be mitigated in similar ways.

A PEIR has several benefits. For example, it provides a basic reference document to avoid unnecessary repetition of facts or analysis in subsequent project-specific assessments. It also allows the lead agency to consider the broad, regional impacts of a program of actions before its adoption and eliminates redundant or contradictory approaches to the consideration of regional and cumulative impacts. In compliance with CEQA, this PEIR discloses the environmental consequences of implementing the Cannabis Program, assuming 5 alternatives.

As a Program EIR, this document enables the County to consider broad environmental implications on a conceptual basis, recognizing that a series of actions, potentially including additional CEQA review, will occur prior to development of specific projects. Once a PEIR has been prepared, subsequent activities within the program must be evaluated to determine if additional CEQA documentation is required to address the potentially significant impacts of such activities. Subsequent activities could be found to be within the PEIR scope if impacts of the subsequent activities are covered in the PEIR, and additional environmental documents may not be required (State CEQA Guidelines Section 15168(c)).

1.7.1.1 *Future CEQA Streamlining of Individual Commercial Cannabis Projects*

As encouraged under CEQA, the County intends to use this PEIR prepared for the Cannabis Program to streamline the environmental review and consideration of future commercial cannabis operation applications. Individual applications for commercial cannabis operations under the Cannabis Program will be subject to further site-specific environmental review as applicable under CEQA pursuant to State CEQA Guidelines Section 15168(c), Use with Later Activities. This section of the State CEQA Guidelines addresses environmental review of projects intended to be addressed in a program for which an EIR was prepared. The County may determine that the environmental impacts of an individual project are adequately addressed in the PEIR, and that no further environmental review is required, or it may determine that additional environmental review is required or could require focused environmental review. Preparation of a site-specific environmental review document would be required if the County determines that the individual project would cause a significant environmental impact that was not examined in the PEIR or would substantially increase the severity of a previously identified significant impact under State CEQA Guidelines Sections 15162 and 15168(c). This PEIR may also be used and/or relied upon by DCC for its licensing actions.

Under PRC Section 21083.3 and State CEQA Guidelines Section 15183, lead agencies can use EIRs prepared for zoning actions (such as this project) to analyze the impacts of proposed cannabis projects that may be approved pursuant to the ordinance, and limit later project-level analysis to only site-specific issues not already examined (if any). Under the above-referenced code sections, CEQA analysis for later projects will be limited to issues “peculiar” to the site or new environmental concerns not previously addressed. State CEQA Guidelines Section 15183(f) provides that impacts are not “peculiar” to the project if uniformly applied development policies or standards substantially mitigate that environmental effect. Upon adoption, the Cannabis Program will meet the definition of a uniformly adopted standard, and compliance with the Cannabis Program will allow for CEQA streamlining to be used.

1.8 EIR Review Process

The discretionary actions associated with the program are listed in Table 1.3, presented at the end of this chapter. The PEIR is intended to apply to all listed project approvals, as well as to any other approvals necessary or desirable to implement the program.

This section describes the environmental review process required under CEQA, including (1) the public and agency review requirements for this Draft PEIR; (2) the required actions on the PEIR; and (3) CEQA findings a mitigation monitoring and reporting program (MMRP), and a statement of overriding considerations. The County of San Diego PDS is the custodian of all Cannabis Program and PEIR records.

1.8.1 Public and Agency Review

In compliance with State CEQA Guidelines Section 15082, a notice of preparation (NOP) for this PEIR was distributed to the California State Clearinghouse; relevant responsible and trustee agencies; other local, state, and federal agencies; and interested individuals and organizations. The 46-day public comment period for the NOP began on September 15, 2023, and ended on October 31, 2023. The NOP was published in the *San Diego Union-Tribune* newspaper, posted to the project’s webpage and Engage San Diego County website, posted to the County’s California Environmental Quality Act Public Review webpage, and

distributed to the Cannabis Program email notification list. The NOP was posted at the PDS Zoning Counter and distributed to all public libraries located within the unincorporated county. In addition, 2 scoping meetings were held virtually on October 12, 2023, and October 17, 2023, to allow for input from the public, affected agencies, and interested organizations. The NOP and written comments received during the NOP review period are included in Appendix A of this PEIR. The review period for the PEIR concluded on March 31, 2025.

1.8.2 CEQA Findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations

Following certification of an EIR, CEQA requires that a lead agency make written findings for each of the potentially significant environmental effects associated with the project. In addition, PRC Section 21081.6 requires that lead agencies adopt a mitigation monitoring and reporting program (MMRP) for any project with significant environmental effects. An MMRP is required for the Cannabis Program and will be prepared as part of the Final PEIR. The MMRP will provide a list of all proposed mitigation measures, define the parties responsible for implementation and review/approval, and identify the timing for implementation of each measure. This information is contained in Chapter 8, “Mitigation Measures,” of this Draft PEIR. For significant unavoidable impacts (if required), a Statement of Overriding Considerations are included in this Final PEIR for the project, which will provide reasoning as to why the significant unavoidable environmental impacts are outweighed by the benefits that would result with implementation of the project.

1.8.3 Discretionary Actions, Decisions, and Approvals

The Cannabis Program would require the approval of a number of discretionary actions by the Board. According to Sections 15050 and 15367 of the State CEQA Guidelines, the County is designated as the lead agency for the project under CEQA. Responsible agencies are those agencies, other than the lead agency, that have discretionary approval authority over 1 or more actions involved with the development of a proposed project. Trustee agencies are state agencies having jurisdiction by law over natural resources affected by a proposed project that are held in trust for the people of the State of California.

1.8.4 Additional Review and Consultation Requirements

The project is subject to other review and consultation requirements in addition to the discretionary approvals identified in Table 1.3, presented at the end of this chapter. To date, the County has engaged in consultation with the following entities regarding the project:

- **Tribal governments.** California Native American tribes culturally affiliated with the unincorporated county that had previously requested to be notified of projects subject to AB 52 consultation have been contacted for input regarding the potential impacts the project would have on tribal cultural resources. The following tribal representatives were contacted on August 24, 2023, by certified mail and/or on August 27, 2023, by email:
    - Barona Group of the Capitan Grande, Art Bunce;
    - Campo Kumeyaay Nation, Daniel Tsosie;
    - Iipay Nation of Santa Ysabel, Virgil Perez, Chairperson;
    - Jamul Indian Village, Lisa Cumper, Tribal Historic Preservation Officer;

- Kwaaymii Band of Mission Indians, Carmen Lucas, Chairperson;
- Manzanita Band of the Kumeyaay Nation, Angela Elliot-Santos, Chairperson; and Lisa Haws;
- Pala Band of Mission Indians, Dr. Shasta Gaughen, Tribal Historic Preservation Officer;
- Pechanga Band of Indians, Ebru Ozdil, Cultural Resources; Paul Macarro, Historian; Juan Ochoa, Assistant Tribal Historic Preservation Officer; and Molly Earp;
- Rincon San Luiseño Band of Mission Indians, Cheryl Madrigal, Tribal Historic Preservation Officer;
- San Luis Rey Band of Mission Indians, Cami Mojado;
- San Pasqual Band of Mission Indians, Angelina Guitierrez, Tribal Historic Preservation Officer;
- Soboba Band of Mission Indians, Joseph Ontiveros;
- Sycuan Band of the Kumeyaay Nation, Cody J. Martinez, Chairperson; Adam Day, Chief Administrative Officer; Bernice Paipa, Cultural Specialist; and Charlene Worrell-Elliot; and
- Viejas Band of Kumeyaay Indians, Ernest Pingleton and Ray Teran.

Five Tribes requested consultation, and meetings took place on the dates listed below.

- Campo Kumeyaay Nation: September 21, 2023; November 14, 2023; June 10, 2024; September 24, 2024; December 3, 2024; March 25, 2025; June 24, 2025, September 23, 2025.
- Jamul Indian Village: November 16, 2023; February 5, 2024; August 6, 2024; April 1, 2025; July 1, 2025.
- Rincon Band of Luiseño Indians: October 12, 2023; December 11, 2023; March 14, 2024; June 12, 2024; August 28, 2024; October 16, 2024; December 18, 2024; March 12, 2025; May 7, 2025; July 18, 2025, September 17, 2025.
- San Luis Rey Band of Mission Indians: November 1, 2023; December 18, 2024; and
- San Pasqual Band of Mission Indians: January 10, 2024; October 7, 2024.

- **Community Planning and Sponsor groups.** The County has engaged all 26 Community Planning and Sponsor Groups within the county to obtain input on the project throughout the process. From February 2021 through July 2025, PDS staff presented to the Community Planning and Sponsor groups (CPSGs) a total of 55 times. This includes presentations at both CPSG Quarterly Chair Meetings and individual CPSG meetings.
- **Community and stakeholder groups.** In addition to required consultation, the Cannabis Program development process involved extensive public outreach. The goals of the County's outreach efforts are to raise awareness and inform the public about the Cannabis Program, provide multiple opportunities for input at various stages of the Cannabis Program development, provide opportunities to influence decision-making on the Cannabis Program, and meet the requirements of CEQA.

  From April 2021 through June 2025, County staff hosted 34 public outreach events relating to the development of the Cannabis Program. Public outreach events are open

to the general public and were attended by various stakeholders, including but not limited to CPSG members, cannabis industry professionals, regulatory agencies, public health and safety advocates, youth advocates, social equity advocates and other individuals or groups that may not identify with a particular stakeholder group.

In addition, from February 2021 through July 2025, County staff also attended over 68 meetings with various nonregulatory groups. These group meetings are inclusive of many different stakeholders ranging from cannabis industry professionals, the legal community, environmental groups, chambers of commerce, and many others.

- **State and local agencies.** The County has engaged the following agencies to obtain input on the project:
  - DCC;
  - California Department of Fish and Wildlife, South Coast Region 5;
  - State Water Resources Control Board, South Coast Cannabis Unit; and
  - San Diego County Air Pollution Control District.
- **Other**. The County sent the Notice of Completion of the availability of the Draft PEIR to the State Clearinghouse on January 30, 2025, for distribution to all potential responsible and trustee agencies. Public meetings held during the Draft PEIR public review period consist of the following:
  - Three virtual public meetings on February 5, 6, and 12, 2025
  - In-person open house event at the San Diego County Library - Lakeside Branch on February 25, 2025
  - In-person open house event at the San Diego County Library - Valley Center Branch on February 26, 2025

1.9 EIR Impact Analysis Methodology

This PEIR has been prepared to determine the overall environmental effects of future development in the unincorporated county that would be allowed under the proposed Cannabis Program. On a programmatic level, the PEIR does not, and cannot, speculate on the individual environmental impacts of specific future commercial cannabis projects in the county. However, implementation of all components of the Cannabis Program described above were considered during preparation of the PEIR, including future commercial cannabis uses anticipated through the year 2044, as described in Section 1.12. Technical analyses, such as air quality and greenhouse gas modeling, are based on the estimated future commercial cannabis uses identified in Table 1.4.

State and local regulations were also considered. In some cases, existing regulations were determined to be sufficient to ensure that impacts would be below a significant level, since all future projects would be required to comply with existing regulations. Therefore, the Cannabis Program was determined to result in a less-than-significant impact with regard to these issues. An example of such an issue is expansive soils addressed in Section 2.8, “Geology and Soils.” All building construction in California is required to comply with the California Building Code (CBC), which contains construction and engineering standards for projects located in areas that have high shrink-swell soils. The provisions of the CBC require that a geotechnical

investigation be performed to provide data for the architect or engineer to responsibly design the project. Because all development under the Cannabis Program would be required to comply with this regulation, the Cannabis Program would not result in a potentially significant impact associated with expansive soils.

However, such universal regulations are not in place to minimize all environmental impacts. In most cases, future project-specific impact analyses would be required to determine whether a specific development project would or would not result in a potentially significant impact on the environment, such as impacts to biological resources or air quality.

1.10 Project Consistency with Applicable Plans

There are 19 jurisdictions in San Diego County, including the unincorporated county, with local land use authority and the responsibility for preparing their own general plans and general plan EIRs. Regional coordination is necessary to guide overall development and ensure an efficient allocation of infrastructure funding. The San Diego Association of Governments (SANDAG) serves as the region's Metropolitan Planning Organization responsible for area-wide coordination and the technical and informational resource for the region's local jurisdictions. SANDAG prepares regional transportation plans, which provide a basis for allocating federal and state funds used for specific items, such as land use incentives and transportation improvements. The County works with the San Diego County Regional Airport Authority on a regular basis to ensure land use compatibility with regional airports. Other agencies with regional plans that affect land use in the county are the San Diego Regional Water Quality Control Board, the San Diego Air Pollution Control District, the San Diego County Water Authority, the San Diego Metropolitan Transit System, the North County Transit District, and Marine Corps Base Camp Pendleton.

In addition, the Cannabis Program must maintain consistency with the General Plan, community plans, specific plans, and other applicable countywide plans. The following represents a nonexhaustive list of applicable plans that are evaluated for consistency within the PEIR:

- County of San Diego General Plan goals and policies,
- General Plan elements,
- Community plans,
- Climate Action Plan Update, and
- Multiple Species Conservation Program (MSCP).

1.11 History of Cannabis Program Development

The County's approach to the regulation of cannabis uses has been evolving since initial actions in 2010 that established licensing and operational requirements for medical cannabis facilities in the Regulatory Code and Zoning Ordinance. In 2016, the Board enacted a moratorium on the establishment of medical marijuana collective facilities. The following year, in 2017, the Board approved amendments to the Zoning Ordinance repealing medical marijuana collective facility regulations and banning all medical and nonmedical marijuana facilities, collectives, dispensaries, and cultivation within the unincorporated areas of the county, including a clause to shut down existing facilities within 5 years.

On January 27, 2021, the Board directed County staff to develop a Socially Equitable Cannabis Program that would allow for a variety of cannabis uses, establish a cannabis licensing and permitting program that would prioritize social equity, further increase access to business opportunities, and help rectify injustices caused by cannabis criminalization. In total, there were 7 program components directed by the Board including a Cannabis Taxation Program, a Social Equity Program, a cannabis licensing and permitting system, a Regulatory Code update, a Zoning Ordinance update, an environmental review document, and a fee package for the existing cannabis facilities. Since January 2021, the Board has continued to provide additional direction on the development of the Cannabis Program:

- March 3, 2021—The Board directed OERJ to lead development of a Social Equity Program in coordination with the land use permitting system being developed by PDS and established appropriations for PDS to prepare a PEIR.
- June 9, 2021—The Board adopted the PEIR timeframe and directed staff to proceed with environmental review and to prepare an ordinance that would allow the existing facilities sell cannabis for adult use, operate past the sunset date of April 14, 2022, sell edible and drinkable cannabis products, sell branded merchandise, expand up to 10,000 square feet, and transfer business licenses among existing permit holders.
- October 6, 2021—The Board adopted a Zoning Ordinance amendment as directed on June 9, 2021, and further considered a Regulatory Code amendment to allow the sale of edibles and branded merchandise and to allow the existing 5 cannabis facilities to expand operations to commercial sales of medical and adult-use cannabis.
- October 20, 2021—The Board adopted the Regulatory Code amendment introduced on October 6, 2021.
- May 10, 2022—The Board received the *Fiscal Revenue Analysis of the Commercial Cannabis Industry Report* and draft ordinance amendments establishing a tax on cannabis business activities.
- May 24, 2022—The Board directed staff to explore the establishment of a cannabis licensing program to be managed by PDS Code Compliance rather than the Sheriff's Office.
- June 15, 2022—The Board directed staff to analyze and consider 16 additional measures as part of the development of the Cannabis Program, including design features to be included in the PEIR, considerations that require research and community engagement, and considerations that require further cost research.
- June 28, 2022—The Board adopted a Regulatory Code amendment establishing a tax on cannabis business activities and directed that it be placed on the ballot for the November 8, 2022, General Election.
- October 26, 2022—The Board voted to transition the existing cannabis licensing program for the 5 nonconforming cannabis facilities from the Sheriff's Office to PDS. (PDS Code Compliance began oversight of the existing 5 cannabis facilities in December 2022.)
- November 16, 2022—The Board adopted Administrative Code amendment to include cannabis facility licensing fees.

- December 13, 2022—The Board received the *Social Equity Assessment for Commercial Cannabis* and authorized OERJ to apply for and accept grant funding to assist local equity applicants and licensees.
- January 24, 2023—The Board considered initial cannabis tax rate recommendations and directed certain changes.
- April 4, 2023—The Board adopted the ordinance that set rates for the voter-approved cannabis business tax.
- January 1, 2024—The Board authorized PDS to apply for and accept grant funding for enhancement of cannabis licensing and permitting activities.
- May 1, 2024—The Board approved key policy direction for the Social Equity Program, including eligibility criteria, benefits, incentive options, and creation of a Cannabis Oversight Community Collaborative. (The Social Equity Program began accepting applications in June 2024.)

1.12 Projected Future Commercial Cannabis Uses Under the Cannabis Program

As described in Section 1.5, existing commercial cannabis uses have been limited to 5 sites in the unincorporated area of the county. The proposed Cannabis Program would expand the extent of allowed commercial cannabis cultivation and noncultivation uses in the county. Table 1.4, presented at the end of this chapter, provides development assumptions for estimating future commercial cannabis uses in the unincorporated area of the county in 2044, which are based on published estimates on statewide cannabis consumption by adults, cannabis production by cultivation type (outdoor, mixed-light, and indoor), current percentage of cultivation and noncultivation licenses statewide based on DCC data (DCC 2024) and SANDAG's population projections. It should be noted that the assumed cannabis uses identified in Table 1.4 could be located on the same parcel or as an accessory use or both. The future of commercial cannabis operations in the county may vary from what is set forth here because the cannabis business is market-driven and guided by unpredictable economic and regulatory forces.

1.13 Cumulative Impact Analysis

The following section provides an introduction to assessing cumulative impacts and an overview of present and probable projects that may create a cumulatively considerable impact. The analyses of the proposed Cannabis Program's cumulative impacts are included in each environmental topic section of Chapter 2.

1.13.1 Cumulative Project Assessment Overview

CEQA requires that an EIR discuss cumulative impacts in addition to direct project impacts. According to Section 15355 of the State CEQA Guidelines, "cumulative impacts" refers to 2 or more individual effects, which, when considered together, are considerable or that compound or increase other environmental impacts. In accordance with CEQA, the discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of the environmental impacts attributable to a project alone. Furthermore, the discussion is guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects that do not contribute to the cumulative impact.

Section 15130(a) of the State CEQA Guidelines requires that EIRs discuss the cumulative impacts of a project when a project's incremental effect is cumulatively considerable. As defined in Section 15065 of the State CEQA Guidelines, "cumulatively considerable" means that the incremental effects of an individual 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. The State CEQA Guidelines indicate that where a lead agency is examining a project with an incremental effect that is not cumulatively considerable, it need not consider the effect significant but shall briefly describe the basis for its conclusion. In addition, the State CEQA Guidelines allow for a project's contribution to be rendered less than cumulatively considerable with implementation of appropriate mitigation.

The geographic scope defines the geographic area within which projects may contribute to a specific cumulative impact. The geographic scope of the cumulative impact analysis varies depending upon the specific environmental issue being analyzed. The geographic scope for each environmental issue analyzed in this PEIR is identified in each environmental topic section of Chapter 2.0.

State CEQA Guidelines Section 15130(b) presents 2 possible approaches for considering cumulative effects:

1. a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or
2. a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

The cumulative analysis for this PEIR uses a combination of the 2 approaches listed above. Past projects (including illegal cannabis uses) were considered as part of the baseline condition for the Cannabis Program analysis and were therefore considered as part of the impact analysis identified in Chapter 2. Any exceptions to this are noted in the following sections. With regard to present and probable projects, city, surrounding county, and regional transportation plans were included in the consideration of cumulative projects. The analysis of cumulative effects also considered proposed projects on tribal lands within the county, proposed major utility and transportation infrastructure improvements, proposed projects on land governed by the National Park Service, US Forest Service, and US Bureau of Land Management (BLM). To identify such projects, relevant planning documents were reviewed. In addition, this PEIR also addresses future projects with characteristics unique to the issue being analyzed. The cumulative projects that were identified and considered in the cumulative impact analyses within the following sections are summarized below.

1.13.2 Cumulative Projects

This section discusses the broad range of cumulative projects that have been considered in the cumulative impact assessment. Cumulative projects have been subdivided into categories as follows: (1) regional land use planning and projected growth; (2) in-process general plan amendments (GPAs); (3) land use activities on tribal lands; (4) land use activities on federal lands managed by the US Forest Service and BLM; and (5) land use activities for the South County MSCP.

1.13.2.1 *Regional Land Use Planning and Projected Growth*

2011 General Plan

The buildout projections used in the evaluation of the General Plan in the 2011 General Plan Update Program EIR (GPU PEIR) were based on a population forecast model that was developed by the County and that identified the population capacity associated with buildout of the General Plan land use map. The number of residential units that would result from buildout pursuant to the General Plan land use map was calculated by multiplying acreage by allowed density, after accounting for factors, such as areas with existing development, areas reserved for public right-of-way, and areas with physical and environmental constraints.

The County's population model forecasted a buildout population of 678,270 with 235,861 housing units under the proposed land use map (approximately 15 percent fewer units than the previous general plan because lower-density development was identified for areas with land use constraints, such as those that lack sufficient infrastructure and services or that are prone to safety concerns, such as wildfires). The General Plan focused development in village cores to retain the county's rural character, shifted 20 percent of the remaining dwelling unit capacity to the most western portions of the unincorporated area, and located 80 percent of the dwelling unit capacity where water can be imported and distributed by the San Diego County Water Authority (County of San Diego 2023).

The buildout assumptions under the General Plan that were evaluated in the 2011 General Plan Update Final EIR represent a conservative estimate of population growth in the unincorporated county. Given changes in regional population forecasts, changes in market conditions, and recent development patterns, the 2011 GPU PEIR forecast no longer represents a realistic picture of buildout capacity in the unincorporated county. Therefore, this PEIR analysis relies on the SANDAG population projections as a more current and realistic estimate of development potential in the unincorporated county and San Diego region.

San Diego Association of Governments

The SANDAG estimates and forecasts population, housing, and employment for all jurisdictions in the San Diego region, including the unincorporated county. SANDAG's population projections are based on data from the US Census Bureau, as well as SANDAG employment, population, and housing estimates for 18 cities and the unincorporated county. These projections reflect the Regional Housing Needs Assessment (RHNA) process for the San Diego region, which is overseen by SANDAG. The RHNA process identifies the need for housing and guides land use planning by addressing existing and future housing needs resulting from population, employment, and household growth.

SANDAG also builds and maintains a regional travel demand model that is used to forecast transportation metrics within the region. Travel demand models use input data, such as land uses (population/employment), roadway and transportation network data, and socioeconomic information, to understand existing and future travel behavior. The model is validated and calibrated to a "base year" to represent existing conditions as closely as possible. As part of the development of the 2021 Regional Transportation Plan/Sustainable Communities Strategy (2021 Regional Plan), SANDAG modeled several different scenarios using different land use and regional growth forecast assumptions developed by SANDAG regarding the location and amount of future residential and nonresidential growth in the region. The 2021 Regional Plan estimates that the San Diego region will grow to 3,746,073 people and 2,086,318 jobs by 2050 (SANDAG 2021).

This PEIR also uses population and housing projections from the *2023 County of San Diego Climate Action Plan Update Draft Supplemental EIR* (State Clearinghouse No. 2020120204) that projects the unincorporated area population to be 505,485 and the number of residential units to total 191,208 in 2050. These forecast population numbers are scaled down from the maximum development capacity assumed in the County's General Plan and 2011 GPU PEIR to reflect a more realistic projection of development that is anticipated to occur in unincorporated San Diego County through 2050 (County of San Diego 2023: 2-4).

In-Process General Plan Amendments

GPAs are proposals to amend the general plan. Amendments may apply to any part of the general plan; however, private proposals are typically related to development that is more intense or of a different type than what is allowed under the current general plan. As such, they are commonly combined with specific plans, tentative subdivision maps, or major use permits. The GPA projects listed in Table 1.5, presented at the end of this chapter, are not included in SANDAG's 2021 Regional Plan. The listed GPA projects are considered reasonably foreseeable for this PEIR because the detail available on the projects is sufficient to understand the changes in land use designations that are proposed (even though the GPA applications are in various stages of consideration and review, and recommendations by staff and approval by decision makers are unknown).

Land Use Activities on Tribal Lands

There are 20 California Native American tribes culturally affiliated with the unincorporated area of the county:

- Barona Group of the Capitan Grande,
- Campo Kumeyaay Nation,
- Ewiiaapaayp Band of Kumeyaay Indians,
- Iipay Nation of Santa Ysabel,
- Inaja-Cosmit Band of Indians,
- Jamul Indian Village,
- Kwaaymii Band of Mission Indians,
- La Jolla Band of Luiseno Indians,
- La Posta Band of Diegueno Mission Indians,
- Los Coyotes Band of Cahuilla and Cupeno Indians,
- Manzanita Band of the Kumeyaay Nation,
- Pala Band of Mission Indians,
- Pauma Band of Luiseno Indians,
- Pechanga Band of Indians,
- Rincon San Luiseño Band of Mission Indians,
- San Luis Rey Band of Mission Indians,
- San Pasqual Band of Mission Indians,

- Soboba Band of Mission Indians,
- Sycuan Band of the Kumeyaay Nation, and
- Viejas Band of Kumeyaay Indians.

Several of these tribes currently provide housing, health-care facilities, gaming facilities, lodging, and other entertainment facilities on their lands.

Bureau of Land Management Land Use Activities

BLM manages public lands within San Diego County through the El Centro Field Office and the Palm Springs/South Coast Field Office. The Palm Springs/South Coast Field Office manages approximately 1.7 million acres of public land. While a majority of this federal land area is within Riverside County, BLM does manage public lands on Beauty Mountain in northwestern San Diego County and approximately 68,000 acres in the Border Mountains Region of the county. The El Centro Field Office manages approximately 1.4 million acres of public lands in Imperial and San Diego Counties.

US Forest Service Land Use Activities

The US Forest Service manages the Cleveland National Forest, located in eastern San Diego County and parts of Orange, Riverside, and Imperial Counties. Current projects identified in the San Diego County portion of the Cleveland National Forest include a multiuser communications facility (tower and equipment shelter) at the Glencliff Communications Site and a San Diego Gas & Electric proposal to install underground electric-cabled conduit within paved roads and adjacent road shoulders that will service the communities of Mountain Empire and Pine Valley.

South County Multiple Species Conservation Program

The San Diego MSCP Plan for the southwestern portion of San Diego County was approved in 1998 and covers 85 species. The City of San Diego, portions of the unincorporated county, and 10 additional city jurisdictions make up the San Diego MSCP Plan Area. The County Subarea Plan (South County Subarea Plan) was adopted by the Board in October 1997. The goal of the South County Subarea Plan is to acquire or permanently protect 98,379 acres in the unincorporated area.

The 2023 County of San Diego Multiple Species Conservation Program South County Subarea Annual Report: Year 26 identifies that implementation of the MSCP has increased the size of the MSCP Preserve to 80,519 acres (82 percent of the preservation goal) and that the MSCP Preserve habitat gains are exceeding habitat losses (County of San Diego 2024).

1.14 Program EIR Organization

The content and organization of the PEIR is designed to meet the requirements of CEQA and the State CEQA Guidelines, as well as to present issues, analysis, mitigation, and other information in a logical and understandable way. This PEIR includes the following sections:

- “Summary” provides the project description and a summary of the environmental impacts that would result with Cannabis Program implementation, proposed mitigation measures, and the level of significance of impacts prior to and after mitigation. The section also

describes the areas of controversy and issues to be resolved by the Decision-Making Body and identifies a summary of the Cannabis Program alternatives.

- Chapter 1, "Project Description, Location, and Environmental Setting" provides CEQA compliance information; an overview of the environmental review and decision-making process; purpose of the Cannabis Program; a list of responsible and trustee agencies; a summary of relevant documents incorporated by reference; a description of the project location, characteristics, and objectives; the relationship of the Cannabis Program to County plans and policies; and the existing environmental setting.
- Chapter 2, "Significant Environmental Effects of the Proposed Project," contains a detailed analysis of the existing conditions; regulatory framework; direct, indirect, and cumulative impacts; and mitigation measures for each relevant environmental issue area. The analysis of each environmental category in Chapter 2 is organized as follows:
    - "Existing Conditions" describes the physical conditions that exist at the time of the NOP for this Draft PEIR.
    - "Regulatory Framework" provides federal, state, and local laws, including applicable San Diego County General Plan policies, that apply to the topic being analyzed.
    - "Analysis of Project Impacts and Determination of Significance" discusses the impacts of the project in each category, including direct, indirect, and cumulative impacts and presents the determination of the level of significance.
    - "Significance Prior to Mitigation" describes the significance of project impacts and whether mitigation would be required.
    - "Mitigation" provides a discussion of feasible mitigation measures to reduce any impacts.
    - "Cumulative Impacts" addresses the project's potential to create cumulative impacts or result in a cumulatively considerable contribution to an identified cumulative impact.
    - "Conclusion" reiterates the conclusions of the subsequent analysis considering the application of all feasible mitigation.
- Chapter 3, "Environmental Effects Found Not to Be Significant," discusses effects found not to be significant in the Draft PEIR process.
- Chapter 4, "Alternatives," summarizes the analysis of the 5 alternatives evaluated in the body of the Draft PEIR and additional alternatives considered.
- Chapter 5, "Other CEQA Sections," discusses growth inducement, significant and unavoidable adverse impacts, and significant irreversible environmental changes. This chapter also includes a discussion of the cumulative impacts.
- Chapter 6, "References," identifies reference sources for this Draft PEIR.
- Chapter 7, "Report Preparers," lists the organizations and persons contacted during preparation of this Draft PEIR.
- Chapter 8, "Mitigation Measures," lists applicable mitigation measures by topic.
- Chapter 9, "Comment Responses and Summary of Revisions," contains comment letters received during the public review period for the Draft PEIR and written responses addressing comments on environmental issues received from reviewers of the PEIR. This chapter also summarizes all revisions made to the PEIR.

Table 1.1 Proposed Permit Type Required by Zone for Commercial Cannabis Uses

Cannabis Uses	Agricultural Zones (A70, A72)	Commercial Zones (C35, C36, C37, C38, C40)	Industrial Zones (M50, M52, M54, M56, M58)
Personal use	N/A	N/A	N/A
Outdoor cultivation <5,000 sq ft canopy	ZV[3]	N	N
Outdoor cultivation >5,000 sq ft canopy	A	N	N
Indoor cultivation	A	A[1]	A[1]
Mixed-light cultivation	A	N	N
Volatile manufacturing	N	N	ZV[3]
Nonvolatile manufacturing	A[2]	A[2]	ZV[3]
Distribution	A[2]	A[2]	ZV[3]
Testing	N	N	ZV
Retail storefront	N	ZV[3]	ZV[3]
Retail non-storefront (delivery)	A[2]	ZV[3]	ZV[3]
Consumption lounge	N	A[4]	A[4]
Microbusiness	A	A	A
Cannabis temporary events	N	Temporary Cannabis Event License	Temporary Cannabis Event License

Notes: sq ft = square foot; A = Permitted with Administrative Permit; ZV = Permitted with Zoning Verification Permit; N = Not allowed; N/A = Not Regulated.

[1] Limited to indoor cultivation up to 10,000 square feet of canopy and as part of a microbusiness.

[2] Permitted only as part of a microbusiness.

[3] Permit may be processed as a ministerial Zoning Verification Permit if the project meets certain criteria. Otherwise, a discretionary Administrative Permit is required.

[4] Must be permitted with a retail storefront facility. Cannot be a standalone use.

Source: Compiled by Ascent 2024.

Table 1.2 State Cannabis Operation License Types

Name	Description
Cultivation	
Specialty Cottage Outdoor	For outdoor cultivation site with up to 25 mature plants or 2,500 square feet or less of total canopy.
Specialty Cottage Indoor	For indoor cultivation site with 500 square feet or less of total canopy.
Specialty Cottage Mixed-Light Tier 1 and 2	For mixed-light cultivation site with 2,500 square feet or less of total canopy.
Specialty Outdoor	For outdoor cultivation site with less than or equal to 5,000 square feet of total canopy, or up to 50 mature plants on noncontiguous plots.
Specialty Indoor	For indoor cultivation site with between 501 and 5,000 square feet of total canopy.
Specialty Mixed-Light Tier 1 and 2	For mixed-light cultivation site with between 2,501 and 5,000 square feet of total canopy.
Small Outdoor	For outdoor cultivation site with between 5,001 and 10,000 square feet of total canopy.

Name	Description
Small Indoor	For indoor cultivation site with between 5,001 and 10,000 square feet of total canopy.
Small Mixed-Light Tier 1 and 2	For mixed-light cultivation site with between 5,001 and 10,000 square feet of total canopy.
Medium Outdoor	For outdoor cultivation site with between 10,001 square feet and 1 acre (43,560 square feet) of total canopy.
Medium Indoor	For indoor cultivation site with between 10,001 and 22,000 square feet of total canopy.
Medium Mixed-Light Tier 1 and 2	For mixed-light cultivation site between 10,001 and 22,000 square feet of total canopy.
Nursery	For cultivation of clones, immature plants, seeds, and other agricultural products used specifically for the propagation of cannabis plants.
Processor	For processor-only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products.
Large Outdoor	For outdoor cultivation that uses no artificial lighting for more than 1 acre of total canopy.
Large Indoor	For indoor cultivation that exclusively uses artificial lighting for more than 22,000 square feet of total canopy.
Large Mixed-Light	For mixed-light cultivation using a for more than 22,000 square feet of total canopy.
Noncultivation	
Distributor	For the transport and storage of cannabis or cannabis product between license holders. This includes arrangement of testing of cannabis.
Distributor-Transport Only	For the transportation of cannabis or cannabis products between license holders.
Non-Storefront Retailer (Delivery)	For the retailer who sells cannabis or cannabis products from licensed premises that are not open to the public and who conducts sales exclusively for delivery.
Retailer (Storefront Sales)	For the retailer who sells cannabis or cannabis products to consumers from licensed premises that may be open to the public; sales may also be conducted for delivery.
Microbusiness	For the microbusiness that may act (in part or whole) as a retailer, distributor, manufacturer (Level 1), and cultivator (less than 10,000 square feet of area) for medicinal and adult use; the microbusiness must engage in at least three of the above commercial cannabis activities.
Event Organizer	For person hosting the cannabis event.
Temporary Cannabis Event	For the cannabis event itself.
Testing Laboratory	For a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products.
Manufacturing	For a facility that creates cannabis products that may include use of volatile or non-volatile solvents, packaging, and labeling of cannabis products.
Combined Uses	Combined activities license as a state license that authorizes two or more commercial cannabis activities at the same premises, with the exception of laboratory testing.

Source: Compiled by Ascent 2024.

Table 1.3 Required Project Approvals

Project Approval	Approving Authority
Certification of the PEIR	County Board of Supervisors
Approval of the Zoning Ordinance Amendment including addition of Sections 6129 and 6995	County Board of Supervisors
Approval of the Regulatory Code Amendment	County Board of Supervisors
Adoption of the Socially Equitable Cannabis Program	County Board of Supervisors

Source: Compiled by Ascent 2024.

Table 1.4 Alternative Development Assumptions

Feature	Alternatives[1] 2, 3, and 5	Alternative[1] 4
Cultivation Uses		
Outdoor Cultivation		
Total number of cannabis cultivation sites/licenses	280	N/A
Total cultivation canopy (acres)[2]	130	N/A
Total land area for assumed activity footprint (acres)[3]	472	N/A
Total building area (square footage)[4]	1,772,120	N/A
Assumed number of harvests in a year[5]	1	N/A
Mixed-Light Cultivation		
Total number of cannabis cultivation sites/licenses	66	101
Total cultivation canopy (acres)[2]	46	70
Total land area for assumed activity footprint (acres)[3]	293	445
Total building area (square footage)[4]	668,184	1,022,524
Assumed number of harvests in a year[5]	3	3
Indoor Cultivation		
Total number of cannabis cultivation sites/licenses	26	111
Total cultivation canopy (acres)[2]	4	17
Total land area for assumed activity footprint (acres)[3]	8	34
Total building area (square footage)[4]	240,000	980,000
Assumed number of harvests in a year[5]	NA	NA
Cultivation Totals		
Total number of cultivation sites/licenses	*372*	*212*
Total cultivation canopy (acres)	*180*	*87*
Total land area for assumed activity footprint (acres)	*773*	*479*
Total building area (square footage)	*2,680,304*	*2,002,524*
Total number of employees[6]	*1,868*	*2,176*

Feature	Alternatives[1] 2, 3, and 5	Alternative[1] 4
Noncultivation Uses		
Nurseries		
Total number of nurseries	12	12
Total building area (square footage)[7]	1,680,000	1,680,000
Total land area for assumed activity footprint for nursery operation (acres)[7]	180	180
Total number of employees[7]	144	144
Processing		
Total number of processing facilities	5	5
Total building area (square footage)[8]	32,500	32,500
Total land area for assumed activity footprint for processing facilities (acres)[8]	2.5	2.5
Number of employees[8]	13	13
Manufacturing		
Total number of manufacturing facilities	25	25
Building area (square footage)[9]	67,500	67,500
Total land area for assumed activity footprint for manufacturing facilities (acres)[9]	12.5	12.5
Number of employees[9]	250	250
Testing		
Total number of testing facilities	2	2
Building area (square footage)[10]	5,600	5,600
Total land area for assumed activity footprint for testing facilities (acres)[10]	1	1
Number of employees[10]	12	12
Distribution		
Number of distribution facilities	48	48
Building area (square footage)[11]	72,000	72,000
Total land area for assumed activity footprint for distribution facilities (acres)[11]	24	24
Number of employees[11]	96	96
Retail		
Number of retail facilities	62 (25 storefront and 37 non-storefront)	62 (25 storefront and 37 non-storefront)
Building area (square footage)[12]	148,800	148,800
Total land area for assumed activity footprint for retail facilities (acres)[12]	31	31
Number of employees[12]	992	992

Feature	Alternatives[1] 2, 3, and 5	Alternative[1] 4
Microbusiness		
Number of microbusinesses	16	16
Building area (square footage)[13]	24,000	24,000
Total land area for assumed activity footprint for microbusinesses (acres)[13]	8	8
Number of employees[13]	256	256
Noncultivation Totals		
Total number of sites	*170*	*170*
Total land area for assumed activity footprint (acres)	*259*	*259*
Total building area (square footage)	*2,030,400*	*2,030,400*
Total number of employees	*1,763*	*1,763*
Grand Totals		
Combined total number of sites	*542*	*382*
Combined total land area for assumed activity footprint (acres)	*1,032*	*738*
Combined total building area (square footage)	*4,710,704*	*4,032,924*
Combined total employees	*3,631*	*3,939*

Notes: Alternative 1 is not included as no new cannabis uses would be developed under this alternative, although the existing 5 cannabis facilities would be allowed to expand their existing operations to up to 10,000 square feet of building area.

These cannabis use assumptions are based on DCC license data as of April 26, 2024. The number of cannabis uses is based on percent of each cannabis use type from the total 9,459 DCC licenses: cultivation (51.2 percent), distribution (13.3 percent), microbusinesses (4.3 percent), nursery (3.2 percent), retail (17.7 percent), testing (0.3 percent), and manufacturing (7.8 percent), and processing (1.5 percent) (DCC 2024). The totals above do not assume the combination of cannabis uses on a single site or buildings that could provide efficiencies in space use.

While there are estimates for noncultivation building square footage and land area, it is anticipated that the majority of the uses would locate into existing industrial and retail buildings in the unincorporated area. It was estimated that in March 2024 there was a 5 percent vacancy rate of available industrial building space (approximately 8,035,000 square feet) and 5.2 percent vacancy rate of available retail space (approximately 4,100,000 square feet) in San Diego County (Cushman & Wakefield 2024).

[1] Cited values are rounded. Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Estimates are based on annual consumption of cannabis by adults over 21 of 0.044 pounds and a 2044 estimated population of 2,697,541 adult residents in San Diego County (79 percent of total 2044 population and approximately 118,691.80 pounds per year of cannabis demand (California Department of Finance 2024). This estimate of cannabis consumption of regular users (21 grams per month) and casual users (3.5 grams per month) was identified in the Economic Impact Analysis of CalCannabis Cultivation Licensing Program Regulations Standardized Regulatory Impact Assessment (ERA Economics 2017) and updated with the 2021 cannabis use estimates from the National Survey on Drug Use and Health administered by the US Substance Abuse and Mental Health Services Administration (Substance Abuse and Mental Health Services Administration 2022). This combined data estimated that total annual cannabis consumption in California is approximately 2.7 million pounds or approximately 0.089 pounds per adult. For purposes of this analysis, it was assumed that 50 percent of this cannabis demand was sourced from unlicensed cannabis product, resulting in the estimate of 0.044 pounds per adult from the regulated cannabis regulated market. This estimate of cannabis demand was doubled to factor potential future growth of the commercial cannabis market. Total cannabis cultivation assumed to be generated from 54.6 percent outdoor cultivation, 32.9 percent mixed-light cultivation, and 12.5 percent indoor cultivation (DCC 2024). Cannabis cultivation methods generate varied production totals on a per acre basis: outdoor cannabis production is assumed at 1,000 pounds per acre, mixed-light cannabis production is assumed at 1,700 pounds per acre, and indoor-light cannabis production is assumed at 7,000 pounds per acre (Wilson et al. 2019).

[2] The “cultivation canopy” is the footprint of the cannabis plant area calculated in square feet and measured using physical boundaries of all area(s) that will contain mature plants at any point in time.

[3] The "land area for assumed activity footprint" is the land area that consists of cannabis cultivation and noncultivation supporting uses. This includes caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, and other associated improvements. The following factors were used: 1 acre of outdoor cannabis canopy–3.63 acres for support activities; 1 acre of mixed-light cannabis canopy–6.36 acres for supporting activities, and 1 acre of indoor cannabis cultivation–2 acres for support activities. These factors are based on satellite review of DCC-licensed cannabis cultivation sites in Mendocino County (DCC 2023: Table 3-1).

[4] Building square footage for outdoor cultivation was assumed to average 6,329 square feet per site (Trinity County 2020: Table 2-3). Mixed-light cultivation building square footage was assumed to average 10,124 per site (Trinity County 2020: Table 2-3). Indoor cultivation building square footage was assumed to average 20,000 square feet per site to accommodate an average of 15,000 square feet of cannabis canopy.

[5] Outdoor cannabis harvests are assumed to occur once a year. Mixed-light cannabis harvests are assumed to occur 3 times a year. Indoor cannabis is assumed to be harvested continuously during the year based on the EIR consultant's review of existing indoor operations.

[6] Cultivation employment factors are 8.5 employees per acre of outdoor and mixed-light cultivation and 93 employees per acre of indoor cultivation (Trinity County 2020).

[7] Nursery assumptions are based on information collected on the operations of cannabis nurseries and application information collected by Yolo County. Building square footage is assumed at 140,000 square feet per site, 15 acres of activity footprint area, and 12 employees per site (Yolo County 2019: Table 2-4).

[8] Stand-alone (not located on-site with cultivation) processing use assumptions consist of 6,500 square feet of buildings per site, 0.5 acres of activity footprint area, and 2.5 employees per site (Yolo County 2019: Table 2-3).

[9] It is assumed that each manufacturing operation would be contained within a 2,700-square-foot building with 0.50 acres of activity footprint area and have 10 employees each. These assumptions are based on review of applications and staff reports for manufacturing operations in Humboldt County and the City of Needles (Yolo County 2019: Table 2-3).

[10] The testing facilities were assumed to be contained within a 2,800-square-foot building with 0.50 acres of activity footprint area and have 6 employees per site (Yolo County 2019: Table 2-3).

[11] Stand-alone (not located on-site with cultivation) distribution use assumptions consist of 1,500 square feet of buildings per site, 0.5 acres of activity footprint area, and 2 employees per site (Trinity County 2020: Table 2-3; Santa Barbara County 2017:3.14-12).

[12] It is assumed that each retail site (storefront and non-storefront) would be contained within a 2,400-square-foot building with 0.50 acres of activity footprint area and have 16 employees each. (Yolo County 2019: Table 2-3).

[13] It is assumed that each microbusiness would be contained within a 1,500-square-foot building with 0.50 acres of activity footprint area and have 16 employees each similar to retail uses. (Yolo County 2019: Table 2-3).

Source: Prepared by Ascent in 2024.

Table 1.5 In-Process Projects That Include General Plan Amendments

Project Name	Community Plan Area	Board District	APN(s)	Project Details
Ivanhoe Ranch	Valle de Oro	2	518-030-41, -43, -44, -45	Residential DUs: 120
Warner Springs Ranch Resort	North Mountain	5	137-092-30	Residential DUs: 685
Peppertree Park SPA (Unit 2)	Fallbrook	5	104-350-15	TBD
Passerelle–Campus Park	Fallbrook	5	108-120-61	Conversion of 157,000 sf of office professional to 138 detached condo units in the Campus Park Specific Plan
Abdali Gas Station	Bonsall	5	126-260-21	GPA/rezone/site plan of excess Caltrans ROW for the construction of a gas station
Labrador Lane	Lakeside	2	396-101-01, -02, 396-080-92	Land use change (Dus)
Rancho Librado	San Dieguito	3	268-180-01, -39, -50, -51	56 units (54 age-restricted condos and 2 guest quarters)
Castle Creek	Valley Center	5	POR 172-250-04, POR 172-040-67	63 age-restricted condos
Harmony Grove Village South	San Dieguito	5	235-011-06, 238-021-08, -09, -10	Residential DUs: 453 Commercial sf: 5,000
Valley Center Community Plan Update	Valley Center	5	NA	TBD
Twin Oaks Community Plan Update	North County Metro	5	NA	TBD
Alpine Special Study Area	Alpine	2	NA	TBD
Alpine Community Plan	Alpine	2	NA	Land use change (DUs)
Local Coastal Program Update	NA	1, 3, 5	NA	TBD
Airport Land Use Compatibility Plan	NA	NA	NA	TBD
Lilac Hills Ranch	Valley Center and Bonsall	5	NA	Land use change (DUs)
Otay Ranch Village 14	NA	1	597-020-10, 597-140-04, 05, 06 & 07, 597- 130-13, 598-010-01, 02 & 08, 598-011-01, 598-021-01 & 02, 598-020-04 & 06, 598-070-01, 07, & 09	Land use change
Campus Park–Passerelle	Fallbrook	1	NA	Land use change
Pine Crest Avenue	North County Metro	3	NA	Land use change
Casa De Oro Specific Plan	Valle de Oro	2	NA	Land use change (DUs)
Ivanhoe Ranch	Valle De Oro	2	NA	Land use change (DUs)

Notes: sf = square feet; DU = dwelling unit; NA = not available; TBD = to be determined; GPA = general plan amendment; Caltrans = California Department of Transportation; ROW = right-of-way.

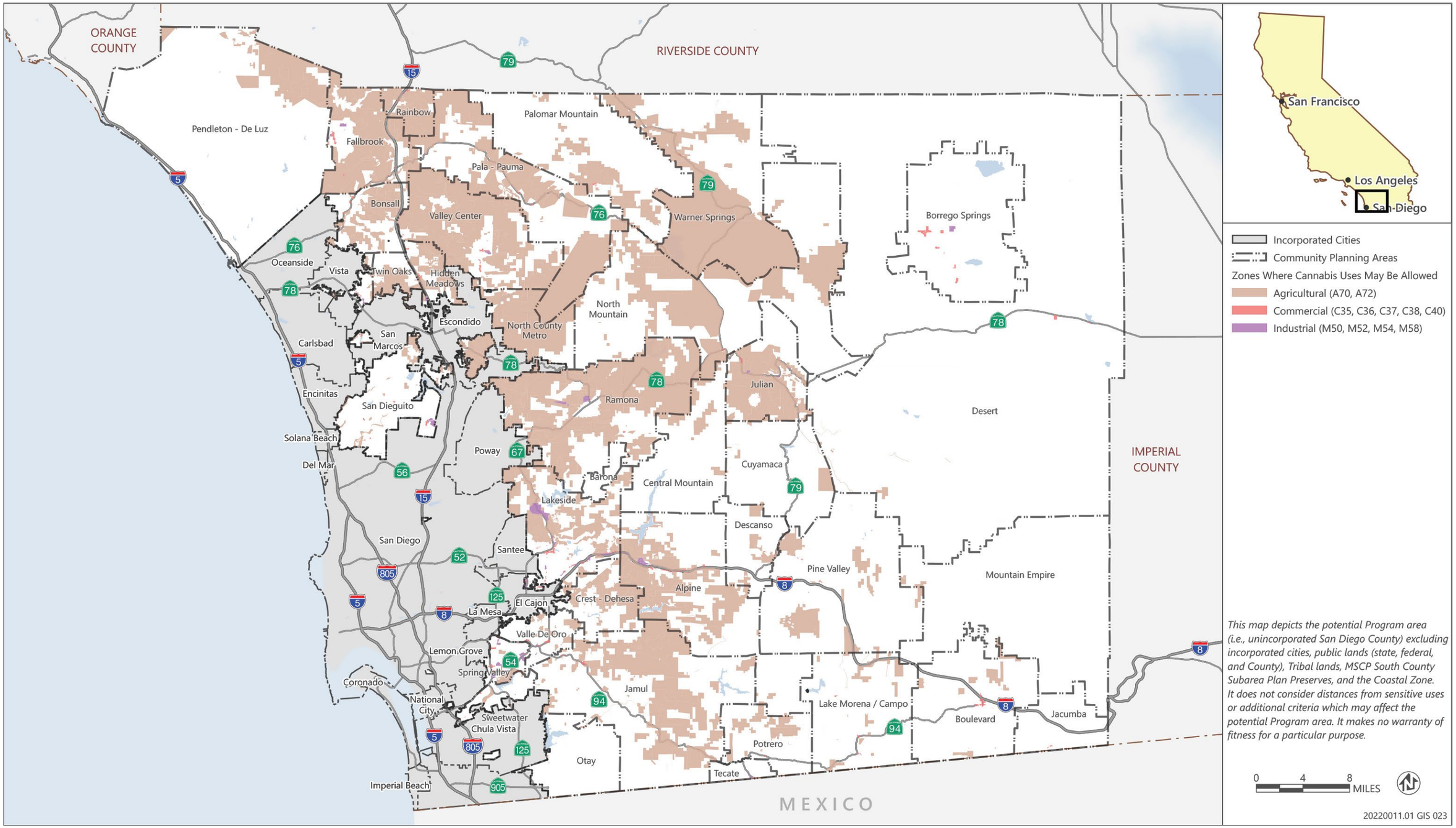
Source: County of San Diego 2024: Table 4-1 and updated information from the County.



Sources: Data downloaded from SanGIS in 2021 and San Diego County in 2023; adapted by Ascent in 2024.

Figure 1.1 **Regional Location**

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Sources: Data downloaded from SanGIS in 2021 and San Diego County in 2023; adapted by Ascent in 2024.

Figure 1.2 **Unincorporated Areas Where Commercial Cannabis Would Be Allowed**

CHAPTER 2 SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

2.1 Approach to the Environmental Analysis

This program environmental impact report (PEIR) evaluates and discloses the environmental impacts associated with the Cannabis Program, in accordance with the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Chapter 3, Section 1500 et seq.). Sections 2.2 through 2.19 of this PEIR present a discussion of the existing conditions; regulatory framework; environmental impacts associated with implementation of the Cannabis Program under Alternatives 1 through 5, which are evaluated at an equal level of detail (as described in Chapter 1, "Project Description, Location, and Environmental Setting"); mitigation measures to reduce the level of impact; and residual level of significance (i.e., after application of mitigation, including impacts that would remain significant and unavoidable after application of all feasible mitigation measures).

Issues evaluated in these sections consist of the environmental topics identified for review in the notice of preparation (NOP) prepared for the Cannabis Program (see Appendix A of this PEIR). The subsection, "Cumulative Impacts," in Sections 2.2 through 2.19 of this PEIR, presents an analysis of Alternatives 1 through 5 impacts considered in combination with those of other past, present, and probable future projects producing related impacts, as required by Section 15130 of the State CEQA Guidelines. Chapter 4, "Alternatives," presents a summary analysis of the environmental effects of Alternatives 1 through 5, as required by Section 15126.6 of the State CEQA Guidelines. Chapter 5, "Other CEQA Sections," includes an analysis of the project's growth-inducing impacts, as required by Section 21100(b)(5) of CEQA.

Sections 2.2 through 2.19 of this PEIR each include the following components.

Existing Conditions: This subsection presents the existing environmental conditions in the program area (unincorporated area of the county under the County of San Diego's jurisdiction where cultivation and noncultivation activities may be permitted), in accordance with State CEQA Guidelines Section 15125. The discussions of the environmental setting focus on information relevant to the issue under evaluation. The extent of the environmental setting area evaluated differs among resources, depending on the locations where impacts would be expected to occur.

Regulatory Framework: This subsection presents information on the laws, regulations, plans, and policies that relate to the issue area being discussed. Regulations originating from the federal, state, and local levels are discussed as appropriate.

Analysis of Project Effects and Determination of Significance: This subsection presents thresholds of significance and discusses potentially significant effects of the Cannabis Program on the existing environment under Alternatives 1 through 5, in accordance with State CEQA Guidelines Section 15126.2. The methodology for the impact analysis is described, including the technical studies upon which the analyses rely. The thresholds of significance are defined, and thresholds for which the Cannabis Program would have no impact are disclosed and dismissed from further evaluation. Impacts are numbered sequentially in each subsection (Issue 1, Issue 2, Issue 3, etc.). The discussion includes the analysis, rationale, and substantial evidence on which conclusions are based.

A “less-than-significant” impact is one that would not result in a substantial adverse change in the physical environment. A “potentially significant” impact or “significant” impact is one that would result in a substantial adverse change in the physical environment; both are treated the same under CEQA in terms of procedural requirements and the need to identify feasible mitigation. Mitigation measures are identified, as feasible, to avoid, minimize, rectify, reduce, or compensate for significant or potentially significant impacts, in accordance with the State CEQA Guidelines Section 15126.4. Unless otherwise noted, the mitigation measures presented are recommended in the PEIR for consideration by the County for adoption.

Where an existing law, regulation, or permit specifies mandatory and prescriptive actions about how to fulfill the regulatory requirement as part of the project definition, leaving little discretion in its implementation, and would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is considered before determining impact significance. Where existing laws or regulations specify a mandatory permit process for future projects, performance standards without prescriptive actions to accomplish them, or other requirements that allow substantial discretion in how they are accomplished, or have a substantial compensatory component, the level of significance is determined before applying the influence of the regulatory requirements. In this circumstance, the impact would be potentially significant or significant, and the regulatory requirements would be included as a mitigation measure.

Cumulative Impacts: This subsection presents an analysis of the Cannabis Program Alternatives 1 through 5 impacts considered in combination with those of other past, present, and probable future projects producing related impacts, as required by Section 15130 of the State CEQA Guidelines.

Significance of Impacts Prior to Mitigation: This subsection identifies the significance of each impact before the application of mitigation measures.

Mitigation: This subsection describes the mitigation measures for impacts identified to be significant.

Conclusion: This subsection summarizes the conclusion reached in each of the above impact analyses and the level of impact that would occur after mitigation measures are implemented. Significant and unavoidable impacts are identified as appropriate in accordance with State CEQA Guidelines Section 15126.2(b). Significant and unavoidable impacts are also summarized in Chapter 5, “Other CEQA Sections.” The full references associated with all references cited in this PEIR are presented in Chapter 6, “References,” organized by chapter or section number.

2.2 Aesthetics

This section identifies the regulatory context and policies related to aesthetics and provides a description of existing visual conditions, meaning the physical features that make up the visible landscape in unincorporated San Diego County and an assessment of changes to those conditions that would occur from new commercial cannabis facilities that would be permitted and licensed under the Cannabis Program. The effects of the Cannabis Program on the visual environment are generally defined in terms of the physical characteristics and potential visibility of new commercial cannabis facilities, the extent to which new commercial cannabis facilities would change the perceived visual character and quality of the environment, and the expected level of sensitivity that the viewing public may have where new commercial cannabis facilities would alter existing views. The "Methodology" discussion below provides further detail on the approach used in this evaluation.

Several comment letters received in response to the notice of preparation (NOP) identified concerns related to adverse effects on surrounding views, potential changes in visual character, and light pollution. These issues are addressed in this section, as appropriate. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.2.1.

Table 2.2.1 Aesthetics Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Change or Obstruct Scenic Vistas and Scenic Resources	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
2	Substantially Degrade Visual Character or Quality	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
3	Adversely Affect Views due to New Light and Glare	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant

2.2.1 Existing Conditions

San Diego County is a visually diverse region within Southern California and features a dramatic coastline, mountains, and desert. The county is rich in natural resources, including open space, topographic features, scenic corridors, and scenic vistas. These natural features contribute to the overall quality of the existing visual setting. Over 90 percent of the unincorporated county land is either open space or undeveloped. Aesthetic elements of the human-made environment, such as historic structures and districts, architectural design, streetscapes, and manufactured landscapes, also provide aesthetic value throughout the county (County of San Diego 2011a). Representative views from public vantage points throughout the unincorporated county are provided in Figures 2.2.1a through 2.2.1e, which are presented at the end of this section. These views were selected based on the representative views identified in the County of San Diego General Plan (General Plan) but have been updated to reflect current conditions in the county.

2.2.1.1 *Visual Character of San Diego County*

Communities

Community character can be described as the "personality" of the community and is defined by land uses, historical resources, community design, architectural themes, natural resources, and any other human-made or natural features that give the community its overall look and feel. The unincorporated area of San Diego is unique because varying features, such as topography, land uses, and natural features, allow for a variety in community character throughout the county. The predominant pattern of development in the unincorporated county is rural in character with subareas consisting of suburban and urban land uses.

San Diego County is divided into 28 community planning areas (CPAs) that vary in land use and density and are dispersed throughout the unincorporated county, including village areas with developed town centers, rural communities that support agricultural operations, and rural lands that feature large areas of open space (Figure 2.2.2, Community Planning Areas, presented at the end of this section). Some communities are uniquely defined by their setting in hillside areas, the desert valley, and agricultural areas. The most developed CPAs are located along the westernmost boundaries of the unincorporated county and consist of Spring Valley, Valle de Oro, Lakeside, San Dieguito, and North County Metro. The mostly rural residential and agricultural CPAs that contain large areas of open space are Bonsall, Central Mountain, and the Desert Subregion. Some CPAs, such as Alpine, Ramona, and Fallbrook, have established commercial village centers with surrounding rural uses (County of San Diego 2011a; County of San Diego 2011b).

Geographic Regions

As defined in the General Plan, the county has distinctive geographic regions that provide a backdrop for visual resources. The diversity of these regions provides county residents and visitors with an array of natural vistas and scenic environments.

Coastal Plain

The Coastal Plain is where most of the urban land uses in the unincorporated county are concentrated. Commercial cannabis facilities would not be permitted in the coastal zone and would only be authorized in limited areas within the Coastal Plain: the CPAs of North County Metro and San Dieguito. Primary aesthetic resources in these areas of the Coastal Plain consist of lakes, rivers, hillsides, natural vegetation, and open space and recreation areas.

Peninsular Range

The Peninsular Range consists of north-to-south trending mountains. Commercial cannabis facilities would be permitted in many of the CPAs that encompass and surround the Peninsular Range, including Alpine, Central Mountain, Jamul-Dulzura, Julian, Mountain Empire, North Mountain, Pala-Pauma, and Ramona. Notable scenic resources in the Peninsular Range foothills include the Otay River, Sweetwater River, upper San Diego River, Upper and Lower Otay Lakes, Sweetwater Reservoir, Lake Hodges, and San Vicente Reservoir. Scenic resources in the higher elevation of the Peninsular Range region include large open spaces, such as Cleveland National Forest, Agua Tibia Wilderness Area, San Mateo Canyon Wilderness, Palomar Mountain State Park, Cuyamaca Rancho State Park, and various county reserves and parks, as well as the large water bodies of El Capitan Reservoir, Barrett Lake, Lake Morena, Lake Cuyamaca, and Lake Henshaw (County of San Diego 2011a).

Desert

Commercial cannabis facilities would be authorized in limited areas in the desert region, including portions of Borrego Springs and areas surrounding Anza-Borrego Desert State Park. The desert region provides expansive views characterized by dramatic landforms, native desert habitat, and low desert valleys (County of San Diego 2011a).

2.2.1.2 *Scenic Vistas and Visual Resources*

Viewsheds and visible components of landscape within a viewshed, including the underlying landform and overlaying land cover, establish the visual environment for the scenic vista. A vista is a view from a particular location or composite views along a roadway or trail. Scenic vistas often refer to views of natural lands but may also be compositions of natural and developed areas or even entirely of developed and unnatural areas that provide attractive or unique character to the viewer, such as a scenic vista of a rural town and surrounding agricultural lands.

Public agencies establish visual resource management objectives and policies to protect and enhance public scenic resources. Goals, objectives, policies, implementation strategies, and guidance are typically contained in general plans, resource management plans, and local specific plans. Scenic resources within the county are described in more detail below.

Resource Conservation Areas

Certain areas in the county have been designated as Resource Conservation Areas (RCAs) for the purposes of informing future planning decisions. RCAs are areas of aesthetic quality, scenic geological formations, and astronomical dark skies areas. The General Plan identifies over 40 RCAs in unincorporated San Diego County that are considered valuable because of visual resources. Scenic resources within these RCAs include waterbodies (e.g., reservoirs, creeks, rivers, streams, coastal wetlands), unique geologic features, mountains, valleys, canyons, bluffs, natural habitats, meadows, prominent trees, forests and woodlands, wilderness areas, and riparian areas (County of San Diego 2011a).

Open Space, Parks, Preserves, Reserves, and Regional Trails

Open space consists of areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, rivers, and streams; and areas that serve as links between major recreation and open space reserves, including utility easements, banks of rivers and streams, trails, and scenic highway corridors. The county has a system of 18 open space preserves and reserves that are distributed primarily in the western and central areas of the county. The county also has several regional parks that contain important historical or cultural sites, museums, and interpretive centers. In addition, the county has several regional trails that cover long distances; extend beyond community or municipal borders; have state or national significance; and provide important connections to existing parks, open space preserves, and other visual resources (County of San Diego 2011a). See section 2.15, “Public Services,” for more information.

Built Environment

Aesthetic value is not limited to open space and rural lands but is also found in historic structures and districts, architectural design, streetscapes, and manufactured landscapes. These valuable aesthetic elements of the human-made environment are distributed throughout the county. An example is the historic gold-mining community of Julian (County of San Diego 2011a).

As discussed in Section 2.6, "Cultural and Paleontological Resources," the unincorporated county contains historical sites, such as residences, schoolhouses, stage depots, and cemeteries. These historical sites are concentrated in the more developed areas of the unincorporated county, such as Spring Valley and San Dieguito, and in areas with established town centers, such as Ramona, Julian, and Fallbrook. Historical resources are also generally located along major roadways in the county, such as Interstate (I)-8 and State Route (SR) 78.

2.2.1.3 *Scenic Highways and Corridors*

A freeway, highway, road, or other vehicular right-of-way along a corridor with considerable natural landscape and a high aesthetic value can potentially be eligible for a scenic highway designation. Scenic highway corridors generally include the land adjacent to and visible from the vehicular right-of-way. The dimension of the corridor is usually identified using a motorist's line of vision. Scenic highways are important because land use controls can be applied at a scale that allows the County to preserve the visual integrity of the natural landscape (County of San Diego 2011a). Figure 2.2.3, presented at the end of this section, depicts the National Scenic Byways and State Scenic Highways in the unincorporated county.

National Scenic Byways

The National Scenic Byway Program was established by the Federal Highway Administration under the Intermodal Surface Transportation Efficiency Act of 1991 with the vision "to create a distinctive collection of American roads, their stories and treasured places." Sunrise Highway is a National Scenic Byway that traverses north from Old Highway 80 to SR 79 through the Cleveland National Forest (County of San Diego 2011a).

State Scenic Highways

State Scenic Highways are highways that are either officially designated by the California Department of Transportation (Caltrans) or are eligible for designation. A highway may be designated as "scenic" depending upon how much of the natural landscape can be seen by travelers, the aesthetic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. A highway's status changes from "eligible" to "officially designated" when the local jurisdiction adopts a scenic corridor protection program, applies for scenic highway approval with Caltrans, and receives notification from Caltrans that the highway has been designated as an official State Scenic Highway. Designated State Scenic Highways in the county include (1) SR 78 through the Anza-Borrego Desert State Park (18.2-mile segment) and (2) SR 125 from SR 94 in Spring Valley to I-8 in La Mesa (2 miles of this segment are in the unincorporated county). Eligible scenic highways within the unincorporated county include portions of I-5, I-15, SR 94, I-8, SR 79, SR 78, and SR 76 (County of San Diego 2011a).

County Scenic Highway System

The County of San Diego General Plan identifies over 50 roadway segments that are included in the County's Scenic Highway System. These roadway corridors are subject to measures that protect and enhance scenic resources, which include regulation of land uses, detailed land and site planning, control of outdoor advertising, and careful attention to control of earthmoving and landscaping (County of San Diego 2011a).

Even though the county has an abundance of natural and human-made beauty, only limited segments of these visual resources are viewed regularly. Scenic corridors along county roadways, particularly scenic highways, offer an easy means of viewing these resources. Scenic highways can be used to identify and preserve important viewsheds along roadways. For example, the County adopted Scenic Preservation Guidelines for the I-15 Corridor and a Conservation and Open Space Element of the General Plan Update that aim to maintain existing scenic highways and corridors (County of San Diego 2011a).

2.2.1.4 *Dark Skies*

Dark skies are a natural resource in San Diego County, contribute to the rural character of several county communities, and are essential to advancing astronomical research. Astronomical research has contributed to a greater understanding of our solar system, supported advances in space travel, improved telecommunication systems, advanced weather forecasting, and provided insight to energy production. The 5 criteria for a high-quality astronomical site are (1) an elevation over 5,000 feet above sea level; (2) clear, cloud-free night skies; (3) proximity to the Pacific Ocean; (4) distant from urban areas; and (5) freedom from nearby sources of light, dust, and smoke. The 2 sites in the county that meet all of the above criteria are Palomar and Mount Laguna Observatories. The maintenance of dark skies in the county is vital to their operation and the astronomical research carried out at these facilities. Palomar Observatory, located at 5,500 feet at the top of Palomar Mountain in northern San Diego County near Palomar Mountain State Park, is privately owned and operated by the California Institute of Technology and supports some of California's and the United States' premier scientific research programs. San Diego State University and the University of Illinois jointly operate the Mount Laguna Observatory, which is one of best astronomical research and education facilities in the county. The Mount Laguna Observatory is located at an altitude of 6,100 feet on the eastern edge of the Cleveland National Forest near the Anza-Borrego State Park, 45 miles east of downtown San Diego (County of San Diego 2011a).

Light pollution refers to nighttime lighting in excess of what is necessary for its purpose. Nighttime light is produced primarily by upward-pointing or upward-reflected light from outdoor lighting. This type of lighting illuminates the nighttime sky from below and can be detrimental to astronomical observations. Therefore, the County protects the Palomar and Mount Laguna Observatories by restricting the permitted use of outdoor light fixtures on private property. Nighttime light that spills outside its intended area can also be disruptive to neighbors and potentially harmful to motorists, cyclists, and pedestrians. Furthermore, the health of natural wildlife can be adversely affected from nighttime lighting (County of San Diego 2011a).

Some land uses contribute to greater levels of night lighting than others. Commercial land uses tend to have lighted parking lots and signs at night and use more lighting for nighttime security. Therefore, areas of higher commercial use generally have a greater lighting footprint than most residential areas. In addition, CPAs with greater overall development generally have a greater

lighting footprint than less developed CPAs. The most developed CPAs, which generally have the greatest lighting footprint, are Spring Valley, Valle de Oro, Lakeside, San Dieguito, and North County Metro. Mostly rural residential and agricultural CPAs and those that contain large areas of open space, such as Bonsall, Central Mountain, and the Desert Subregion, generally have a smaller lighting footprint. CPAs, such as Alpine, Ramona, and Fallbrook, that have an established commercial village center have a greater lighting footprint in the village center and a lesser lighting footprint in the surrounding rural uses (County of San Diego 2011a).

2.2.1.5 *Visual Characteristics of Existing Cannabis Facilities in the County*

There are currently 5 existing cannabis facilities that are authorized to operate and engage in medical cannabis collective, commercial cannabis microbusiness, or commercial cannabis retailer activities in the unincorporated county. These existing cannabis facilities are located on land zoned for industrial and commercial uses in the unincorporated areas of El Cajon, Escondido, and Ramona. The existing cannabis facilities include single-story commercial retail buildings and industrial warehouse buildings for indoor cultivation, distribution, and manufacturing. The existing buildings range in size between 1,107 and 15,206 square feet on lots ranging from 0.5 to 2.7 acres. The buildings are similar in appearance to other facilities on industrial and commercial land uses throughout the unincorporated county. Photographs of the existing cannabis facilities are provided in Figures 2.2.4a through 2.2.4c, which are presented at the end of this section.

2.2.1.6 *Viewer Groups*

Viewer groups include stationary viewers (e.g., individuals on residential, commercial, industrial, and agricultural land uses) or mobile viewers (e.g., motorists). Sensitive viewer groups that could be affected by implementation of the Cannabis Program include residents, recreationists, and motorists on designated scenic roads in the vicinity of future projects. Public vantage points throughout the unincorporated county include the public roads, highways, hiking trails, and recreation and open space areas described above in Section 2.2.1.2, “Scenic Vistas and Visual Resources,” and Section 2.2.1.3, “Scenic Highways and Corridors.”

2.2.2 Regulatory Framework

2.2.2.1 *Federal*

No federal plans, policies, regulations, or laws related to aesthetics are applicable to the Cannabis Program.

2.2.2.2 *State*

State Scenic Highways Program

In 1963, the California Scenic Highway Law created the California Scenic Highways Program with the purpose of preserving and protecting scenic highway corridors from any change that would diminish the aesthetic value of lands adjacent to highways. State Scenic Highways are highways that are either officially designated by Caltrans or are eligible for designation. The statewide system of scenic highways is part of the Master Plan of State Highways Eligible for Official State Designation as Scenic Highways. Scenic highway nominations are evaluated using the following criteria:

- The proposed scenic highway is principally within an unspoiled native habitat and showcases the unique aspects of the landscape, agriculture, or human-made water features.
- Existing visual intrusions do not significantly impact the scenic corridor.
- Strong local support for the proposed scenic highway designation is demonstrated.
- The length of the proposed scenic highway is not short or segmented.

A highway's status changes from "eligible" to "officially designated" when the local jurisdiction adopts a Scenic Corridor Protection Program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as an official State Scenic Highway. Once a scenic highway is designated, the local jurisdiction is responsible for regulating development within the scenic highway corridor in areas where the local agency has land use jurisdiction.

As identified above, designated State Scenic Highways in the county include (1) SR 78 through the Anza-Borrego Desert State Park (18.2-mile segment) and (2) SR 125 from SR 94 in Spring Valley to I-8 in La Mesa (2 miles of this segment are in the unincorporated county) (Figure 2.2.3, presented below). Eligible scenic highways within the unincorporated county include portions of I-5, I-15, SR 94, I-8, SR 79, SR 78, and SR 76.

California Energy Commission Building Energy Efficiency Standards for Outdoor Lighting

California Code of Regulations (CCR) Title 24, Parts 1 and 6, Building Energy Efficiency Standards, adopted by the California Energy Commission (CEC) on November 5, 2003, include requirements for outdoor lighting. These standards are updated periodically. The last update took effect January 1, 2023.

The outdoor lighting standards vary according to lighting zone. CEC defines the boundaries of lighting zones based on US Census Bureau boundaries for urban and rural areas, as well as the legal boundaries of wilderness and park areas. The smallest amount of power is allowed in Lighting Zone 1, and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government-designated parks, recreation areas, and wildlife preserves are included in Lighting Zone 1; rural areas are included in Lighting Zone 2; and urban areas are included in Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government.

The allowed lighting power in lighting zones is based on the brightness of existing lighting in the surrounding area because eyes adapt to darker surrounding conditions, and less light is needed to properly see. Providing greater power than is needed potentially leads to debilitating glare and to an increasing spiral of brightness because overbright projects become the surrounding conditions for future projects, causing future projects to unnecessarily consume energy and contribute to light pollution.

Department of Cannabis Control Regulations

The Department of Cannabis Control adopts regulations that apply to medicinal and adult-use commercial cannabis businesses. CCR Title 4, Division 19, Section 16304, "General Environmental Protection Measures," includes the following requirements for light sources at cultivation sites:

- All outdoor lighting used for security purposes shall be shielded and downward facing.
- Mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare.

2.2.2.3 *Local*

San Diego County General Plan

The following General Plan policies related to aesthetics are applicable to the Cannabis Program:

- **Policy LU-6.6: Integration of Natural Features into Project Design.** Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.
- **Policy LU-6.9: Development Conformance with Topography.** Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of the site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent practicable.
- **Policy LU-10.2: Development Environmental Resource Relationship.** Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.
- **Policy LU-11.2: Compatibility with Community Character.** Require that commercial, office, and industrial development be located, scaled, and designed to be compatible with the unique character of the community.
- **Policy COS-11.1: Protection of Scenic Resources.** Require the protection of scenic highways, corridors, regionally significant scenic vistas, and natural features, including prominent ridgelines, dominant landforms, reservoirs, and scenic landscapes.
- **Policy COS-11.3: Development Siting and Design.** Require development within visually sensitive areas to minimize visual impacts and to preserve unique or special visual features, particularly in rural areas, through the following:
  - Creative site planning;
  - Integration of natural features into the project;
  - Appropriate scale, materials, and design to complement the surrounding natural landscape;
  - Minimal disturbance of topography;
  - Clustering of development to preserve a balance of open space vistas, natural features, and community character; and
  - Creation of contiguous open space networks.
- **Policy COS-11.7: Underground Utilities.** Require new development to place utilities underground and encourage “undergrounding” in existing development to maintain viewsheds, reduce hazards associated with hanging lines and utility poles, and to keep pace with current and future technologies.

- **Policy COS-12.2: Development Location on Ridges.** Require development to preserve the physical features by being located down and away from ridgelines so that structures are not silhouetted against the sky.
- **Policy COS-13.1: Restrict Light and Glare.** Restrict outdoor light and glare from development projects in Semi-Rural and Rural Lands and designated rural communities to retain the quality of night skies by minimizing light pollution.
- **Policy COS-13.2: Palomar and Mount Laguna.** Minimize, to the maximum extent feasible, the impact of development on the dark skies surrounding Palomar and Mount Laguna observatories to maintain dark skies which are vital to these two world-class observatories by restricting exterior light sources within the impact areas of the observatories.
- **Policy COS-13.3: Collaboration to Retain Night Skies.** Coordinate with adjacent federal and State agencies, local jurisdictions, and tribal governments to retain the quality of night skies by minimizing light pollution.

Community Plans

Individual community plans identify, and sometimes prioritize, policies for specific scenic corridors that are important resources for the community to preserve. Generally, these corridors are consistent with the priority list of scenic routes identified in the Conservation and Open Space Element. Community plans list and describe the RCAs that are located within the community and identify goals and policies for their protection.

Design Review Guidelines

Design review guidelines have been developed for the I-15 Corridor from the Escondido city limit to the Riverside County line and for the following communities of unincorporated San Diego County: Alpine, Bonsall, Fallbrook, Julian, Lakeside, Ramona, Rancho San Diego, Spring Valley, Sweetwater, and Valley Center. The design guidelines specify the types of design permitted in each community, including architecture, landscaping, building uses, designation of scenic roads, slope modifications, and overall visual effect.

I-15 Corridor: Scenic Preservation Guidelines

Scenic preservation guidelines have been established to help preserve viewsheds in 5 communities within the unincorporated county along the I-15 corridor. These communities are Rainbow, Fallbrook, Bonsall, Valley Center, and North County Metro. The guidelines seek to balance protection of scenic resources within the I-15 corridor area while accommodating "development which harmonizes with the natural environment." The guidelines establish standards to regulate the visual quality and the environmental integrity of the entire corridor and encourage scenic preservation and development practices compatible with the goals and policies of the 5 CPAs when appropriate.

County of San Diego Resource Protection Ordinance

The San Diego County Code of Regulatory Ordinances (Regulatory Code) Sections 86.601–86,608 protect a variety of resources, including steep slopes. The Resource Protection Ordinance limits development on steep slopes through encroachment minimums, density restrictions on steep slope lands, and requirements for steep slope areas to be placed in

easements. The requirements of this ordinance therefore will often result in the protection of slopes in their natural state, which provides the added benefit of protecting a potential aesthetic resource. Other provisions of the Resource Protection Ordinance require preservation of sensitive habitat, floodplains, wetlands, and historic and cultural resources. In terms of the preservation of aesthetic resources, this policy encourages the preservation of the existing natural terrain, established vegetation, and visually significant geologic displays.

County of San Diego Light Pollution Code

Light pollution is addressed in Regulatory Code Section 51.201 et seq. The San Diego County Light Pollution Code regulates outdoor lighting with the intent to minimize light pollution in San Diego County and to protect against its detrimental effects on astronomical research at the Palomar and Mount Laguna Observatories. The Light Pollution Code regulates applicants for any permit required by the County for work involving outdoor light fixtures, unless exempt. The Light Pollution Code designates all areas within a 15-mile radius of each observatory as Zone A, other unincorporated areas of the county as Zone B, and the unincorporated areas of Julian and Borrego Community Planning Areas as Zone C. Light requirements are further divided into 3 categories: Class I applies to commercial and industrial uses, Class I applies to parking and security for all uses, and Class III applies to decorative lighting for all uses.

County of San Diego Scenic Highway Program

The San Diego County Scenic Highway Program was established to protect and enhance the scenic, historic, and recreational resources in the county within a network of scenic highway corridors. Through this program, the County has established design standards and criteria for regulating the visual quality of development within scenic highway corridors, including the creation of the Scenic Preservation Overlay Zone, which applies to recognized scenic areas along highway corridors. The program maintains a scenic highway system priority list that includes 2 existing official scenic highways, 6 first-priority routes, 16 second-priority routes, and 38 third-priority routes. Routes are prioritized based on the following criteria: routes traversing and providing access to major recreation, scenic, or historic resources; routes traversing lands under the jurisdiction of public agencies; routes supported by significant local community interest; and routes offering unique opportunities for the protection and enhancement of scenic recreational and historical resources (County of San Diego 1986). The scenic highways in the unincorporated county are described above in Section 2.2.1.3, “Scenic Highways and Corridors,” and shown in Figure 2.2.3, presented below.

County of San Diego Zoning Ordinance

The County of San Diego Zoning Ordinance (Zoning Ordinance) contains several ordinances that pertain to aesthetic character and resources. These ordinances are summarized in the following sections.

County of San Diego County Scenic Area Regulations

Zoning Ordinance Sections 5200–5212 serve to regulate development in areas of high scenic value in order to exclude incompatible uses and structures and preserve and enhance the scenic resources in adjacent areas. The Scenic Area Regulations apply to areas of unique scenic value, including, but not limited to, scenic highway corridors designated by the General Plan; critical viewshed and prime viewshed areas as designated by the Local Coastal Program

Land Use Plan; and areas adjacent to significant recreational, historic, or scenic resources, including federal and state parks.

County of San Diego Historic/Archaeological Landmark and District Area Regulations

Zoning Ordinance Sections 5700–5749 include provisions intended to identify, preserve, and protect the historic, cultural, archeological, and architectural resource values of designated landmarks and districts and encourage compatible uses and architectural design. Areas designated by the Historic/Archaeological Landmark District have an "H" special area designator, whereas areas within a Specific Historic District are noted with a "J" special area designator. Where an "H" designator exists, the Historic Site Board, a board appointed by the Board of Supervisors, may provide guidance to advise the San Diego County Planning and Development Services Director on historical and archeological matters. The Historic/Archeological Landmark and District Area Regulations include the requirements for a site plan review for certain discretionary projects, site plan review criteria, and site plan waiver provisions.

County of San Diego Specific Historic Districts

Zoning Ordinance Section 5749, adopted July 29, 1992, includes a provision for the establishment of Specific Historic Districts to have their own review boards and specific review criteria. The review criteria include standards for the external appearance of structures.

County of San Diego Community Design Review Area Regulations

Zoning Ordinance Sections 5750–5758 include provisions for the maintenance and enhancement of a community's individual visual character and identity. The provisions require that a site plan be submitted for development in areas that have a Community Design Review Area Special Designator (Designator B). The provisions include exemptions to the site plan requirement for certain project types and provisions for granting a site plan waiver for Community Design Review. Currently, the following communities have developed design guidelines: Valley Center, Sweetwater, Fallbrook, Lakeside, Ramona, Spring Valley, Bonsall, and Alpine. The Community Design Review Area Special Designator also covers portions of I-15. The I-15 corridor has its own scenic preservation guidelines and design review board to review discretionary projects that are subject to the guidelines.

County of San Diego Design Review Area Regulations

Zoning Ordinance Sections 5900–5910, adopted November 18, 1981, include provisions to ensure that future structures and development of a site will complement not only the site to be developed but also the surrounding areas and existing development. The provisions require that a site plan be submitted for certain discretionary project applications in areas that have a "D" zoning designator, which indicates the need for design review. The regulation requires that specific criteria be reviewed to achieve the objectives of the approving authority.

County of San Diego Humidity, Heat, Cold, and Glare

Zoning Ordinance Section 6320, which was amended by Ordinance 9620 (New Series) and adopted December 10, 2003, has performance standards for glare for all commercial and industrial uses in residential, commercial, and identified industrial zones. All commercial and industrial uses subject to this section shall be operated in a manner that does not produce glare that is readily detectable without instruments by the average person beyond the zones in which the uses are located.

County of San Diego Outdoor Lighting

Zoning Ordinance Section 6322, which as amended by Ordinance 7110 (New Series) and adopted April 2, 1986, controls excessive or unnecessary outdoor light emissions that produce unwanted illumination of adjacent properties by restricting outdoor lighting usage.

2.2.3 Analysis of Project Impacts and Determination of Significance

2.2.3.1 *Methodology*

Characterization of visual changes and determination of whether they are considered adverse are subjective undertakings. Different viewers may draw different conclusions about the nature and severity of visual changes. To evaluate potential for adverse aesthetic effects, this section defines the baseline visual character and scenic resource conditions of the county, which were presented in Section 2.2.1, “Existing Conditions.”

The aesthetic impact analysis qualitatively evaluates whether adoption and implementation of the Cannabis Program under each alternative could create adverse visual effects using the thresholds of significance and the *County of San Diego Guidelines for Determining Significance* identified below. This analysis compares the assumed character of cannabis facilities (cultivation and noncultivation) and cannabis use locations to the existing character of the county to determine the degree of the visual character or view alteration and proximity to an identified scenic resource for EIR analysis purposes for each alternative.

Photographs of existing cannabis facilities in unincorporated San Diego County are provided in Figures 2.2.4a through 2.2.4c. Representative photographs of other types of commercial cannabis facilities that may occur under the Cannabis Program are provided in Figures 2.2.5a through 2.2.5h. Figures 2.2.6 and 2.2.7 provide aerial views of cannabis cultivation sites. Because there are a limited number of existing cannabis facilities that are authorized to operate in San Diego County, example photos of cannabis facilities from Yolo, Mendocino, and Sonoma counties are provided. Figures are presented at the end of this section.

New cannabis use development assumptions for each alternative are provided in Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting.” These assumptions were used to evaluate the extent of potential changes in visual conditions.

2.2.3.2 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, an impact on aesthetics, light, and glare is considered significant if implementation of the Cannabis Program would do any of the following:

- have a substantial adverse effect on a scenic vista;
- damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- 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 points);

- in urbanized areas, conflict with applicable zoning and other regulations governing scenic quality; or
- create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

2.2.3.3 *Issues Not Discussed Further*

All thresholds of significance related to aesthetics are evaluated in the following sections.

2.2.3.4 *Approach to Analysis*

The aesthetic impact analysis qualitatively evaluates whether adoption and implementation of the proposed Cannabis Program under each of the 5 alternatives, including subsequent commercial cannabis facilities, could create adverse visual effects using the thresholds of significance identified below and County regulations associated with aesthetics and lighting/glare in Section 2.2.2, "Regulatory Framework." This analysis compares assumed character of cannabis facilities (cultivation and noncultivation) to the existing visual landscape characteristics of the county to determine the degree of the visual character or view alteration and proximity to an identified scenic resource. Photographs of existing cannabis facilities in the county, as well as photos and aerial images of commercial cannabis sites in other counties in California, and the development assumptions in Table 1.4 were used to evaluate the extent of potential change in visual conditions.

2.2.3.5 *Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Visual Resources*, the Cannabis Program would have a significant impact if it would:

- obstruct, interrupt, or detract from a scenic vista that is visible from a:
- public road,
- trail within an adopted county or state trail system,
- scenic vista or highway, or
- recreational area.
- result in the removal or substantial adverse change in one or more features that contribute to the valued scenic resources in the unincorporated county including, but not limited to, the following:
- designated landmarks;
- historic resources or unique structures;
- county public trails;
- public views of bays, lagoons, canyons, trees, rock outcroppings, established native vegetation, or agricultural lands in the Coastal Plain region;

- public views of water resources (e.g., reservoirs) and extensive open space including county reserves and parks in the Peninsular Ranges; or
- public views supporting unique or memorable landforms, native habitat, and desert valleys.

Impact Analysis

As discussed in Section 2.2.1.1, "Visual Character of San Diego County," roadways, trails, scenic highways, and recreational areas offer views of scenic resources throughout the unincorporated county. These scenic resources include designated landmarks, historic structures, waterbodies, vegetation, geologic features, memorable landforms, open space, and agricultural lands.

The General Plan includes policies to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

San Diego County has also adopted regulations that govern the protection of scenic resources in specific areas and communities within the unincorporated county. The following regulations apply to commercial cannabis facilities that would be licensed and permitted under the Cannabis Program.

Sections 5200–5212 of the Zoning Ordinance regulate development in areas of high scenic value, including areas within scenic highway corridors and areas adjacent to important recreational, historic, or scenic resources. Commercial cannabis facilities would be permitted in scenic areas, subject to special area regulations and to submittal and approval of a site plan. The site plan must demonstrate that the proposed development does not interfere with or degrade visual features of the site or adjacent sites as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource. The County considers the following criteria as part of design review:

- the proposed building characteristics are compatible with the topography, vegetation, and colors of the natural environment and with the scenic, historic and recreational resources of the designated area;
- the placement of buildings, structures, landscaping, and signs does not detract from the visual setting or obstruct significant views and is compatible with the topography of the site and surrounding areas;
- the removal of native vegetation is minimized and proposed landscaping is compatible with existing vegetation of the area;
- landscaping and plantings are used to screen features (e.g., parking and storage areas) to the maximum extent practicable; and
- grading is minimized and alterations to natural topography are screened from view.

The design review process would ensure that commercial cannabis facilities proposed in areas of high scenic value are protective of scenic resources and vistas.

Sections 5700–5747 of the Zoning Ordinance impose site plan requirements and limitations on development within designated landmarks and districts. Section 5749 of the Zoning Ordinance includes specific review criteria for development in historic districts, including design standards for the appearance of buildings. Commercial cannabis facilities that involve the construction or alteration of a building or structure on a parcel containing a designated historic landmark or in a historic district would be subject to site plan review, which would ensure the protection of scenic resources in historic landmarks and districts.

Sections 86.601–86.608 (Resource Protection Ordinance) of the Regulatory Code limit development on steep slopes. The Cannabis Program proposes a general performance standard that prohibits cannabis cultivation on slopes 25 percent or greater, which would ensure the protection of scenic resources and vistas in accordance with the Resource Protection Ordinance.

The County of San Diego is also responsible for regulating development within scenic highway corridors in areas where the County has land use jurisdiction. Commercial cannabis facilities proposed within the I-15 corridor would be subject to the County's design review guidelines, which specify the types of design permitted in each community. Design review guidelines differ for each community and include requirements related to site layout, architecture, landscaping, signage, and lighting. Commercial cannabis facilities would also be subject to scenic preservation guidelines, which establish standards to preserve viewsheds and regulate visual quality within the corridor.

The Cannabis Program under Alternatives 2 through 5 would generally allow for the development of new commercial cannabis facilities in agricultural, commercial, and industrial zones of the unincorporated county, excluding areas within the coastal zone. The types of facilities that would be developed are cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities (outdoor, mixed-light, and indoor); cannabis manufacturing facilities; cannabis distribution facilities; cannabis microbusinesses; cannabis testing laboratories; and cannabis temporary events. New features that would be introduced within viewsheds include greenhouses, nurseries, retail storefronts, consumption lounges, storage containers, and warehouses for manufacturing, processing, testing, and distribution. The average building size is assumed to range from approximately 1,500 square feet (e.g., microbusinesses, distribution facilities) to 20,000 square feet (e.g., indoor cultivation facilities) (Table 1.4). The average footprint for cannabis activities would range from approximately 0.5 acres (e.g., manufacturing, processing, testing, distribution, and retail facilities) to 15 acres (e.g., nurseries). Figures 2.2.4a through 2.2.4c depict photographs of the existing cannabis facilities in unincorporated San Diego County, and Figures 2.2.5a through 2.2.5h depict representative views of other types of cannabis cultivation facilities that could be constructed under the Cannabis Program. Figures 2.2.6 and 2.2.7 provide aerial views of example cannabis cultivation sites. Figures are presented at the end of this section.

New cannabis facilities have potential to be sited near scenic resources, including within the viewsheds of designated landmarks, historic structures, waterbodies, vegetation, geologic features, memorable landforms, open space, and agricultural lands throughout the unincorporated county. Commercial cannabis cultivation is prohibited within the coastal zones of unincorporated San Diego County; therefore, the Cannabis Program would have no impact on the coastal scenic vistas.

Commercial cannabis activities that would be permitted in agricultural zones include indoor, outdoor, and mixed-light cultivation, as well as nonvolatile manufacturing, distribution, and retail non-storefront uses as part of a microbusiness (refer to Table 1.1 in Chapter 1, "Project Description, Location, and Environmental Setting"). Cannabis cultivation uses are assumed to have similar characteristics as existing agricultural and rural uses that currently occur in the unincorporated county, which typically include clusters of built features (e.g., buildings used for equipment storage and processing of agricultural product, offices, greenhouses, and shipping containers). However, the proposed Cannabis Program would require enclosed fencing around outdoor cultivation areas (proposed Zoning Ordinance Section 6995(g)(2)(ix)) that could create a new feature-altering open views of scenic resources.

Cannabis activities that would be permitted in commercial zones are indoor cultivation, nonvolatile manufacturing, distribution, retail and non-retail storefront, on-site consumption lounges, microbusinesses, and temporary cannabis events. Cannabis activities permitted in industrial zones are indoor cultivation, volatile and nonvolatile manufacturing, distribution, testing, retail and non-retail storefront, microbusinesses, and temporary cannabis events (Table 1.1). It is anticipated that the majority of indoor cultivation and noncultivation uses would locate into existing industrial and retail buildings in the unincorporated area. Any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use of existing commercial and industrial buildings.

The existing local regulations described above were adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated county. Cannabis facilities would be required to conform to the development standards for the applicable zoning district, which include requirements related to building height, density, size, massing, coverage, scale, color, and setbacks. These development standards would ensure that new cannabis facilities are not sited or constructed in a manner that would obstruct views of scenic resources. In addition, local regulations would prevent development that interferes with or degrades visual features of a site, or adjacent sites as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site.

The 5 existing commercial cannabis facilities are located on land zoned for industrial and commercial uses within developed areas. None of these facilities are located within a State Scenic Highway Corridor or in proximity to any designated scenic resources. Expanded facilities under Alternative 1 would have similar visual characteristics (e.g., height, size, massing, color) to other surrounding commercial and industrial development. Therefore, expansion of existing commercial cannabis facilities under Alternative 1 would not remove or change any features that contribute to the visual character or image of any neighborhood, community, State Scenic Highway, or localized area (e.g., designated landmarks, historic resources, trees, and rock outcroppings) in the unincorporated county. In addition, this alternative would not result in any physical development with potential to obstruct, interrupt, or detract from a scenic vista that is visible from a public road, trail, scenic vista or highway, or recreational area in the unincorporated county.

The impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis facilities and certain state-defined sensitive uses, including schools, daycares, and youth centers.

New cannabis facilities have potential to be sited near scenic resources, including within the viewsheds of designated landmarks, historic structures, waterbodies, vegetation, geologic features, memorable landforms, open space, and agricultural lands. Commercial cannabis cultivation is prohibited within the coastal zones of unincorporated San Diego County; therefore, the Cannabis Program would have no impact on the coastal scenic vistas. Generally, cannabis facilities would resemble existing uses in agricultural, commercial, and industrial zones. Cannabis cultivation and microbusiness uses are assumed to have similar characteristics as existing agricultural and rural uses that currently occur in the unincorporated county, except for enclosed fencing around outdoor cultivation areas. Indoor cultivation and noncultivation uses would likely locate into existing industrial and retail buildings in the unincorporated area; however, any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use to existing commercial and industrial buildings.

As described above, commercial cannabis facilities implemented under Alternative 2 would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated county. Sections 5200–5212 of the Zoning Ordinance regulate development in areas of high scenic value, and Sections 5700–5747 and 5749 of the Zoning Ordinance regulate development within designated landmarks and districts. Sections 86.601–86.608 (Resource Protection Ordinance) of the Regulatory Code limit development on steep slopes. San Diego County also regulates development within scenic highway corridors during the design review process. Compliance with these regulations would establish consistency with the General Plan to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Cannabis facilities would also be required to conform to the development standards for the applicable zoning district, which include requirements related to building height, density, size, massing, coverage, scale, color, and setbacks. These development standards would ensure that new cannabis facilities are not sited or constructed in a manner that would obstruct views of scenic resources. In addition, local regulations would prevent development that interferes with or degrades visual features of a site or adjacent sites as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource. Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with County development standards.

Existing regulations and processes would reduce the potential for the Cannabis Program under Alternative 2 to remove or change any features that contribute to the visual character or image of any neighborhood, community, state scenic highway, or localized area (e.g., designated landmarks, historic resources, trees, and rock outcroppings) in the unincorporated county. In addition, existing regulations and processes would reduce the potential for the Cannabis Program under Alternative 2 to obstruct, interrupt, or detract from a scenic vista that is visible from a public road, trail, scenic vista or highway, or recreational area in the unincorporated county.

The impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

New cannabis facilities have potential to be sited near scenic resources, including within the viewsheds of designated landmarks, historic structures, waterbodies, vegetation, geologic features, memorable landforms, open space, and agricultural lands. Commercial cannabis cultivation is prohibited within the coastal zones of unincorporated San Diego County; therefore, the Cannabis Program would have no impact on the coastal scenic vistas. Generally, cannabis facilities would resemble existing uses in agricultural, commercial, and industrial zones. Cannabis cultivation and microbusiness uses are assumed to have similar characteristics as existing agricultural and rural uses that currently occur in the unincorporated county, except for enclosed fencing around outdoor cultivation areas. Indoor cultivation and noncultivation uses would likely locate into existing industrial and retail buildings in the unincorporated area; however, any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use of existing commercial and industrial buildings.

As described above, commercial cannabis facilities implemented under Alternative 3 would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated county. Sections 5200–5212 of the Zoning Ordinance regulate development in areas of high scenic value, and Sections 5700–5747 and 5749 of the Zoning Ordinance regulate development within designated landmarks and districts. Sections 86.601–86.608 (Resource Protection Ordinance) of the Regulatory Code limit development on steep slopes. The County of San Diego also regulates development within scenic highway corridors during the design review process. Compliance with these regulations would establish consistency with the General Plan to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Cannabis cultivation facilities implemented under Alternative 3 would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic

resources within viewsheds of the unincorporated county. As described above, cannabis facilities would be required to conform to the development standards for the applicable zoning district, which include requirements related to building height, density, size, massing, coverage, scale, color, and setbacks. These development standards would ensure that new cannabis facilities are not sited or constructed in a manner that would obstruct views of scenic resources. In addition, local regulations would prevent development that interferes with or degrades visual features of a site or adjacent sites as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with county development standards.

Existing regulations and processes would reduce the potential for the Cannabis Program under Alternative 3 to remove or change any features that contribute to the visual character or image of any neighborhood, community, state scenic highway, or localized area (e.g., designated landmarks, historic resources, trees, and rock outcroppings) in the unincorporated county. In addition, these regulations and processes would reduce the potential for the Cannabis Program under Alternative 3 to obstruct, interrupt, or detract from a scenic vista that is visible from a public road, trail, scenic vista or highway, or recreational area in the unincorporated county.

The impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

The types of facilities that would be constructed, the visual characteristics of these facilities, and the locations where these facilities would be sited are described above. Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. The 1,000-foot buffer observed from sensitive uses would reduce the potential for the clustering of cannabis facilities, ensuring that cannabis facilities are not highly concentrated in any given area. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. In addition, this alternative would eliminate outdoor cannabis cultivation landscape features, such as agricultural shade or crop structures, storage buildings, and enclosed fenced cannabis cultivation areas, that may be noticeable to a viewer.

New cannabis facilities have potential to be sited near scenic resources, including within the viewsheds of designated landmarks, historic structures, waterbodies, vegetation, geologic features, memorable landforms, open space, and agricultural lands. Commercial cannabis cultivation is prohibited within the coastal zones of unincorporated San Diego County; therefore, the Cannabis Program would have no impact on the coastal scenic vistas. Generally, cannabis facilities would resemble existing uses in agricultural, commercial, and

industrial zones. Microbusiness uses are assumed to have similar characteristics to existing agricultural and rural uses that currently occur in the unincorporated county. Indoor cultivation and noncultivation uses would likely locate into existing industrial and retail buildings in the unincorporated area; however, any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use as existing commercial and industrial buildings.

As described above, commercial cannabis facilities implemented under Alternative 4 would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated county. Sections 5200–5212 of the Zoning Ordinance regulate development in areas of high scenic value, and Sections 5700–5747 and 5749 of the Zoning Ordinance regulate development within designated landmarks and districts. Sections 86.601–86.608 (Resource Protection Ordinance) of the Regulatory Code limit development on steep slopes. The County of San Diego also regulates development within scenic highway corridors during the design review process. Compliance with these regulations would establish consistency with the General Plan to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Cannabis cultivation facilities implemented under Alternative 4 would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated county. As described above, cannabis facilities would be required to conform to the development standards for the applicable zoning district, which include requirements related to building height, density, size, massing, coverage, scale, color, and setbacks. These development standards would ensure that new cannabis facilities are not sited or constructed in a manner that would obstruct views of scenic resources. In addition, local regulations would prevent development that interferes with or degrades visual features of a site or adjacent sites as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with County development standards.

Existing regulations and processes would reduce the potential for the Cannabis Program under Alternative 4 to remove or change any features that contribute to the visual character or image of any neighborhood, community, state scenic highway, or localized area (e.g., designated landmarks, historic resources, trees, and rock outcroppings) in the unincorporated county. In addition, these regulations and processes would reduce the potential for the Cannabis Program under Alternative 4 to obstruct, interrupt, or detract from a scenic vista that is visible from a public road, trail, scenic vista or highway, or recreational area in the unincorporated county.

The impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1,

"Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

New cannabis facilities have potential to be sited near scenic resources, including within the viewsheds of designated landmarks, historic structures, waterbodies, vegetation, geologic features, memorable landforms, open space, and agricultural lands. Commercial cannabis cultivation is prohibited within the coastal zones of unincorporated San Diego County; therefore, the Cannabis Program would have no impact on the coastal scenic vistas. Generally, cannabis facilities would resemble existing uses in agricultural, commercial, and industrial zones. Cannabis cultivation and microbusiness uses are assumed to have similar characteristics as existing agricultural and rural uses that currently occur in the unincorporated county, except for enclosed fencing around outdoor cultivation areas. Indoor cultivation and noncultivation uses would likely locate into existing industrial and retail buildings in the unincorporated area; however, any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use to existing commercial and industrial buildings.

As described above, commercial cannabis facilities implemented under Alternative 5 would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated County. Sections 5200–5212 of the Zoning Ordinance regulate development in areas of high scenic value, and Sections 5700–5747 and 5749 of the Zoning Ordinance regulate development within designated landmarks and districts. Sections 86.601–86.608 (Resource Protection Ordinance) of the Regulatory Code limit development on steep slopes. The County of San Diego also regulates development within scenic highway corridors during the design review process. Compliance with these regulations would establish consistency with the General Plan to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Cannabis cultivation facilities implemented under Alternative 5 would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated county. As described above, cannabis facilities would be required to conform to the development standards for the applicable zoning district, which include requirements related to building height, density, size, massing, coverage, scale, color, and setbacks. These development standards would ensure that new cannabis facilities are not sited or constructed in a manner that would obstruct views of scenic resources. In addition, local regulations would prevent development that interferes with or degrades visual features of a site or adjacent sites as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards.

Existing regulations and processes would reduce the potential for the Cannabis Program under Alternative 5 to remove or change any features that contribute to the visual character or image of

any neighborhood, community, state scenic highway, or localized area (e.g., designated landmarks, historic resources, trees, and rock outcroppings) in the unincorporated county. In addition, these regulations and processes would reduce the potential for the Cannabis Program under Alternative 5 to obstruct, interrupt, or detract from a scenic vista that is visible from a public road, trail, scenic vista or highway, or recreational area in the unincorporated county.

The impact would be less than significant under Alternative 5.

2.2.3.6 *Issue 2: Substantially Degrade Visual Character or Quality*

Guidelines for Determination of Significance

Appendix G of the State CEQA Guidelines establishes the following guidelines for determining significance of effects to visual character or quality:

- in non-urbanized areas, substantially degrade the existing visual character or quality of public view of the site and its surroundings, and
- in urbanized areas, conflict with applicable zoning and other regulations governing scenic quality.

In addition, the *County of San Diego Guidelines for Determining Significance: Visual Resources* provides the following direction:

- Implementation of the project would result in a significant impact if it would substantially degrade the existing visual character or quality of the site and its surroundings by:
- introducing features that would detract from or contrast with the existing visual character and/or quality of a neighborhood, community, or localized area by conflicting with important visual elements or the quality of the area (such as theme, style, setbacks, density, size, massing, coverage, scale, color, architecture, building materials, etc.); or
- being inconsistent with applicable design guidelines.

Impact Analysis

As discussed in Section 2.2.1, “Existing Conditions,” the unincorporated county contains diverse topography, land uses, and natural features that contribute to the unique visual character and quality of each community. The predominant pattern of development in the unincorporated county is rural in character (County of San Diego 2011b).

The General Plan includes policies to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), new commercial and industrial development is compatible with community character (Policy LU-11.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Many of the same regulations and processes described in Section 2.2.3.5, “Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources,” also address visual character and quality.

Regulations that relate specifically to the built form of a community (such as design review designators and guidelines) are directly relevant to visual character and quality. Regulations that relate to preservation of the natural environment, such as the Resource Protection Ordinance, have greater relevance to visual character and quality in rural communities and are less relevant in developed areas. Refer to Section 2.2.3.5 for a summary of regulations that apply to development within areas of high scenic value, designated landmarks, historic districts, steep slopes, and scenic highway corridors.

The Zoning Ordinance contains additional standards that relate to visual character, including requirements for building height, density, size, massing, coverage, scale, color, architecture, and building materials. In addition, the Zoning Ordinance includes setback requirements that would reduce potential visual effects of cannabis-related uses on viewers that are more sensitive to visual changes (e.g., residential land uses). Sections 5750–5758 of the Zoning Ordinance include provisions for maintaining and enhancing a community's individual visual character and identity. Commercial cannabis facilities proposed in areas with a Community Design Review Area Special Designator are required to submit a site plan. Similarly, Sections 5900–5910 of the Zoning Ordinance require that site development complements the existing site and surrounding areas, and areas having a "D" zoning designator must undergo design review.

As identified in Section 1.6.1.4, the Cannabis Program proposes amendments to the Zoning Ordinance that would include additional development standards for cannabis activities that would minimize impacts on visual character and quality. The following zoning regulation would apply to activities permitted as part of a microbusiness:

- Section 6995(e)(1)(iv)(a): Cultivation activities shall be limited to indoor cultivation in the C36, C37, C40, M50, M52, M54, M56, and M58 zones. Mixed-light and outdoor cultivation are prohibited in all commercial and industrial zones.

The following performance standard would apply to all cannabis facilities:

- Section 6995(f)(2): Fencing. All facilities shall comply with Sections 6700-6714 of the Fencing and Screening Regulations, except for Section 6708(b)(2), and shall also comply with the additional cultivation specific requirements in Section 6995(q)(1)(iii). Where necessary, fencing shall be designed to allow for the movement of wildlife.

The following standards would apply to cultivation uses:

- Section 6995(g)(2)(i): Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 100-feet from all lot lines.
- Section 6995(g)(2)(iv): Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 300-feet from legal residences on adjoining parcels existing at the time of permit application submittal.
- Section 6995(g)(2)(vi): All cannabis processing activities (e.g., drying, curing, grading, and trimming) must occur within an enclosed, permanent structure.
- Section 6995(g)(2)(viii): Enclosed fencing shall be required around all areas designated for outdoor cannabis cultivation. Fencing materials including razor wire, barbed wire, electrical wire, or similar are prohibited from use in these areas.

The following standard would apply to microbusiness:

- Section 6995(g)(3)(iii): All cultivation permitted as part of a microbusiness shall be limited to a maximum of 10,000 square feet of canopy area.

The Cannabis Program under Alternatives 2 through 5 would allow for the development of new commercial cannabis facilities in agricultural, commercial, and industrial zones of the unincorporated county, excluding areas within the coastal zone. The types of facilities that would be developed are cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities; cannabis manufacturing facilities; cannabis microbusinesses; cannabis testing laboratories; and cannabis temporary events. New features that would be introduced within viewsheds include greenhouses, nurseries, retail storefronts, consumption lounges, storage containers, and warehouses for manufacturing, processing, testing, and distribution. The average building size is assumed to range from approximately 1,500 square feet (e.g., microbusinesses, distribution facilities) to 20,000 square feet (e.g., indoor cultivation facilities) (Table 1.4). The average footprint for cannabis activities would range from approximately 0.5 acres (e.g., manufacturing, processing, testing, distribution, and retail facilities) to 15 acres (e.g., nurseries). Figures 2.2.4a through 2.2.4c depict photographs of the existing cannabis facilities in unincorporated San Diego County, and Figures 2.2.5a through 2.2.5h depict representative views of other types of cannabis cultivation facilities that would be constructed under the Cannabis Program. Figures 2.2.6 and 2.2.7 provide aerial views of cannabis cultivation sites. Figures are presented at the end of this section.

Under Alternatives 2 through 5, new commercial cannabis activities that would be permitted in agricultural zones include indoor and mixed-light cultivation, as well as nonvolatile manufacturing, distribution, and retail non-storefront uses as part of a microbusiness (Table 1.1). Outdoor cultivation would be permitted under Alternatives 2, 3, and 5 and prohibited under Alternative 4. Cannabis cultivation sites are assumed to have similar characteristics as existing agricultural and rural uses throughout the unincorporated county, which typically include clusters of built features (e.g., buildings used for equipment storage and processing of agricultural product, offices, greenhouses, and shipping containers). However, the proposed Cannabis Program would require enclosed fencing around outdoor cultivation areas (proposed Zoning Ordinance Section 6995(g)(2)(viii)) that could alter the visual character of rural and open space characteristics of an area. Although cannabis cultivation uses overall are not substantively different from other allowed agricultural uses in terms of size and massing, there are visual characteristics unique to cannabis cultivation that are different aesthetically from agricultural and rural land uses. Cannabis cultivation activities are often organized on a small portion of a larger site, with the supporting buildings and greenhouses located close to each other, as differentiated from other county agricultural operations, such as row crops, orchards and vineyards, and pastureland that more commonly use the entire parcel area for a range of operations and activities. For example, a typical cannabis cultivation operation may have 2 acres of area within a larger parcel, whereas orchards, vineyards, and row crops typically utilize the entire parcel. In addition, agricultural shade or crop structures are more commonly associated with cannabis cultivation. Also, for security purposes, outdoor cannabis cultivation often includes solid fencing that obstructs views of the site and may block open public views across agricultural fields from some vantage points (these conditions would not occur for mixed-light and indoor cultivation within a building under Alternative 4). Other features that differ from existing agricultural operations include security features (e.g., gates, security personnel, and guard dogs) and in some cases, the lack of maintenance of the remaining land areas of the parcel that are not used as part of the cultivation operation.

Under Alternatives 2 through 5, new cannabis activities that would be permitted in commercial zones are indoor cultivation, nonvolatile manufacturing, distribution, retail and non-retail storefront, on-site consumption lounges, microbusinesses, and temporary cannabis events. Cannabis activities permitted in industrial zones are indoor cultivation, volatile and nonvolatile manufacturing, distribution, testing, retail and non-retail storefront, microbusinesses, and temporary cannabis events (refer to Table 1.1 in Chapter 1, "Project Description, Location, and Environmental Setting"). It is anticipated that the majority of indoor cultivation and noncultivation uses would locate into existing industrial and retail buildings in the unincorporated area. Any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use to existing commercial and industrial buildings. No visible cannabis products or graphics would be allowed on the exterior of any property.

The existing local regulations described above were adopted for the purpose of maintaining and enhancing the individual visual character and identity of each community within the unincorporated county. Cannabis facilities would be required to conform to the development standards for the applicable zoning district. The proposed amendments to the Zoning Ordinance include additional development standards to ensure that the development of new cannabis facilities conforms to the existing visual character and quality of the surrounding environment.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site.

Expanded facilities under Alternative 1 would have similar visual characteristics (e.g., height, size, massing, color) to other surrounding commercial and industrial development. Therefore, expansion of existing commercial cannabis facilities under Alternative 1 would not substantially degrade existing visual character or quality of public views in nonurbanized areas or conflict with applicable zoning and other regulations governing scenic quality in urbanized areas.

The impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

Cannabis cultivation facilities implemented under Alternative 2 would be subject to development standards adopted for the purpose of maintaining and enhancing the individual visual character and identity of each community within the unincorporated county. As described above, development standards include requirements related to building height, density, size, massing, coverage, scale, color, architecture, building materials, and setbacks. In addition, cannabis cultivation facilities would be subject to regulations that protect areas of high scenic value, designated landmarks, historic districts, steep slopes, and scenic highway corridors that contribute to the visual character and quality of communities within the

unincorporated county (Sections 5200–5212, 5700–5747, and 5749 of the Zoning Ordinance and Sections 86.601–86.608 of the Regulatory Code). Sections 5750–5758 of the Zoning Ordinance include provisions for maintaining and enhancing a community's individual visual character and identity, and Sections 5900–5910 of the Zoning Ordinance require that site development complements the existing site and surrounding areas. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with these regulations would establish consistency with the General Plan policies to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), new commercial and industrial development is compatible with community character (Policy LU-11.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Compliance with regulations and regulatory processes would reduce the likelihood that commercial cannabis facilities degrade visual character or quality throughout the unincorporated county, particularly in agricultural and rural areas, or conflict with applicable zoning and other regulations governing scenic quality in urbanized areas. Nevertheless, aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other traditional forms of agriculture in the unincorporated county (e.g., agricultural shade and crop structures, security fencing, and business signage depicting cannabis-related images and content), as well as the potential for concentration of cannabis facilities in some areas of the county.

This impact is considered potentially significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Cannabis cultivation facilities implemented under Alternative 3 would be subject to development standards adopted for the purpose of maintaining and enhancing the individual visual character and identity of each community within the unincorporated county. As described above, development standards include requirements related to building height, density, size, massing, coverage, scale, color, architecture, building materials, and setbacks. In addition, cannabis cultivation facilities would be subject to regulations that protect areas of high scenic value, designated landmarks, historic districts, steep slopes, and scenic highway corridors that contribute to the visual character and quality of communities within the unincorporated county (Sections 5200–5212, 5700–5747, and 5749 of the Zoning Ordinance and Sections 86.601–86.608 of the Regulatory Code). Sections 5750–5758 of the Zoning Ordinance include provisions for maintaining and enhancing a community's individual visual character and identity, and Sections 5900–5910 of the Zoning Ordinance require that site development complements the existing site and surrounding areas. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process

to ensure compliance with the County's development standards. Compliance with these regulations would establish consistency with the General Plan policies to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), new commercial and industrial development is compatible with community character (Policy LU-11.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Compliance with regulations and regulatory processes would reduce the likelihood that commercial cannabis facilities degrade visual character or quality throughout the unincorporated county, particularly in agricultural and rural areas, or conflict with applicable zoning and other regulations governing scenic quality in urbanized areas. The 1,000-foot buffer observed from sensitive uses would reduce the potential for the clustering of cannabis facilities, ensuring that cannabis facilities are not highly concentrated in any given area. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Nevertheless, aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other traditional forms of agriculture in the unincorporated county (e.g., security fencing and business signage).

This impact is considered potentially significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Cannabis cultivation facilities implemented under Alternative 4 would be subject to development standards adopted for the purpose of maintaining and enhancing the individual visual character and identity of each community within the unincorporated county. As described above, development standards include requirements related to building height, density, size, massing, coverage, scale, color, architecture, building materials, and setbacks. In addition, cannabis cultivation facilities would be subject to regulations that protect areas of high scenic value, designated landmarks, historic districts, steep slopes, and scenic highway corridors that contribute to the visual character and quality of communities within the unincorporated county (Sections 5200–5212, 5700–5747, and 5749 of the Zoning Ordinance and Sections 86.601–86.608 of the Regulatory Code). Sections 5750–5758 of the Zoning Ordinance include provisions for maintaining and enhancing a community's individual visual character and identity, and Sections 5900–5910 of the Zoning Ordinance require that site development complements the existing site and surrounding areas. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with these regulations would establish consistency with the General Plan policies to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms with

natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), new commercial and industrial development is compatible with community character (Policy LU-11.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Compliance with regulations and regulatory processes would reduce the likelihood that commercial cannabis facilities degrade visual character or quality throughout the unincorporated county, particularly in agricultural and rural areas, or conflict with applicable zoning and other regulations governing scenic quality in urbanized areas. The 1,000-foot buffer observed from sensitive uses would reduce the potential for the clustering of cannabis facilities, ensuring that cannabis facilities are not highly concentrated in any given area. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. In addition, this alternative would eliminate outdoor cannabis cultivation landscape features, such as agricultural shade or crop structures, storage buildings, and enclosed fenced cannabis cultivation areas, that may be noticeable to a viewer. Nevertheless, aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other traditional forms of agriculture in the unincorporated county (e.g., security fencing and business signage).

This impact is considered potentially significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Cannabis cultivation facilities implemented under Alternative 5 would be subject to development standards adopted for the purpose of maintaining and enhancing the individual visual character and identity of each community within the unincorporated county. As described above, development standards include requirements related to building height, density, size, massing, coverage, scale, color, architecture, building materials, and setbacks. In addition, cannabis cultivation facilities would be subject to regulations that protect areas of high scenic value, designated landmarks, historic districts, steep slopes, and scenic highway corridors that contribute to the visual character and quality of communities within the unincorporated county (Sections 5200–5212, 5700–5747, and 5749 of the Zoning Ordinance and Sections 86.601–86.608 of the Regulatory Code). Sections 5750–5758 of the Zoning Ordinance include provisions for maintaining and enhancing a community’s individual visual character and identity, and Sections 5900–5910 of the Zoning Ordinance require that site development complements the existing site and surrounding areas. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County’s development standards. Compliance with these regulations would establish consistency with the County’s General Plan policies to ensure that natural features are integrated into project design (Policy LU-6.6), new development conforms

with natural topography (Policy LU-6.9), development in semirural and rural areas conserves unique natural features and rural character (Policy LU-10.2), new commercial and industrial development is compatible with community character (Policy LU-11.2), development within visually sensitive areas preserves visual features particularly in rural areas (Policy COS-11.3), and development is not sited on ridgelines (Policy COS-12.2).

Compliance with regulations and regulatory processes would reduce the likelihood that commercial cannabis facilities degrade visual character or quality throughout the unincorporated county, particularly in agricultural and rural areas, or conflict with applicable zoning or other regulations governing scenic quality in urbanized areas. The 1,000-foot buffer observed from sensitive uses would reduce the potential for the clustering of cannabis facilities, ensuring that cannabis facilities are not highly concentrated in any given area. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Nevertheless, aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other traditional forms of agriculture in the unincorporated county (e.g., security fencing and business signage). Outdoor cannabis cultivation canopy would be limited to a maximum size of 1 acre but could still appear out of character compared to existing agricultural operations.

This impact is considered potentially significant under Alternative 5.

2.2.3.7 *Issue 3: Adversely Affect Views due to New Light and Glare*

Guidelines for Determination of Significance

Appendix G of the State CEQA Guidelines establishes the following guidelines for determining significance of effects related to light and glare:

- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

In addition, the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Dark Skies and Glare* provides the following direction:

- The project will generally be considered to have a significant effect if it proposes any of the following features, absent specific evidence to the contrary:
- The project will install outdoor light fixtures that do not conform to the lamp type and shielding requirements described in Section 59.105 (Requirements for Lamp Source and Shielding) and are not otherwise exempt pursuant Section 59.108 or Section 59.109 of the San Diego County Light Pollution Code.
- The project will operate Class I or Class III outdoor lighting between 11:00 p.m. and sunrise that is not otherwise exempted pursuant Section 59.108 or Section 59.109 of the San Diego County Light Pollution Code.
- The project will generate light trespass that exceeds 0.2 foot-candles measured five feet onto the adjacent property.

- The project will install highly reflective building materials, including but not limited to reflective glass and high-gloss surface color, that will create daytime glare and be visible from roadways, pedestrian walkways or areas frequently used for outdoor activities on adjacent properties.
- The project does not conform to applicable federal, state, or local statute or regulation related to dark skies or glare, including but not limited to the San Diego County Light Pollution Code.

Conversely, if a project does not propose any of the above features, it will generally not be considered to have a significant effect on dark skies or glare, absent specific evidence of such an effect.

Impact Analysis

As discussed above in Section 2.2.1.4, "Dark Skies," levels of light and glare vary throughout the unincorporated county. Rural residential areas, agricultural lands, and large areas of open space generally have a smaller lighting footprint, whereas developed areas with higher commercial and industrial use generally have a greater lighting footprint.

As discussed in Section 2.2.2, "Regulatory Framework," regulations have been adopted at the state and local levels to reduce the adverse effects of lighting associated with new development. CEC's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) regulate outdoor lighting, allowing greater lighting power and brightness in urban areas compared to rural areas. The Department of Cannabis Control additionally regulates outdoor lighting for cannabis uses, requiring that all outdoor lighting used for security purposes be shielded and downward facing and lights used for cultivation be shielded from sunset to sunrise to avoid nighttime glare (CCR Title 4, Division 19, Section 16304).

The General Plan includes policies to restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Section 51.201 et seq. of the Regulatory Code regulates outdoor lighting with the intent to minimize light pollution in San Diego County and to protect against its detrimental effects on astronomical research at the Palomar and Mount Laguna Observatories. As identified in Section 1.6.1.4, the Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities to reduce light and glare beyond the regulations within Section 51.201 et seq. of the Regulatory Code. The following performance standard would apply to all cannabis uses:

- Section 6995 (f)(1): Exterior Lighting. Exterior lighting shall comply with Section 51.201 et seq. of the San Diego County Code of Regulatory Ordinances relating to light pollution. In addition, all exterior lighting shall be operational, full cut-off, shielded, and downward facing. Lighting shall not spill over onto other properties, structures, or the night sky. All lighting for indoor/enclosed spaces shall utilize LED bulbs, or equivalent or more efficient technology. Additionally, security lighting shall be motion sensor activated in agricultural zones.

The following lighting standards would apply to cultivation uses:

- Section 6995(g)(2)(i): Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 100-feet from all lot lines.
- Section 6995(g)(2)(ii): Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 300-feet from legal residences on adjoining parcels existing at the time of permit application submittal.
- Section 6995(g)(2)(iv): Lighting is prohibited in an agricultural shade structure or agricultural crop structure, as defined by Sec 91.1.105.2.a.18 of the County Building Code.
- Section 6995(g)(2)(v): Nighttime light escape from mixed-light cannabis cultivation shall be controlled using internal black-out curtains or other equally or more effective methods to prevent the facility from emitting nighttime light escape.

The Cannabis Program under Alternatives 2 through 5 would allow for the development of commercial cannabis uses in agricultural, commercial, and industrial zones of the unincorporated county, excluding areas within the coastal zone. The types of facilities that would be developed are cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities; cannabis manufacturing facilities; cannabis microbusinesses; cannabis testing laboratories; and cannabis temporary events.

Commercial cannabis uses are known to use light sources for cultivation of commercial cannabis plants in addition to nighttime lighting associated with operation and security for all cultivation types. Artificial light would be used for the cultivation of commercial cannabis plants within buildings, greenhouses, and nurseries. The use of reflective building materials, such as clear plastic used in greenhouse buildings, could also result in daytime glare. Noncultivation uses could include buildings with exterior and interior lighting, such as retail storefronts, consumption lounges, and warehouses for manufacturing, processing, testing, and distribution.

Depending on the location, lighting used for commercial cannabis uses could create additional ambient lighting of varying degrees in the area and be intrusive to off-site locations and neighboring residents. If not adequately controlled, these light sources can create substantial light and glare impacts, adversely affecting neighboring land uses and wildlife. Wildlife impacts associated with the addition of substantial light and glare are further discussed in Section 2.5, “Biological Resources.” If uncontrolled, nighttime lighting could result in light pollution with potential to interfere with astronomical research at the Palomar Mountain and Mount Laguna Observatories.

The existing state and local regulations described above were adopted for the purposes of reducing light and glare to minimize light pollution in San Diego County and to protect against its detrimental effects on astronomical research at the Palomar and Mount Laguna Observatories. The proposed amendments to the Zoning Ordinance include additional development standards to reduce light and glare specific to cannabis facilities. Compliance with these requirements would avoid the potential for adverse effects of lighting and glare from new commercial cannabis facilities.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site.

The 5 existing commercial cannabis facilities are located in developed areas with ambient light levels characteristic of industrial and commercial land uses. Expanded facilities under Alternative 1 would have similar light levels to existing facilities and other surrounding commercial and industrial development. Therefore, this alternative would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

The impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

Cannabis cultivation facilities implemented under Alternative 2 would be subject to CEC's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and Department of Cannabis Control regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purpose of minimizing light pollution in San Diego County and protecting against its detrimental effects on astronomical research at the Palomar and Mount Laguna Observatories. As noted above, the Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors, LED bulbs, and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. In addition, Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards.

Existing regulations and proposed amendments to the Zoning Ordinance would ensure that the Cannabis Program under Alternative 2 would not create a new source of substantial light or glare that would adversely affect day- or nighttime views in the area.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. The 1,000-foot buffer would reduce the potential for the clustering of cannabis facilities, ensuring that cannabis facilities are not highly concentrated in any given area, which would reduce the potential for light pollution.

Cannabis cultivation facilities implemented under Alternative 3 would be subject to CEC's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and Department of Cannabis Control regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purpose of minimizing light pollution in San Diego County and protecting against its detrimental effects on astronomical research at the Palomar and Mount Laguna Observatories. As noted above, the Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors, LED bulbs, and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. In addition, Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards.

Existing regulations, proposed amendments to the Zoning Ordinance, and buffer requirements around sensitive uses would ensure that the Cannabis Program under Alternative 3 would not create a new source of substantial light or glare that would adversely affect day- or nighttime views in the area.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. The 1,000-foot buffer observed from sensitive uses and prohibition of outdoor cannabis cultivation would reduce the potential for the clustering of cannabis

facilities, ensuring that cannabis facilities are not highly concentrated in any given area, which would reduce the potential for light pollution.

Cannabis cultivation facilities implemented under Alternative 4 would be subject to CEC's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and Department of Cannabis Control regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purpose of minimizing light pollution in San Diego County and protecting against its detrimental effects on astronomical research at the Palomar and Mount Laguna Observatories. As noted above, the Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors, LED bulbs, and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. In addition, Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards.

Existing regulations, proposed amendments to the Zoning Ordinance, buffer requirements around sensitive uses, and the prohibition of outdoor cannabis cultivation would ensure that the Cannabis Program under Alternative 4 would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

The impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre. The 1,000-foot buffer observed from sensitive uses would reduce the potential for the clustering of cannabis facilities, ensuring that cannabis facilities are not highly concentrated in any given area, which would reduce the potential for light pollution.

Cannabis cultivation facilities implemented under Alternative 5 would be subject to CEC's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and Department of Cannabis Control regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purpose of minimizing light pollution in San Diego

County and protecting against its detrimental effects on astronomical research at the Palomar and Mount Laguna Observatories. As noted above, the Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors, LED bulbs, and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. In addition, Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards.

Existing regulations, proposed amendments to the Zoning Ordinance, and buffer requirements around sensitive uses would ensure that the Cannabis Program under Alternative 5 would not create a new source of substantial light or glare that would adversely affect day- or nighttime views in the area.

This impact would be less than significant under Alternative 5.

2.2.4 Cumulative Impacts

The geographic scope of the cumulative impact analysis for aesthetics consists of the immediate vicinity of view corridors, viewsheds, or scenic resources in the unincorporated county, as well as areas in the vicinity of existing community development and areas surrounding the 2 observatories. This cumulative impact analysis focuses on whether impacts described in Sections 2.2.3.5 through 2.2.3.7 would be worsened under cumulative conditions that include implementation of the cumulative projects described in Section 1.13.2, "Cumulative Projects."

2.2.4.1 *Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts to scenic vistas and scenic resources from implementation of the General Plan (County of San Diego 2009).

The county contains a range of scenic features, including designated landmarks, historic structures, waterbodies, vegetation, geologic features, memorable landforms, open space, and agricultural lands. Past and present development within the unincorporated county, particularly in the western region, has changed views of scenic resources in the region. The County has adopted policies and mitigation measures to ensure that impacts on scenic resources and vistas from cumulative development are reduced to a less-than-significant level. Therefore, the County has identified a cumulative impact related to scenic vistas and resources (County of San Diego 2011a).

Project impacts would be cumulative in nature if the Cannabis Program, in combination with cumulative development, would contribute to remove or change scenic resources that would obstruct, interrupt, or detract from a scenic vista in the unincorporated county. Impacts on

scenic vistas and resources are generally site-specific or localized and not cumulative in nature. For example, changes in views at one location are not generally worsened by changes in views occurring at another location in a different part of the county. Consistent with the analysis provided in Section 2.2.3.5, "Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources," this cumulative impact analysis focuses on whether the environmental effects described for Issue 1 would be worsened under cumulative conditions.

The expansion of existing commercial cannabis facilities under Alternative 1 would not damage any scenic resources and would not obstruct, interrupt, or detract from scenic vistas in the unincorporated county; therefore, implementation of the Cannabis Program under Alternative 1 would not create a new cumulative impact on scenic vistas and scenic resources. This impact would not be cumulatively considerable for Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county. Commercial cannabis facilities would have the potential to change or obstruct scenic vistas and scenic resources if these facilities are sited the immediate vicinity of view corridors, viewsheds, or scenic resources. As discussed in Section 2.2.3.5, "Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources," the Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities that prohibit development on steep slopes. Proposed commercial cannabis facilities would be reviewed for compliance with regulations in the Regulatory Code that are protective of scenic resources, including regulations for development within areas of high scenic value, designated landmarks, historic districts, steep slopes, and scenic highway corridors. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with regulations and processes would reduce the potential for the Cannabis Program under Alternatives 2 through 5 to change or obstruct scenic vistas and scenic resources. Therefore, implementation of the Cannabis Program under Alternatives 2 through 5 would not contribute to a new cumulative impact on scenic vistas and scenic resources. This impact would not be cumulatively considerable for Alternatives 2 through 5.

2.2.4.2 *Issue 2: Substantially Degrade Visual Character or Quality*

The San Diego County General Plan Update Draft EIR did identify cumulatively considerable impacts to visual character from implementation of the General Plan (County of San Diego 2009).

The unincorporated county contains diverse topography, land uses, and natural features that contribute to the unique visual character and quality of each community. The predominant pattern of development in the unincorporated county is rural in character. Past and present development within the unincorporated county, particularly in the western region, has changed the visual character and quality of views in the region. The County has adopted policies and mitigation measures to reduce impacts on visual character and quality from cumulative development; however, these impacts could not be reduced to a less-than-significant level. Therefore, the County has identified a cumulative impact related to visual character and quality (County of San Diego 2011a).

Project impacts would be cumulative in nature if the Cannabis Program, in combination with cumulative development, would substantially degrade visual character or quality in the unincorporated county. Impacts on visual character and quality are generally site-specific or

localized and not cumulative in nature. For example, changes in views within one community are not generally worsened by changes in views occurring within another community in a different part of the county. Consistent with the analysis provided in Section 2.2.3.6, "Issue 2: Substantially Degrade Visual Character or Quality," this cumulative impact analysis focuses on whether the environmental effects described for Issue 2 would be worsened under cumulative conditions.

Expanded commercial cannabis facilities under Alternative 1 would have similar visual characteristics (e.g., height, size, massing, color) to other surrounding commercial and industrial development; therefore, implementation of the Cannabis Program under Alternative 1 would not substantially degrade the visual character or quality of existing communities. This impact would not be cumulatively considerable for Alternative 1.

Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county that would have the potential to degrade the visual character and quality of existing communities. The Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities to minimize impacts on visual character and quality. Proposed commercial cannabis facilities would be reviewed for compliance with regulations in the Regulatory Code that are protective of visual character and quality of existing communities. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with regulations and processes would reduce the potential for the Cannabis Program under Alternatives 2 through 5 to change or degrade visual character and quality. Nevertheless, aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics compared to other traditional forms of agriculture in the unincorporated county. Therefore, implementation of the Cannabis Program under Alternatives 2 through 5 would contribute to a new cumulative impact on visual character or quality of existing communities. This impact would be cumulatively considerable for Alternatives 2 through 5.

2.2.4.3 *Issue 3: Adversely Affect Views due to New Light and Glare*

The San Diego County General Plan Update Draft EIR did identify cumulatively considerable impacts associated with light and glare from implementation of the General Plan (County of San Diego 2009).

Levels of light and glare vary throughout the unincorporated county depending on the type and intensity of land uses. Past and present development has increased sources of light and glare and contributed to light pollution in the unincorporated county. The County has adopted policies and mitigation measures to minimize light and glare impacts from cumulative development; however, these impacts could not be reduced to a less-than-significant level. Therefore, the County has identified a cumulative impact related to light and glare (County of San Diego 2011a).

Project impacts would be cumulative in nature if the Cannabis Program, in combination with cumulative development, would adversely affect views due to new sources of light and glare in the unincorporated county. Impacts from glare are generally localized and not cumulative in nature; therefore, a significant cumulative impact related to glare would not occur. However, any new sources of nighttime light pollution in the San Diego region would result in a potential lighting impact to the Palomar Mountain and Mount Laguna Observatories.

Expanded commercial cannabis facilities under Alternative 1 would have similar light levels to existing facilities and other surrounding commercial and industrial development; therefore, implementation of the Cannabis Program under Alternative 1 would not create new sources of substantial light or glare that would adversely affect views. This impact would not be cumulatively considerable for Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county that would have the potential to introduce new sources of light and glare. The Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards to reduce light and glare associated with cannabis facilities. Proposed commercial cannabis facilities would be reviewed for compliance with regulations in the Regulatory Code that reduce the potential for light and glare to adversely affect views. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with regulations and processes would reduce the potential for the Cannabis Program under Alternatives 2 through 5 to adversely affect views due to new light and glare sources. Therefore, implementation of the Cannabis Program under Alternatives 2 through 5 would contribute to a new cumulative impact on views from new light and glare sources. This impact would not be cumulatively considerable for Alternatives 2 through 5.

2.2.5 Significance of Impact prior to Mitigation

2.2.5.1 *Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources*

Under Alternatives 1 through 5, implementation of the Cannabis Program would result in a less-than-significant impact on scenic vistas and resources. It would not result in significant cumulative impacts associated with scenic vistas and scenic resources.

2.2.5.2 *Issue 2: Substantially Degrade Visual Character or Quality*

Under Alternative 1, implementation of the Cannabis Program would result in a less-than-significant impact on visual character and quality prior to mitigation. Under Alternatives 2 through 5, implementation of the Cannabis Program would result in a potentially significant impact on visual character and quality prior to mitigation. It would result in a significant cumulative impact associated with visual character or quality.

2.2.5.3 *Issue 3: Adversely Affect Views due to New Light and Glare*

Under Alternatives 1 through 5, implementation of the Cannabis Program would result in a less-than-significant impact on light and glare. It would not result in significant cumulative impacts associated with light and glare.

2.2.6 Mitigation

2.2.6.1 *Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources*

No mitigation is required for any of the alternatives.

2.2.6.2 *Issue 2: Substantially Degrade Visual Character or Quality*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-AE.2-1: Conduct Project-Level Visual Analysis for Cannabis Facilities

Each outdoor and mixed-light cannabis facility application that is located within public viewpoints (visible from public roads or other public viewpoints such as parks) shall include a visual analysis, photo simulation, or other appropriate level of review consistent with the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement–Visual Resources* to evaluate the potential for a proposed cannabis cultivation facility to substantially degrade the visual character or quality of public views. If the project site can be demonstrated to be outside of a public view, no further action is required. Potential visual impacts shall be addressed by siting outdoor and mixed-light cultivation facilities outside of public views. If this cannot be achieved, the applicant shall provide the reasoning in writing (e.g., all sites within the property are within public views, the site was previously farmed and selecting a new site would require additional grading, other sites contain sensitive resources, other sites do not contain fertile soils or other suitable conditions for growing cannabis). The siting of outdoor and mixed-light cultivation facilities will be subject to the County's review and approval during the permit application process.

2.2.6.3 *Issue 3: Adversely Affect Views due to New Light and Glare*

No mitigation is required for any of the alternatives.

2.2.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after mitigation measures are implemented.

2.2.7.1 *Issue 1: Change or Obstruct Scenic Vistas and Scenic Resources*

Implementation of the Cannabis Program under Alternative 1 would not damage any scenic resources and would not obstruct, interrupt, or detract from scenic vistas in the unincorporated county; therefore, the direct impact would be less than significant under Alternative 1, and the impact would not be cumulatively considerable.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county that would have the potential to change or obstruct scenic vistas and scenic resources. The Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities that prohibit development on steep slopes. Proposed commercial cannabis facilities would be reviewed for compliance with regulations in the Regulatory Code that are protective of scenic resources, including regulations for development within areas of high scenic value, designated landmarks, historic districts, steep slopes, and scenic highway corridors. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the

County's development standards. Compliance with regulations and processes would reduce the potential for the Cannabis Program under Alternatives 2 through 5 to change or obstruct scenic vistas and scenic resources. Therefore, the direct impact would be less than significant under Alternatives 2 through 5, and the impact would not be cumulatively considerable.

2.2.7.2 *Issue 2: Substantially Degrade Visual Character or Quality*

Implementation of the Cannabis Program under Alternative 1 would not substantially degrade the visual character and quality of existing communities; therefore, the direct impact would be less than significant under Alternative 1, and the impact would not be cumulatively considerable.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county that would have the potential to degrade the visual character and quality of existing communities. The Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities to minimize impacts on visual character and quality. Proposed commercial cannabis facilities would be reviewed for compliance with regulations in the Regulatory Code that are protective of visual character and quality of existing communities. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with regulations and processes would reduce the potential for the Cannabis Program under Alternatives 2 through 5 to change or degrade visual character and quality.

Implementation of Mitigation Measure M-AE.2-1 would require applicants to site outdoor and mixed-light cultivation facilities outside of public views. However, site-specific conditions may not always allow project proponents to locate agricultural shade or crop structures away from public viewpoints. For example, there may be instances in which all developable sites on a property are within public view or the sites outside of public view contain sensitive resources, require extensive grading, or do not contain fertile soils or other suitable conditions for growing cannabis.

Notwithstanding implementation of existing regulations, proposed Zoning Ordinance amendments, and Mitigation Measure M-AE.2-1, the potential for aesthetics impacts to occur is conservatively identified as significant and unavoidable because aesthetic impacts are subjective, and cannabis uses would continue to have distinctly recognizable visual characteristics compared to other traditional forms of agriculture in the county. For example, agricultural shade and crop structures are not typically used in other traditional forms of agriculture in the county. These structures are commonly used for light deprivation in cannabis cultivation operations throughout the state and are necessary for creating the proper growing conditions and extend the growing season for cannabis plants. Therefore, the direct impact is significant and unavoidable for Alternatives 2 through 5, and the impact would be cumulatively considerable.

2.2.7.3 *Issue 3: Adversely Affect Views due to New Light and Glare*

Implementation of the Cannabis Program under Alternative 1 would not create new sources of substantial light or glare that would adversely affect views; therefore, the direct impact would be less than significant under Alternative 1, and the impact would not be cumulatively considerable.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas

of the unincorporated county that would have the potential to introduce new sources of light and glare. The Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards to reduce light and glare associated with cannabis facilities. Proposed commercial cannabis facilities would be reviewed for compliance with regulations in the Regulatory Code that reduce the potential for light and glare to adversely affect views. Proposed commercial cannabis facilities would also be subject to site-specific review during the application process to ensure compliance with the County's development standards. Compliance with regulations and processes would reduce the potential for the Cannabis Program under Alternatives 2 through 5 to adversely affect views due to new light and glare sources. Therefore, the direct impact would be less than significant under Alternatives 2 through 5, and the impact would not be cumulatively considerable.



Source: Photograph taken by Google in 2023.

View of landscape from Interstate 8 in the community of Alpine.



Source: Photograph taken by Google in 2024.

View of landscape from Mission Road in the community of Bonsall.

Figure 2.2.1a Representative Views from Public Vantage Points in San Diego County



Source: Photograph taken by Google in 2023.

View of landscape from Dehesa Road in the City of El Cajon.



Source: Photograph taken by Google in 2023.

View of historic buildings in the community of Julian.

Figure 2.2.1b Representative Views from Public Vantage Points in San Diego County



Source: Photograph taken by Google in 2023.

View of industrial area from State Route 67 in the community of Lakeside.



Source: Photograph taken by Google in 2022.

View of landscape from Jamacha Boulevard in the community of Spring Valley.

Figure 2.2.1c Representative Views from Public Vantage Points in San Diego County



Source: Photograph taken by Google in 2023.

View from the sunrise scenic byway.



Source: Photograph taken by Google in 2023.

View of landscape from State Route 188 in the city of Tecate.

Figure 2.2.1d Representative Views from Public Vantage Points in San Diego County



Source: Photograph taken by Google in 2023.

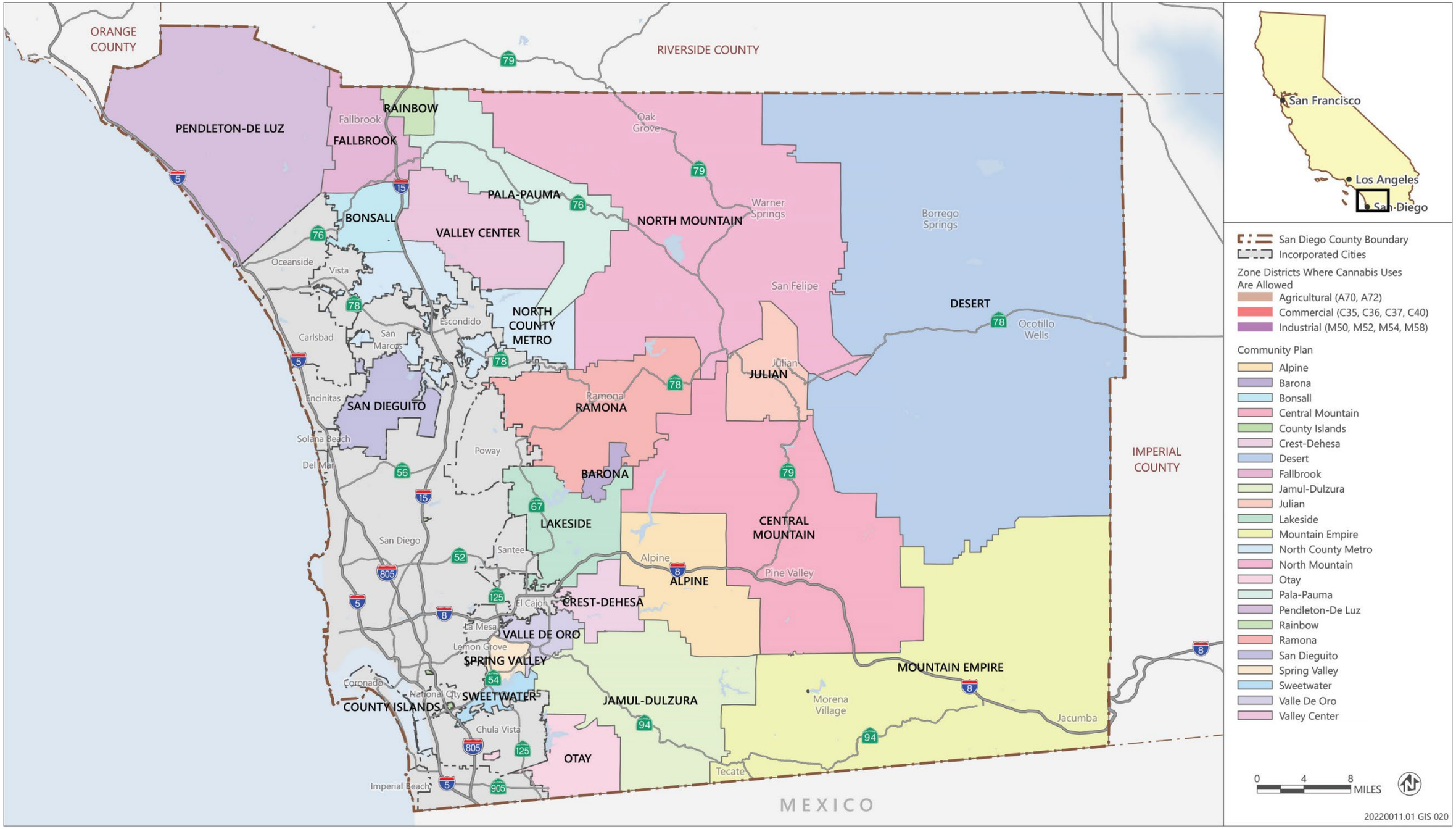
View of landscape from County Highway S6 in the community of Valley Center.



Source: Photograph taken by Google in 2019.

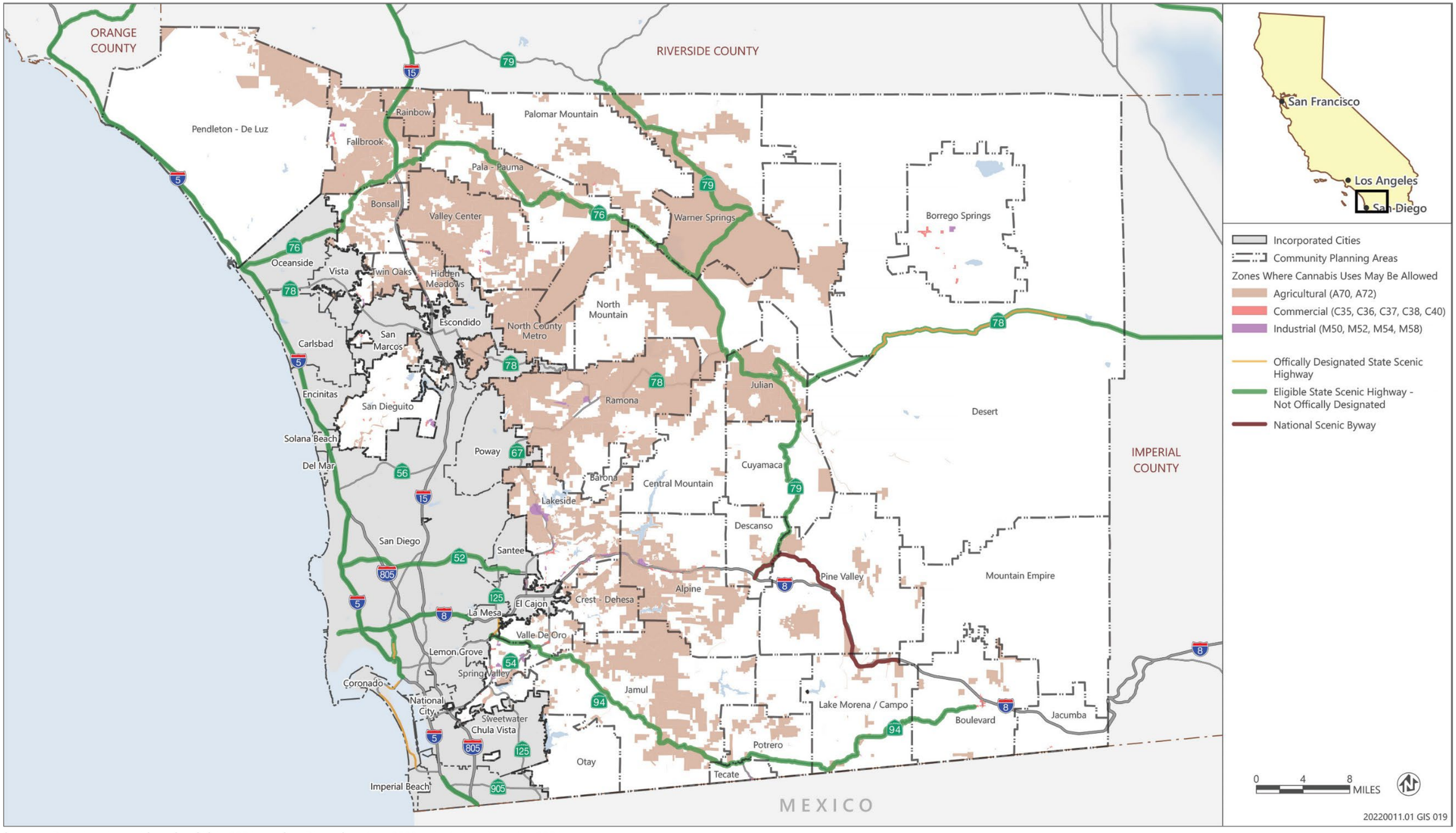
View of landscape from County Highway S22 in the community of Borrego Springs.

Figure 2.2.1e Representative Views from Public Vantage Points in San Diego County



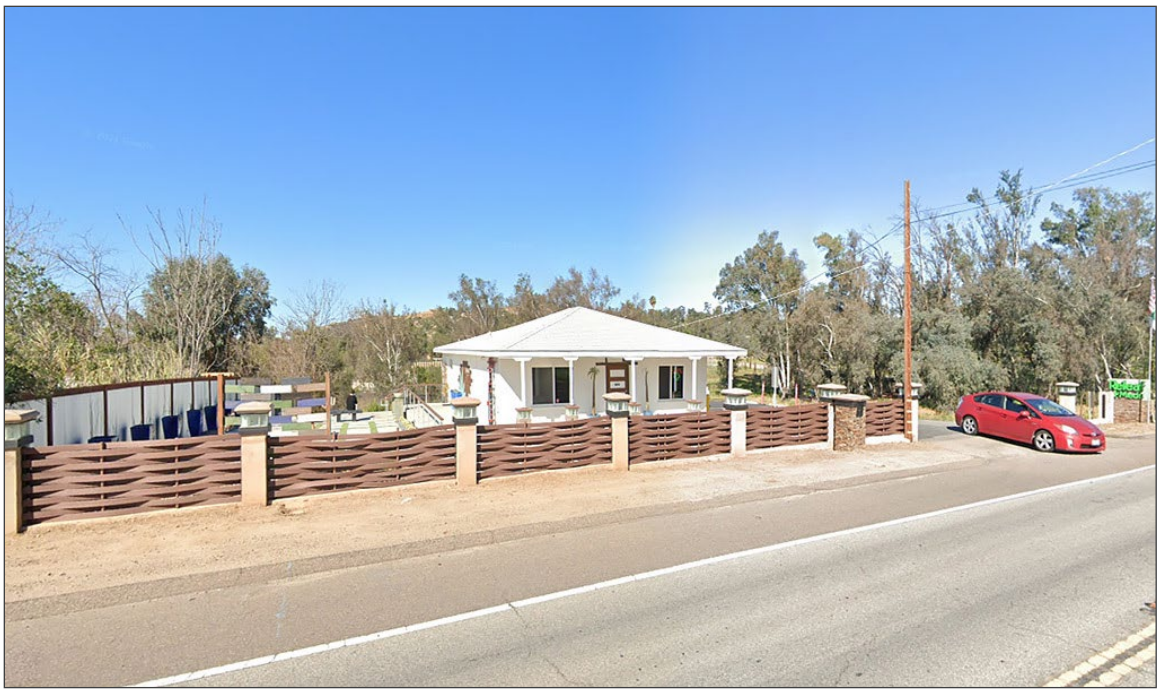
Sources: Data downloaded from SanGIS in 2021 and San Diego County in 2024; adapted by Ascent in 2024.

Figure 2.2.2 **Community Planning Areas in San Diego County**



Sources: Data downloaded from SanGIS in 2021 and San Diego County in 2023; adapted by Ascent in 2024.

Figure 2.2.3 **State Scenic Highways and National Scenic Byways in San Diego County**



Source: Photograph taken by Google in 2020.

View of existing retail cannabis facility from Pine Street in the community of Ramona.



Source: Photograph taken by Google in 2023.

View of existing distribution, manufacturing, and retail cannabis facility from Montecito Way in the community of Ramona.

Figure 2.2.4a Views of Existing Commercial Cannabis Facilities in San Diego County



Source: Photograph taken by Google in 2023.

View of existing retail cannabis facility from Olive Street in the community of Ramona.



Source: Photograph taken by Google in 2022.

View of existing cultivation, distribution, manufacturing, and retail cannabis facility from Wing Avenue in the community of El Cajon.

Figure 2.2.4b Views of Existing Commercial Cannabis Facilities in San Diego County



Source: Photograph taken by Google in 2023.

View of driveway toward existing retail cannabis facility from Nelson Way near the City of Escondido.

Figure 2.2.4c Views of Existing Commercial Cannabis Facilities in San Diego County



Source: Photograph taken by Ascent in 2019.

Outdoor cultivation buildings in Yolo County.



Source: Photograph taken by Ascent in 2019.

Outdoor cultivation in Yolo County.

Figure 2.2.5a **Representative Examples of Cannabis Cultivation Uses**



Source: Photograph taken by Ascent in 2019.

Mixed-light cultivation facility.

Figure 2.2.5b Representative Examples of Cannabis Cultivation Uses



Source: Yolo County 2019.

Agricultural shade structures.



Source: Yolo County 2019.

Agricultural shade structure.

Figure 2.2.5c Representative Examples of Cannabis Cultivation Uses



Source: Yolo County 2019.

Distant view of cannabis cultivation site in Yolo County.



Source: Yolo County 2019.

Distant view of cannabis cultivation site in Yolo County.

Figure 2.2.5d Representative Examples of Cannabis Cultivation Uses



Source: Yolo County 2019.

View of fenced cannabis cultivation site in Yolo County.



Source: Yolo County 2019.

View of fenced cannabis cultivation site in Yolo County.

Figure 2.2.5e Representative Examples of Cannabis Cultivation Uses



Source: Photograph provided by DCC in 2024.

View of mixed-light cultivation site in Mendocino County.



Source: Photograph provided by DCC in 2024.

View of mixed-light cultivation site in Mendocino County.

Figure 2.2.5f **Representative Examples of Cannabis Cultivation Uses**



Source: Photograph provided by DCC in 2024.

View of outdoor commercial cannabis cultivation site in Mendocino County.



Source: Photograph provided by DCC in 2024.

View of outdoor commercial cannabis cultivation site in Mendocino County.

Figure 2.2.5g **Representative Examples of Cannabis Cultivation Uses**



Source: Photograph taken by Ascent in 2023.

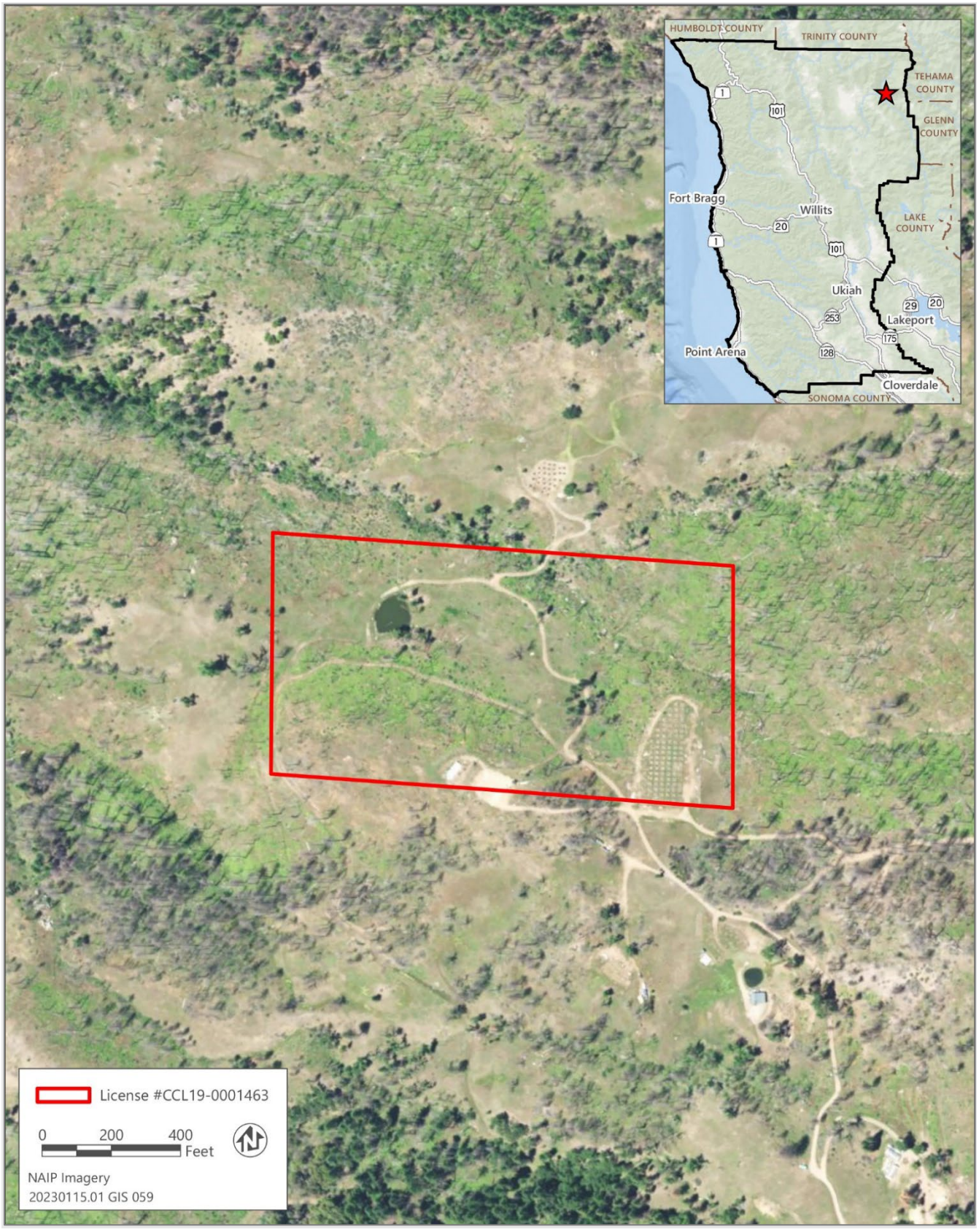
View of an indoor cannabis cultivation and processing facility in Sonoma County.

Figure 2.2.5h Representative Examples of Cannabis Cultivation Uses



Source: Data received from Mendocino County in 2023; adapted by Ascent in 2023.

Figure 2.2.6 Aerial View of Small Mixed-Light Commercial Cannabis Cultivation Site in Mendocino County



Source: Data received from Mendocino County in 2023; adapted by Ascent in 2023.

Figure 2.2.7 Aerial View of Outdoor Commercial Cannabis Cultivation Site in Mendocino County

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2.3 Agricultural and Forest Resources

This section identifies the regulatory context and policies related to agricultural resources, describes the existing agricultural conditions of the program area (unincorporated area of the county subject to the Cannabis Program), and evaluates the potential agricultural resources impacts resulting from adoption and implementation of the proposed Cannabis Program. The existing agricultural and forest resources characteristics are described, and the relationship between the proposed project and existing plans and policies is addressed. The potential loss of agricultural resources is also addressed.

Responses to the notice of preparation (NOP) and during the scoping meeting regarding agricultural and forest resources addressed concerns related to the loss of agricultural land. These comments are addressed below. Comments pertaining to requests for organic cannabis production are associated with the proposed Cannabis Program and not the analysis of physical environmental impacts associated with the implementation of the Cannabis Program. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.3.1.

Table 2.3.1 Agricultural and Forest Resources Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs	Alternatives 1–5: No impact	Alternatives 1–5: No impact	Alternatives 1–5: No impact

2.3.1 Existing Conditions

2.3.1.1 *Agricultural Resources*

San Diego County contains 4,031 farms, covering an area of approximately 179,330 acres. Of these farms, approximately 68 percent are between 1 and 9 acres. San Diego County produces more than 200 different agricultural products, including strawberries, apples, avocados, livestock, and floriculture products (National Agriculture Statistics Service 2022). Table 2.3.2, presented at the end of this section, provides an overview of area of crops in the county.

Important Farmland

The California Department of Conservation (DOC) classifies farmlands based on a system that combines technical soil ratings and current land use as part of the Farmland Mapping and Monitoring Program (FMMP). Descriptions of the FMMP categories are presented in Table 2.3.3, presented at the end of this section. The categories of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are defined by CEQA as “Important Farmland.” Table 2.3.4 and Figure 2.3.1, presented at the end of this section, identify the extent of farmlands in the county.

2.3.1.2 *Forestry Resources*

The US Forest Service (USFS) defines a forested area as "forest land" if it is at least 1 acre in size and at least 10-percent occupied by forest trees of any size or formerly had such tree cover and is not currently developed for non-forest use. Non-forest uses may include cropland, pasturelands, residential areas, and other land uses. Forest land also includes transition zones, which are "areas located between heavily forested and non-forested lands that are at least 10 percent stocked with forest trees and forest areas adjacent to urban and built-up lands."

Most federal forest land is managed as the National Forest System, which includes the following:

- national forest lands reserved from the US public domain;
- national forest lands acquired through purchase, exchange, donation, or other means;
- national grasslands; and
- other lands, waters, or interests administered by USFS or designated for administration through USFS as part of the system.

The California Public Resources Code (PRC) Section 12220(g) defines forest land as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. "Timberland" is land owned by the federal government and designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Sections 51112 and 51113(h) of the California PRC define "Timberland Production Zone" as land used for growing and harvesting timber and compatible uses.

As identified in Section 2.5, "Biological Resources," there are approximately 24,735 acres of forest habitat in the unincorporated area of the county outside of state-, federal-, and tribal-owned lands (Figure 2.5.1). The county does not include lands zoned specifically for forest land, timberland, or timberland production. However, lands that are managed by USFS and included within the Cleveland National Forest are located within the unincorporated county, including portions of Alpine, Central Mountain, Jamul-Dulzura, Julian, Mountain Empire, North Mountain, and Pendleton–De Luz. While the Cleveland National Forest lands are under the jurisdiction of USFS, the private lands adjacent to and surrounding the Cleveland National Forest lands are under the County's jurisdiction.

2.3.2 Regulatory Framework

2.3.2.1 *Federal*

Federal Insecticide, Fungicide, and Rodenticide Act

Pesticides are regulated under the Federal Insecticide, Fungicide, and Rodenticide Act by the US Environmental Protection Agency (EPA). This includes labeling and registration of pesticides as to how they may be used. EPA delegates pesticide enforcement activities in California to the California Department of Pesticide Regulation (CDPR), under the California

Code of Regulations (CCR) Title 3 and the California Food and Agriculture Code. CDPR registers pesticides for use in California and licenses pesticide applicators and pilots, advisors, dealers, brokers, and businesses.

2.3.2.2 *State*

Farmland Mapping and Monitoring Program

DOC has the primary responsibility for reporting statewide farmland data and trends. Prime Farmland, Farmland of Statewide Importance, and Unique Farmland are the lands most suitable for agriculture and often are referred to collectively as Important Farmland. DOC FMMP categorizes and maps Important Farmland every 2 years based on information from local agencies. In addition, counties may, at their discretion, establish criteria for the designation of Farmland of Local Importance and consider other lands in their jurisdiction as important agricultural lands.

California Land Conservation Act of 1965

The California Land Conservation Act of 1965, better known as the Williamson Act, created a program that counties can use to prevent viable agricultural land from being converted to urban uses. It involves providing tax incentives to property owners to keep their land in agricultural production. The act provides an arrangement wherein private landowners voluntarily restrict their land to agricultural and compatible open space uses under a contract with the county, known as a land conservation contract or Williamson Act contract, in exchange for property tax relief.

The Williamson Act contract is an enforceable restriction on land and is binding on successors to both the landowner and the local government. The minimum term for a contract is 10 years, and the contract is automatically renewed annually unless one of the parties gives advanced notice of nonrenewal. Contracts may be canceled immediately, terminating the restriction on agricultural uses, only if the local legislative body finds that termination or canceling of the contract would be consistent with the act and in the public interest.

Cannabis as an Agricultural Product

Business and Professions Code Section 26060(a) defines medical and adult-use commercial cannabis as an agricultural product.

California Department of Pesticide Regulation Guidance

Detailed implementing regulations for the CDPR pesticide regulatory program are codified in CCR, Title 3, Division 6. CDPR oversees state pesticide laws, including pesticide labeling and is vested by EPA to enforce federal pesticide laws in California. CDPR also oversees the activities of the county agricultural commissioners related to enforcement of pesticide regulations and related environmental laws and regulations locally. These regulations consist of permitting requirements and limitations on the use of “restricted” pesticides (pesticides considered to be dangerous to human health or the environment if not used correctly) and nonrestricted pesticides that may require permitting or must be handled consistent with the pesticide’s specifications.

State law allows CDPR to place controls on restricted pesticides, limiting their use to trained individuals and to times and places approved by the county agricultural commissioners.

CDPR assesses potential dietary (food and drinking water), workplace, residential, and ambient air exposures and considers both the exposure pathway (the course a pesticide takes from its source to the person), as well as the exposure route (how the pesticide enters the body). CDPR's human health risk assessments include hazard identification, dose-response assessment, exposure assessment, and risk characterization. These components of risk assessment are then incorporated into a risk characterization document. Hazard identification determines if there are toxic effects caused by a pesticide. The dose-response assessment identifies the amount of pesticide at which these effects occur. The exposure assessment determines the amount of pesticide that people are exposed to during a specific period (short-, intermediate-, and long-term) and in what situations (work, home, and outdoor environments). The exposure assessment also identifies who is most vulnerable, such as farmworkers, children, or women of childbearing age. Risk characterization determines the exposure levels at which harmful effects will not be caused. Exposure Assessment Documents and risk characterization documents undergo external peer review by scientists at the Office of Environmental Health Hazard Assessment and EPA.

In addition, CDPR oversight includes:

- licensing of pesticide professionals,
- site-specific permits required before restricted-use pesticides may be used in agriculture,
- strict rules to protect workers and consumers,
- mandatory reporting of pesticide use by agricultural and pest-control businesses,
- environmental monitoring of water and air, and
- testing of fresh produce for pesticide residues.

The regulations require employers of pesticide workers to provide protective clothing, eyewear, gloves, respirators, and any other required protection and to ensure that protective wear is worn according to product labels during application. The regulations also require that employers provide field workers with adequate training in pesticide application and safety; communicate pesticide-related hazards to field workers; ensure that emergency medical services are available to field workers; and ensure adherence to restricted-entry intervals between pesticide treatments (CCR, Title 3, Section 6764). CDPR requires that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of commercial cannabis complies with Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations (CCR, Title 3, Section 6000 et seq.).

Pesticide Use in Commercial Cannabis Cultivation

Cannabis pests vary according to cultivar (variety), whether the plants are grown indoors or outdoors, and where the plants are grown geographically. Pesticides legal for use on commercial cannabis must have active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. Residue tolerance requirements are set by EPA

for each pesticide on each food crop and define the amount of pesticide residue allowed to remain in or on each treated crop with "reasonable certainty of no harm." Some pesticides are exempted from the tolerance requirements when they are found to be safe. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil.

California Public Resources Code

"Agricultural land" is defined in PRC Section 21060.1 as "prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California."

"Forest land" is defined in PRC Section 12220(g) as "land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits."

"Timberland" is defined in PRC Section 4526 as "land, other than land owned by the federal government and land designated by the Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis after consultation with the district committees and others."

"Timberland Production Zone" is defined in Government Code Section 51104(g) as "an area which has been zoned pursuant to section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h). With respect to the general plans of cities and counties, 'timberland preserve zone' means 'timberland production zone.'"

California Government Code

The following California Government Code definitions are applicable to the project:

- Government Code Section 51104(g) defines "timberland production zone" (TPZ) as an area that has been zoned pursuant to Section 51112 or 51113 and that is devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses. Compatible uses are defined under Government Code Section 51104(h) and include the construction and maintenance of electric transmission facilities.
- Government Code Section 51112 identifies situations that would warrant a decision that a parcel is not devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses.
- Government Code Section 51113 allows the opportunity for a landowner to petition that his or her land be zoned timberland production.
- Government Code Section 51201(c)(5) defines "prime agricultural land" as land that has returned from the production of unprocessed agricultural plant products with an annual gross value of not less than $200 per acre for 3 of the previous 5 years.

Z'berg-Nejedly Forest Practice Act of 1973

The Z'berg-Nejedly Forest Practice Act of 1973 (FPA) (PRC Sections 4511–4517) established the California Board of Forestry and Fire Protection, whose mandate is to protect and enhance the state's unique forest and wildland resources. This mandate is carried out through enforcement of the California Forest Practice Rules (CCR; Title 14; Chapters 4, 4.5, and 10). The California Department of Forestry and Fire Protection (CAL FIRE) enforces the laws that regulate logging on nonfederal lands in California. Additional rules enacted by the California Board of Forestry and Fire Protection are also enforced to protect forest and wildland resources.

Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976

According to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act (Government Code Sections 51110–51119.5), enacted in 1976, counties must provide for the zoning of land used for growing and harvesting timber as TPZs. A TPZ is a 10-year restriction on the use of land and replaced the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ is restricted to growing and harvesting timber and to compatible uses approved by the county. In return, taxation of timberland under a TPZ is based only on such restrictions in use.

California Timberland Productivity Act of 1982

The California Timberland Productivity Act of 1982 (California Government Code Sections 51100–51104) identifies the benefits of the state's timberlands and acknowledges the threat of timberland loss through land use conversions. The law identifies policies intended to preserve timberland, including policies to maintain an optimum amount of timberland, discourage premature conversion, discourage expansion of urban land uses into timberlands, and encourage investments in timberland. The law establishes TPZs on all qualifying timberland, which is devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses. The law also provides that timber operations conducted in a manner consistent with forest practice rules (pursuant to the FPA) shall not be or become restricted or prohibited because of any land use in or around the locality of those operations.

California Forest Practice Rules

The California Forest Practice Rules of 2012 define the timber harvest activities regulated under CCR; Title 14; Chapters 4, 4.5, and 10, and under the FPA (PRC, Division 4, Chapter 8). CAL FIRE is the enforcing agency responsible for ensuring that logging and other forest harvesting activities are conducted in a manner that preserves and protects fish, wildlife, forests, and streams.

Before any harvesting activities occur, landowners must prepare a timber harvest plan (THP) that outlines the timber proposed for harvesting, the methods of harvesting, and the steps that will be taken to prevent damage to the environment. THPs are required to be prepared by Registered Professional Foresters. When a timberland owner proposes to carry out a project that would result in timberland being converted to a nontimber growing use, the owner must secure a Timberland Conversion Permit from CAL FIRE. Projects that would result in the conversion of less than 3 acres of timberland may qualify for an exemption from this provision.

CAL FIRE Forest Legacy Program

The Forest Legacy Program protects environmentally important forest land threatened with conversion to non-forest uses. Protection of California's forests through this program ensures that they continue to provide such benefits as sustainable timber production, wildlife habitat, recreation opportunities, watershed protection, and open space. Intact forests also contribute substantially to the storage and sequestration of carbon. Under this competitive grant program, CAL FIRE purchases or accepts donations of conservation easements or fee title of productive forest lands to encourage their long-term conservation. The primary tool that CAL FIRE uses to conserve forest lands in perpetuity is permanent Working Forest Conservation Easements. These easements restrict development and conversion on a property and protect forest values by concentrating on sustainable forest practices that provide economic value from the land and encourage long-term land stewardship.

State Water Resources Control Board Order WQ 2023-0102-DWQ

Attachment A (General Requirements and Prohibitions) of the State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Section 1, General Requirements and Prohibitions) includes the following requirements (terms) for state-licensed cultivation sites related to agriculture and forestry resources:

1. Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following:
    - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. section 1344) permit from the United States Army Corps of Engineers and a CWA section 401 (33 U.S.C. section 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the Requirements in the Policy and Cannabis General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis Cultivation General Order).
    - The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
    - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
    - All applicable requirements of the California Department of Fish and Wildlife (CDFW).

- All applicable requirements of CAL FIRE, including the Board of Forestry.
- California Environmental Quality Act and the National Environmental Policy Act.

2. If applicable, cannabis cultivators shall obtain coverage under all of the following:
    - The State Water Board's Construction Storm Water Program and any successors, amendments, or revisions thereto when applicable.
    - Activities performed in areas subject to CCR, title 14, chapter 4. Forest Practices (Forest Practice Rules) shall be implemented consistent with the permitting, licensing, and performance standards of the Forest Practice Rules, and the Requirements of this Policy, whichever is more Stringent.
7. A California Licensed Timber Operator (LTO) shall be used if any commercial tree species are to be removed from the cannabis cultivation site. All timberland conversions shall be permitted and compliant with the Forest Practice Rules and CAL FIRE permitting requirements.

30. In timberland areas, cannabis cultivators shall not remove commercial tree species or other vegetation within 150 feet of fish bearing water bodies or 100 feet of aquatic habitat for non-fish aquatic species (e.g., aquatic insects) prior to obtaining all applicable permits required from CAL FIRE, CDFW (i.e., [Lake and Streambed Alternation] LSA Agreement), and/or the Regional Water Board Executive Officer.

California Code of Regulations: California Department of Cannabis Control Medicinal and Adult-Use Commercial Cannabis Regulations

CCR, Title 4, Division 19 includes standards related to the use and allowable levels of pesticides for cannabis, which are summarized below. Pesticide use is addressed in Section 2.10, "Hazards and Hazardous Materials."

CCR, Title 4, Section 15011(a)(12)

All cultivator license types except processors require a signed attestation that states the commercial cannabis business shall contact the appropriate county agricultural commissioner regarding requirements for legal use of pesticides on cannabis prior to using any of the active ingredients or products included in the pest management plan and shall comply with all pesticide law.

CCR, Title 4, Section 15719: Residual Pesticide Testing

A licensed laboratory is required to analyze representative samples of cannabis and cannabis products to determine whether residual pesticides are present. A list of pesticides is divided into two categories and provided along with their action levels. The sample shall be deemed to have passed the residual pesticides testing if both or the following conditions are met: (1) the presence of any residual pesticide listed in Category I identified in section 15719 are not detected, and (2) the presence of any residual pesticide listed in in Category II in section 15719 does not exceed the indicated action levels.

CCR, Title 4, Section 16307: Pesticide Use Requirements

Licensed cultivators are required to comply with all applicable pesticide statutes and regulations enforced by CDPR. For all pesticides that are exempt from registration

requirements, licensed cultivators are required to follow specific pesticide application and storage protocols.

2.3.2.3 *Local*

San Diego County General Plan

The General Plan policies related to agricultural resources and applicable to the Cannabis Program include the following:

- **Policy LU-7.1: Agricultural Land Development**. Protect agricultural lands with lower-density land use designations that support continued agricultural operations.
- **Policy COS-6.2: Protection of Agricultural Operations**. Protect existing agricultural operations from encroachment of incompatible land uses by doing the following:
  - Limiting the ability of new development to take actions to limit existing agricultural uses by informing and educating new projects as to the potential impacts from agricultural operations.
  - Encouraging new or expanded agricultural land uses to provide a buffer of non-intensive agriculture or other appropriate uses (e.g., landscape screening) between intensive uses and adjacent non-agricultural land uses.
  - Allowing for agricultural uses in agricultural areas and designing development and lots in a manner that facilitates continued agricultural use within the development.
  - Requiring development to minimize potential conflicts with adjacent agricultural operations through the incorporation of adequate buffers, setbacks, and project design measures to protect surrounding agriculture.
  - Supporting local and state right-to-farm regulations.
  - Retain or facilitate large and contiguous agricultural operations by consolidation of development during the subdivision process.
- **Policy COS-6.4: Conservation Easements**. Support the acquisition or voluntary dedication of agriculture conservation easements and programs that preserve agricultural lands.

County of San Diego Code of Regulatory Ordinances, Sections 63.401 through 63.407, Agricultural Enterprises and Consumer Information Ordinance

This ordinance is similar to the State Right to Farm Act. The ordinance defines and limits the circumstances under which agricultural enterprise activities, operations, and facilities will constitute a nuisance. The ordinance recognizes that the commercial agricultural industry in San Diego County is a significant element of the county's economy and a valuable open space/greenbelt resource for county residents. The ordinance establishes a procedure whereby prospective purchasers of property are notified in writing of the inherent potential conditions associated with agricultural operations found throughout the unincorporated area. These conditions include noise, odors, dust, insects, rodents, and chemicals. The application of this ordinance is not to be construed to in any way modify or abridge the state law set out in the Right to Farm Act relative to agricultural nuisances.

County of San Diego Board of Supervisors Policy I-38, Agricultural Preserves

The Board of Supervisors (Board) Policy I-38 sets forth policies for the implementation of the California Land Conservation Act of 1965, known as the Williamson Act. In 1965 the State Legislature added to the Government Code Section 51200 et seq., which authorizes the County to establish Agricultural Preserves. Policy I-38 identifies criteria for the establishment, modification, and disestablishment of an Agricultural Preserve, including processing requirements, application fees, and hearing requirements. The policy also establishes a minimum size for an Agricultural Preserve, requires that each preserve establish minimum ownership sizes that landowners must meet to be eligible for a contract, requires the application of zoning regulations, establishes eligibility criteria for filing an application for an Agricultural Preserve and contract with the County, and establishes criteria to cancel a contract including cancellation by eminent domain.

Purchase of Agricultural Conservation Easement Program

The Purchase of Agricultural Conservation Easement (PACE) Program is an agricultural conservation program that promotes the long-term preservation of agriculture in the county. Under the PACE Program, agricultural property owners are compensated for placing a perpetual easement on their property that limits future uses to agriculture. As a result, the agricultural land is preserved, and the property owner receives compensation, making the land's continued use for agriculture more viable. The County's Board adopted revised PACE Program Guidelines to expand the properties eligible to participate in the PACE Program on March 3, 2021. Properties must meet the following eligibility criteria to apply for the expanded program:

(1) The property has had active agriculture for at least 2 years immediately prior to application.

(2) The property must be zoned A70 (Limited Agriculture), A72 (General Agriculture), RR (Rural Residential), S90 (Holding Area), or S92 (General Rural). The PACE Program also includes a mitigation bank and credit component, which allows PACE Program lands to be utilized as off-site mitigation for agricultural impacts resulting from private development projects.

County of San Diego Board Policy I-133, Support and Encouragement of Farming in San Diego County

In 2005, the Board adopted Policy I-133 to establish the County's support of agriculture. The policy recognizes the Board's commitment, support, and encouragement of farming in San Diego County through the establishment of partnerships with landowners and other stakeholders to identify, secure, and implement incentives that support the continuation of farming as a major industry in the county. The intent is to develop and implement programs designed to support and encourage farming in San Diego County.

San Diego County Department of Agriculture, Weights and Measures Pesticide Regulation Program

The County of San Diego Department of Agriculture, Weights & Measures Pesticide Regulation Program (PRP) protects human health and the environment by regulating pesticide

use and by fostering reduced-risk pest management through permits, outreach, inspections, illness investigations, and enforcement. In addition to monitoring activities, PRP conducts outreach to raise industry and public awareness of pesticide safety laws and regulations supporting increased regulatory compliance. Inspectors conduct numerous outreach events to local industry members, including fieldworkers, pesticide applicators, pest control advisors, and businesses. The PRP also conducts outreach to the public to educate residents on safe use and storage of registered household pesticides and cleaning agents. This program's monitoring responsibilities involve inspecting agricultural operations, pest control businesses, pesticide dealers, and pest control advisors. The PRP is also responsible for investigating all pesticide-related illnesses and complaints that occur in the county and implementing appropriate corrective actions when noncompliance is found. Depending on the severity of the noncompliance, there are various potential actions, such as issuing administrative civil penalties, issuing warning letters, prohibiting harvest of a crop that contains illegal residues, and referring cases for license suspension or revocation, or civil prosecution.

2.3.3 Analysis of Project Impacts and Determination of Significance

2.3.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would have a significant adverse effect related to agricultural resources if it would:

- 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;
- conflict with existing zoning for agricultural use or a Williamson Act contract;
- conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));
- result in the loss of forest land or conversion of forest land to non-forest use; or
- 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.

2.3.3.2 *Issues Not Discussed Further*

Forest Resources

The county does not include lands zoned specifically for forest land, timberland, or timberland production. However, lands that are managed by USFS and included within the Cleveland National Forest are located within the unincorporated county. Lands managed by USFS are not zoned for agricultural, commercial, or industrial uses where cannabis facilities could be developed and operated. Thus, there would be no potential for conflict with forest land or timberland or conversion of forest land to non-forest uses. Potential impacts to forest habitat are addressed in Section 2.5, "Biological Resources." This impact is not discussed further.

2.3.3.3 *Approach to Analysis*

The impact analysis below evaluates whether adoption and implementation of the Cannabis Program under each of the 5 alternatives could result in significant impacts to important farmland and agricultural operations in the county. The analysis below includes an evaluation of typical cannabis cultivation and noncultivation practices and whether they could result in the loss of farmland or conflict with adjacent agricultural operations. This analysis is based on cultivation and noncultivation use assumptions for each of the 5 alternatives described in Table 1.4. The threshold questions related to loss of farmland and conflicts with agricultural zoning and land conservation are related and therefore combined as Issue 1 in the analysis below. Thresholds related to forest land are not discussed further, as discussed above.

2.3.3.4 *Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and *the County of San Diego Guidelines for Determining Significance: Agricultural Resources*, the proposed Cannabis Program would have a significant impact if it would convert Agricultural Resources (including, Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance, pursuant to the FMMP of the California Resources Agency), or other agricultural resources, to nonagricultural use. A significant impact would also occur if the Cannabis Program would conflict with a Williamson Act Contract (contract) or the provisions of the California Land Conservation Act of 1965 (Williamson Act). In addition, a significant impact would occur if the Cannabis Program would conflict with existing zoning for agricultural use.

Impact Analysis

Important farmland (Prime, Farmland of Statewide Importance, and Unique Farmland) has been mapped by the state for San Diego County (see Figure 2.3.1, presented at the end of this section). Commercial cannabis is defined by the state as an agricultural product (Business and Professions Code Section 26060(a)), and therefore, operation of commercial cannabis cultivation sites in agricultural areas of the county would not result in conversion to a nonagricultural use. The commercial cannabis cultivation process involves the same practices as other agricultural products generated currently in the county. These similar practices include:

- cultivation of the crop through a growth medium (soil), light, water, and nutrients; and
- harvesting and processing of the crop for sale.

Consistent with Section 6995(b)(5) of the proposed Zoning Ordinance amendments under the Cannabis Program identifies that cannabis cultivation is considered an agricultural activity as it pertains to Board Policy I-38, “Agricultural Preserves.” Policy I-38 sets forth policies for the implementation of the California Land Conservation Act of 1965, the Williamson Act. In 1965, the State Legislature added Section 51200 et seq. to the Government Code, which authorizes the County to establish Agricultural Preserves. Policy I-38 identifies criteria for the establishment, modification, and disestablishment of an Agricultural Preserve, including processing requirements, application fees, and hearing requirements. The policy also establishes a minimum size for an Agricultural Preserve, requires that each preserve establish minimum ownership sizes that landowners must meet to be eligible for a contract, requires the

application of zoning regulations, establishes eligibility criteria for filing an application for an Agricultural Preserve and contract with the County, and establishes criteria to cancel a contract including cancellation by eminent domain.

In addition, cannabis cultivation facilities that have been in active agriculture for at least 2 years may be eligible for enrollment in the County's PACE Program. As discussed above in Section 2.3.2, "Regulatory Framework," the PACE Program is an agricultural conservation program that promotes the long-term preservation of agriculture in the county by compensating agricultural landowners for placing a perpetual easement on their property that limits future uses to agriculture. As a result, the agricultural land is preserved, and the property owner receives compensation, making the land's continued use for agriculture more viable.

Potential concerns regarding conflicts with adjoining agricultural uses consist of pesticide usage that may adversely affect neighboring agricultural operations. As described in Section 2.3.2, "Regulatory Framework," pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited. Harvested commercial cannabis is required to pass laboratory tests for pesticides. Thus, pesticide use by cannabis cultivation operations are not expected to result in contamination of adjoining agricultural operations.

CDPR places controls on pesticides based on the results of risk characterization studies and documentation that limits their use to trained individuals. As described in Section 2.3.2, "Regulatory Framework," San Diego County's PRP protects human health and the environment by regulating pesticide use and by fostering reduced-risk pest management through permits, outreach, inspections, illness investigations, and enforcement. Technical studies have confirmed the effectiveness of the use of buffers and drift-reducing spray nozzles, limiting speed of application, and wind speeds to address pesticide drift from adjacent agricultural operations to reduce the impacts to adjacent land areas (Rasmussen et al. 2011; Egan et al. 2014; Al Heidary et al. 2014). Thus, these requirements and associated controls are effective in avoiding contamination as a result of pesticide drift impacts from adjacent cannabis cultivation operations.

Because cannabis cultivation would be considered an agricultural use, which may be enrolled in a land conservation program, the Cannabis Program would be consistent with General Plan Policy COS-6.2. These policies protect agricultural lands and operations and support dedication of agriculture conservation easements.

As identified in Table 1.1 in Chapter 1, "Project Description, Location, and Environmental Setting," the Cannabis Program noncultivation cannabis uses allowed in agricultural zones (A70 and A72) and are limited to nonvolatile manufacturing, distribution, and non-storefront retail associated with a microbusiness. These uses are considered supportive agricultural activities similar to packing and processing uses allowed in these zones as provided in Sections 2702 and 2722 of the Zoning Ordinance and are not considered development that results in the conversion of agricultural resources or conflicts with existing agricultural operations. These noncultivation uses would also be consistent with General Plan Policy COS-6.2.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. These sites are developed and do not consist of agricultural uses. Thus, this alternative would not convert agricultural resources or conflict with zoning or conservation programs.

There would be no impact on agricultural resources under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As described above, commercial cannabis cultivation and supporting noncultivation operations would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

There would be no impact on agricultural resources under Alternative 5.

2.3.4 Cumulative Impacts

As discussed above, there would be no impacts to agricultural or forest resources associated with the Cannabis Program. Therefore, there would be no contribution to cumulative forest resources. The cumulative setting consists of the unincorporated area of the county.

2.3.4.1 *Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts associated with direct and indirect conversion of farmland from implementation of the General Plan (County of San Diego 2009).

As discussed above in Section 2.3.3.4, "Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs," commercial cannabis cultivation and supporting noncultivation operations under the proposed Cannabis Program would be consistent with agricultural uses and associated County policies and regulations related to agricultural resource protection. This would also include avoidance of activities that could conflict with existing agricultural uses.

Under Alternative 1 there would be no new cannabis operations; however, existing facilities and operations could expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. These sites are developed and do not consist of agricultural uses. Thus, there would be no contribution to cumulative impacts to agricultural resources. As noted above, the proposed Cannabis Program, in combination with the identified cumulative projects, would not be cumulatively considerable under Alternative 2, 3, 4, or 5.

2.3.5 Mitigation

2.3.5.1 *Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs*

No mitigation measures are required.

2.3.6 Conclusion

The discussion below provides a synopsis of the conclusion reached in the above impact analysis.

2.3.6.1 *Issue 1: Directly or Indirectly Convert Agricultural Resources or Conflict with Agricultural Zoning or Land Conservation Programs*

Commercial cannabis is defined by the state as an agricultural product (Business and Professions Code Section 26060(a)), and therefore, commercial cannabis cultivation facilities in agricultural areas would not result in conversion to a nonagricultural use. In addition, Section 6995(b)(5) of the proposed Zoning Ordinance amendments under the Cannabis Program identifies that cannabis cultivation is considered an agricultural activity as it pertains to Board Policy I-38 “Agricultural Preserves.” Policy I-38 sets forth policies for the implementation of the California Land Conservation Act of 1965, the Williamson Act.

Potential concerns regarding conflicts with adjoining agricultural uses consist of pesticide usage that may adversely affect neighboring agricultural operations. As described in Section 2.3.2, “Regulatory Framework,” pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Thus, pesticide use by cannabis cultivation operations are not expected to result in contamination of adjoining agricultural operations.

San Diego County’s PRP protects human health and the environment by regulating pesticide use and by fostering reduced-risk pest management through permits, outreach, inspections, illness investigations, and enforcement. Technical studies have confirmed the effectiveness of the use of buffers and drift-reducing spray nozzles, limiting speed of application, and wind speeds to address pesticide drift from adjacent agricultural operations to reduce the impacts to adjacent land areas. Thus, these requirements and associated controls are effective in avoiding contamination as a result of pesticide drift impacts from adjacent cannabis cultivation operations.

Thus, there would be no impacts on agricultural resources. As noted above, the proposed Cannabis Program would have no impacts to agricultural resources under Alternative 1, 2, 3, 4, or 5.

Table 2.3.2 Existing Extent of Crop Types in San Diego County

Crop Type	Acres
Nursery and Cut Flowers	11,089
Fruit and Nuts	23,993
Vegetable and Vine Crops	3,122
Field Crops	176,234
Hay, Oat	1,113
Irrigated Pasture	700
Range	173,802
Industrial Hemp and other Field Crops	619

Source: County of San Diego 2022.

Table 2.3.3 Farmland Mapping and Monitoring Program Mapping Categories

Category	Considered Important Farmland under CEQA[1]	Definition
Prime Farmland (P)	Yes	Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the 4 years before the mapping date.
Farmland of Statewide Importance (S)	Yes	Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the 4 years before the mapping date.
Unique Farmland (U)	Yes	Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include nonirrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the 4 years before the mapping date.
Farmland of Local Importance (L)	No	Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
Farmland of Local Potential	No	Farmland of Local Potential is a designation given to land that is of prime or statewide importance but is not presently irrigated or cultivated.
Grazing Land (G)	No	Land on which the existing vegetation is suited to the grazing of livestock.
Urban and Built-Up Land (D)	No	Land occupied by structures with a building density of at least 1 unit to 1.5 acres or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad, and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
Other Land (X)	No	Land not included in any other mapping category. Common examples include low-density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing;

Category	Considered Important Farmland under CEQA[1]	Definition
		confined livestock, poultry, or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.
Water (W)	No	Perennial water bodies with an extent of at least 40 acres.

[1] Important farmland is defined by CEQA under PRC Section 21060.01 and State CEQA Guidelines Appendix G.

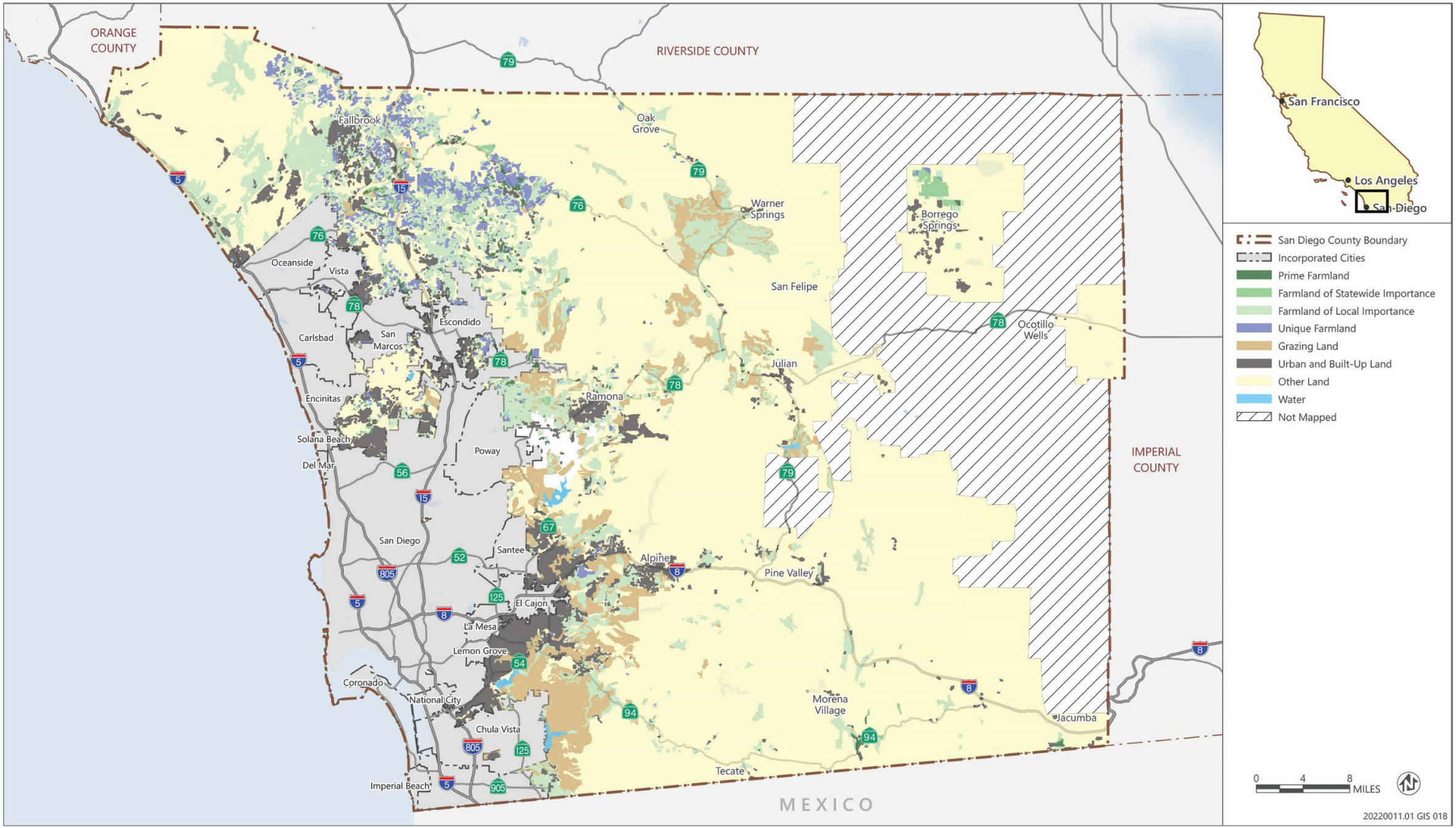
Source: DOC 2024.

Table 2.3.4 Important Farmland Acreages in San Diego County (2020)

Farmland Type	Acres	Percent of Total County Lands
Prime Farmland	**4,973**	**0.2**
Farmland of Statewide Importance	**6,850**	**0.3**
Unique Farmland	**38,271**	**2**
Farmland of Local Importance	159,917	7
Total Important Farmland	**210,011**	**9**
Grazing Land	126,886	6
Urban and Built-Up Land	367,034	17
Other Land	1,451,344	67
Water	24,589	1
Total	**2,179,864**	**100**

[1] Acreages from DOC are round and differ from County GIS data.

Source: DOC 2020.



Sources: Data downloaded from SanGIS in 2021 and the California DOC FMMP in 2018; adapted by Ascent in 2024.

Figure 2.3.1 **Farmland Classification**

2.4 Air Quality

This section includes a discussion of existing air quality conditions, a summary of applicable regulations, and an analysis of potential construction and operational air quality impacts caused by proposed development of the Cannabis Program. Mitigation is developed as necessary to reduce significant air quality impacts to the extent feasible.

Comment letters regarding air quality were received in response to the notice of preparation (NOP) that identified concerns regarding construction and operational air quality impacts, dust emissions, and odors. These issues are addressed in this section. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of the impacts to air quality identified in this section is provided in Table 2.4.1.

Table 2.4.1 Air Quality Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Conflict with Air Quality Plans	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
2	Result in a Cumulatively Considerable Net Increase of Any Nonattainment Criteria Pollutant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
3	Result in Emissions of Odors Adversely Affecting a Substantial Number of People	Alternatives 1 and 4: Less than Significant. Alternatives 2, 3, and 5: Significant	Alternatives 1–5: Less than Significant.	Alternatives 1 and 4: Less than Significant. Alternatives 2, 3, and 5: Significant and Unavoidable

2.4.1 Existing Conditions

The program area is within San Diego County, which comprises the San Diego Air Basin (SDAB). The ambient concentrations of air pollutant emissions are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by natural factors, such as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources, as discussed separately below.

2.4.1.1 *Climate, Meteorology, and Topography*

The climate in Southern California, including the SDAB in which the program area is located, is controlled largely by the strength and position of the subtropical high-pressure cell over the Pacific Ocean. Areas within 30 miles of the coast, including the program area, experience moderate temperatures and comfortable humidity.

Due to its climate, the SDAB experiences frequent temperature inversions (temperature increases as altitude increases, which is the opposite of general patterns). Temperature inversions prevent air close to the ground from mixing with the air above it. As a result, air pollutants are trapped near the ground. During summer, air quality problems are created due to the interaction between the ocean surface and the lower layer of the atmosphere, creating a moist marine layer. An upper layer of warm air mass forms over the cool marine layer, preventing air pollutants from dispersing upward. In addition, hydrocarbons and nitrogen dioxide (NO_2) react under strong sunlight, creating smog. Light daytime winds, predominantly from the west, further aggravate the condition by driving the air pollutants inland toward the foothills. During fall and winter, air quality problems are created due to carbon monoxide (CO) and NO_2 emissions. High NO_2 levels usually occur during autumn or winter on days with summer-like conditions.

2.4.1.2 *Ambient Air Quality Standards*

Air quality in the program area is regulated through the efforts of various federal, state, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, planning, policymaking, education, and a variety of programs. The agencies responsible for improving the air quality within the air basins are discussed below. The national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS) are summarized in Table 2.4.2, presented at the end of this section.

2.4.1.3 *Criteria Air Pollutants*

Concentrations of criteria air pollutants are used to indicate the quality of the ambient air. A brief description of key criteria air pollutants in the SDAB is provided below. Emission source types and health effects are summarized in Table 2.4.3, presented at the end of this section. San Diego County's attainment status for the CAAQS and the NAAQS are shown in Table 2.4.2, presented at the end of this section.

Ozone

Ground-level ozone is not emitted directly into the air but is created by chemical reactions between volatile organic compounds (VOCs) and oxides of nitrogen (NO_X). This happens when pollutants emitted by cars, power plants, industrial boilers, refineries, chemical plants, and other sources react chemically in the presence of sunlight. Ozone at ground level is a harmful air pollutant because of its effects on people and the environment and is the main ingredient in smog (EPA 2024).

Acute health effects of ozone exposure include increased respiratory and pulmonary resistance, cough, pain, shortness of breath, and lung inflammation. Chronic health effects include permeability of respiratory epithelia and possibility of permanent lung impairment (EPA 2024). Emissions of the ozone precursors VOCs and NO_X have decreased over the past 2 decades because of more stringent motor vehicle standards and cleaner burning fuels (CARB 2013).

Nitrogen Dioxide

NO_2 is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO_2 are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO_2. The combined emissions of NO and NO_2 are referred to as NO_X and are reported as equivalent NO_2. Because NO_2 is formed and depleted by reactions associated with photochemical smog (ozone), the NO_2 concentration in a particular geographical area may not be representative of the local sources of NO_X emissions (EPA 2024).

Acute health effects of exposure to NO_X include coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis, pulmonary edema, breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, and death. Chronic health effects include chronic bronchitis and decreased lung function (EPA 2024).

Particulate Matter

Respirable particulate matter (PM_{10}) is emitted directly into the air and includes fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires and natural windblown dust, and particulate matter formed in the atmosphere by reaction of gaseous precursors (CARB 2013). Fine particulate matter ($PM_{2.5}$) includes a subgroup of smaller particles that have an aerodynamic diameter of 2.5 micrometers or less. PM_{10} emissions in the SDAB are dominated by emissions from area sources, primarily fugitive dust from vehicle travel on unpaved and paved roads, farming operations, construction and demolition, and particles from residential fuel combustion. Direct emissions of PM_{10} are projected to remain relatively constant through 2035. Direct emissions of $PM_{2.5}$ have steadily declined in the SDAB between 2000 and 2010 and are projected to increase slightly through 2035. Emissions of $PM_{2.5}$ in the SDAB are dominated by the same sources as emissions of PM_{10} (CARB 2013).

Acute health effects of exposure to PM_{10} include breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, including asthma and chronic obstructive pulmonary disease, and premature death. Chronic health effects include alternations to the immune system and carcinogenesis (EPA 2024). For $PM_{2.5}$, short-term exposures (up to 24-hours duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases. Long-term (months to years) exposure to $PM_{2.5}$ has been linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function in children.

2.4.1.4 *Monitoring Station Data and Attainment Designations*

The San Diego Air Pollution Control District (SDAPCD) operates and maintains 9 regional monitoring stations throughout the SDAB, with 2 new sites planned to open in the near future (SDAPCD 2022). The Alpine–2300 Victoria Drive monitoring station is the only station located in unincorporated San Diego County. Alpine is the SDAPCD's easternmost monitoring station and measures for ozone and $PM_{2.5}$ concentrations downwind of the region's major metropolitan areas. The Escondido–600 East Valley Parkway monitoring station closed in

2015 and has not yet been replaced (SDAPCD 2022). The next-closest monitoring station is the El Cajon–Lexington Elementary station, which is located within the city of El Cajon near unincorporated areas. The El Cajon–Lexington Elementary station reports ozone and $PM_{2.5}$ concentrations. Data from the El Cajon–Lexington Elementary station is included below. In general, the local ambient air quality measurements from these stations are representative of the air quality within the unincorporated county. Table 2.4.4, presented at the end of this section, summarizes the air quality data for the 3 most recent calendar years for which data are available (i.e., 2021 through 2023). Notably, between 2021 and 2024, no monitoring data were available for PM_{10} in the county.

Both the California Air Resources Board (CARB) and US Environmental Protection Agency (EPA) use this type of monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of these designations is to identify the areas with air quality problems and thereby initiate planning efforts for improvement. The 3 basic designation categories are “nonattainment,” “attainment,” and “unclassified.” In addition, the California designations include a subcategory of the nonattainment designation, called “nonattainment-transitional.” The nonattainment-transitional designation is given to nonattainment areas that are progressing and nearing attainment. Unclassified is designated in an area that cannot be classified as meeting or not meeting the standards based on available information. Attainment designations for San Diego County are shown in Table 2.4.2, presented at the end of this section, for each criteria air pollutant. San Diego County is a nonattainment area for ozone (NAAQS and CAAQS), PM_{10} (CAAQS), and $PM_{2.5}$ (CAAQS).

2.4.1.5 *Toxic Air Contaminants*

According to the 2013 edition of the *California Almanac of Emissions and Air Quality*, health risks from toxic air contaminants (TACs) can largely be attributed to relatively few compounds, the most important being diesel particulate matter (PM) (CARB 2013: 5-2 through 5-4). Diesel PM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Although diesel PM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emissions control system is being used. Unlike the other TACs, no ambient monitoring data are available for diesel PM because no routine measurement method currently exists. The TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene. Diesel PM poses the greatest health risk among the TACs mentioned. Overall, statewide emissions of diesel PM are forecasted to decline by 71 percent between 2000 and 2035 (CARB 2013: 3-8).

2.4.1.6 *Odors*

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person’s reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). Odor is inherently complex because it is often caused by a mixture of chemical substances and has subjective components associated with human perception by the olfactory senses. Odorants (odor-causing chemicals) are often complex mixtures of chemical substances, and even slight changes in the chemical composition of the mixtures can

greatly affect how humans perceive a particular odor. Some odors can also be caused by very minute levels of odorants (sometimes in the parts-per-trillion range) that can be detected by human noses but are well below instrumental or laboratory detection levels. Human noses are well-adapted at distinguishing specific odors in complex environments.

The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals can smell very minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; an odor that is offensive to one person may be perfectly acceptable to another (e.g., fast food restaurant). It is important to also note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity. Traditional odor sources of concern include wastewater treatment plants, sanitary landfills, composting facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting operations, rendering plants, and food packaging plants.

Cannabis Odor Research

The typical smell of cannabis originates from roughly 140 different terpenes. A terpene is a volatile unsaturated hydrocarbon that is found in essential oils of plants, especially conifers and citrus trees. Some terpenes are identified explicitly in research (myrcene, pinene, limonene). The “skunk” odor is primarily volatile thiols. Cannabis contains alpha-linolenic acid, which may break down under ultraviolet rays of sunlight into methyl and butyl thiols (Yolo County 2019).

Some researchers define an “odor activity value” (OAV), which is the chemical compound concentration divided by the chemical compound odor detection threshold (which is a literature-based value). A higher OAV could mean a more significant odor. One shortcoming of the OAV is that the quality of the odor detection thresholds may be low. Highly odorous compounds in low concentrations, which may have a more potent OAV, include nonanal, decanol, o-cymene, and benzaldehyde. Other research findings suggest that the majority of the odor in cannabis flowers is linked to pinene, limonene, and terpinolene. Terpenes that are commonly identified and thought to warrant further evaluation for odor impacts include myrcene, pinene, limonene, b-caryophyllene, terpinolene, nonanal, decanol, o-cymene, and benzaldehyde. (Yolo County 2019)

Currently, there is not a clear or consistent numerical threshold to use for cannabis odors. Because odor is a perception-based phenomenon and involves complex mixtures of substances rather than singular chemical molecules, it is important to evaluate odors comprehensively (in terms of odor) rather than breaking down individual chemical compounds of the odor. Dispersion modeling has been conducted to determine the distance from which cannabis odor may be detected. The results of modeling by Kern County indicated that specific cannabis compounds may be detectable at a distance of 2 miles or more depending on weather conditions (Kern County 2017). Nevada County released an EIR for its Commercial Cannabis Cultivation Ordinance in 2019, and the odor detection modeling identified that cannabis odors could be detected in some circumstances between 100 feet and as far 1 mile from the source of the odor (Nevada County 2019).

When cannabis is grown in enclosed indoor environments (buildings and greenhouses), odor-causing chemicals are concentrated and have been found to generate significant odors within the air space. Cannabis grown in greenhouses can generate odor with strengths ranging from 30,000 to 50,000 odor units (First Canadian Odour Conference 2018).

Public Health/Nuisance Issues

A review of scientific publications identified no studies that evaluated the health effects associated with exposure to cannabis odors. An evidence brief prepared by Public Health Ontario (2018) states that "most substances responsible for odors in the outdoor air are not present at levels that can cause long-term health effects. However, exposure to unpleasant odors may affect an individual's quality of life and sense of well-being." This statement was made in reference to odors in general and not cannabis odors in particular. The City of Denver prepared the *Cannabis Environmental Best Management Practices* document (City of Denver 2018), which states that "the rate of VOC [volatile organic compound] emissions from cannabis cultivation facilities is relatively unknown….[T]hese VOCs from the cannabis industry typically do not pose a direct threat to human health." Although research is limited, it is anticipated that the concentration of cannabis odors is not significant enough to create a public health concern for off-property residential receptors.

As noted above, cannabis odors are attributed to terpenes that include beta-myrcene. Beta-myrcene is listed as a chemical that causes cancer under Proposition 65. This listing was based on the use of beta-myrcene as a refined component in essential oils to produce aroma and flavor chemicals; as a flavoring agent in food and beverages; and as a fragrance in cosmetics, soaps, and detergents (Office of Environmental Health Hazard Assessment 2012). This differs from the natural occurrence and associated concentration of beta-myrcene in cannabis that generates detectable odors near harvest. Impact from outdoor exposure to concentrated cannabis odors near harvest is limited because cannabis odor dissipates over distance and may also be affected by intervening conditions, such as vegetation, topography, and wind patterns. California Code of Regulations (CCR), Title 27, Section 25501 states that human consumption of a food shall not constitute an "exposure" for purposes of Section 25249.6 of the Safe Drinking Water and Toxic Enforcement Act to a listed chemical in the food to the extent that the person responsible for the exposure can show that the chemical is naturally occurring in the food.

2.4.1.7 *Sensitive Receptors*

Sensitive receptors are generally considered to include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the older population. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive to pollutants or the potential for increased and prolonged exposure of individuals to pollutants. Sensitive receptors can be found throughout the county.

2.4.2 Regulatory Framework

2.4.2.1 *Federal*

EPA has been charged with implementing national air quality programs. EPA's air quality mandates draw primarily from the federal Clean Air Act (CAA) (42 US Code [USC] Section 7401 et seq.), which was enacted in 1970. The most recent major amendments were made by Congress in 1990. EPA's air quality efforts address both criteria air pollutants and hazardous air pollutants.

Clean Air Act and National Ambient Air Quality Standards

The CAA required EPA to establish the NAAQS (42 USC Section 7409). EPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, CO, NO_2, sulfur dioxide (SO_2), PM_{10}, $PM_{2.5}$, and lead. The primary standards protect the public health, and the secondary standards protect public welfare. The CAA also requires each state to prepare a state implementation plan (SIP) for attaining and maintaining the NAAQS. The federal CAA amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. Individual SIPs are modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. EPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments and whether implementation will achieve air quality goals. If EPA determines a SIP to be inadequate, a federal implementation plan that imposes additional control measures may be prepared for the nonattainment area. If an approvable SIP is not submitted or implemented within the mandated time frame, sanctions may be applied to transportation funding and stationary air pollution sources in the air basin.

Emission Standards for On-Road Vehicles

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the country. EPA calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. According to information generated under the CAFE program, the US Department of Transportation is authorized to assess penalties for noncompliance.

In 2024, CAFE standards were finalized for model years (MYs) 2027 through 2031. The final rule establishes standards that require an industry-wide fleet average of approximately 49 miles per gallon (mpg) for passenger cars and light trucks. The final rule establishes standards that would require an industry-wide fleet average of approximately 50.4 mpg in MY 2031 for passenger cars and light trucks and an industry fleet-wide average for heavy-duty pickup trucks and vans (HDPUVs) of roughly 2.851 gallons per 100 miles in MY 2035. The final CAFE standards increase at a rate of 2 percent per year for passenger cars in MYs 2027–2031 and 2 percent per year for light trucks in model years 2029–2031. The final HDPUV fuel efficiency standards increase at a rate of 10 percent per year in MYs 2030–2032 and 8 percent per year in MYs 2033–2035 (NHSTA 2024).

National Emission Standards for Hazardous Air Pollutants

TACs, or in federal parlance, hazardous air pollutants, are a defined set of airborne pollutants that may pose a present or potential hazard to human health. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

A wide range of sources, from industrial plants to motor vehicles, emit TACs. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects, such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage, or short-term acute effects, such as eye watering, respiratory irritation (a cough), runny nose, throat pain, and headaches.

For evaluation purposes, TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to the pollutant. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. This contrasts with criteria air pollutants for which acceptable levels of exposure can be determined and for which the ambient standards have been established (see Table 2.4.2, presented below). Cancer risk from TACs is expressed as excess cancer cases per 1 million exposed individuals, typically over a lifetime of exposure.

EPA regulates hazardous air pollutants through its National Emission Standards for Hazardous Air Pollutants. The standards for a particular source category require the maximum degree of emission reduction that the EPA determines to be achievable, which is known as the Maximum Achievable Control Technology standards. These standards are authorized by Section 112 of the 1970 CAA, and the regulations are published in Code of Federal Regulations (CFR) Title 40, Parts 61 and 63.

2.4.2.2 *State*

California Clean Air Act and Ambient Air Quality Standards

CARB is the agency responsible for coordinating and providing oversight of state and local air pollution control programs in California. The California Clean Air Act (CCAA) (California Health and Safety Code Section 42501) requires CARB to establish health-based air quality standards at the state level. The CAAQS were established for the following criteria pollutants: ozone, CO, SO_2, NO_2, PM_{10}, $PM_{2.5}$, lead, sulfate, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. Areas of the state are designated as attainment, nonattainment, maintenance, or unclassified for the various pollutant standards according to the CCAA. CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. In most cases the CAAQS are more stringent than the NAAQS. Differences in the standards are generally explained by the health effects studies considered during the standard-setting process and the interpretation of the studies. In addition, the CAAQS incorporate a margin of safety to protect sensitive individuals.

The CCAA requires that all local air districts in the state endeavor to attain and maintain the CAAQS by the earliest date practical. It specifies that local air districts should focus particular

attention on reducing the emissions from transportation and areawide emission sources, and it provides air districts with the authority to regulate indirect emission sources.

CARB regulates emission of criteria air pollutants through several programs, regulations, and plans. The 2022 State SIP Strategy (2022 SIP) serves as a compilation document of all actions taken by CARB and local air districts to further the attainment of the NAAQS (CARB 2022). Pertinent regulations to the Cannabis Program in the 2022 SIP include the Advanced Clean Cars II Program, Advanced Clean Fleets, and Zero-Emissions Trucks Measure, which all serve to electrify the transportation sector through sales requirements for benchmark years.

Advanced Clean Cars Program

The Advanced Clean Cars emissions-control program was approved by CARB in 2012. The program requires a greater number of zero-emission vehicle models for years 2015 through 2025 to control smog, soot, and greenhouse gas (GHG) emissions. This program includes the low-emissions vehicle regulations to reduce criteria pollutants and GHG emissions from light- and medium-duty vehicles and the zero-emission vehicle (ZEV) regulations to require manufacturers to produce an increasing number of pure ZEVs (i.e., battery and fuel cell electric vehicles) with the provision to produce plug-in hybrid electric vehicles between 2018 and 2025. CARB adopted the new Advanced Clean Car II regulations in August 2022, which dramatically reduce emissions from passenger vehicles for MYs 2026–2035. Advanced Clean Cars II requires more aggressive tailpipe emission standards for gasoline cars and heavier passenger trucks and require all new vehicles sold by 2035 be ZEVs (CARB 2023).

Mobile Source Strategy

CARB's 2020 Mobile Source Strategy includes an expansion of the Advanced Clean Cars program and further increases the stringency of GHG emissions for all light-duty vehicles and 4.2 million zero-emission and plug-in hybrid light-duty vehicles by 2030. It also calls for more stringent GHG requirements for light-duty vehicles beyond 2025, as well as GHG reductions from medium-duty and heavy-duty vehicles and increased deployment of zero-emission trucks primarily for classes 3 through 7 "last mile" delivery trucks in California. Statewide, the Mobile Source Strategy would result in a 45-percent reduction in GHG emissions and a 50-percent reduction in the consumption of petroleum-based fuels. CARB's Mobile Source Strategy includes measures to reduce total light-duty vehicle miles traveled by 15 percent compared to business-as usual in 2050 (CARB 2021).

Toxic Air Contaminants

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (Hot Spots Act) (AB 2588, Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are required before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted EPA's list of hazardous air pollutants as TACs. Diesel particular matter (PM) was the most recent TAC added to CARB's list of TACs in 1998.

After a TAC is identified, CARB then adopts an airborne toxics control measure for sources that emit that particular TAC. If a safe threshold exists for a substance at which there is no

toxic effect, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate the best available control technology for toxins to minimize emissions.

The Hot Spots Act requires that facilities that emit toxic substances above a specified level prepare an inventory of toxic emissions, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

CARB has adopted diesel-exhaust control measures and more stringent emissions standards for various transportation-related mobile sources of emissions, including transit buses and off-road diesel equipment (e.g., tractors, generators). Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially lower levels of TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1-3-butadiene, diesel PM) have been reduced significantly over the last decade and will be reduced further in California through a progression of regulatory measures (e.g., Low Emission Vehicle/Clean Fuels and Phase II reformulated gasoline regulations) and control technologies. With the implementation of CARB's Risk Reduction Plan and other regulatory programs, it is estimated that emissions of diesel PM will be less than half of those in 2010 by 2035 (CARB n.d.). CARB's Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rates 50 Horsepower (hp) and Greater regulation also subjects diesel-powered generators exceeding 50 hp through local permitting requirements that reduce the generation of diesel PM. Adopted regulations are also expected to continue to reduce formaldehyde emissions emitted by cars and light-duty trucks. As emissions are reduced, it is expected that risks associated with exposure to the emissions will also be reduced.

California Code of Regulations

The following requirements are included in the Department of Cannabis Control regulations, CCR, Title 4, Division 19, Chapter 9 and pertain to cultivation sites.

Section 16306: Generator Requirements

(a) For the purposes of this section, "generator" is defined as a stationary or portable compression ignition engine pursuant to title 17, division 3, chapter 1, subchapter 7.5, section 93115.4 of the California Code of Regulations.

(b) Licensees using generators rated at 50 horsepower and greater shall demonstrate compliance with either, as applicable, the Airborne Toxic Control Measure for stationary engines pursuant to title 17, division 3, chapter 1, subchapter 7.5, sections 93115 through 93115.15 of the California Code of Regulations, or the Airborne Toxic Control Measure for portable engines pursuant to title 17, division 3, chapter 1, subchapter 7.5, sections 93116 through 93116.5 of the California Code of Regulations. Compliance shall be demonstrated by providing a copy of one of the following to the department upon request:

(1) For portable engines, a Portable Equipment Registration Certificate provided by the California Air Resources Board; or

(2) For portable or stationary engines, a Permit to Operate, or other proof of engine registration, obtained from the Local Air District with jurisdiction over the licensed premises.

(c) Licensees using generators rated below 50 horsepower shall comply with the following by 2023:

(1) Either (A) or (B):

(A) Meet the "emergency definition for portable engines in title 17, division 3, chapter 1, subchapter 7.5, sections 93116.2(a)(12) of the California Code of Regulations, or the "emergency use" definition for stationary engines in title 17, division 3, chapter 1, subchapter 7.5, section 93115.4(a)(30); or

(B) Operate 80 hours or less in a calendar year; and

(2) Either (A) or (B):

(A) Meet Tier 3 with Level 3 diesel particulate filter requirements pursuant to title 13, division 3, chapter 14, sections 2700 through 2711 of the California Code of Regulations;

(B) Meet Tier 4, or current engines requirements if more stringent, pursuant to title 40, chapter 1, subchapter U, part 1039, subpart B, section 1039.101 of the Code of Federal Regulations.

(d) All generators shall be equipped with non-resettable hour-meters. If a generator does not come equipped with a non-resettable hour-meter an after-market non-resettable hour-meter shall be installed.

2.4.2.3 *Local*

San Diego Air Pollution Control District

While CARB is responsible for the regulation of mobile emission sources within the state, local air quality management districts and air pollution control districts are responsible for enforcing standards and regulating stationary sources. The program area is located within the SDAB and is subject to the guidelines and regulations of SDAPCD.

In San Diego County, ozone and particulate matter are the pollutants of main concern because exceedances of CAAQS for those pollutants are experienced in most years. For this reason, the SDAB has been designated as a nonattainment area for the state PM_{10}, $PM_{2.5}$, and ozone standards. The SDAB is also a federal ozone attainment (maintenance) area for 1997 8-hour ozone standard, an ozone nonattainment area for the 2008 8-hour O_3 standard, and a CO maintenance area (western and central part of the SDAB only). The program area is in the CO maintenance area (western and central part of the SDAB only, including the program area).

Rules and Regulations

As stated previously, SDAPCD is responsible for planning, implementing, and enforcing federal and state ambient standards in the SDAB. The following rules and regulations apply to all sources in the jurisdiction of SDAPCD:

- **SDAPCD Regulation II: Permits; Rule 10: Permits Required.** Requires that any person building, erecting, altering, or replacing any article, machine, equipment, other

contrivance that generates air contaminants shall first obtain written authorization from the SDAPCD Air Pollution Control Officer to acquire a permit to construct and a permit to operate.

- **SDAPCD Regulation IV: Prohibitions; Rule 50: Visible Emissions.** Prohibits any activity causing air contaminant emissions darker than 20 percent opacity for more than an aggregate of 3 minutes in any consecutive 60-minute time period. In addition, Rule 50 prohibits any diesel pile-driving hammer activity causing air contaminant emissions for a period or periods aggregating more than 4 minutes during the driving of a single pile. Construction of the project may result in visible emissions, primarily during earth-disturbing activities, which would be subject to SDAPCD Rule 50. Although visible emissions are less likely to occur during operation of the project, compliance with SDAPCD Rule 50 would be required during both construction and operational phases.
- **SDAPCD Regulation IV: Prohibitions; Rule 51: Nuisance.** Prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or have a tendency to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property. Any criteria air pollutant emissions, TAC emissions, or odors that would be generated during construction or operation of the project would be subject to SDAPCD Rule 51. Violations can be reported to the SDAPCD in the form of an air quality compliant by telephone, email, or online form. Complaints are investigated by SDAPCD as soon as possible. The provisions of this rule do not apply to agricultural operations.
- **SDAPCD Regulation IV: Prohibitions; Rule 55: Fugitive Dust.** Regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles, and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project site. Construction of the project, primarily during earth-disturbing activities, may result in fugitive dust emissions that would be subject to SDAPCD Rule 55.
- **SDAPCD Regulation IV: Prohibitions; Rule 67.0.1: Architectural Coatings.** Requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories. Construction and operation of the project would include application of architectural coatings (e.g., paint and other finishes) that are subject to SDAPCD Rule 67.0.1. Implementation of PDF-AQ-2 would limit the VOC content for interior and exterior coatings during construction of the project's residential land use and is more restrictive than the VOC content limits identified in SDAPCD Rule 67.0.1. Architectural coatings used in the reapplication of coatings during operation of the project would be subject to the VOC content limits identified in SDAPCD Rule 67.0.1, which applies to coatings manufactured, sold, or distributed within the County.
- **SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1200: Toxic Air Contaminants – New Source Review.** Regulates emissions of toxic air contaminants (TACs) from new, relocated, or modified stationary sources in San Diego County. It aims to reduce public exposure to TACs by requiring facilities to implement measures to minimize potential health risks. The rule applies when an Authority to Construct or Permit to Operate is required, including projects reviewed by the California Energy Commission.

San Diego County Regional Air Quality Strategy

SDAPCD and the San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the SDAB. The regional air quality strategy (RAQS) for the SDAB was initially adopted in 1991 and is updated every 3 years, most recently in 2022 (SDAPCD 2023). The RAQS outlines SDAPCD's plans and control measures designed to attain the CAAQS for ozone. The RAQS relies on information from CARB and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in the county and the cities in the county, to forecast future emissions and then determine from that the strategies necessary for the reduction of emissions through regulatory controls. The CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by the County and the cities in the county as part of the development of their general plans.

On March 9, 2023, SDAPCD adopted the revised 2022 RAQS for the county. The RAQS plan demonstrates how the San Diego region will further reduce air pollution emissions to meet state health-based standards for ground-level ozone. The 2022 RAQS guides the SDAPCD in deploying tools, strategies, and resources to continue reducing pollutants that are precursors to ground-level ozone, including NOx and VOC. The 2022 RAQS emphasizes ozone control measures but also identifies complementary measures and strategies that can reduce emissions of GHGs and PM. It also includes new analyses exploring ozone and its relationship to public health, mobile sources, under-resourced communities, and GHGs and climate change. Furthermore, the 2022 RAQS identifies strategies to expand SDAPCD regional partnerships, identifies more opportunities to engage the public and communities of concern, and integrates environmental justice and equity across all proposed measures and strategies.

County of San Diego Code of Regulatory Ordinances, Title 8, Division 7, Chapter 4, Section 87.428: Dust Control Measures

County of San Diego Code of Regulatory Ordinances (Regulatory Code) Section 87.428, Dust Control Measures, requires all clearing and grading to be carried out with dust control measures adequate to prevent creation of a nuisance to people and public or private property. Clearing, grading, or improvement plans shall require that measures, such as the following, be undertaken to achieve this result: watering, application of surfactants, shrouding, control of vehicle speeds, paving of access areas, and other operational or technological measures to reduce dispersion of dust. These project design measures are to be incorporated into all earth-disturbing activities to minimize the amount of PM emissions from construction.

San Diego County General Plan

The General Plan policies addressing air quality that are applicable to the Cannabis Program include the following:

- **Policy COS-14.1:** Land Use Development Form. Require that development be located and designed to reduce vehicular trips (and associated air pollution) by utilizing compact regional and community-level development patterns while maintaining community character.

- **Policy COS-14.8:** Minimize Air Pollution. Minimize land use conflicts that expose people to significant amounts of air pollutants.
- **Policy COS-15.1:** Design and Construction of New Buildings. Require that new buildings be designed and constructed in accordance with "green building" programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of GHGs and toxic air contaminants.
- **Policy COS-15.4:** Title 24 Energy Standards. Require development to minimize energy impacts from new buildings in accordance with or exceeding Title 24 energy standards.
- **Policy COS-15.6:** Design and Construction Methods. Require development design and construction methods to minimize impacts to air quality.
- **Policy COS-16.3:** Low-Emissions Vehicles and Equipment. Require County operations and encourage private development to provide incentives (such as priority parking) for the use of low- and zero-emission vehicles and equipment to improve air quality and reduce GHG emissions. [Refer also to Policy M-9.3 (Preferred Parking) in the Mobility Element.]
- **Policy LU-2.8:** Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment and/or are detrimental to human health and safety.

2.4.3 Analysis of Project Impacts and Determination of Significance

2.4.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, an impact on air quality is considered significant if implementation of the Cannabis Program would do any of the following:

- conflict with or obstruct implementation of the applicable air quality plan;
- 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;
- expose sensitive receptors to substantial pollutant concentrations; or
- result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

SDAPCD does not provide CEQA significance thresholds for any air pollutant source it does not directly regulate. SDAPCD regulates emissions from stationary sources and not mobile sources under SDAPCD Regulation II, Rule 20.2, Table 20.2-1, Air Quality Impact Analysis Trigger Levels. Because SDAPCD does not prescribe emissions thresholds for all air pollutants during construction and operation, air quality impacts of the proposed Cannabis Program were evaluated based on the *County of San Diego's Guidelines for Determining Significance: Air Quality*, which are based on SDAPCD Regulation II. For CEQA purposes, these screening level thresholds can be used to determine if a project's total emissions (e.g., stationary and fugitive emissions, as well as emissions from mobile sources) would result in a

significant impact to air quality. The daily screening level thresholds are most appropriately used for the standard construction and operational emissions. When project emissions have the potential to approach or exceed the thresholds in Table 2.4.5, presented at the end of this section, additional air quality modeling may need to be prepared to demonstrate that ground-level concentrations resulting from project emissions (with background levels) will be below the NAAQS and CAAQS, which represent concentration limits of criteria air pollutants needed to adequately protect human health.

For CEQA purposes, these screening criteria can be used as numeric methods to demonstrate that a project's total emissions would not result in a significant impact to air quality. The screening thresholds are included in Table 2.4.5, presented at the end of this section.

2.4.3.2 *Issues Not Discussed Further*

CO Hot Spots

Regarding the potential for CO "hot spots" at local intersections, these types of effects have the potential to occur only at intersections experiencing extremely high volumes of traffic. As noted above, SDAPCD does not provide CEQA significance thresholds for any air pollutant source it does not directly regulate. SDAPCD regulates emissions from stationary sources and not mobile sources. The Bay Area Air Quality Management District CEQA Guidelines address CO hot spots and have determined that CO hot spots have the potential to occur only at intersections that experience a traffic volume greater than 44,000 vehicles per hour (BAAQMD 2022). Operational activities for all new cannabis cultivation sites would generate new vehicular activity; however, as noted in Table 1.4, Alternative Development Assumptions, Alternatives 2 through 5 would require between 3,631 and 3,939 (Alternative 4 only) new employees as associated trips. Nevertheless, commercial cannabis operations would be generally spread throughout the county. Thus, it would not be anticipated that vehicle trips generated by commercial cannabis operations would result in congestion at any intersection that experiences high volumes of vehicles or long wait times. For these reasons, additional trips associated with new cannabis operations would not contribute substantially to traffic congestion at affected intersections such that local CO "hot spots" occur in exceedance of the CAAQS or NAAQS (i.e., expose sensitive receptors to substantial pollutant concentrations). This impact is not discussed further.

Toxic Air Contaminants

Construction and operation of the new licensed commercial cannabis cultivation and noncultivation operations may involve the use of diesel-powered equipment that emits diesel PM. However, the amount of construction activity at any single location would not be intensive (i.e., approximately 1 piece of off-road equipment being used at 1 specific time during overall site construction), would be temporary, and would not take place at the same site for longer than a few months. Operational activities would not include any major sources of TACs, and all operations would be required to comply with setback distances specified for the alternatives (i.e., a minimum 600-foot buffer or a 1,000-foot buffer between operations and existing sensitive land uses depending on the alternative) that would allow dispersion of TAC emissions. Given the minimal construction activities required for the Cannabis Program, the lack of newly introduced major sources of TACs, and the setback requirements, the construction and operation of new cannabis facilities would not expose existing receptors to substantial TAC concentrations (i.e., expose sensitive receptors to substantial pollutant concentrations). Individual commercial cannabis cultivation sites may include emergency

backup diesel generators but would not include new stationary sources (e.g., smokestack operations permitted through the air district subject to best available control technology) that could potentially exceed established emissions limits for reactive organic gases (ROG), NO_X, PM_{10}, $PM_{2.5}$, CO, or SO_2. Cannabis manufacturing facilities would be allowed under the Cannabis Program; however, these facilities would be subject to permitting through SDAPCD Rule 1200, which would require the use of filtration and emissions scrubbing technologies to minimize release of TACs from the facility. These impacts are not discussed further.

2.4.3.3 *Approach to Analysis*

The analysis of potential impacts on air quality resources resulting from project implementation is based on the information provided previously in Section 2.4.1, "Existing Conditions." Regional and local criteria air pollutant emissions and associated impacts, as well as impacts from odors, were assessed in accordance with SDAPCD-recommended methodologies. The project's emissions are compared to SDAPCD-adopted thresholds. Actions that would result in emissions of air pollution include ground disturbance from construction of storage ponds; installation of irrigation systems and water storage; road and building construction; extension of electrical facilities and infrastructure; fencing, planting, and harvest activities; and operation of artificial lights and generators.

Potential expansion of existing licensed and new licensed commercial cannabis cultivation and noncultivation operations could result in an increase in criteria air pollutant emissions from short-term construction-related activities and their long-term operation. As recommended by SDAPCD, both construction and operation-related emissions of criteria air pollutants were calculated using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.26 computer program for the types and sizes of indoor, outdoor, and mixed-light commercial cannabis cultivation uses that could be licensed in the future as well as noncultivation uses. An example project-level estimate of emissions was prepared for noncultivation cannabis uses using the largest development footprint and operational features (e.g., employees, traffic, energy use) of the range of the noncultivation uses identified in Table 1.4.

Construction emissions were estimated for the construction of commercial cannabis operations using the acreage provided in Table 1.4. Several models were run to estimate emissions based on the acreage of each alternative using the average square footage of each cultivation type and number of new licenses issued as identified in Table 1.4. Emissions were estimated for the construction and operation of each commercial cannabis use, and CalEEMod was used to estimate on-site operational emissions, including emissions generated by off-road equipment, maintenance activity, and energy use. CalEEMod energy consumption rates were adjusted to account for energy efficiency improvements from the 2019 California Energy Code as a conservative assumption. Default natural gas consumption for electricity was used based on CalEEMod data for San Diego Gas and Electric Company. Off-road equipment assumed includes a utility vehicle (e.g., John Deere Gator) for commercial cannabis cultivation operations. Mobile source emissions were estimated using default trip lengths provided in CalEEMod for the assumed land use type of Research and Development, meant to represent cannabis cultivation.

As described in Section 2.4.1, "Existing Conditions," odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g.,

circulatory and respiratory effects, nausea, vomiting, and headache). Odor is inherently complex because it is often caused by a mixture of chemical substances and has subjective components associated with human perception by the olfactory senses. Thus, the impact analysis qualitatively evaluates the potential of cannabis uses to create odors that cause a public nuisance or adversely affect nearby residents or businesses.

Detailed model assumptions and inputs for these calculations are presented in Appendix C.

2.4.3.4 *Issue 1: Conflict with Air Quality Plans*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Air Quality*, the proposed Cannabis Program would have a significant impact if it would conflict with or obstruct implementation of the RAQS, applicable portions of the SIP, or any local air quality plans.

Impact Analysis

The RAQS outlines SDAPCD's plans and control measures designed to attain the CAAQS for ozone. In addition, SDAPCD's Attainment Plan includes SDAPCD's plans and control measures for attaining the ozone NAAQS. These plans accommodate emissions from all sources, including natural sources, through the implementation of control measures, where feasible, on stationary sources to attain the standards. Mobile sources are regulated by EPA and CARB, and the emissions and reduction strategies related to mobile sources are considered in the RAQS and SIP.

The RAQS relies on information from CARB and SANDAG, including projected growth in the county, mobile, area, and all other source emissions to project future emissions and determine the strategies necessary for the reduction of stationary source emissions through regulatory controls. The CARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and land use plans developed by the cities and the County.

As such, projects that propose development that is consistent with the growth anticipated by the local jurisdictions' general plans would be consistent with the RAQS. In the event that a project proposes development that is less dense than anticipated within a jurisdiction's general plan, the project would likewise be consistent with the RAQS. If a project proposes development that is greater than that anticipated in the general plan and SANDAG's growth projections upon which the RAQS and Attainment Plan are based, the project would be in conflict with the RAQS and Attainment Plan and may have a potentially significant impact on air quality.

Adoption of the proposed Cannabis Program would require amendments to the Regulatory Code and Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation and noncultivation uses authorized under state law. These amendments would not alter the growth projection of the RAQS because the Cannabis Program would not introduce new or more dense residential development that would affect SDAPCD's long-term regional air quality planning. The Cannabis Program would allow for the development of commercial cannabis uses, which could be operated in existing or new development and

would generate employment opportunities within the county; however, new commercial development generally does not alter the growth projections included in an air quality plan, such as the RAQS. As described in Section 2.14, “Population and Housing,” cannabis facilities are considered local serving uses that would serve the current county population and therefore would not bring in additional people or patrons in from another region. Additional jobs created would be well within the planned employment growth for the region.

Consistent with State CEQA Guideline Section 15206(b), the project would not be considered regionally significant because it would not have the potential to substantially affect housing, employment, or population projections within the San Diego region, which are the basis of the RAQS and Attainment Plan projections. As such, the project would not conflict with or obstruct implementation of the RAQS or Attainment Plan. Furthermore, the project would not result in substantial operational emissions that would conflict with the local air quality plans. Therefore, implementation of the Cannabis Program would not conflict with the RAQS or Attainment Plan and proposed development would be consistent with the growth in the region.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona county would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis uses would be allowed. These expansions would not generate significant growth to San Diego County that could conflict with the long-term regional air quality planning efforts of SDAPCD.

While some expansion could occur under Alternative 1 resulting in some level of criteria air pollutant emissions, growth could not be induced by these expansions. This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, temporary agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 116 acres (4,710,704 square feet) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, the RAQS relies on information from CARB and SANDAG, including projected growth in the county and mobile, area, and all other source emissions to project future emissions and determine from that the strategies necessary for the reduction of stationary source emissions through regulatory controls. The CARB mobile source emission projections and SANDAG growth projections are based on population and vehicle trends and

land use plans developed by the cities and the County. As such, projects that propose development that is consistent with the growth anticipated by the local jurisdictions' general plans would be consistent with the RAQS. Adoption of the proposed Cannabis Program under Alternative 2 would require amendments to the Regulatory Code and Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation and noncultivation uses authorized under state law. These amendments would not alter the growth projection of the RAQS because the Cannabis Program would not be introducing new or more dense residential development that would affect SDAPCD's long-term regional air quality planning. The Cannabis Program would allow for the development of commercial cannabis uses, which could be operated in existing or new development and would generate employment opportunities within the county. As described in Section 2.14, "Population and Housing," potential employment generation from cannabis uses are not expected to alter the growth projections included in an air quality plan, such as the RAQS. Operation of the cannabis cultivation types and noncultivation uses would generate 3,631 employment opportunities, which could be locally served.

Consistent with State CEQA Guideline Section 15206(b), Alternative 2 would not be considered regionally significant because it would not have the potential to substantially affect housing, employment, or population projections within the San Diego region, which are the basis of the RAQS and Attainment Plan projections. As such, the project would not conflict with or obstruct implementation of the RAQS or Attainment Plan. Furthermore, the Cannabis Program would not result in substantial operational emissions that would conflict with the local air quality plans.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Alternative 3 includes the same development potential as Alternative 2. Similar to Alternative 2, Alternative 3 would not be considered regionally significant because it would not have the potential to substantially affect housing, employment, or population projections within the San Diego region, which are the basis of the RAQS and Attainment Plan projections. As such, the project would not conflict with or obstruct implementation of the RAQS or Attainment Plan. Furthermore, the project would not result in substantial operational emissions that would conflict with the local air quality plans.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). This alternative would result in 2,002,524 square feet of cannabis building area

and 479 acres of land area dedicated to cannabis cultivation activity (whereas Alternatives 2, 3, and 5 would result in 2,680,304 square feet of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Similar to Alternative 2, Alternative 4 would not be considered regionally significant because it would not have the potential to substantially affect housing, employment, or population projections within the San Diego region, which are the basis of the RAQS and Attainment Plan projections. As such, the Cannabis Program would not conflict with or obstruct implementation of the RAQS or Attainment Plan. Furthermore, the Cannabis Program would not result in substantial operational emissions that would conflict with the local air quality plans.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Alternative 5 includes the same development potential as Alternative 2. Similar to Alternative 2, Alternative 5 would not be considered regionally significant because it would not have the potential to substantially affect housing, employment, or population projections within the San Diego region, which are the basis of the RAQS and Attainment Plan projections. As such, the Cannabis Program would not conflict with or obstruct implementation of the RAQS or Attainment Plan. Furthermore, the Cannabis Program would not result in substantial operational emissions that would conflict with the local air quality plans.

This impact would be less than significant under Alternative 5.

2.4.3.5 *Issue 2: Result in a Cumulatively Considerable Net Increase of Any Nonattainment Criteria Pollutant*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Air Quality*, the proposed Cannabis Program would have a significant impact if it would exceed the quantitative screening level thresholds for attainment pollutants (NO_2, SO_2, and CO) and would result in a significant impact if they exceed the significant local thresholds for nonattainment pollutants (O_3 precursors and

particulate matter). Specifically, the proposed project would result in a significant impact if it would result in:

a. emissions that exceed 250 pounds per day of NO_X, or 75 pounds per day of VOCs;

b. emissions of CO that when totaled with the ambient concentrations will exceed a 1-hour concentration of 20 ppm or an 8-hour average of 9 ppm;

c. emissions of $PM_{2.5}$ that will exceed 55 pounds per day; or

d. emissions of PM_{10} that exceed 100 pounds per day and increase the ambient PM_{10} concentration by 5 $\mu g/m^3$ or greater at the maximum exposed individual.

Impact Analysis

Construction and operational air pollution estimates and associated impacts are addressed below for each alternative of the Cannabis Program.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis uses would be allowed. These expansions would not generate significant construction or operational emissions based on typical screening criteria for expansion of existing development.

While some expansion could occur under Alternative 1 resulting in some level of criteria air pollutant emissions, construction and operational impacts would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, temporary shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Construction

Development of future licensed commercial cannabis operations could require earthwork and use of heavy-duty off-road equipment that would generate exhaust emissions and fugitive dust. Generally, the intensity of construction activity would be similar to that associated with a residential renovation or building addition project. Construction of individual outdoor commercial cannabis operations could involve the clearing of vegetation, grading, and other earth-disturbing activities to establish a grow area; the laying of a gravel pad to support the containers in which the cannabis is planted; installation of a water storage tank or pond; construction of greenhouses and buildings, as well as a water storage tank or pond, utilities, and supporting structures.

The construction of new commercial cannabis cultivation operations was assumed to last approximately 7 months at each commercial cannabis site, and heavy-duty off-road equipment would be used for approximately 22 weeks at each single new commercial cannabis cultivation operation. Emissions of fugitive PM_{10} and $PM_{2.5}$ dust would be generated primarily by ground disturbance during site preparation and grading and would vary as a function of parameters such as travel on unpaved roads, soil silt content, soil moisture, wind speed, and the size of the disturbance area. PM_{10} and $PM_{2.5}$ would also be emitted in vehicle and equipment exhaust.

Emissions were estimated for each new commercial cannabis use type using the range of assumed future cannabis cultivation types (outdoor, mixed-light, and indoor) identified in Table 1.4 and based on anticipated daily construction activities. Table 2.4.6, included at the end of this section, presents the levels of criteria air pollutants and precursors that would be emitted by this level of construction activity based on modeling using the construction module of CalEEMod. Refer to Appendix C for detailed modeling input parameters and results.

As shown in Table 2.4.6, construction of typical outdoor, mixed-light, and indoor commercial cannabis cultivation sites and noncultivation use types would not generate daily levels of VOCs, NO_X, PM_{10}, or $PM_{2.5}$ that exceed SDAPCD's screening thresholds.

The addition of VOCs, NO_X, PM_{10}, and $PM_{2.5}$ from outdoor, indoor, and noncultivation uses, which are below the identified thresholds, would therefore not result in an increase in ambient concentrations of ozone or PM in the SDAB. As summarized in Section 2.4.1, "Existing Conditions," above, human exposure to ozone may cause acute and chronic health impacts, including coughing, pulmonary distress, lung inflammation, shortness of breath, and permanent lung impairment. By evaluating emissions against SDAPCD's screening thresholds, the construction of future outdoor and indoor commercial cannabis cultivation sites and noncultivation uses would likely not contribute to the health complications associated with exposure to increased concentrations of ozone and PM_{10}. This impact would be less than significant.

Operation

Development of future licensed commercial cannabis operations could result in operational emissions of VOCs, NO_X, $PM_{2.5}$, and PM_{10} similar to those used for other agricultural activities. These include the combustion of natural gas for heating and emergency generators, use of consumer products and fertilizers, application of architectural coatings, and use of heavy-duty equipment for agricultural purposes. Cannabis manufacturing would be allowed under the Cannabis Program, which would be source of VOC emissions; however, these processes would be regulated under SDAPCD Rule 1200. In consultation with SDAPCD, permits

acquired through Rule 1200 demonstrate a range of VOC emissions from 2.9–62.7 pounds per day, which would be below SDAPCD's threshold of significance (Amberg, pers. comm., 2025). Table 2.4.7, included at the end of this section, presents the levels of criteria air pollutants and precursors associated with operation of each new individual commercial cannabis use type. Emissions were estimated for each commercial cannabis cultivation type using the range of assumed future cannabis cultivation sites identified in Table 1.4.

As shown in Table 2.4.7, operational emissions of VOCs, NO_X, PM_{10}, and $PM_{2.5}$ from outdoor, mixed-light, and indoor cannabis cultivation and noncultivation sites would not exceed SDAPCD's screening thresholds.

Long-term operational emissions of criteria air pollutants and precursors that exceed these screening thresholds could violate or substantially contribute to an existing or projected air quality violation and expose sensitive receptors to substantial pollutant concentrations such that adverse health impacts could occur. Therefore, because operation of individual outdoor, mixed-light, and indoor cultivation sites and noncultivation uses would not exceed SDAPCD's screening thresholds, emissions would not adversely affect human health under Alternative 2. Therefore, the contribution to operational criteria pollutants and precursors would not result in greater acute or chronic health impacts compared to existing conditions under Alternative 2.

Summary

As identified above, construction and operational emissions from cultivation would not exceed SDAPCD's screening thresholds and would not contribute to the nonattainment status for ozone of the SDAB. The impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Alternative 3 includes the same development potential as Alternative 2. The extension of the assumed buffer would not alter the projected emissions for each cannabis cultivation type. The emissions shown below in Tables 2.4.6 and 2.4.7 would apply to Alternative 3. Therefore, similar to Alternative 2, construction and operational impacts would be less than significant.

The impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). This alternative would result in 2,002,524 square feet of cannabis building area and 479 acres of land area dedicated to cannabis cultivation activity (whereas Alternatives 2, 3, and 5 would result in 2,680,304 square feet of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). Alternative 4 would allow mixed-light and

indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

When assessed at a project-level, the construction and operational energy demand of each commercial cannabis use type would be same to that disclosed in Tables 2.4.6 and 2.4.7 with the exception of the outdoor cannabis cultivation use type. It is foreseeable, in a cumulative context, that allowance of additional licenses for mixed-light and indoor cultivation under Alternative 4 would result in an increase in total natural gas demand and associated emissions to grow cannabis. However, on a project scale, emissions would be the same as Alternative 2. Therefore, similar to Alternative 2, construction and operational impacts would be less than significant.

The impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Alternative 5 includes the same development potential as Alternative 2. The extension of the assumed buffer would not alter the projected emissions for each cannabis cultivation type. The emissions shown below in Tables 2.4.6 and 2.4.7 would apply to Alternative 5. Therefore, similar to Alternative 2, construction and operational impacts would be less than significant.

The impact would be less than significant under Alternative 5.

2.4.3.6 *Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People*

Guidelines for Determination of Significance

According Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Air Quality*, the proposed Cannabis Program, with the exception of agricultural operations, is subject to SDAPCD Rule 51 and would have a significant impact if it would result in the emission of any material that causes nuisance to a considerable number of people or endangers the comfort, health, or safety of any person. A project that proposes a use that would produce objectionable odors would be deemed to have a significant odor impact if it would affect a considerable number of off-site receptors.

Impact Analysis

As described in Section 2.4.1, “Existing Conditions,” the typical smell of cannabis originates from roughly 140 different terpenes. A terpene is a volatile, unsaturated hydrocarbon that is found in essential oils of plants, especially conifers and citrus trees. Some terpenes are identified explicitly in research (myrcene, pinene, limonene). The “skunk” odor attributable to cannabis is primarily volatile thiols. Commercial cannabis uses have the potential to generate nuisance odors. Cannabis plants are known to emit odors, especially during the final stages of the growing cycle (i.e., typically beginning in August and continuing through the harvest season, in September and October, for outdoor cultivation). The potential for detected odors to be considered objectionable and an adverse effect would depend on the size of the cannabis-related operation, the receptor, the presence of nearby vegetation, and topographic and atmospheric conditions.

The farthest distance cannabis odors may be recognizable or detectable is approximately 2 miles, depending on topography and meteorology (Kern County 2017). However, recognition of an odor does not imply that the odor is a nuisance, only that it can be identified or detected as cannabis. Typically, the odor is detectable much closer to the source, such as adjacent to or on a commercial cannabis cultivation site. The distance for odor detection is very site-specific and can be affected by many variables, including meteorology, topography, and how ready plants are for harvesting at cultivation sites. In addition, human perception of cannabis plant odors may be influenced by personal views regarding cannabis. Whether the odor is acceptable and the level at which it should be defined as objectionable at various strengths and distances as perceived by individual sensitive receptors varies.

The proposed Cannabis Program includes amendments to the Regulatory Code that include the following performance standards to address odors:

- Section 21.2510(a)(6): Odor Mitigation Plan.

  (A) All cannabis businesses shall prepare, implement, and maintain, a site-specific odor mitigation plan.

  (B) The plan shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

    a. A description of on-site odor sources; and,

    b. A description of the air treatment system or other best management practices that will be implemented to prevent cannabis odors from being detected outside the licensed premises.

  (C) The odor mitigation plan shall be reviewed annually by the licensee to determine if any revisions are necessary.

- Section 21.2525: General Operating Requirements.

  (o) Odor Control

  (1) Odor control devices and techniques shall be incorporated in all Cannabis Businesses in accordance with the business's approved Odor Mitigation Plan to ensure that odors from cannabis are not detectable outside the licensed premises.

  (A) Cannabis Businesses sited on a parcel with other commercial uses, consumption lounges, indoor, greenhouse, and mixed-light cultivation activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside of the licensed premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Cannabis Business.

  (2) Cannabis Businesses as described in Section21.2525(n)(1)(A) must install and maintain the following equipment, or any other equipment which the Director or their designee(s) determine is a more effective method or technology:

  (A) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

  (B) An air system that creates negative air pressure between the Cannabis Business's interior and exterior, so that the odors generated inside the Cannabis Business are not detectable on the outside of the Cannabis Business.

- Section 21.2528: Consumption Lounges.

  (k) The licensee shall provide an adequate odor mitigation plan so as to prevent any detectable odor immediately outside of the premises (this shall include within business suites that may be located adjacent to the consumption lounge). Within twenty-four (24) hours of any complaint concerning odors emanating from or originating within the facility, the licensee shall respond to the complaint in question, and shall within one (1) business day file a written disclosure to the County documenting any and all actions taken and planned to address the odor complaints. If the odor complaints persist, the facility shall be closed until the situation is resolved.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis uses would be allowed. These expansions would not generate significant new odors beyond existing cannabis cultivation operations.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, commercial cannabis uses have the potential to generate nuisance odors. Cannabis plants are known to emit odors, especially during the final stages of the growing cycle (i.e., typically beginning in August and continuing through the harvest season, in September and October, for outdoor cultivation). The potential for detected odors to be considered objectionable and an adverse effect would depend on the size of the cannabis-related operation, the receptor, the presence of nearby vegetation, and topographic and atmospheric conditions. Odor impact associated with commercial cannabis cultivation operations not associated with the use of buildings and greenhouses (i.e., outdoor and mixed-light) are typically addressed through the establishment of setbacks or buffers. Indoor cultivation and noncultivation uses address cannabis odor through the use of filtered ventilation systems.

Under Alternative 2, a 600-foot buffer would be required for all future licensed cannabis cultivation sites for some, but not all, sensitive uses. This buffer would not apply to other sensitive uses, such as residences or recreation amenities. Outdoor and mixed-light cannabis cultivation sites would also be required to be setback by a minimum of 100 feet from all lots lines and 300 feet from legal residences on adjoining parcels in existence during the permit application process. As identified above, the Cannabis Program includes amendments to the Regulatory Code that would apply to all cannabis facilities that require the implementation of an odor mitigation plan and odor control requirements. Odor control associated with cannabis operations within buildings can be successfully accomplished through the use of active carbon filters, biofilters, plasma ion technology, air filters, and other manufactured odor control/masking substances (e.g., gels and sprays designed to mask odors). Cannabis odor control for buildings through this use of filtration is an effective method of providing odor control (Trinity Consultants 2019).

While odor control equipment for commercial cannabis operations contained within buildings or greenhouses would mitigate odor impacts, detectable cannabis odors from outdoor and mixed-light commercial cannabis cultivation operations not contained within buildings with odor control features cannot be completely eliminated in all circumstances. Moreover, under Alternative 2, outdoor cannabis events could be permissible which could introduce temporary odors from the combustion of cannabis products.

The impact would be significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Alternative 3 includes the same development and odor generation potential as Alternative 2; however, the buffer distance under Alternative 3 would be 1,000 feet as compared to 600 feet. Nevertheless, as explained under Alternative 2, emissions modeling has captured odor from cannabis up to 2 miles from its origin; therefore, for similar reasons outlined in the discussion of Alternative 2 above, odor impacts would be significant for outdoor and mixed-light commercial cannabis cultivation operations not contained within buildings with odor control features.

The impact would be significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Alternative 4 includes a prohibition of cannabis cultivation outside. Thus, all cannabis cultivation operations would be contained within a building and would be subject to Cannabis Program and Regulatory Code requirements for the implementation of an odor mitigation plan and odor control requirements that prohibit cannabis odors from being detected outside of the cannabis premises. Odor control associated with cannabis operations within buildings can be successfully accomplished through the use of active carbon filters, biofilters, plasma ion technology, air filters, and other manufactured odor control/masking substances (e.g., gels and sprays designed to mask odors). Cannabis odor control for buildings through this use of filtration is an effective method of providing odor control (Trinity Consultants 2019).

The impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Alternative 5 includes the same development and odor generation potential as Alternative 2; however, the buffer distance under Alternative 5 would be 1,000 feet, as compared to 600 feet. Nevertheless, as explained under Alternative 2, emissions modeling has captured odor from cannabis up to 2 miles from its origin; therefore, for similar reasons outlined in the discussion of Alternative 2 above, odor impacts would be significant for outdoor and mixed-light commercial cannabis cultivation operations not contained within buildings with odor control features.

The impact would be significant under Alternative 5.

2.4.4 Cumulative Impacts

With respect to criteria air pollutants, the cumulative environment for the project is the SDAB, which comprises San Diego County. A description of the SDAB can be found in Section 2.4.1. The cumulative setting for criteria air pollutants includes all past, present, and future projects

within the county and the growth assumptions provided in the RAQS overseen by SDAPCD given the programmatic nature of the Cannabis Program.

Odor impacts tend to not to be cumulative in nature with odor issues generally within 4 miles of an odor emitting source.

2.4.4.1 *Issue 1: Conflict with Air Quality Plans*

The San Diego County General Plan Update EIR identified cumulatively considerable impacts associated with air quality attainment efforts from implementation of the General Plan (County of San Diego 2011).

In accordance with SDAPCD guidance, the Cannabis Program under Alternatives 1, 2, 3, 4, and 5 were evaluated qualitatively for consistency with the most recently adapted air quality plan in the county (i.e., 2023 RAQS). Specifically, the Cannabis Program was compared to the growth assumptions used in the RAQS and was determined to be consistent because no new growth would be introduced as a result of program implementation. Therefore, the Cannabis Program's contribution to conflicts with or obstruction of an applicable air quality plan would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.4.4.2 *Issue 2: Result in a Cumulatively Considerable Net Increase of Any Nonattainment Criteria Pollutant*

The San Diego County General Plan Update EIR identified cumulatively considerable impacts associated with contribution to criteria pollutants from implementation of the General Plan (County of San Diego 2011).

Construction

SDAPCD's screening thresholds apply at the project level and are cumulative in nature; that is, they identify the level of project-generated emissions above which impacts would be cumulatively considerable. Thus, they represent the level at which emissions of a given project would impede the air basin from achieving ambient air quality standards, considering anticipated growth and associated emissions in the region.

The SDAB is in nonattainment for ozone and PM_{10} with respect to the CAAQS and for ozone and $PM_{2.5}$ with respect to the NAAQS. Construction activities in the region would emit additional PM and ozone precursors that may conflict with attainment efforts in the county. Because the region is in nonattainment, the existing cumulative condition is adverse, and any additional emissions would exacerbate that condition. However, SDAPCD has established construction emission thresholds for development projects that determine whether that particular project's emissions would be cumulatively considerable. As detailed above, criteria air pollutants would remain below the SDAPCD screening thresholds. Therefore, the Cannabis Program's construction-related contribution to criteria air pollutant or precursor emissions would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

For analysis and disclosure purposes, this EIR estimated licensed commercial cannabis cultivation and noncultivation operations that may occur in the county over the next 20 years for cumulative conditions. Since the proposed Cannabis Program does not entitle any new individual commercial cannabis uses upon its approval, it is not known how many new

commercial cannabis uses would be constructed at the same time. Construction and operation air pollutant emission modeling used the CalEEMod computer program. Cumulative modeling was based on assumptions of the number and size of these new facilities, which are identified in Table 1.4, as well as of the climatic conditions in the county. Construction-related emissions were estimated for individual license types and scaled based on the number of cultivation and noncultivation sites that could be constructed simultaneously. This PEIR estimates that a total of 180 acres of licensed cannabis cultivation canopy and 170 noncultivation sites may occur over the next 20 years under Alternatives 2, 3, 4, and 5 (see Table 1.4 for additional assumptions).

To estimate the number of new commercial cannabis sites that could potentially be constructed in a year, it is conservatively estimated that as many as 12 commercial cannabis sites could be under construction at the same time. Table 2.4.8, included at the end of this section, presents the levels of criteria air pollutants and precursors that would be emitted by this level of construction activity. Refer to Appendix C for detailed modeling input parameters and results.

Operations

Ozone impacts are the result of cumulative emissions from numerous sources in the region and transport from outside the region. Ozone is formed in chemical reactions involving VOCs, NO_X, and sunlight. All but the largest individual sources emit VOCs and NO_X in amounts too small to have a measurable effect on ambient ozone concentrations by themselves. However, when all sources throughout the region are combined, they can result in cumulative ambient concentrations of ozone that exceed the NAAQS and CAAQS.

PM_{10} and $PM_{2.5}$ have similar regional cumulative impacts when particulates are entrained in the air and build to unhealthful concentrations over time. PM_{10} and $PM_{2.5}$ also have the potential to cause significant local problems during periods of dry conditions accompanied by high winds, and during periods of heavy earth-disturbing activities. PM_{10} and $PM_{2.5}$ may have cumulative local impacts if, for example, several unrelated grading or earth-moving activities are underway simultaneously at nearby sites. Operational PM_{10} and $PM_{2.5}$ are less likely to result in local cumulative impacts because operational sources of PM_{10} and $PM_{2.5}$ tend to be spread throughout the region (i.e., vehicles traveling on roads), not concentrated at one receptor.

SDAPCD has established operational emission criteria thresholds for individual projects beyond which a particular project's emissions would be cumulatively considerable. A project that operates below the threshold levels is generally considered not to contribute to a cumulatively significant air quality impact, and those that operate above the thresholds would contribute to a cumulative impact.

Under Alternative 1, no new commercial cannabis uses would be allowed and expansion of the 5 existing facilities would not generate significant construction or operational emissions; thus, there would be no contribution to criteria air pollutants. As noted above, the Cannabis Program under Alternatives 2, 3, 4, and 5 is consistent with applicable local air quality plans designed to reduce regional emissions. Nonetheless, overall emissions associated with the Cannabis Program would increase over existing conditions. The analysis included in Section 2.4.3.5, "Issue 2: Result in a Cumulatively Considerable New Increase of Any Nonattainment Criteria Pollutant," shows that operation of cannabis cultivation sites and noncultivation uses under the Cannabis Program would result in the generation of additional VOCs, NO_X, and PM_{10}, which are criteria air pollutants and precursors that form the basis for the region's nonattainment

status and the existing adverse cumulative condition in the air basin. However, these emissions would not exceed SDAPCD's screening thresholds, which are inherently cumulative by design. Therefore, the Cannabis Program's contribution to a net increase in long-term operational criteria air pollutant and precursor emissions that form the basis for the regions nonattainment status would not be cumulatively considerable for Alternative 1, 2, 3, 4, or 5.

For analysis and disclosure purposes, this PEIR estimated licensed commercial cannabis cultivation and noncultivation operations that may occur in the county over the next 20 years for cumulative conditions (see Table 1.4). Table 2.4.9, included at the end of this section, presents total levels of criteria air pollutants and precursors associated with operation of assumed new commercial cannabis sites under Alternatives 2, 3, and 5 based on Table 1.4. Table 2.4.10, included at the end of this section, presents the total levels of criteria pollutants and precursors from operation of the assumed new commercial cannabis sites under Alternative 4. Refer to Appendix C for detailed modeling input parameters and results.

2.4.4.3 *Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with odors from implementation of the General Plan (County of San Diego 2011). Odor impacts tend to not to be cumulative in nature with odor issues generally within 1 to 4 miles of an odor emitting source.

Under Alternative 1, no new commercial cannabis uses would be allowed and expansion of the 5 existing facilities would not generate significant new odor emissions; thus, there would be no contribution or creation of new odor impacts. As described above, the farthest distance cannabis odors may be recognizable or detectable is approximately 2 miles, depending on topography and meteorology (Kern County 2017). However, recognition of an odor does not imply that the odor is a nuisance, only that it can be identified or detected as cannabis. Typically, the odor is detectable much closer to the source, such as adjacent to or on a commercial cannabis cultivation site. The distance for odor detection is very site-specific and can be affected by many variables, including meteorology, topography, and how ready plants are for harvesting at cultivation sites. In addition, human perception of cannabis plant odors may be influenced by personal views regarding cannabis. Whether the odor is acceptable and the level at which it should be defined as objectionable at various strengths and distances as perceived by individual sensitive receptors varies.

While it is acknowledged that Alternatives 2, 3, and 5 would result in significant odor impacts at the project level (no significant odor impacts were identified for Alternative 4), these impacts would be limited to the area surrounding the outdoor or mixed-light cannabis cultivation operation and would not create a countywide odor impact. All commercial cannabis operations would be subject to the Cannabis Program and Regulatory Code requirements for the implementation of an odor mitigation plan and odor control requirements that prohibit cannabis odors from being detected outside of the cannabis premises. Thus, this impact would not be cumulatively considerable for Alternative 1, 2, 3, 4, or 5.

2.4.5 Significance of Impacts Prior to Mitigation

2.4.5.1 *Issue 1: Conflict with Air Quality Plans*

The proposed Cannabis Program would result in less than significant impacts associated with conflicts with applicable air quality plans under Alternatives 1 through 5. It would also not result in significant cumulative impacts associated with conflicts with applicable air quality plans.

2.4.5.2 *Issue 2: Result in a Cumulatively Considerable Net Increase of Any Nonattainment Criteria Pollutant*

The proposed Cannabis Program would not result in significant impacts associated with construction or operational emissions under Alternatives 1 through 5. Alternatives 1 through 5 would not result in significant cumulative impacts associated air pollutant emissions.

2.4.5.3 *Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People*

The Cannabis Program would have less than significant impacts associated with odors under Alternative 1. The proposed Cannabis Program would result in significant odor impacts under Alternatives 2, 3, and 5. Alternative 4 would result in a less-than-significant odor impact due to the prohibition of cannabis cultivation outside of a building. Cannabis Program would also not result in significant cumulative impacts associated odors under Alternatives 1, 2, 3, 4, and 5.

2.4.6 Mitigation

2.4.6.1 *Issue 1: Conflict with Air Quality Plans*

No mitigation is required.

2.4.6.2 *Issue 2: Result in a Cumulatively Considerable Net Increase of Any Nonattainment Criteria Pollutant*

No mitigation is required.

2.4.6.3 *Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People*

No mitigation is required under Alternative 1 and 4.

All commercial cannabis operations would be subject to the proposed Cannabis Program and Regulatory Code requirements for the implementation of an odor mitigation plan and odor control requirements that prohibit cannabis odors from being detected outside of the cannabis premises. No additional feasible mitigation is available to address odor impacts for Alternatives 2, 3, and 5.

2.4.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

2.4.7.1 *Issue 1: Conflict with Air Quality Plans*

New commercial cannabis operations under Alternatives 1 through 5 would be within the growth projections of the RAQS because commercial cannabis would not introduce new population to the county. Thus, the Cannabis Program would not conflict with the applicable air quality plan under Alternatives 1 through 5. Thus, this impact would be less than significant under Alternatives 1 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.4.7.2 *Issue 2: Result in a Cumulatively Considerable Net Increase of Any Nonattainment Criteria Pollutant*

While some expansion could occur under Alternative 1 resulting in some level of criteria air pollutant emissions, construction and operational impacts would be less than significant under Alternative 1. Construction of mixed-light cannabis cultivation sites under Alternatives 2 through 5 would generate VOCs, NO_X, PM_{10}, and $PM_{2.5}$ below SDAPCD's thresholds of significance. Operation of all cannabis cultivation types would not generate cumulatively considerable emissions of criteria air pollutants. Thus, this impact would be less than significant under Alternatives 1 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.4.7.3 *Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People*

The Cannabis Program would have less than significant impacts associated with odors under Alternative 1. Alternative 4 would result in a less-than-significant odor impact due to the prohibition of cannabis cultivation outside of a building and proposed Cannabis Program and Regulatory Code requirements for the implementation of an odor mitigation plan and odor control requirements that prohibit cannabis odors from being detected outside of the cannabis premises.

The proposed Cannabis Program would result in significant odor impacts under Alternatives 2, 3, and 5. Compliance with proposed Regulatory Code amendments (Sections 21.2510(6), 21.2525(k), and 21.2528(i)) would provide all feasible measures to address and minimize odor impacts as well as corrective actions for commercial cannabis sites that routinely generate nuisance odor impacts off-site consistent with General Plan Policy LU-2.8. However, it is possible that nuisance odor impacts would occur occasionally before abatement for outdoor and mixed-light commercial cannabis cultivation sites not contained within buildings or greenhouses. There are no feasible mitigation measures for completely avoiding the potential for occasional odor nuisance impacts because there is no reliable method to contain odors on-site under all atmospheric conditions during harvest season. Moreover, these odors could combine with other sources of odors from agricultural activity unrelated to cannabis cultivation. There are no effective mitigation measures to ensure elimination of cannabis odors. Therefore, this impact is significant and unavoidable for Alternatives 2, 3, and 5.

Table 2.4.2 Ambient Air Quality Standards and Attainment Status for the San Diego Air Basin

Pollutant	Averaging Time	California (CAAQS) Standards	California (CAAQS) Attainment Status	National (NAAQS) Standards – Primary	National (NAAQS) Attainment Status
Ozone (O_3)	1-hour	0.090 ppm (180 µg/m^3)	Nonattainment	—	—
	8-hour	0.070 ppm (137 µg/m^3)	Nonattainment	0.070 ppm (137 µg/m^3)	Nonattainment
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m^3)	Attainment	35 ppm (40 mg/m^3)	Attainment
	8-hour	9 ppm (10 mg/m^3)	Attainment	9 ppm (10 mg/m^3)	Attainment
Nitrogen dioxide (NO_2)	Annual arithmetic mean	0.030 ppm (57 µg/m^3)	Attainment	53 ppb (100 µg/m^3)	Attainment
	1-hour	0.18 ppm (339 µg/m^3)	Attainment	100 ppb (188 µg/m^3)	Attainment
Sulfur dioxide (SO_2)	24-hour	0.04 ppm (105 µg/m^3)	Attainment	—	—
	3-hour	—	Attainment	—	—
	1-hour	0.25 ppm (655 µg/m^3)	Attainment	75 ppb (196 µg/m^3)	Attainment
Respirable particulate matter (PM_{10})	Annual arithmetic mean	20 µg/m^3	Attainment	—	—
	24-hour	50 µg/m^3	Nonattainment	150 µg/m^3	Unclassified/ attainment
Fine particulate matter ($PM_{2.5}$)	Annual arithmetic mean	12 µg/m^3	Nonattainment	9 µg/m^3	Unclassified/ attainment
	24-hour	—	—	35 µg/m^3	Unclassified/ attainment
Lead	Calendar quarter	—	—	1.5 µg/m^3	Attainment
	30-day average	1.5 µg/m^3	Attainment	—	—
	Rolling 3-month average	—	—	0.15 µg/m^3	Attainment
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m^3)	Unclassified	No national standards	
Sulfates	24-hour	25 µg/m^3	Attainment		
Vinyl chloride	24-hour	0.01 ppm (26 µg/m^3)	Unclassified		
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km	Unclassified		

Notes: CAAQS = California ambient air quality standards; NAAQS = national ambient air quality standards; µg/m^3 = micrograms per cubic meter; km = kilometers; mg/m^3 = milligrams per cubic meter; ppb = parts per billion; ppm = parts per million (by volume).

Sources: EPA 2024.

Table 2.4.3 Sources and Health Effects of Criteria Air Pollutants

Pollutant	Sources	Acute[1] Health Effects	Chronic[2] Health Effects
Ozone	Ozone is a photochemical oxidant (a substance whose oxygen combines chemically with another substance in the presence of sunlight) and the primary component of smog. It is a secondary pollutant resulting from the reaction of VOCs and NO_X in the presence of sunlight. VOC emissions result from incomplete combustion and evaporation of chemical solvents and fuels; NO_X results from the combustion of fuels.	increased respiration and pulmonary resistance; cough, pain, shortness of breath, lung inflammation	permeability of respiratory epithelia, possibility of permanent lung impairment
Carbon monoxide (CO)	CO is an odorless, colorless gas formed by the incomplete combustion of fuels and motor vehicle exhaust. Other sources include industrial processes, carbon black manufacturing, non-transportation-related fuel combustion, and natural sources, such as wildfires.	headache, dizziness, fatigue, nausea, vomiting, death	permanent heart and brain damage
Nitrogen dioxide (NO_2)	NO_2 is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO_2 are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines.	coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis or pulmonary edema; breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, death	chronic bronchitis, decreased lung function
Sulfur dioxide (SO_2)	coal and oil combustion, steel mills, refineries, and pulp and paper mills	irritation of upper respiratory tract, increased asthma symptoms	insufficient evidence linking SO_2 exposure to chronic health impacts
Respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$)	fugitive dust, soot, smoke, mobile and stationary sources, construction, fires and natural windblown dust, and formation in the atmosphere by condensation and/or transformation of SO_2 and ROG	breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, premature death	alterations to the immune system, carcinogenesis
Lead	metal processing	reproductive/developmental effects (fetuses and children)	numerous effects including neurological, endocrine, and cardiovascular effects

Notes: NO_X = oxides of nitrogen; VOCs = volatile organic compounds; ROG = reactive organic gasses.

[1] Acute health effects refer to immediate illnesses caused by short-term exposures to criteria air pollutants at fairly high concentrations. An example of an acute health effect includes fatality resulting from short-term exposure to carbon monoxide levels in excess of 1,200 parts per million.

[2] Chronic health effects refer to cumulative effects of long-term exposures to criteria air pollutants, usually at lower, ambient concentrations. An example of a chronic health effect includes the development of cancer from prolonged exposure to particulate matter at concentrations above the national ambient air quality standards.

Source: EPA 2024.

Table 2.4.4 Summary of Annual Ambient Air Quality Data in San Diego County (2021–2023)

Pollutant	2021	2022	2023
Ozone (2015 standard)[1]			
Maximum concentration (1-hr/8-hr avg, ppm)	0.080	0.088	0.085
Number of days state standard exceeded (1-hr/8-hr)	15	24	32
Number of days national standard exceeded (8-hr)	15	24	27
Fine Particulate Matter ($PM_{2.5}$)[2]			
Maximum concentration (24-hour µg/m^3)	30.2	26.4	23.2
Annual average (µg/m^3)	9.7	8.9	8.4
Number of days national standard exceeded (measured)	0	0	0
Respirable Particulate Matter (PM_{10})[2]			
Maximum concentration (24-hour µg/m^3)	*	*	*
Number of days state standard exceeded	*	*	*
Number of days national standard exceeded (estimated days)	*	*	*

Notes: µg/m^3 = micrograms per cubic meter; ppm = parts per million; * = data not available.

[1] Data from the Alpine–2300 Victoria Drive station.

[2] Data from the El Cajon–Lexington Elementary School station.

Sources: SDAPCD 2022; CARB 2024.

Table 2.4.5 Screening-Level Thresholds for Air Quality Impact Analysis

Pollutant Construction Emissions	Total Emissions (Pounds per Day)
Respirable particulate matter (PM_{10})	100
Fine particulate matter ($PM_{2.5}$)	55
Oxides of nitrogen (NO_X)	250
Oxides of sulfur (SO_X)	250
Carbon monoxide (CO)	550
Volatile organic compounds (VOCs)[1]	75

Operational Emissions	Pounds Per Hour	Pounds per Day	Tons per Year
Respirable particulate matter (PM_{10})	—	100	15
Fine particulate matter ($PM_{2.5}$)	—	55	10
Oxides of nitrogen (NO_X)	25	250	40
Oxides of sulfur (SO_X)	25	250	40
Carbon monoxide (CO)	100	550	100
Lead and lead compounds	—	3.2	0.6
Volatile organic compounds (VOCs)	—	75	13.7

Toxic Air Contaminant Emissions	
Excess cancer risk	1 in 1 million without Best Available Control Technology (T-BACT) 10 in 1 million with T-BACT
Non-cancer hazard	1.0

Source: DPLU 2007.

Table 2.4.6 Criteria Air Pollutant and Precursor Emissions Associated with Construction of Each New Individual Commercial Cannabis Cultivation Type and Noncultivation Site

License Type	VOC (lb/day)	NO_X (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)
Outdoor	34 (winter)	14 (summer)	8 (summer)	4 (summer)
Mixed-light	16 (winter)	10 (summer)	6 (summer)	3 (summer)
Indoor	6 (winter)	10 (summer)	6 (summer)	3 (summer)
Noncultivation	30 (winter)	14 (summer)	8 (summer)	4 (summer)
SDAPCD screening criteria	75	250	100	55

Notes: VOC = volatile organic compounds; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with aerodynamic diameter of 10 micrometers or less; $PM_{2.5}$ = fine particulate matter with aerodynamic diameter of 2.5 micrometers or less; lb/day = pounds per day; SDAPCD = San Diego Air Pollution Control District.

Source: Modeling conducted by Ascent in 2024.

Table 2.4.7 Criteria Air Pollutant and Precursor Emissions Associated with Operation of Each New Individual Commercial Cannabis Cultivation Type and Noncultivation Site

License Type	VOC (lb/day)	NO_X (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)
Outdoor	6	4	7	2
Mixed-light	2	2	3	1
Indoor	1	1	1	<1
Noncultivation	5	3	5	1
SDAPCD screening criteria	75	250	100	55

Notes: VOC = volatile organic compounds; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with aerodynamic diameter of 10 micrometers or less; $PM_{2.5}$ = fine particulate matter with aerodynamic diameter of 2.5 micrometers or less; lb/day = pounds per day; SDAPCD = San Diego Air Pollution Control District.

Source: Modeling conducted by Ascent in 2024.

Table 2.4.8 Cumulative Criteria Air Pollutant and Precursor Emissions Associated with Construction of 12 New Licensed Commercial Cannabis Sites Simultaneously

License Type	VOC (lb/day)	NO_X (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)
Outdoor[1]	408 (winter)	168 (summer)	96 (summer)	48 (summer)
Mixed-light	1,188 (winter)	384 (summer)	252 (summer)	132 (summer)
Indoor	72 (winter)	120 (summer)	72 (summer)	36 (summer)
Noncultivation	360 (winter)	168 (summer)	96 (summer)	48 (summer)

Notes: VOC = volatile organic compounds; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with aerodynamic diameter of 10 micrometers or less; $PM_{2.5}$ = fine particulate matter with aerodynamic diameter of 2.5 micrometers or less; lb/day = pounds per day.

[1] Under Alternative 4, no emissions from outdoor cultivation would occur.

Source: Modeling conducted by Ascent in 2024.

Table 2.4.9 Cumulative Criteria Air Pollutant and Precursor Emissions Associated with Operation of New Commercial Cannabis Sites (Alternatives 2, 3, and 5)

License Type	VOC (lb/day)	NO_X (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)
Outdoor	1,680	1,120	1,960	560
Mixed-light	132	132	198	66
Indoor	26	26	26	5
Noncultivation	850	510	850	170

Notes: VOC = volatile organic compounds; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with aerodynamic diameter of 10 micrometers or less; $PM_{2.5}$ = fine particulate matter with aerodynamic diameter of 2.5 micrometers or less; lb/day = pounds per day.

Source: Modeling conducted by Ascent in 2024.

Table 2.4.10 Cumulative Criteria Air Pollutant and Precursor Emissions Associated with Operation of New Commercial Cannabis Sites (Alternative 4)

License Type		VOC (lb/day)	NO_X (lb/day)	PM_{10} (lb/day)	$PM_{2.5}$ (lb/day)
Mixed-light		202	202	303	101
Indoor		111	111	111	21
Noncultivation		850	510	850	170

Notes: VOC = volatile organic compounds; NO_X = oxides of nitrogen; PM_{10} = respirable particulate matter with aerodynamic diameter of 10 micrometers or less; $PM_{2.5}$ = fine particulate matter with aerodynamic diameter of 2.5 micrometers or less; lb/day = pounds per day.

Source: Modeling conducted by Ascent in 2024.

2.5 Biological Resources

This section evaluates the impacts that may occur with implementation of the Cannabis Program on biological resources known to inhabit or with potential to inhabit San Diego County. It summarizes relevant federal, state, and local regulations that pertain to biological resources and describes the existing environmental conditions. Biological resources include vegetation and habitat types, special-status plant and wildlife species, sensitive natural communities, state and federally protected wetlands, wildlife movement corridors, and native wildlife nursery sites. The analysis includes a description of the methods used for assessment, the potential direct and indirect impacts of program implementation, and mitigation measures recommended to address impacts determined to be potentially significant. The information presented in this section is based on a review of existing and available information and is regional in scope. Data, analysis, and findings provided in this section are programmatic for broad application under the program rather than site-specific.

Comments regarding biological resources submitted in response to the notice of preparation (NOP) were received from the California Department of Fish and Wildlife (CDFW) and several individuals. Comments pertained to impacts on sensitive habitats (e.g., riparian habitat, wetlands, grassland, coastal sage scrub, sensitive natural communities), wildlife corridors, nesting birds, listed wildlife species, mountain lions, land preserves under the San Diego Multiple Species Conservation Program (MSCP), nighttime lighting, noise, and introduction of nonnative species. These issues are addressed in the impact analysis below. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.5.1.

Table 2.5.1 Biological Resources Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Special-Status Plant and Wildlife Species	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Less than Significant
2	Riparian Habitat and Other Sensitive Natural Communities	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
3	State and Federally Protected Wetlands	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
4	Wildlife Movement Corridors and Nursery Sites	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
5	Conflict with Local Policies or Ordinances	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
6	Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5Less than Significant

2.5.1 Existing Conditions

The following key sources of data and information were used in the preparation of this section:

- California Natural Diversity Database (CNDDB) record search of San Diego County (CNDDB 2024);
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants database search of San Diego County (CNPS 2024a);
- US Fish and Wildlife Service (USFWS) Inventory for Planning and Consultation tool for San Diego County (USFWS 2024a);
- San Diego County Vegetation Mapping;
- Western San Diego County alliance-level vegetation mapping;
- National Hydrography Dataset mapping;
- San Diego Management and Monitoring Program (SDMMP) Mountain Lion Connectivity Model (Vickers et al. 2017);
- California Essential Habitat Connectivity Mapping (CDFW 2024; Spencer et al. 2010); and
- San Diego MSCP and Biological Mitigation Ordinance (BMO) (County of San Diego 1998; County of San Diego 2010a).

2.5.1.1 *Habitat and Land Cover Types*

Habitat and land cover types in San Diego County are summarized in Table 2.5.2 and Figures 2.5.1 and 2.5.2, which are presented at the end of this section. The program area (unincorporated area of the county under the County of San Diego's jurisdiction where cultivation and noncultivation activities may be permitted) contains approximately 185,369 acres of scrub and chaparral habitat; 68,665 acres of developed or disturbed areas; 59,418 acres of agricultural land cover; 56,130 acres of grasslands, vernal pools, meadows, and other herb communities; 38,288 acres of coastal sage scrub habitat; 48,503 acres of woodland habitat; 20,443 acres of riparian and bottomlands habitat; 18,230 acres of forest habitat; and 1,047 acres of bog and marsh habitat.

In 2009, the CDFW Vegetation Classification and Mapping Program (VegCAMP), the County of San Diego, and San Diego Association of Governments (SANDAG) collaborated to classify and map the vegetation of western San Diego County. The area mapped during this effort includes a portion of the program area; however, the entire program area was not included. The vegetation classifications used for this effort followed the *Manual of California Vegetation* (MCV), which is consistent within the larger context of the National Vegetation Classification System (NVCS) The NVCS has been adopted by federal agencies, such as US Geological Survey and National Park Service. The hierarchy of the NVCS is represented by 8 primary levels, and this mapping focused on the lowest levels, known as alliances and associations. Alliances are typically defined by the presence of diagnostic species within a range of cover values within a single plant stratum, whereas associations represent a subset of types within an alliance.

Table 2.5.2 and Figures 2.5.1 and 2.5.2, presented at the end of this section, describe and depict the habitat and land cover types in the program area, as well as the alliances mapped in the

western portion of the program area. The alliance-level mapping overlaps the higher-level habitat and land cover categories, and these overlapping categories are described in Table 2.5.2.

Scrub and Chaparral

The scrub and chaparral habitat is one of the most widespread vegetation communities in the program area, comprising approximately 185,369 acres (Table 2.5.2; Figure 2.5.1). Scrub and chaparral habitat in San Diego County is composed of evergreen drought- and fire-tolerant shrubs with hard, leathery, evergreen leaves adapted to long, hot, dry summers and intermittent rain in winter. These habitats in San Diego County consist of several different types or species assemblages, including southern mixed chaparral, northern mixed chaparral, chamise chaparral, scrub oak chaparral, southern maritime chaparral, and the coastal sage-chaparral transition. These habitats may be dominated by species in the genus *Ceanothus* (e.g., chaparral whitethorn [*Ceanothus leucodermis*], woolly leaf ceanothus [*Ceanothus tomentosus*], hoary leaved ceanothus [*Ceanothus crassifolius*], hairy ceanothus [*Ceanothus oliganthus*], white coast ceanothus [*Ceanothus verrucosus*]), scrub oak (*Quercus berberidifolia*), chamise (*Adenostoma fasciculatum*), and manzanita (e.g., Del Mar manzanita [*Arctostaphylos glandulosa* ssp. *crassifolia*], mission manzanita [*Xylococcus bicolor*]). Other shrub species include monkeyflower (e.g., southern bush monkeyflower [*Diplacus longiflorus*], sticky monkeyflower [*Mimulus aurantiacus* var. *puniceus*]), and alderleaf mountain mahogany (*Cercocarpus montanus*). Chaparral habitat is found throughout the foothills and mountains on exposed slopes and ridges, often forming a mosaic with woodland and forest (Figure 2.5.1).

Twenty-two different vegetation alliances have been identified within scrub and chaparral habitat in the program area, as described in Table 2.5.2 and shown in Figure 2.5.2. Several of these alliances are considered sensitive natural communities, which are described in more detail below in Section 2.5.1.2.

Coastal Sage Scrub

The program area contains approximately 38,288 acres of coastal sage scrub habitat (Table 2.5.2; Figure 2.5.1). Coastal sage scrub consists predominantly of low-growing (i.e., typically less than 3 feet tall), aromatic, drought-deciduous, and generally soft-leaved shrubs. This vegetation community occurs from sea level to approximately 3,000 feet in elevation along the California coast, on south- and west-facing slopes from Camp Pendleton to the lower slopes of Palomar Mountain and around Escondido, the San Pasqual Valley, El Cajon, and Jamul to the area surrounding Otay Mountain in San Diego County. These habitats in San Diego County consist of several different types or species assemblages, including Diegan coastal sage scrub, coastal scrub, maritime succulent scrub, and *Baccharis*-dominated coastal sage scrub. The dominant shrub species in coastal sage scrub habitat are California sage (*Artemesia californica*), California buckwheat (*Eriogonum fasciculatum*), black sage (*Salvia mellifera*), saw-tooth golden bush (*Hazardia squarrosa*), laurel sumac (*Malosma laurina*), bladderpod (*Peritoma arborea*), and San Diego sunflower (*Hulsea californica*).

Four different vegetation alliances have been identified within coastal sage scrub habitat in the program area, as described in Table 2.5.2 and shown in Figure 2.5.2. Several of these alliances are considered sensitive natural communities, which are described in more detail below in Section 2.5.1.2.

Disturbed or Developed Areas

In San Diego County, developed land is composed of urban and suburban areas, as well as roads and highways, and generally occurs adjacent to urban or built-out communities (Figure 2.5.1). Along with urban development, suburban development, and other hardscape, urban landcover also includes urban landscaping, lawns, parks, and green zones. Urban areas can support some special-status wildlife species, including roosting and nesting raptors.

Agriculture

Agricultural land cover in San Diego County is characterized by row crops, orchards, vineyards, pasture, dairies, nurseries, and chicken ranches. Agricultural uses are largely concentrated in the northern half of the county, especially along the San Luis Rey River (Figure 2.5.1). The distribution of these agricultural land types within the county may expand and contract rapidly with market conditions and crop rotations. Although agricultural areas are subject to human disturbance and considered to be developed, some common and special-status wildlife species use or even prefer agricultural areas for breeding, cover, or foraging.

Grasslands, Vernal Pools, Meadows, and Other Herb Communities

The program area contains approximately 56,130 acres of grasslands, vernal pools, meadows, and other herb communities (Table 2.5.2; Figure 2.5.1). Grassland habitat in San Diego County is composed of native (i.e., 20-percent cover of native species) and nonnative grasses. Nonnative grasslands are much more prevalent than native grasslands in the county. Native grasslands in the county include valley needlegrass grasslands, valley sacaton grasslands, and saltgrass grasslands. Valley needlegrass grassland is dominated by perennial, tussock-forming purple needlegrass (*Stipa pulchra*) with native and introduced annuals, including checkerbloom (*Sidalcea* spp.), blue-eyed grass (*Sisyrinchium* spp.), poppies (*Eschscholzia* spp.), and goldfields (*Lasthenia* spp.). Valley sacaton grassland is dominated by alkali sacaton (*Sporobolus airoides*). Saltgrass grassland is dominated by saltgrass (*Distichlis spicata*). Nonnative grasslands, or annual grasslands, have sparse to dense cover of annual grasses and are associated with numerous species of showy-flowered, native annual forbs, especially in favorable rainfall years. In San Diego County, nonnative grasslands are typically dominated by grasses in the genera *Avena*, *Bromus*, *Erodium*, and *Brassica*.

In San Diego County, vernal pools often occur on flat mesa tops or in valleys in lower parts of watersheds. Vernal pools in San Diego County can form complexes of interconnected basins with a relatively large, shared watershed or can occur as single pools with no watershed that are dependent entirely on rainfall filling the pools directly. Vernal pools vary in size and depth depending on geomorphology and hydrological conditions. Small, rounded hummocks called mima mounds are characteristic of many vernal pools in San Diego County. Plant species associated with vernal pools in San Diego County include pygmy-weed (*Crassula connata*), water pygmyweed (*Crassula aquatica*), annual hair grass (*Deschampsia danthonioides*), toothed calicoflower (*Downingia cuspidate*), common spikerush (*Eleocharis macrostachya*), flowering-quillwort (*Lilaea scilloides*), American pillwort (*Pilularia americana*), short woollyheads (*Psilocarphus brevissimus*), and slender woolly-marbles (*Psilocarphus tenellus*).

Six different vegetation alliances have been identified within grassland habitat in the program area, as described in Table 2.5.2 and shown in Figure 2.5.2. One of these alliances is considered a sensitive natural community, which is described in more detail below in Section 2.5.1.2.

Woodland

The program area contains approximately 48,503 acres of woodland habitat (Table 2.5.2; Figure 2.5.1). Woodland in San Diego County occurs in a variety of locations where soil conditions are moister than the soils hosting coastal sage scrub and scrub and chaparral vegetation. In the lowlands, woodlands are mostly confined to stream and canyon bottoms, and in the foothills and mountains, they are found in areas with productive soil, especially on north- and east-facing slopes. Woodlands typically have an open canopy. Dominant tree species in woodlands include coast live oak (*Quercus agrifolia*), Engelmann oak (*Quercus engelmannii*), California black oak (*Quercus kelloggii*), and canyon live oak (*Quercus chrysolepis*). Oak woodlands often have an understory of poison oak, gooseberry (*Ribes* spp.), and various herbaceous species. Some woodland habitat in San Diego County is dominated by nonnative eucalyptus (*Eucalyptus* spp.), tree of heaven (*Ailanthus altissima*), or black locust (*Robinia pseudoacacia*).

Six different vegetation alliances have been identified within woodland habitat in the program area, as described in Table 2.5.2 and shown in Figure 2.5.2. Some of these alliances are considered sensitive natural communities, which are described in more detail below under Section 2.5.1.2.

Riparian and Bottomland Habitat

The program area contains approximately 20,443 acres of riparian and bottomland habitat (Table 2.5.2; Figure 2.5.1). Riparian vegetation is present along streams, in floodplains, and in canyon bottoms and consists of tree-dominated habitat (i.e., riparian forest) or shrub-dominated habitat (i.e., riparian scrub). Riparian forests in San Diego County are dominated by trees such as coast live oak, willow (e.g., Goodding's willow [*Salix gooddingii*], arroyo willow [*Salix lasiolepis*]), Fremont cottonwood (*Populus fremontii*), and California sycamore (*Platanus racemosa*). Common understory species are mulefat (*Baccharis salicifolia*), poison oak (*Toxicodendron diversilobum*), black elderberry (*Sambucus nigra*), yerba mansa (*Anemopsis californica*), and sedges (*Carex* spp.). Riparian scrub is shrub-dominated and dense, often dominated by mulefat and tamarisk species (*Tamarix* spp.). Invasive species common in riparian areas are giant reed (*Arundo donax*) and tamarisk.

Four different vegetation alliances have been identified within riparian and bottomland habitat in the program area, as described in Table 2.5.2 and shown in Figure 2.5.2. Some of these alliances are considered sensitive natural communities, which are described in more detail below in Section 2.5.1.2.

Forest

The program area contains approximately 18,230 acres of forest habitat (Table 2.5.2; Figure 2.5.1). Forest habitat in the program area includes southern interior cypress, Torrey pine (*Pinus torreyana*), bigcone Douglas-fir (*Psedotsuga macrocarpa*), and ponderosa pine (*Pinus ponderosa*) forests. Southern interior cypress forest is a moderately dense, fire-maintained, low forest dominated by Cuyamaca cypress (*Hesperocyparis stephensonii*) and Tecate cypress (*Hesperocyparis forbesii*). The canopy of southern interior cypress forests is open to intermittent, depending on stand age and substrate development, with trees up to approximately 50 feet tall. This vegetation type often occurs as isolated groves within a matrix of chaparral or pinyon-juniper woodland.

Bigcone Douglas-fir forest and ponderosa pine forest are also present in San Diego County. Bigcone Douglas-fir is closely associated with canyon live oak and ponderosa pine and occupies an intermediate position between the lower elevation chaparral zone and the higher elevation mixed-conifer forest. Ponderosa pine is found in higher elevation areas of the county and is associated with bigcone Douglas-fir, black oak, incense cedar (*Calocedrus decurrens*), and white fir (*Abies concolor*).

Bog and Marsh

The program area contains approximately 1,047 acres of bog and marsh habitat (Table 2.5.2; Figure 2.5.1). Bog and marsh habitat in San Diego County is composed of freshwater and salt marsh habitats. Freshwater marsh vegetation communities are characterized by the presence of emergent hydrophytes (i.e., plants adapted to growing in saturated soils and standing water). The dominant plants within freshwater marshes often include rushes (*Juncus* spp.), cattails (*Typha* spp.), bulrushes or tules (*Schoenoplectus* spp.), sedges (*Carex* spp.), grass species, and several species of small willows (*Salix* spp.)

Salt marsh habitat is a productive vegetation community of herbaceous, salt-tolerant plants typically less than 3 feet tall. Some species unique to salt marshes in southern California include matscale (*Atriplex watsonii*), saltwort (*Batis maritima*), California box thorn (*Lycium californicum*), shore grass (*Distichlis littoralis*), California seablite (*Suaeda californica*), and Parish's pickleweed (*Arthrocnemum subterminale*).

Five different vegetation alliances have been identified within bog and marsh habitat in the program area, as described in Table 2.5.2 and shown in Figure 2.5.2. Several of these alliances are considered sensitive natural communities, which are described in more detail below in Section 2.5.1.2.

Aquatic Habitat

The program area contains multiple types of aquatic habitats (Table 2.5.2; Figure 2.5.3). Lakes and reservoirs in or adjacent to the program area include Lake Henshaw, Lake Sutherland, Lake Jennings, Lake Hodges, Lower Otay Lake, San Vicente Reservoir, El Capitan Reservoir, and Sweetwater Reservoir. Smaller ponds are also present throughout the county, including small ponds on private property. Perennial stream features in the program area are the San Luis Rey River, San Diego River, and Santa Margarita River, as well as smaller tributary streams to these rivers. Many of these aquatic features have nearby associated wetland habitat, consisting of saline and freshwater wetlands (which may be included in the approximately 1,047 acres of bog and marsh habitat mapped in the program area), and approximately 20,443 acres of mapped riparian and bottomland habitat, as described above.

Overall, the program area contains approximately 3,970 acres of lakes and ponds, 155 acres of reservoirs, 241 acres of swamp and marsh habitat, 85 miles of perennial stream habitat, 416 miles of intermittent streams, and 3,555 miles of ephemeral stream habitat (Table 2.5.2; Figure 2.5.3). In addition, the program area contains approximately 78 miles of human-made features, including pipelines, ditches, and aqueducts (Table 2.5.2; Figure 2.5.3).

2.5.1.2 *Sensitive Biological Resources*

Special-Status Species

Special-status species are defined as species that are legally protected or that are otherwise considered sensitive by federal, state, or local resource agencies. Special-status species are species, subspecies, or varieties that fall into one or more of the following categories, regardless of their legal or protection status:

- officially listed by California under the California Endangered Species Act (CESA) or the federal government under the federal Endangered Species Act (ESA) as endangered, threatened, or rare;
- a candidate for state or federal listing as endangered, threatened, or rare;
- taxa (i.e., taxonomic categories or groups) that meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the State CEQA Guidelines;
- species identified by CDFW as Species of Special Concern;
- species designated as Fully Protected under the California Fish and Game Code;
- species covered or with special consideration under the San Diego MSCP;
- species on the County of San Diego sensitive plant list (List A, List B, List C, and List D);
- species on the County of San Diego sensitive animal list (Group I and Group II);
- species afforded protection under local planning documents; and
- taxa considered by CDFW to be "rare, threatened, or endangered in California" and assigned a California Rare Plant Rank (CRPR). The CDFW system includes 5 rarity and endangerment ranks for categorizing plant species of concern, 3 of which are typically considered to be special status, summarized as follows:
  - CRPR 1A: Plants presumed to be extinct in California
  - CRPR 1B: Plants that are rare, threatened, or endangered in California and elsewhere
  - CRPR 2: Plants that are rare, threatened, or endangered in California but more common elsewhere
  - CRPR 3: Plants about which more information is needed—A Review List
  - CRPR 4: Plants of limited distribution—A Watch List

All plants with a CRPR are considered "special plants" by CDFW. The term "special plants" is a broad term used by CDFW to refer to all plant taxa inventoried in the CNDDB, regardless of their legal or protection status. Plants ranked as CRPR 1A, 1B, 2A, or 2B may be considered as endangered, rare, or threatened species under CEQA within the definition of State CEQA Guidelines Section 15380. CDFW recommends that CRPR 1 and 2 species be addressed within the context of CEQA analyses and documentation. In general, CRPR 3 and 4 species do not meet the definition of endangered, rare, or threatened pursuant to State CEQA Guidelines Section 15380; however, some of these species are included on the County of San Diego sensitive plant list (List C and List D) and are therefore considered in this analysis.

The term “California species of special concern” is applied by CDFW to animals not listed under ESA or CESA, but that are considered to be declining at a rate that could result in listing or that historically occurred in low numbers and known threats to their persistence currently exist.

A total of 292 special-status plant species are known to occur in San Diego County (see Table 2.5.3, presented at the end of this section). A total of 173 special-status wildlife species are known to occur in San Diego County (see Table 2.5.4, presented at the end of this section).

Critical Habitat

“Critical habitat” is a term defined and used in ESA. It refers to specific geographic areas designated by USFWS and the National Oceanic and Atmospheric Administration Fisheries that contain features essential to the conservation of an endangered or threatened species and that may require special management and protection. Critical habitat for 17 species is present in San Diego County (Figure 2.5.4, presented at the end of this section). The species and acreage of critical habitat are summarized below.

Critical habitat designations affect only federal agency actions or federally funded or permitted activities. Critical habitat designations do not have direct effects on regulation of activities by private landowners if there is no federal “nexus”—that is, no federal funding or authorization.

- Arroyo toad (*Anaxyrus californicus*): 41,090.5 acres
- Coastal California gnatcatcher (*Polioptila californica californica*): 42,408.5 acres
- Hermes copper butterfly (*Lycaena hermes*): 12,772.7 acres
- Least Bell’s vireo (*Vireo bellii pusillus*): 5,962.4 acres
- Mexican flannelbush (*Fremontodendron mexicanum*): 0.1 acres
- Otay tarplant (*Deinandra conjugens*): 1,233.1 acres
- Peninsular bighorn sheep (*Ovis canadensis nelsoni* pop. 2): 7,315.1 acres
- Quino checkerspot butterfly (*Euphydryas editha quino*): 19,014.0 acres
- Riverside fairy shrimp (*Streptocephalus woottoni*): 1.3 acres
- San Bernardino blue grass (*Poa atropurpurea*): 132.5 acres
- San Diego ambrosia (*Ambrosia pumila*): 226.7 acres
- San Diego fairy shrimp (*Branchinecta sandiegonensis*): 849.0 acres
- San Diego thorn-mint (*Acanthomintha ilicifolia*): 354.5 acres
- Southwestern willow flycatcher (*Empidonax traillii extimus*): 2,455.8 acres
- Spreading navarretia (*Navarretia fossalis*): 453.5 acres
- Thread-leaved brodiaea (*Brodiaea filifolia*): 130.9 acres

Sensitive Natural Communities

Sensitive habitats include those that are of special concern to resource agencies or are afforded specific consideration through CEQA, Section 1602 of the California Fish and Game Code, Section 404 of the Clean Water Act (CWA), and the state Porter-Cologne Act, as

discussed in Section 2.5.2, “Regulatory Framework,” below. Sensitive habitats may be of special concern to agencies and conservation organizations for a variety of reasons, including their locally or regionally declining status or because they provide important habitat to common and special-status species. Sensitive natural communities are native plant communities defined by CDFW as having limited distribution statewide or in a county or region and that are often vulnerable to environmental effects of projects (CDFW 2018). In addition to habitats officially identified by CDFW as sensitive natural communities or habitats meeting the definition of waters of the United States, other sensitive habitats include riparian habitats, oak woodlands, chaparral, and coastal sage scrub.

CDFW maintains a list of plant communities that are native to California. Sensitive natural communities are ranked by CDFW from S1 to S3, where S1 is critically imperiled, S2 is imperiled, and S3 is vulnerable. CDFW natural-community rarity rankings follow the 2009 NatureServe Conservation Status Assessments: Methodology for Assigning Ranks (Faber-Langendoen et al. 2012), in which all alliances are listed with a global (G) and state (S) rank, where G1 is critically imperiled, G2 is imperiled, G3 is vulnerable, G4 is apparently secure, and G5 is secure. These communities may or may not contain special-status species or their habitat. Known occurrences of sensitive natural communities are included in the CNDDB; however, no new occurrences have been added to the CNDDB since the mid-1990s, when funding was cut for this portion of the CNDDB program. In addition, the sensitive natural communities included in the CNDDB are based on the Holland (1986) classification and are not consistent with the state’s current vegetation mapping and classification standards. The “legacy” sensitive natural community data from CNDDB is currently being validated and moved to the Biogeographic Information and Observation System (BIOS). Sensitive natural communities are currently being mapped as part of the Vegetation Classification and Mapping Program (VegCAMP) statewide vegetation mapping program and are being added to BIOS as mapping is completed and verified.

Twenty-six legacy sensitive natural communities were reported in the CNDDB as occurring in San Diego County (Table 2.5.5, presented at the end of this section) (CNDDB 2024). Some of these communities reported by the CNDDB overlap with communities identified as sensitive natural communities in the new system using the Manual of California Vegetation Online (CNPS 2024b) and mapped by VegCAMP.

Twenty-three sensitive natural communities have been mapped by VegCAMP in San Diego County and are therefore known to occur, and 32 sensitive natural communities have potential to occur in San Diego County based on the habitat types present in the county (Table 2.5.6; Figure 2.5.2). Vegetation communities indicated with an asterisk in Table 2.5.6 are known to occur in San Diego County, and the other communities have potential to occur in the county within the habitat types identified in the table.

In addition, approximately 46,920 acres of oak woodland (comprising coast live oak woodland, black oak woodland, and Engelmann oak woodland), 20,443 acres of riparian and bottomland habitat, and 1,047 acres of bog and marsh habitat—all considered sensitive habitat—are mapped in the program area and are discussed above in Section 2.5.1.1, “Habitat and Land Cover Types” (Table 2.5.2; Figure 2.5.1). Coastal sage scrub, which is present in approximately 38,288 acres of the county, is also considered a sensitive habitat.

2.5.1.3 *Invasive Plant Species and Noxious Weeds*

An invasive plant is one that is not native to a region but rather is introduced and tends to crowd out native vegetation. Invasive plant species in San Diego County occur throughout several different habitat types and include annual grasses (e.g., *Avena* spp., *Bromus* spp., *Lolium* spp.), perennial grasses (e.g., giant reed [*Arundo donax*], pampas grass [*Cortaderia selloana*], crimson fountaingrass [*Pennisetum setaceum*]), herbaceous broadleaf plants (e.g., mustard [*Brassica* spp.], fennel [*Foeniculum vulgare*], thistles [*Carduus* spp., *Centaurea* spp., *Cirsium* spp.]), and woody trees and shrubs (e.g., saltcedar [*Tamarix* spp.], acacias [*Acacia* spp.], and eucalyptus).

2.5.1.4 *Wildlife Movement Corridors*

San Diego County contains several large areas of relatively undisturbed wildlife habitat, including Cleveland National Forest, Anza-Borrego Desert State Park, land managed by the Bureau of Land Management (e.g., Carrizo Gorge Wilderness, Sawtooth Mountains Wilderness, Hauser Mountain Wilderness Study Area, Otay Mountain Wilderness), and land managed by CDFW (e.g., Hollenbeck Canyon Wildlife Area, Sycuan Peak Ecological Reserve, Crestridge Ecological Reserve, Canada de San Vicente Ecological Reserve, San Felipe Valley Wildlife Area). In addition, major river systems throughout the county also contain movement habitat for fish and wildlife species. Federal and state lands are not included in the program area; however, natural habitat adjacent to these lands that may provide connectivity to other large areas of wildlife habitat are included in the program area.

There have been multiple efforts to model habitat connectivity for wildlife in San Diego County. The California Essential Habitat Connectivity Project was commissioned by the California Department of Transportation and CDFW with the purpose of making transportation and land use planning more efficient and less costly while helping reduce dangerous wildlife-vehicle collisions (Spencer et al. 2010). This effort identified Natural Landscape Blocks and Essential Connectivity Areas (ECAs) throughout the state. Furthermore, core resource areas (i.e., areas generally supporting a high concentration of sensitive biological resources) and linkages for these core areas were modeled for the MSCP South County Subarea Plan. As shown in Figure 2.5.5, presented at the end of this section, Natural Landscape Blocks have been identified throughout much of the eastern half of San Diego County, including the areas described above. Large ECAs connect natural habitats in the western portion of the county with the larger natural areas to the east, and these ECAs are mostly consistent with the linkages modeled for the MSCP (Figure 2.5.5).

Additional habitat connectivity modeling for mountain lions (*Felis concolor*) has been conducted by the SDMMP for San Diego County, which is shown in Figure 2.5.6, presented at the end of this section. The eastern half of San Diego County has been identified as a “high connectivity” area, and urban areas in the western portion of the county have been identified as “no connectivity” areas for mountain lions (Figure 2.5.6).

2.5.1.5 *Native Wildlife Nursery Sites*

Nursery sites are locations where fish and wildlife concentrate for hatching or raising young, such as nesting rookeries for birds, spawning areas for native fish, fawning areas for deer, and maternal roosts for bats. Nursery sites are considered in this analysis for native wildlife that are not defined and otherwise considered under CEQA as special-status species. The program

area likely contains a variety of wildlife nursery sites. Native nursery sites are not mapped for the program area and would need to be identified and evaluated at a site-specific level.

2.5.1.6 *Habitat Conservation Plans*

As described below in Section 2.5.2, "Regulatory Framework," the MSCP South County Subarea Plan was adopted in 1998. The County is currently developing additional MSCP Plans for the North County and East County unincorporated areas, as well as a Butterflies Habitat Conservation Plan (HCP). These plans are in development and have not been adopted. Details regarding adopted plans and plans in development are included in Section 2.5.2, below.

2.5.2 Regulatory Framework

2.5.2.1 *Federal*

Federal Endangered Species Act

Pursuant to ESA (16 US Code [USC] Section 1531 et seq.), USFWS regulates the taking of species listed under ESA as threatened or endangered. In general, persons subject to ESA (including private parties) are prohibited from taking endangered or threatened fish and wildlife species on private property and from taking endangered or threatened plants in areas under federal jurisdiction or in violation of state law. Under Section 9 of ESA, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." USFWS has also interpreted the definition of "harm" to include significant habitat modification that could result in take.

Section 10 of ESA applies if a nonfederal agency is the lead agency for an action that results in take and no other federal agencies are involved in permitting the action. Section 7 of ESA applies if a federal discretionary action is required (e.g., a federal agency must issue a permit), in which case the involved federal agency consults with USFWS.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, provides for protection of international migratory birds and authorizes the secretary of the interior to regulate the taking of migratory birds. The MBTA provides that it will be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird or any part, nest, or egg of any such bird. Under the MBTA, "take" is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities." A take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. The current list of species protected by the MBTA can be found in Title 50 of the Code of Federal Regulations (CFR), Section 10.13 (50 CFR 10.13). The list includes nearly all birds native to the United States.

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act, enacted in 1940 and amended multiple times since, prohibits the taking of bald eagles (*Haliaeetus leucocephalus*) and golden eagles (*Aquila chrysaetos*) without a permit from the secretary of the interior. Similar to ESA, the Bald and

Golden Eagle Protection Act defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb” (16 USC Sections 668–668c). For the purpose of the act, disturbance that would injure an eagle, decrease productivity, or cause nest abandonment, including habitat alterations that could have these results, are considered take and can result in civil or criminal penalties.

Section 404 of the Clean Water Act

Section 404 of the federal CWA (33 USC Section 1344) requires a project applicant to obtain a permit before engaging in any activity that involves any discharge of dredged or fill material into waters of the United States, including wetlands. Fill material is material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. Waters of the United States include navigable waters of the United States; interstate waters; all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce; tributaries to any of these waters that are relatively permanent standing or continuously flowing bodies of water; and wetlands adjacent to and with a continuous surface connection to these waters. Wetlands are defined as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Potentially jurisdictional wetlands must meet 3 wetland delineation criteria: hydrophytic vegetation, hydric soil types, and wetland hydrology. Wetlands that meet the delineation criteria may be jurisdictional under Section 404 of the CWA pending US Army Corps of Engineers (USACE) verification.

Section 401 of the Clean Water Act

Under Section 401 of the CWA (33 USC Section 1341), an applicant for a Section 404 permit must obtain a certificate from the appropriate state agency stating that the intended dredging or filling activity is consistent with the state’s water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Resources Control Board (SWRCB) to the regional water quality control boards (RWQCBs).

2.5.2.2 *State*

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne Act, Chapter 368, Statutes of 1943), waters of the state fall under the jurisdiction of the appropriate RWQCB. RWQCBs must prepare and periodically update water quality control plans (Basin Plans). Each Pasin Plan sets forth water quality standards for surface water and groundwater, as well as actions to control point and nonpoint sources of pollution to achieve and maintain these standards. The RWQCB’s jurisdiction includes federally protected waters, as well as areas that meet the definition of “waters of the state.” “Waters of the state” is defined as any surface water or groundwater, including saline waters, within the boundaries of the state. The RWQCB has the discretion to take jurisdiction over areas not federally regulated under Section 401 of the CWA provided they meet the definition of waters of the state. Discharges of dredge or fill material within waters of the state, including wetlands, that do not require a CWA 401 water quality certification, must meet the RWQCB’s waste discharge requirements.

California Endangered Species Act

Pursuant to CESA (California Fish and Game Code Section 2050 et seq.), a permit from CDFW is required for projects that could result in the "take" of a plant or animal species that is listed by the state as threatened or endangered. Under CESA, "take" is defined as an activity that would directly or indirectly kill an individual of a species but, unlike the federal definition, does not include "harm" or "harass." As a result, the threshold for take is higher under CESA than under the federal ESA. Authorization for take of state-listed species can be obtained through a California Fish and Game Code Section 2081 Incidental Take Permit.

California Fish and Game Code Sections 3503 and 3503.5, Protection of Bird Nests and Raptors

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 of the Fish and Game Code states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders *Falconiformes* and *Strigiformes*), including their nests or eggs. Typical violations include destruction of active nests as a result of tree removal or disturbance caused by project construction or other activities that cause the adults to abandon the nest, resulting in loss of eggs or young.

Fully Protected Species under the California Fish and Game Code

Protection of fully protected species is described in Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code. These statutes prohibit take or possession of fully protected species and do not provide for authorization of incidental take, except under specific conditions. The Fish and Game Code allows CDFW to authorize incidental take of fully protected species for scientific research purposes; relocation to protect livestock; as part of a Natural Community Conservation Plan (NCCP); State Water Project projects; regional or local water agency infrastructure (other than the Delta conveyance project and desalination project); certain transportation-related projects, such as wildlife crossings; and wind and solar photovoltaic projects, provided that the project avoids, minimizes, or mitigates impacts on these species.

California Fish and Game Code Section 1602, Streambed Alteration

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by CDFW under Section 1602 of the Fish and Game Code. Under Section 1602 of the Fish and Game Code, it is unlawful for any person, governmental agency, or public utility to do the following without first notifying CDFW:

1. substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake, or
2. deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

The regulatory definition of "stream" is a body of water that flows at least periodically or intermittently through a bed or channel that has banks and supports fish or other aquatic life. This definition includes watercourses with a surface or subsurface flow that supports or has supported riparian vegetation. CDFW's jurisdiction within altered or artificial waterways is based

on the value of those waterways to fish and wildlife. A CDFW streambed alteration agreement must be obtained for any action that would result in an impact on a river, stream, or lake.

Natural Community Conservation Planning Act

The NCCP Act of 1991 is designed to conserve natural communities at the ecosystem scale while accommodating compatible land uses. CDFW is the principal state agency implementing the NCCP program. Section 2800 et seq. of the California Fish and Game Code addresses NCCPs, and a 2835 permit is issued by CDFW for all NCCPs. The act established a process to allow for comprehensive, regional multi-species planning in a manner that satisfies the requirements of the state and federal ESAs (through a companion regional Habitat Conservation Plan). The NCCP program has provided the framework for innovative efforts by the state, local governments, and private interests to plan for the protection of regional biodiversity and the ecosystems upon which it depends. NCCPs seek to ensure the long-term conservation of multiple species while allowing for compatible and appropriate economic activity to proceed.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) (Fish and Game Code Section 1900 et seq.) allows the California Fish and Game Commission to designate plants as rare or endangered. The act prohibits take of endangered or rare native plants but includes exceptions for agricultural and nursery operations; for emergencies; and, after proper notification of CDFW, for vegetation removal from canals, roads, and other building sites; changes in land use; and other situations. CDFW and the California Native Plant Society (CNPS) jointly manage the Rare Plant Status Review groups, which consist of over 300 botanical experts from government agencies, academia, nonprofit organizations, and the private sector. The Rare Plant Status Review groups evaluate plant taxa rarity using NatureServe's element ranking methodology, which uses standardized ranking criteria and definitions, making ranks comparable across organisms and political boundaries. The methodology uses a rank calculator to increase repeatability and transparency of the process. Detailed information on the current element ranking methodology can be found at https://www.natureserve.org/conservation-status-assessment. Designating plants with a CRPR is part of this process.

Oak Woodlands Conservation Act

The Oak Woodlands Conservation Act (Senate Bill 1334, Chapter 732, Statutes of 2004) requires counties to determine whether implementation of a project within their jurisdiction may result in a conversion of oak woodlands that would have a significant adverse effect on the environment (Public Resources Code [PRC] Section 21083.4). If the County determines that implementing a project would result in a significant adverse effect on oak woodlands, mitigation measures to reduce the significant adverse effect of converting oak woodlands to other land uses are required.

Cannabis State Regulations

State Water Resources Control Board Order WQ 2023-0102-DWQ

Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Wastes Associated with Cannabis Cultivation Activities, includes the following requirements (terms) for state-licensed cultivation sites that are

associated with biological resources. Section 2.11, “Hydrology and Water Quality,” outlines the requirements associated with protection of water quality and surface water flows.

General Requirements and Prohibitions

1. Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following:

    - The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the Requirements in the Policy and Cannabis General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order).
    - The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards).
    - All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building.
    - All applicable requirements of the California Department of Fish and Wildlife (CDFW).
    - All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry.
    - California Environmental Quality Act and the National Environmental Policy Act.

3. The cannabis cultivator shall apply for a Lake and Streambed Alteration Agreement (LSA Agreement) or consult with CDFW to determine if an LSA Agreement is needed prior to commencing any activity that may substantially:

    - divert or obstruct the natural flow of any river, stream, or lake;
    - change or use any material from the bed, channel, or bank of any river, stream, or lake; or
    - deposit debris, waste, or other materials that could pass into any river stream or lake.

    “Any river, stream or lake," as defined by CDFW, includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

4. Cannabis cultivators shall not take any action which results in the taking of Special-Status Plants (state listed and California Native Plant Society 1B.1 and 1B.2), Fully Protected species (Fish and Game Code sections 3511, 4700, 5050, and 5515), or a threatened, endangered, or candidate species under either the California Endangered Species Act (CESA) (Fish & Game Code §§ 2050 et seq.) or the federal ESA (16 U.S.C. § 1531 et seq.). If a "take," as defined by the California ESA (Fish and Game Code section 86) or the federal ESA (16 U.S.C. § 1532(21)), may result from any act authorized under this Policy, the cannabis cultivator must obtain authorization from CDFW, National Marine Fisheries Service, and United States Fish and Wildlife Service, as applicable, to incidentally take such species prior to land disturbance or operation associated with the cannabis cultivation activities. The cannabis cultivator is responsible for meeting all requirements under the California ESA and the federal ESA.

7. A California Licensed Timber Operator (LTO) shall be used if any commercial tree species are to be removed from the cannabis cultivation site. All timberland conversions shall be permitted and compliant with the Forest Practice Rules and CAL FIRE permitting requirements.

10. Prior to commencing any cannabis land development or site expansion activities the cannabis cultivator shall retain a qualified biologist to identify sensitive plant, wildlife species, or communities at the proposed development site. If sensitive plant, wildlife species, or communities are identified, the cannabis cultivator and Qualified Biologist shall consult with CDFW and CAL FIRE to designate a no-disturbance buffer to protect identified sensitive plant, wildlife species, and communities. A copy of the report shall be submitted to the appropriate Regional Water Board.

11. To prevent transfer of invasive species, all equipment used at the cannabis cultivation site, including excavators, graders, etc., shall be cleaned before arriving and before leaving the site.

30. In timberland areas, cannabis cultivators shall not remove commercial tree species or other vegetation within 150 feet of fish bearing water bodies or 100 feet of aquatic habitat for nonfish aquatic species (e.g., aquatic insects) prior to obtaining all applicable permits required from CAL FIRE, CDFW (i.e., LSA Agreement), and/or the Regional Water Board Executive Officer.

37. Cannabis cultivators shall comply with the minimum riparian setbacks described below (Table 2.5.7) for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody's bankfull stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of wetland as delineated by a qualified professional with experience implementing the Corps of Engineers Wetlands Delineation Manual (with regional supplements). The Regional Water Board Executive Officer may require additional riparian setbacks or additional requirements, as needed, to meet the performance requirement of protecting surface water from discharges that threaten water quality. If the cannabis cultivation site cannot be managed to protect water quality, the Executive

Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site:

Requirements Related to Water Diversions and Waste Discharge for Cannabis

63. Cannabis cultivators shall not disturb aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under a CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), or a CDFW LSA Agreement.

64. Cannabis cultivators shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.

2.5.2.3 *Local*

San Diego County General Plan

The San Diego County General Plan was most recently updated in 2011. The policies addressing biological resources that were adopted as part of the 2011 General Plan Update Conservation and Open Space and Land Use elements and are applicable to the project include the following:

- **Policy COS-1.1: Coordinated Preserve System**. Identify and develop a coordinated biological preserve system that includes Pre-Approved Mitigation Areas, Biological Resource Core Areas, wildlife corridors, and linkages to allow wildlife to travel throughout their habitat ranges.
- **Policy COS-1.2: Minimize Impacts**. Prohibit private development within established preserves. Minimize impacts within established preserves when the construction of public infrastructure is unavoidable.
- **Policy COS-1.3: Management**. Monitor, manage and maintain the regional preserve system facilitating the survival of native species and the preservation of healthy populations of rare, threatened, or endangered species.
- **Policy COS-1.9: Invasive Species**. Require new development adjacent to biological preserves to use non-invasive plants in landscaping. Encourage the removal of invasive plants within preserves.
- **Policy COS-2.1: Protection, Restoration and Enhancement**. Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.
- **Policy COS-2.2: Habitat Protection through Site Design**. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.

- **Policy COS-3.1: Wetland Protection**. Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.
- **Policy COS-3.2: Minimize Impacts of Development**. Require development projects to:
  - Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and
  - Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.
- **Policy COS-5.3: Downslope Protection.** Require development to be appropriately sited and to incorporate measures to retain natural flow regimes, thereby protecting downslope areas from erosion, capturing runoff to adequately allow for filtration and/or infiltration, and protecting downstream biological resources.
- **Policy COS-5.4: Invasive Species.** Encourage the removal of invasive species to restore natural drainage systems, habitats, and natural hydrologic regimes of watercourses.
- **Policy COS-5.5: Impacts of Development to Water Quality.** Require development projects to avoid impacts to the water quality in local reservoirs, groundwater resources, and recharge areas, watersheds, and other local water sources.
- **Policy LU-6.1: Environmental Sustainability**. Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment.
- **Policy LU-6.2: Reducing Development Pressures**. Assign lowest-density or lowest intensity land use designations to areas with sensitive natural resources.
- **Policy LU-6.3: Conservation-Oriented Project Design**. Support conservation-oriented project design. This can be achieved with mechanisms such as, but not limited to, Specific Plans, lot area averaging, and reductions in lot size with corresponding requirements for preserved open space (Planned Residential Developments). Projects that rely on lot size reductions should incorporate specific design techniques, perimeter lot sizes, or buffers, to achieve compatibility with community character. [See applicable community plan for possible relevant policies.]
- **Policy LU-6.6: Integration of Natural Features into Project Design**. Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.
- **Policy LU-10.2: Development-Environmental Resource Relationship**. Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.

San Diego County Zoning Ordinance

The San Diego County Zoning Ordinance (Zoning Ordinance) is the primary regulatory document for land use in the county. Adopted October 18, 1978, and most recently amended

in July 2023, the Zoning Ordinance acts as an implementation vehicle for elements of the General Plan. Land may have a zoning designation or special area regulation with certain restrictions pursuant to the Zoning Ordinance. The Zoning Ordinance also applies other Special Area Regulations with specific restrictions and provisions, including Sections 5300 through 5307, Sensitive Resource Area Regulations (Designator G); Sections 5950 through 5957, Coastal Resource Protection Area Regulations (Designation R); and Sections 5850 through 5856, Vernal Pool Area Regulations (Designator V).

Sensitive Resource Area Regulations

The Sensitive Resource Area designator shall be applied based upon the presence of one or more of the following resources on the property: wetlands, wetland buffers, floodplains, significant habitat lands, and prehistoric and historic sites. The Sensitive Resource Area designator shall also be applied to steep slope areas when at least 1 of the following criteria are met: (1) at least one of the resources in the preceding paragraph is also present on the site, or (2) it is required as a condition of a discretionary permit approval. Activities within the site that meet these qualifications would be required to submit a site plan for approval, except for exempt activities, which include minor building permits and ongoing, existing agricultural operations, such as cultivation, growing, and harvesting of crops.

Vernal Pool Area Regulations

On property subject to the “V” Vernal Pool Area Regulations, no use or activity is permitted unless authorized by a minor use permit. For purposes of this section, “use” or “activity” means any activities that are likely to alter, modify, disturb, or destroy a vernal pool or its associated rare, threatened, or endangered species, including the following activities:

- Modifying or disturbing the soil surface or existing vegetation by grading (including agricultural grading), filling, ditching, plowing, tilling, cultivating, brushing, grubbing, clearing, burning, or applying any herbicide or other substance injurious to plant or animal life.
- Draining or filling a vernal pool.
- Placing an impervious covering on, over, or under the soil or water surface.
- Construction, expansion, alteration, or installation of a structure.

No use permit or other required permit shall be granted for any use, activity, or construction in the area subject to the ordinance unless the applicant demonstrates to the satisfaction of the officer or body having jurisdiction 1 of the following criteria:

- The proposed use, activity, or construction will not have any significant, adverse effects on any identified vernal pool or an associated rare, threatened, or endangered species;
- Adequate mitigating measures will be provided to protect the vernal pool or its associated rare, threatened, or endangered species; or
- There are social and economic benefits that override any adverse effects and there is no reasonably acceptable alternative site that would fulfill the purposes of the proposed use, activity, or construction.

Multiple Species Conservation Program

The MSCP is a regional conservation planning program that is designed to address multiple species' and habitat needs while also streamlining and coordinating existing procedures for review and permitting of project impacts on biological resources. The program establishes a connected preserve system that ensures the long-term survival of sensitive plant and animal species and protects the native vegetation found throughout the unincorporated county. Plans created under this program are both a federal HCP and a state NCCP. The MSCP addresses the potential impacts of urban growth, natural habitat loss, and species endangerment and creates plans to mitigate the potential loss of sensitive species and their habitats.

The County developed and adopted a plan for the unincorporated areas in the southern part of the county (i.e. the South County Subarea Plan) (County of San Diego 1998). This plan was created as part of a larger plan known as the regional MSCP Plan (August 1998). The MSCP Plan covers 582,243 acres over 12 jurisdictions. Each jurisdiction has its own subarea plan with jurisdictionally specific requirements for implementing the MSCP. The subarea plan for the County's jurisdiction, adopted by the Board of Supervisors (Board) on October 22, 1997, covers 252,132 acres in the southwestern portion of the unincorporated county, as shown in Figure 2.5.7, presented at the end of this section. The documents used to implement the MSCP include the South County Subarea Plan (adopted October 1997), the BMO, the final MSCP Plan (dated August 1998), and the implementing agreement between the County and wildlife agencies (signed March 1998).

The County is currently developing additional MSCP Plans for the North County and East County unincorporated areas. The Public Draft North County Plan and Draft EIR/EIS are planned for public release in 2025. The draft North County Plan covers 40 plant and animal species (many of which overlap the species covered under the South County Subarea Plan) in a 679,259-acre area and around the unincorporated communities of Bonsall, De Luz, Fallbrook, Harmony Grove, Julian, Lilac, Pala, Palomar Mountain, Pauma Valley, Rainbow, Ramona, Rancho Santa Fe, Rincon Springs, Twin Oaks Valley, Valley Center, and Warner Springs within the County's jurisdiction (Figure 2.5.7). The East County Plan Study Area covers approximately 1.2 million acres and is bounded on the west generally by the western boundary of the Cleveland National Forest, on the north by the Riverside County, on the east predominantly by Imperial County, and the south by Mexico (Figure 2.5.7). The timing for a draft East County Plan is currently unknown.

Any habitat set aside for the protection of biological resources in accordance with the MSCP is considered sensitive. MSCP plans and subarea plans may divide habitats into tiers based on sensitivity. Tier I habitats are generally the most sensitive and usually support a high diversity of plant and animal species or occur in limited areas within the unincorporated area of the county. Tier II habitats contain a number of sensitive species but are more likely to occur throughout the unincorporated area of the county or in remote areas where development is not anticipated. Tier III habitats contain natural habitats not included in the other 2 categories, and Tier IV includes disturbed lands.

The MSCP aids in the preservation of sensitive plant and animal species, helping to eliminate the need for future listings of species as endangered under the federal ESA and CESA and reduces the costly permit process for private landowners and public agencies. The overall goal of the MSCP is a large, connected, and managed preserve system that addresses a number of species at the habitat level rather than species by species and area by area. This

will create a more effective preserve system, as well as better protect the rare, threatened, and endangered species.

The program area overlaps the plan area for the MSCP South County Subarea Plan, as well as the future plan areas for the East County and North County Plans. Noncultivation activities, indoor cultivation, and mixed-light cultivation activities would be considered covered activities under the MSCP, whereas outdoor cultivation activities would be considered agricultural activities that would be exempt from regulations under the BMO, as described in Section 86.503 of the BMO, as long as clearing and grading related to outdoor cultivation meet the following requirements:

a. The land is not located within the Pre-Approved Mitigation Area (PAMA) shown on the Wildlife Agencies' Preapproved Mitigation Map, Attachment F of Document No. 0769999 on file with the clerk of the Board.
b. The applicant has farmed the land during 3 of the last 5 years and intends to retain the land in agriculture for the next 5 years, or the applicant intends to establish an agricultural operation on the particular parcel of land within 1 year and to retain the land in agriculture for at least 10 years.
c. The land is not located within a floodplain.

An applicant for an agricultural clearing project meeting these requirements shall provide evidence in writing of the facts that support a through c above. In addition, the number of acres and location of the land for which the exemption is sought shall be provided. As part of the application, the applicant shall sign an agreement to maintain the land in agriculture for the applicable holding period. The BMO is described further below.

County of San Diego Code of Regulatory Ordinances Sections 86.501–86.509, Biological Mitigation Ordinance

The BMO, under the Regulatory Code, provides the regulatory basis for implementing the MSCP South County Subarea Plan. The BMO outlines the sensitive resources of concern and sets forth the specific criteria and mitigation requirements that all private and public projects must follow. The MSCP South County Subarea Plan and BMO provide specific criteria for project design, impact allowances, and mitigation requirements. The BMO includes specific project design criteria that must be incorporated into each project, such as protecting wildlife movement corridors and avoiding resources considered to be significant. The BMO also limits the amount (i.e., acreage) of impacts that can occur to certain sensitive, rare, or endangered species and sets minimum mitigation ratios that must be implemented based on impacts.

Implementing Agreement

The Implementing Agreement is a tool to fulfill the obligations of the MSCP South County Subarea Plan. The agreement was signed on March 17, 1998, between USFWS, CDFW, and the County of San Diego. This 50-year cooperative agreement provides for the conservation of 85 plant and animal "covered species," establishes management conditions, and requires each of the parties to perform certain duties and responsibilities. It also provides for remedies and recourse should any of the parties fail to perform.

Butterflies Habitat Conservation Plan

The San Diego County Butterflies HCP is currently under development and will be a long-term regional plan focused on the recovery of sensitive butterfly populations in the county, including the federally endangered Quino checkerspot, federally endangered Laguna Mountains skipper (*Pyrgus ruralis lagunae*), federally threatened hermes copper, and sensitive Harbison's dun skipper (*Euphyes vestris harbisoni*).

The County's Butterflies HCP will provide the basis for the County to receive a federal incidental take permit to "cover" these sensitive butterfly species. This allows the incidental take permit to be extended to future development projects that comply with the County's Butterflies HCP so these projects do not have to secure their own separate incidental take permits from USFWS. Through this permitting mechanism, the County's Butterflies HCP will facilitate a more efficient regulatory process, providing improved species conservation and permitting for landowners, agricultural operators, businesses, and residents in the unincorporated regions of San Diego County. The plan area for this HCP has not yet been finalized; however, a draft plan area has been established.

County of San Diego Code of Regulatory Ordinances Sections 86.601–86.608, Resource Protection Ordinance

The Resource Protection Ordinance (RPO) was adopted in 1989 and later amended in 1991, 2007, and 2012. The RPO restricts, to varying degrees, impacts on natural resources, including environmentally sensitive lands, such as wetlands, wetland buffers, floodplains, steep slopes, sensitive habitat lands, and historical sites. Certain discretionary permit types are subject to the requirement to prepare resource protection studies under the RPO. Such discretionary permits include Tentative Maps (TMs), Tentative Parcel Maps (TPMs), Revised TMs, Revised TPMs, Rezones, Major Use Permits (MUPs), MUP modifications, and Site Plans.

The RPO requires that wetlands and their adjacent wetland buffers (i.e., 50–200 feet from the wetland edge) be protected on sites where these permits are granted. It also sets forth certain allowable uses within these lands.

The RPO also requires that applicable discretionary projects protect sensitive habitat lands. Sensitive habitat lands include unique vegetation communities and the habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or serves as a functioning wildlife corridor.

County of San Diego Code of Regulatory Ordinances Sections 67.801–67.814, Watershed Protection, Stormwater Management, and Discharge Control Ordinance

The purpose of the Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO), adopted in 2002 and updated in 2016, is to protect water resources and to improve water quality. This ordinance (1) prohibits polluted nonstormwater discharges to the stormwater conveyance system and receiving waters; (2) establishes requirements to prevent and reduce pollution to water resources; (3) establishes requirements for development project site design to reduce stormwater pollution and erosion; (4) establishes requirements for the management of stormwater flows from development projects to prevent erosion and to protect and enhance existing water-dependent habitats; (5) establishes standards for the use of off-site facilities for stormwater management to supplement on-site practices at new development

sites; (6) establishes notice procedures and standards for adjusting stormwater and nonstormwater management requirements; and (7) ensures that the County is compliant with applicable state and federal laws. The ordinance applies to all projects requiring certain discretionary or ministerial approval in the unincorporated county that are not already regulated under a valid facility-specific National Pollutant Discharge Elimination System permit or facility-specific RWQCB Waste Discharge Requirements permit. The ordinance applies to, but is not limited to, projects that require a tentative map, grading permit, or building permit. Projects are required to submit plans demonstrating how the requirements of the WPO would be met in order for the project to be approved.

County of San Diego Code of Regulatory Ordinances Sections 86.501–86.509, Habitat Loss Permit Ordinance

The Habitat Loss Permit (HLP) Ordinance was adopted in March 1994 in response to both the listing of the coastal California gnatcatcher as a federally threatened species and the adoption of the NCCP Act by the State of California. Pursuant to the Special 4(d) Rule under ESA, the County is authorized to issue "take permits" for the coastal California gnatcatcher (in the form of HLPs) in lieu of Section 7 or Section 10(a) permits, which are typically required from USFWS. Although issued by the County, the wildlife agencies (USFWS and CDFW) must concur with the issuance of an HLP for it to become valid as take authorization under ESA. The HLP Ordinance states that projects must obtain an HLP prior to the issuance of a grading permit, clearing permit, or improvement plan if the project will directly or indirectly impact any coastal sage scrub habitat types. The HLP is required if coastal sage scrub or related habitat will be impacted, regardless of whether or not the site is currently occupied by coastal California gnatcatcher. HLPs are not required for projects within the boundaries of an adopted MSCP Plan because take authorization is conveyed to those projects through compliance with the MSCP Plan.

Coastal California gnatcatcher is listed as threatened under ESA, and because cannabis activities are currently illegal under federal law, a federal permit, including an HLP for a federally listed species, may not be issued for cultivation or noncultivation activities associated with the Cannabis Program. Therefore, cultivation and noncultivation activities associated with the program must demonstrate that take of coastal California gnatcatcher would be completely avoided pursuant to this ordinance, which would require complete avoidance of coastal sage scrub habitat. Should cannabis activities be legalized federally in the future, these activities could seek coverage under this ordinance.

San Diego County Board of Supervisors Policy I-123, Conservation Agreement for the MSCP Plan

This policy establishes the process for the County to acquire habitat for MSCP preserve lands at minimal public cost while providing incentives for voluntary landowner participation in the program. The implementing mechanism is a conservation agreement through which a landowner would permanently set aside land that contributes to the County's MSCP preserve in exchange for certain financial and permitting benefits. The property owner would receive Third Party Beneficiary status, be included under the County's MSCP Plan, and would have the potential to qualify for reductions in water availability stand-by charges provided by the Metropolitan Water District of Southern California or the San Diego County Water Authority.

2.5.3 Analysis of Project Impacts and Determination of Significance

2.5.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, an impact on biological resources is considered significant if implementation of the Cannabis Program would do any of the following:

- 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 CDFW or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS;
- 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;
- 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;
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

2.5.3.2 *Approach to Analysis*

The analysis of potential impacts on biological resources resulting from Cannabis Program implementation is based on the data review described previously in Section 2.5.1, “Existing Conditions.” The program does not apply to the incorporated cities; coastal zone; tribal lands; military lands; or to public lands managed by the US Forest Service, the California Department of Parks and Recreation (California State Parks), the US Bureau of Land Management, or CDFW. Impact mechanisms for development under the program could include clearing of native vegetation; tree removal; grading, trenching, or tilling associated with new buildings or outdoor cultivation areas; ground disturbance from construction of storage ponds; installation of irrigation systems, drainage improvements, and water storage; road and building construction; extension of electrical facilities and infrastructure; installation of fencing; and operation of artificial nighttime lighting and generators. Project implementation associated with cultivation and noncultivation activities may include conversion of natural habitats to developed or agricultural land covers. The “Approach to the Environmental Analysis” section in the introduction of this chapter contains a further description of the development assumptions for the Cannabis Program.

This program-level analysis is based upon the review of the best available data regarding biological resources in San Diego County as described previously in Section 2.5.1, “Existing Conditions.” While the program area is defined, the potential future locations, footprint, and

design details of site-specific cultivation and noncultivation activities would be identified during project-specific CEQA analysis. Program activities would not necessarily occur within every vegetation and habitat type described in Section 2.5.1.1; however, this analysis assumes that development (e.g., buildings, infrastructure, drainage improvements, utilities, cultivation activities) and operation associated with these activities could occur anywhere within the program area (except for aquatic habitats where development would not be possible). The impact analysis assumes that cultivation and noncultivation activities would occur within the maximum possible footprint for each alternative as described in Table 1.4, "Alternative Development Assumptions." This assumption likely represents a conservative overestimate of impacts on natural habitat and associated special-status plants, special-status wildlife, and sensitive natural communities.

Operations for future cultivation and noncultivation activities are assumed to be contained within the identified maximum footprint area for cultivation sites and noncultivation sites. Operational activities that could adversely affect biological resources include the following.

- Cultivation activities: Activities related to the site preparation, planting, maintenance, and harvesting of cannabis (including both outdoors and in structures) through the use of staff, equipment, vehicles, artificial nighttime lighting, and generators, resulting in disturbance (e.g., visual, auditory) to wildlife in the immediate vicinity of the site.
- Noncultivation activities: Employee vehicle, service/delivery vehicle, and customer vehicle and equipment use, resulting in disturbance (e.g., visual, auditory) to wildlife in the immediate vicinity of the project site.

Specific requirements of existing laws and regulations described in Section 2.5.2, "Regulatory Framework," as well as the proposed Zoning Ordinance amendments (see Section 1.6.1.4, "Summary of Proposed Amendments to the San Diego County Zoning Ordinance") were assessed for their ability to avoid or reduce the exposure of biological resources to substantial adverse effects.

Federal agencies, such as USACE and USFWS, cannot issue permits for activities associated with cultivation and noncultivation activities due to the current federal illegal status of these activities. Consequently, future cultivation and noncultivation activities would be required to avoid federally regulated resources, including wildlife species listed under ESA and waters of the United States as required under Attachment A (General Requirements and Prohibitions) of SWRCB Order 2023-0102-DWQ. In addition, cannabis cultivation and noncultivation activities are prohibited in the coastal zone, which rules out impacts on special-status species and habitats that occur exclusively within the coastal zone (e.g., marine and intertidal species). Therefore, these species and habitats were excluded from this analysis.

Cultivation and noncultivation activities associated with the project would be required to participate in the San Diego County MSCP, including the adopted South County Subarea Plan and future North County and East County Plans, which are under development, as well as the San Diego County Butterflies HCP. Participation in these HCPs includes incorporation of mitigation requirements into project design and/or payment of applicable mitigation fees. The mitigation measures included in the analysis below are consistent with MSCP mitigation requirements where applicable given the federal status of cannabis activities. The identified mitigation measures are structured to provide appropriate mitigation under the existing conditions wherein cannabis activities cannot be treated as a covered activity for federally

listed species, as well as under possible future conditions where cannabis activities are legalized by the federal government.

2.5.3.3 *Issue 1: Special-Status Plant and Wildlife Species*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if it would 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 CDFW or USFWS.

Impact Analysis

A total of 292 special-status plants are known to occur within San Diego County and have potential to occur in the program area (Table 2.5.3). Forty-six of these plant species are considered covered species under the San Diego MSCP South County Subarea Plan, and 17 are considered narrow endemic plant species (Table 2.5.3). In addition, 7 critical populations of sensitive plant species are identified in the MSCP South County Subarea Plan and are included in Table 2.5.4. A total of 173 special-status wildlife species are known to occur in San Diego County and have potential to occur in the program area, including reptiles, amphibians, nesting birds, fish, invertebrates, and mammals (Table 2.5.4). Thirty-seven of these special-status wildlife species are considered covered species under the San Diego MSCP South County Subarea Plan, and 17 are considered rare, narrow endemic animal species. Program implementation could result in adverse effects on special-status species if present within or adjacent to the cultivation or noncultivation activity footprint.

Federal, State, and Local Regulations and Existing Regulatory Processes

As noted in Section 2.5.2, “Regulatory Framework,” there are a number of federal, state, and local regulations currently in place that help protect biological resources in the county.

The federal MBTA prohibits the disturbance of migratory birds, including raptors. In addition, the Bald and Golden Eagle Protection Act limits impacts on bald eagles and golden eagles. The federal ESA requires a Section 7 or Section 10 process to be undertaken if a project would result in take of a federally listed species, whereas CESA prohibits take of state-listed species without securing a Section 2081 permit. These permits may also be achieved through NCCP plans, such as the MSCP Plans. As noted above, however, due to the current status of cannabis activities under federal law, applicants cannot currently receive a take permit for federally listed species.

SWRCB Order WQ 2023-0102-DWQ

Licensed cultivation and noncultivation activities would be required to comply with Term 10 of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, which requires that the special-status plant and wildlife species be avoided and buffers be provided in consultation with CDFW and CAL FIRE. Avoidance of impacts on special-status plant species listed under ESA, CESA, or CRPR 1B.1 and 1B.2 is also provided in Term 4 of Attachment A (Section 1, General Requirements and Prohibitions). Term 11 of Attachment A (Section 1, General Requirements and Prohibitions) provides guidance on equipment use and maintenance to prevent the spread of invasive species. In addition, cannabis activities are

required to comply with Term 3 (General Requirements and Prohibitions), which requires application for an LSA Agreement, and requirements therein, or consultation with CDFW for any activity that may substantially divert, obstruct, alter, or deposit into any river, stream, or lake. In addition, Term 10 of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ requires site evaluations by a qualified biologist to determine whether special-status species have potential to occur on the site before development or site expansion.

Attachment A of SWRCB Order WQ 2023-0102-DWQ uses the California Invasive Plant Council's definition of "invasive species," which defines them as organisms (plants, animals, or microbes) that are not native to an environment and that, once introduced, establish, quickly reproduce and spread, and cause harm to the environment, economy, or human health. For the purposes of this analysis, noxious weeds are also considered to be invasive species. Noxious weeds are designated under California law by the California Department of Food and Agriculture and are defined as likely to be troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species and difficult to control or eradicate (CDFA 2024).

All licensed cultivation and noncultivation activities are required to comply with the numeric and narrative instream flow requirements for all diversions of surface water and groundwater as part of compliance with Attachment A (Section 3, Numeric and Narrative Instream Flow Requirements) of SWRCB Order WQ 2023-0102-DWQ. These requirements include design requirements for fish screens, diversion structures, off-stream storage reservoirs, and storage bladders.

Diversion provisions of the standards are based on 3 types of requirements to ensure sufficient instream flows:

- dry season forbearance period and limitations on the wet season diversions,
- narrative instream flow requirements, and
- numeric instream flow requirements during the wet season.

Instream flow requirements during the wet season were established by SWRCB in consultation with CDFW for the protection of aquatic species' life history needs, including those of endangered anadromous salmonids. Numeric instream flow requirements (minimum instream flows required to protect aquatic species) are established for each region in the state in Attachment A of SWRCB Order WQ 2023-0102-DWQ. Aquatic base flows have also been established to address instream flow impacts from groundwater diversions. The aquatic base flow is the set of chemical, physical, and biological conditions that represent limiting conditions for aquatic life in stream environments.

Surface water and groundwater diversions for commercial cannabis cultivation operations are limited in the following manner:

- Surface water diversions shall be prohibited from April 1 through October 31 each year (forbearance period).
- Surface water diversions may occur from November 1 through March 31 each year subject to the following requirements:

    - Surface water diversions shall not occur until the real-time daily average flow is greater than the minimum monthly instream flow requirement at a compliance gage for 7 consecutive days or after December 15 when flows are greater than the numeric flow requirement.
    - Surface water diversions must bypass a minimum of 50 percent of the streamflow past the point of diversion as estimated based on the commercial cannabis cultivator's visual observation.
- SWRCB shall monitor instream flows during the dry season and evaluate the number or location of groundwater diversions to determine whether a groundwater forbearance period or other measures should be imposed. SWRCB shall notify commercial cannabis cultivators if a groundwater forbearance period or other measures may be imposed to address the low-flow condition.
- SWRCB flow standards and diversion requirements were developed to protect fish spawning, migration, and rearing for endangered anadromous salmonids, as well as flows needed to maintain natural flow variability in each watershed. The diversion requirements would ensure that the individual and cumulative effects of water diversions and discharges associated with commercial cannabis cultivation do not affect instream flows necessary for fish spawning, migration, and rearing for endangered anadromous salmonids, as well as flows needed to maintain natural flow variability (SWRCB 2017a). The policy was scientifically peer-reviewed by 4 experts. The peer review determined that water quality, instream flow, and diversion requirements of the policy were based on sound scientific knowledge, methods, and data (SWRCB 2017b).

In accordance with Attachment A of SWRCB Order WQ 2023-0102-DWQ, for any water diversion or waste discharge related to commercial cannabis cultivation, Terms 1 through 14 (Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation) will apply, which include best management practices, including erosion control; commercial cannabis cultivation-related waste disposal, refuse, and human waste disposal; and stream crossing installation and maintenance.

In addition, cannabis activities are required to comply with Term 3 (General Requirements and Prohibitions), which requires application for an LSA Agreement, and requirements therein, or consultation with CDFW for any activity that may substantially divert, obstruct, alter, or deposit into any river, stream, or lake. Furthermore, cannabis activities are required to comply with Term 63 of Attachment A (Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation) of SWRCB Order WQ 2023-0102-DWQ, which requires no disturbance of aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under proper permits (e.g., CDFW LSA Agreement), as well as Term 64 of Attachment A (Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation), which requires maintaining riparian habitat.

San Diego County Zoning Ordinance and Amendments

The Zoning Ordinance Vernal Pool Area Regulations would prohibit proposed uses, activities, or construction that would have any significant, adverse effects on any identified vernal pool or an associated rare, threatened, or endangered species. Sensitive Resource Area Regulations would also apply to nonexempt sites that contain wetlands.

The following proposed Zoning Ordinance amendments would apply to the project and reduce impacts on special-status wildlife species, including impacts related to noise, artificial nighttime lighting, and water quality:

- Cannabis uses must be compliant with the noise, odor, signage, water usage, fencing, etc. regulations outlined in the respective sections of the Zoning Ordinance and Regulatory Code.
- Exterior lighting must be operational, full cut-off, shielded, and downward facing. Indoor and mixed-light operations would be fully controlled, such that minimal to no light escapes from within facilities to areas outside of the facilities.
- Use of a generator shall not be used as the sole source of power for a cannabis facility.
- Lighting shall be prohibited in agricultural shade or crop structures.
- Security lighting shall be motion sensor activated in agricultural zones.
- Nighttime light escape from mixed-light cultivation shall be controlled using internal black-out curtains to prevent the facility from emitting nighttime glow.
- Cannabis cultivation shall not occur on slopes 25 percent or greater.
- Generators shall not be used for cultivation except for temporary use in case of emergency.
- Outdoor cannabis cultivation areas must be fenced. Fencing cannot consist of razor wire, barbed wire, electrical-fencing, or similar types of materials.

County of San Diego Code of Regulatory Ordinances

The RPO requires that wetlands and their adjacent wetland buffers (i.e., 50–200 feet from the wetland edge) be protected on sites where these permits are granted. It also sets forth certain allowable uses within these lands. The RPO also requires protection of sensitive habitat lands (i.e., unique vegetation communities, habitat that is necessary to support a viable population of sensitive species, habitat that is critical to the proper functioning of a balanced natural ecosystem, habitat that serves as a functioning wildlife corridor).

The HLP Ordinance requires projects to obtain an HLP prior to the issuance of a grading permit, clearing permit, or improvement plan if the project will directly or indirectly affect any coastal sage scrub habitat types. The HLP is a type of take permit for the coastal California gnatcatcher issued by the County pursuant to the Special 4(d) Rule under ESA. USFWS and CDFW must concur with the issuance of an HLP for it to become valid as take authorization under ESA. As described above, coastal California gnatcatcher is listed as threatened under ESA, and because cannabis activities are currently illegal under federal law, a federal permit, including an HLP for a federally listed species, may not be issued for cultivation or noncultivation activities associated with the project under current federal law.

San Diego County BMO

The BMO outlines the sensitive resources of concern under the MSCP and sets forth the specific criteria and mitigation requirements that all private and public projects must follow. The MSCP South County Subarea Plan and BMO provide specific criteria for project design, impact allowances, and mitigation requirements. The BMO includes specific project design criteria that

must be incorporated into each project, such as protecting wildlife movement corridors and avoiding resources considered to be significant.

Details regarding the special-status species that may occur in the program area, including plants and wildlife, are included below. Specific regulations that would reduce impacts on some species, that may not apply to all species, are also noted, where applicable. Finally, the residual impacts after application of the existing regulations are described for each species or group of species.

Special-Status Plants

The 292 special-status plant species that are known to occur in San Diego County may occur in the program area and are associated with a wide variety of habitat types, including scrub and chaparral, coastal sage scrub, dune communities, woodlands, forests, grasslands, wetlands, marshes, and riparian habitats (Table 2.5.3). Cultivation and noncultivation activities associated with the program may include ground disturbance, vegetation removal, and grading.

Pursuant to Terms 10 and Term 4 of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, applicants are required to avoid impacts on special-status plants, and pursuant to Term 11 of Attachment A (Section 1, General Requirements and Prohibitions), applicants are required to prevent the spread of invasive species that may result in indirect impacts on special-status plants. However, the locations of all special-status plants in San Diego County are not known, and these requirements do not include details regarding methodology for identifying special-status plants.

Requirements under the BMO, including habitat based and species-specific mitigation and/or purchase of mitigation credits, would reduce impacts on special-status plants covered under the MSCP. Applicants would be required to participate in the plan, including implementation habitat-based mitigation measures, and/or purchase associated mitigation credits for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Many of the special-status plant species that may occur in the program area are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, and because surveys for special-status plants have not been conducted throughout the entire program area, cultivation and noncultivation activities could result in the direct, unmitigated loss of special-status plants or their habitat if present. Invasive plant species could be introduced and could proliferate due to some cultivation-related activities, such as ground disturbance, which could result in indirect effects on special-status plants and direct loss of their habitats. The loss of special-status plants and their habitat could substantially affect the abundance, distribution, and viability of local and regional populations of these species.

Special-Status Wildlife

The special-status wildlife known to occur in San Diego County and that have potential to occur in the program area are provided in Table 2.5.4 and described below by species group (i.e., amphibians, reptiles, birds, fish, insects, fairy shrimp, mammals). Species listed under ESA or CESA are noted (because of the additional avoidance requirements for these listed

species pursuant to Attachment A of SWRCB Order WQ 2023-0102-DWQ), as well MSCP-covered species and rare, narrow endemic animal species.

Term 10 of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ requires that special-status wildlife species be avoided and buffers be provided in consultation with CDFW and CAL FIRE. However, for the most part, surveys for special-status wildlife have not been conducted in the program area, and the exact locations of these resources are not known.

Special-Status Amphibians

Seven special-status amphibian species are known to occur in San Diego County and have potential to occur in the program area: arroyo toad, California red-legged frog (*Rana draytonii*), Coast Range newt (*Taricha torosa*), Desert slender salamander (*Batrachoseps major aridus*), large-blotched salamander (*Ensatina eschscholtzii klauberi*), southern mountain yellow-legged frog (*Rana muscosa*), and western spadefoot (*Spea hammondii*) (Table 2.5.4). Arroyo toad and California red-legged frog are listed as endangered and threatened, respectively, under ESA, and western spadefoot is proposed for listing under ESA. Arroyo toad and California red-legged frog are also MSCP-covered species and rare, narrow endemic animal species. These special-status amphibian species are typically found close to water; however, they use upland habitats adjacent to water at varying distances depending on the species. Southern mountain yellow-legged frog is listed as endangered under both CESA and ESA. This species is considered a Group I animal species on the County of San Diego sensitive animal list. Although the historic range of this species overlapped San Diego County, southern mountain yellow-legged frogs are no longer known to occur in the county. Therefore, impacts on this species would not occur, and mitigation would not be required.

As described above, SWRCB Order WQ 2023-0102 Term 37 of Attachment A (Section 1, General Requirements and Prohibitions) requires setback areas from the edge of surface water of at least 50 feet of surface water, dependent on the type of stream (e.g., ephemeral, perennial), as well as water quality control measures, and the RPO requires protection of wetlands and adjacent buffers of 50–200 feet. These regulations would likely prevent direct effects on special-status amphibians in aquatic habitat and in some riparian areas but would not fully prevent direct effects on these species in upland habitat beyond 50–200 feet from water. Arroyo toads have been documented using upland habitats approximately 0.6 miles (1 kilometer) from aquatic habitat (USFWS 1999). California red-legged frogs remain close to breeding habitat during the breeding season and typically do not move more than approximately 300 feet into upland habitats (Bulger et al. 2003; Fellers and Kleeman 2007). However, adult and juvenile California red-legged frog are known to travel through upland habitat (e.g., riparian, woodland, grassland) to move between breeding and nonbreeding sites (e.g., other ponds, deep pools in streams, moist and cool riparian understory, burrows) for access to refugia and foraging habitat or to disperse to new breeding locations. During migration, California red-legged frogs may travel long distances from aquatic habitat and typically travel in straight lines irrespective of vegetation types and have been documented to move more than 1.7 miles between aquatic habitat sites (Bulger et al. 2003). One recent study demonstrated that western spadefoot adults may burrow in upland habitat up to approximately 860 feet from breeding ponds (Baumberger et al. 2019). Coast range newts have been documented migrating approximately 2 miles between breeding and upland estivation sites.

Requirements under the BMO, including species-specific mitigation and/or purchase of mitigation credits, would reduce impacts on amphibians covered under the MSCP. While both MSCP-covered amphibian species (arroyo toad and California red-legged frog) are federally listed and applicants would not be able to obtain take coverage for these species under the MSCP due to the federal legal status of cannabis activities, applicants would still be required to participate in the plan and/or purchase associated mitigation credits for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Coast range newt and western spadefoot are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, and because impacts on these species in upland areas cannot be discounted, cultivation and noncultivation activities associated with the program could result in loss of or injury of special-status amphibians within upland habitats, if the species are present, through ground disturbance and vegetation removal. Individual frogs, toads, or newts could be crushed by heavy equipment or personnel on foot. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Reptiles

Twenty-four special-status reptile species are known to occur in San Diego County and have potential to occur in the program area (Table 2.5.4). Southwestern pond turtle (*Actinemys marmorata pallida*) is proposed for listing under ESA, and barefoot banded gecko (*Coleonyx switaki*) is listed as threatened under CESA. In addition, 3 reptile species are MSCP-covered species (coast horned lizard [*Phrynosoma blainvillii*], orange-throated whiptail [*Aspidoscelis hyperythra*], and western pond turtle), and western pond turtle is also considered an MSCP rare, narrow endemic animal species.

These special-status reptile species, including lizards and snakes, are associated with various habitats in the program area, including chaparral, coastal sage scrub, grassland, woodland, and sand dunes, as well as desert wash, marshes, and riparian habitats. Western pond turtles are associated with ponds, marshes, rivers, streams, and irrigation ditches but can also occur in upland habitats up to approximately 0.3 miles from aquatic habitat.

Cultivation and noncultivation activities are required to comply with SWRCB Order WQ 2023-0102 Term 37 of Attachment A (Section 1, General Requirements and Prohibitions), which requires setback areas of at least 50 feet of surface water, dependent on the type of stream (e.g., ephemeral, perennial), as well as water quality control measures, and the RPO requires protection of wetlands and adjacent buffers of 50–200 feet. Compliance with the general order would likely prevent some direct effects on special-status reptiles associated with aquatic, marsh, or riparian habitats; however, all of these species occur in upland habitat beyond 50–200 feet from water.

Requirements under the BMO, including species-specific mitigation and/or purchase of mitigation credits, would reduce impacts on western pond turtle. Western pond turtle is currently proposed for listing under ESA, and if the species is listed, applicants would not be able to obtain take coverage for this species under the MSCP due to the federal legal status of

cannabis activities. However, applicants would still be required to participate in the plan and/or purchase associated mitigation credits for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Most of the special-status reptile species that may occur in the program area are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in unmitigated loss of or injury to special-status reptiles, if the species occur at an individual project site, through ground disturbance and vegetation removal. Individual snakes, lizards, turtles, or occupied underground burrows could be crushed by heavy equipment or personnel on foot. In addition, western pond turtle eggs in underground burrows could be crushed and destroyed by the same activities. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Birds

Forty-one special-status bird species are known to occur in San Diego County and have potential to occur in the program area (Table 2.5.4). Eight of these species are listed or proposed for listing under ESA, and 13 species are listed under CESA or designated as fully protected under California Fish and Game Code. In addition, 25 bird species are MSCP-covered species, and 11 are considered MSCP rare, endemic animal species (Table 2.5.4).

Raptors

Special-status raptors that are known to occur in San Diego County and may occur in the program area are described in Table 2.5.4. Nesting habitat suitable for these species includes trees, snags, cliffs, burrows, marshes, grasslands, and human-made structures (e.g., utility poles). In addition, other raptor species (e.g., red-tailed hawk [*Buteo jamaicensis*]) are known to nest in San Diego County, and these species and their nests are protected under California Fish and Game Code. Raptors are generally considered to be more sensitive to human disturbance than other bird species, although this is not always the case.

Other Special-Status Birds

Several additional special-status bird species are known to occur in San Diego County and may occur in the program area (see Table 2.5.4). Habitat suitable for these species, including woodland, forest, riparian habitat, grassland, coastal sage scrub, and scrub and chaparral habitat, is present throughout the program area. Many of these species are associated very closely to certain habitats; for example, coastal California gnatcatcher is found exclusively in coastal sage scrub habitats. In addition, native migratory bird nests are protected by the California Fish and Game Code, and common bird species nest in many different habitats in San Diego County, including developed and disturbed habitats.

Requirements under the BMO, including species-specific mitigation and/or purchase of mitigation credits, would reduce impacts on bird species covered under the MSCP. While several MSCP-covered bird species are federally listed (California least tern, coastal California gnatcatcher, least Bell's vireo, light-footed Ridgway's rail, southwestern willow flycatcher, western snowy plover, western yellow-billed cuckoo) and while applicants would not be able to obtain take coverage for these species under the MSCP due to the federal legal status of

cannabis activities, applicants would still be required to participate in the plan and/or purchase associated mitigation credits for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Many of the special-status bird species that may occur in the program area are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in unmitigated loss of special-status birds, active nests, eggs, or young through removal or trees or other vegetation. Construction activities and facility operation (e.g., cultivation activities, human activity associated with noncultivation activities) could result in direct disturbance (i.e., due to noise, visual stimuli) of nesting special-status birds, if located near these activities, potentially resulting in disruption of breeding activities, nest abandonment, and loss of eggs or chicks. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Fish

Five special-status fish species are known to occur in San Diego County and have potential to occur in the program area (Table 2.5.4). Four of these species are listed under both ESA and CESA; however, no fish species are covered under the MSCP.

As noted above, cultivation and noncultivation activities are required to comply with SWRCB Order WQ 2023-0102 Term 37 of Attachment A (Section 1, General Requirements and Prohibitions), which requires setback areas from the edge of surface water of at least 50 feet of surface water, dependent on the type of stream (e.g., ephemeral, perennial) and requires water quality control measures. The RPO also requires protection of wetlands and adjacent buffers of 50–200 feet. Furthermore, cultivation and noncultivation activities associated with the project would be subject to SWRCB numeric and narrative instream flow requirements or required to obtain coverage under the waiver of WDRs (i.e., sites smaller than 2,000 square feet in area).

Because cultivation and noncultivation activities associated with the project would be subject to the numeric and narrative instream flow requirements and other requirements noted above, these activities would not create new surface water flow impacts on fisheries. For these reasons, direct impacts on special-status fish are not expected to occur. However, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Terrestrial Invertebrates

Twenty-five special-status terrestrial invertebrate species, consisting of 12 butterflies, 7 beetles, 2 snails, 1 bumble bee, 1 fly, 1 weevil, and 1 slug, are known to occur in San Diego County and have potential to occur in the program area (Table 2.5.4). Laguna Mountains skipper and Quino checkerspot butterfly are listed as endangered, hermes copper butterfly is listed as threatened, and monarch is proposed for listing under ESA. Two butterfly species, Thorne's hairstreak (*Callophrys thornei*) and wandering skipper (*Panoquina errans*), are MSCP-covered species. Crotch's bumble bee is a candidate for listing under CESA. These

species occur in a variety of habitats in the program area, including grassland, coastal sage scrub, scrub and chaparral, forest, woodland, and salt marshes (Table 2.5.4). Many monarch overwintering sites have been documented in San Diego County (Xerces Society 2018).

Requirements under the BMO, including species-specific mitigation and/or purchase of mitigation credits, would reduce impacts on the butterfly species covered under the MSCP (Thorne's hairstreak and wandering skipper) for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption). However, several other butterfly species and Crotch's bumble bee are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in direct mortality of special-status insects, removal of host plants for special-status butterflies, destruction of underground Crotch's bumble bee nests, or removal of habitat for these species, if present on an individual project site, through vegetation removal or ground disturbance. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Fairy Shrimp

Three special-status fairy shrimp species—California linderiella (*Linderiella occidentalis*), Riverside fairy shrimp, and San Diego fairy shrimp—are known to occur in San Diego County and have potential to occur in the program area (Table 2.5.4). Riverside fairy shrimp and San Diego fairy shrimp are listed as endangered under ESA, and are MSCP-covered species and rare, endemic animal species.

Term 10 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ requires site evaluations by a qualified biologist to determine whether sensitive communities, which would include vernal pools, occur on the site before development. Because the SWRCB Order WQ 2023-0102-DWQ is intended to apply statewide, project specifics (e.g., bloom dates for potential wetland plants, locations of wetlands, quality of wetlands) were not considered. In addition, Term 37 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102 requires delineation of wetlands using the USACE Wetlands Delineation Manual and 100-foot riparian setbacks for any wetlands delineated. Furthermore, the RPO also requires protection of wetlands and adjacent buffers of 50–200 feet. There may be instances in which wetlands identified will not receive sufficient protection from the 50–200-foot setback due to conditions such as topography or quality of wetland (e.g., habitat suitable for endangered species).

The Zoning Ordinance Vernal Pool Area Regulations would prohibit proposed uses, activities, and construction that would have any significant, adverse effects on any identified vernal pool or an associated rare, threatened, or endangered species. However, it is possible that vernal pool habitat that has not been identified may be present in areas proposed for development for cultivation or noncultivation activities, and these areas would not have been previously identified as being subject to these regulations.

Cultivation and noncultivation activities associated with the program may include ground disturbance that could result in direct loss of special-status fairy shrimp or interruption of the hydrology of vernal pool habitat, leading to loss of fairy shrimp if the species occur at an

individual project site, especially if the location of vernal pools has not been previously documented. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Mammals

Thirty-two special-status mammal species are known to occur in San Diego County and have potential to occur in the program area (Table 2.5.4).

Special-Status Bats

Sixteen special-status bat species are known to occur in San Diego County and have potential to occur in the program area (see Table 2.5.4). No bat species are listed under ESA or covered under the MSCP.

These special-status bats use a variety of roosting habitats, including trees, caves, crevices, mines, bridges, culverts, hollow trees, and buildings. Cultivation and noncultivation activities that include removal of trees, removal of existing buildings, or road work (i.e., bridge or culvert removal) could result in the direct loss of special-status bat roosts and potential loss of individuals, including flightless young in maternity roosts. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Rodents and Rabbits

Ten special-status rodent species are known to occur in San Diego County and have potential to occur in the program area (see Table 2.5.4). One special-status rabbit, San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), has potential to occur in the program area. Pacific pocket mouse (*Perognathus longimembris pacificus*) is listed as endangered under ESA, and Stephens's kangaroo rat (*Dipodomys stephensi*) is listed as threatened under ESA and CESA. Pacific pocket mouse is also an MSCP rare, narrow endemic animal species. Habitat suitable for these special-status rodent species include grassland, scrub and chaparral, deserts, and rocky areas.

Requirements under the BMO, including habitat-based mitigation and/or purchase of mitigation credits, would reduce impacts on the Pacific pocket mouse for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption). However, most of the special-status rodents that may occur in the program area are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in direct mortality of special-status rodents, destruction of occupied underground burrows, destruction of above-ground nests (i.e., San Diego desert woodrat, San Diego black-tailed jackrabbit), or removal of habitat for these species, if present on an individual project site, through vegetation removal or ground disturbance. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Carnivores and Mesocarnivores

Mountain lion, American badger (*Taxidea taxus*), and southern California ringtail (*Bassariscus astutus octavus*) are known to occur in San Diego County and have potential to occur in the program area (Table 2.5.4). Mountain lions in southern California, including San Diego, are candidates for listing under CESA, and southern California ringtail is designated as fully protected under California Fish and Game Code. American badger and mountain lion are MSCP-covered species.

Mountain lions occur in a variety of habitats except for the easternmost deserts of San Diego County but are most abundant in riparian areas and brushy stages of most habitats (CWHR 2024a). American badgers may occur in grasslands, shrublands (e.g., coastal sage scrub, scrub and chaparral), and open forests and woodlands. Southern California ringtails also occur in a variety of habitats, including deserts, rocky areas, shrublands, woodlands, forests, and riparian areas.

Requirements under the BMO, including habitat-based mitigation and/or purchase of mitigation credits, would reduce impacts on American badger and mountain lion, which are covered under the MSCP. However, southern California ringtail is not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP.

Cultivation and noncultivation activities are not likely to result in direct loss of adult mountain lions, American badgers, or ringtails because individuals would likely avoid or flee areas where construction activities or operation of these facilities was occurring. However, if construction or operation activities are conducted near an existing reproductive den with young (i.e., rocky areas, caves, dense shrubs, or downed logs for mountain lions; burrows for American badgers; tree cavities, downed logs, rock piles, or dense shrubs for ringtail), disturbance associated with these activities (e.g., noise, visual stimuli) could result in abandonment of the den, leading to loss of young through exposure to predation. Furthermore, if immobile young are present in dens and construction activities result in removal or destruction of the den habitat, these immobile young could be injured or killed. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Special-Status Ungulates

Two special-status ungulate species are known to occur in San Diego County and may occur in the program area: peninsular bighorn sheep DPS and southern mule deer (*Odocoileus hemionus fuliginatus*). Peninsular bighorn sheep is listed as endangered under ESA, threatened under CESA, and also designated as fully protected under California Fish and Game Code. Southern mule deer is a covered species under the MSCP. Habitat for peninsular bighorn sheep includes steep-walled canyons and ridges bisected by rocky or sandy washes with available water. Habitat for southern mule deer is more variable, including woodlands, shrublands, meadows, grasslands, and riparian areas. Desert bighorn sheep are likely to avoid areas with human activity, whereas mule deer are often observed near homes and other development.

Cultivation and noncultivation activities associated with the program are unlikely to result in direct loss of peninsular desert bighorn sheep or southern mule deer because these species would likely avoid areas with human activity or flee from construction or operation of these sites. Furthermore, these species are not associated with nests or dens, and young are

precocial and can walk quickly after birth, which makes them potentially less vulnerable to disturbance or at least better equipped to flee from disturbance. However, these activities could result in indirect effects on these species through disruption of movement corridors through construction of new buildings, removal of natural habitat, or construction of fences. The Zoning Ordinance amendments require outdoor cannabis cultivation operations to be fenced but prohibit fencing that consists of razor wire, barbed wire, electrical fencing, or similar types of materials. This requirement would reduce potential adverse effects from entanglement or entrapment on special-status ungulates. The BMO requires an assessment of whether a site qualifies as a Biological Resource Core Area, which includes areas that serve as regional linkage or corridors for wildlife. The RPO also requires protection of sensitive habitat lands, including areas that function as wildlife corridors. Although these requirements would likely reduce the potential for indirect effects on peninsular desert bighorn sheep and southern mule deer resulting from disruption of movement corridors, the requirements do not include enough detail to ensure that fencing would be "wildlife friendly" (i.e., reduce the risk of entanglement or entrapment) or performance measures. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Based on review satellite imagery, these five sites have been developed with buildings, parking areas, and infrastructure. Given the disturbed conditions of these sites, no significant impacts on special-status species are anticipated.

Impacts on special-status species would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

The specific locations of future cultivation and noncultivation activities are not known at this time and have not been evaluated as part of this programmatic environmental analysis other than the zoning areas where these activities would be allowed and the buffers described above. Therefore, quantifying the potential impact of these future activities on vegetation and

habitat types and resultant impacts on special-status species would occur at the individual project level. As a result, it is assumed that cultivation and noncultivation activities could occur in habitats occupied by the special-status plant and wildlife species described above.

As described above, cultivation and noncultivation activities associated with the program may include ground disturbance, vegetation removal, and grading, which could result in the direct loss of special-status plants or their habitat if present. Invasive plant species could be introduced and could proliferate due to some cultivation-related activities, such as ground disturbance, which could result in indirect effects on special-status plants and direct loss of their habitats. The loss of special-status plants and their habitat could substantially affect the abundance, distribution, and viability of local and regional populations of these species. In addition, cultivation and noncultivation activities associated with the program could result in direct loss of special-status wildlife, active dens or nests, or young through ground disturbance, removal of trees, or removal of other vegetation. Construction activities and facility operation (e.g., cultivation activities, human activity associated with noncultivation activities) could also result in direct disturbance (i.e., due to noise, visual stimuli) of special-status mammals, if located near these activities, potentially resulting in abandonment of dens or loss of young. Although peninsular bighorn sheep and southern mule deer are not expected to be directly affected by cultivation and noncultivation activities, indirect effects resulting from installation of fencing could result in disruption of movement corridors and incidental entanglement or entrapment of sheep or deer. Artificial nighttime lighting and noise are not expected to result in adverse effects on special-status wildlife because existing regulations and proposed Zoning Ordinance amendments require all interior lighting to be contained within buildings, limit the types of outdoor lighting, and require limits on generator use for noise abatement.

Impacts on special-status species would be potentially significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. Under Alternative 3, the definition of “sensitive uses” would be expanded, and the sensitive uses relevant to biological resources are regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, among other locations. The buffer observed from these sensitive uses from any cultivation or noncultivation activity would be expanded to 1,000 feet, from the 600 feet required by Alternative 2. Cannabis billboards would also be prohibited within 1,000 feet of these sensitive uses.

The potential impact mechanisms related to special-status species under Alternative 3 would be the same as described above for Alternative 2. The expanded sensitive uses described above include regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, which encompass large areas of open space and natural habitat in San Diego County. These areas likely provide habitat for special-status plant and wildlife species. Including a 1,000-foot buffer surrounding these areas may reduce the magnitude of potential effects on special-status plants and wildlife from cultivation and noncultivation activities. Plant species in these areas may be less likely to be indirectly affected through erosion or introduction of invasive plant species, and disturbance to special-status wildlife from noise or visual stimuli from these activities may be less likely to occur. However, parks, trails, recreation facilities, and preserves do not encompass all habitat for special-status species in the county, so impacts would not be completely avoided.

Impacts on special-status species would be potentially significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, outdoor cannabis cultivation would be prohibited. Mixed-light cultivation activities could occur on up to 445 acres of land, with a total of up to 1,022,524 square feet (i.e., approximately 23 acres) of building area. Indoor cultivation activities could occur on up to 34 acres of land, with a total of up to 980,000 square feet (i.e., approximately 22.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 748 acres, with approximately 92.5 acres (4,032,924 square feet) of building area for Alternative 4. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 4.

The potential impact mechanisms related to special-status species under Alternative 4 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and increased buffer size under Alternative 4 would be the same as described above for Alternative 3. The prohibition of outdoor cannabis cultivation under Alternative 4 may result in a small reduction in disturbance potential for special-status wildlife because the noise and visual stimuli (e.g., employees) associated with cultivation activities in outdoor facilities may be more impactful for nearby nesting or denning wildlife than the same activities conducted in a building or agricultural shade or crop structure, where these activities would be muffled (i.e., noise) or shielded (i.e., visual stimuli) by walls or tarps. However, the physical impact of indoor and outdoor cultivation activities would be functionally identical in relation to impacts on special-status species because they would both potentially involve ground disturbance, vegetation removal, and conversion of natural habitats.

Impacts on special-status species would be potentially significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 5. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

The potential impact mechanisms related to special-status species under Alternative 5 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and increased buffer size under Alternative 5 would be the same as described above for Alternative 3. Because the total development footprint, including for outdoor cultivation activities, would be the same for Alternative 5 as for Alternatives 2 and 3, the potential for impact would be similar. The actual distribution of the 1-acre lots in the program area is difficult to predict. It is possible that this requirement would prevent large areas of outdoor cultivation from being established, potentially retaining movement corridors and patches of undeveloped land for use by wildlife. It is also possible that 1-acre lots would be concentrated in areas near each other, resulting in functionally the same condition on the ground as a larger lot with multiple acres of outdoor cultivation. As a result, the acreage limit for outdoor cultivation would not necessarily reduce impacts on special-status species.

Impacts on special-status species would be potentially significant under Alternative 5.

2.5.3.4 *Issue 2: Riparian Habitat and Other Sensitive Natural Communities*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if it would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS.

Impact Analysis

Twenty-three sensitive natural communities have been mapped in San Diego County and are therefore known to occur, and 32 sensitive natural communities have potential to occur in San Diego County (Table 2.5.5). These communities are either known to occur or may occur in the program area. In addition, 26 legacy (i.e., using the Holland classification system, as described above) sensitive natural communities have been mapped in the county (Table 2.5.6), several of which correspond to communities mapped in the county using the state's current vegetation mapping and classification standards. See "Sensitive Natural Communities," under Section 2.5.1, "Existing Conditions," for more detail. Riparian habitat in the county can be found adjacent to aquatic habitat, such as streams and rivers, including near the Santa Margarita, San Luis Rey, and San Diego Rivers and their tributaries. Approximately 20,443 acres of riparian and bottomland habitat and 46,920 acres of oak woodland habitat have been mapped in the program area (Table 2.5.2; Figure 2.5.1).

Federal, State, and Local Regulations and Existing Regulatory Processes

As noted above in Issue 1, numerous federal, state, and local regulations exist to protect sensitive natural communities identified in local or regional plans, policies, regulations or by CDFW or USFWS. In addition, there are a number of federal, state, and local regulations in place to protect riparian habitat. The CWA regulates certain impacts on federally protected wetlands, as well as nonwetland waters of the United States. The California Lake and Streambed Alteration Program (California Fish and Game Code Section 1602) requires written notification to CDFW prior to altering a riparian area supported by a lake, river, or stream. On the local level, the County's RPO restricts certain impacts on wetlands, wetland buffers, floodways, and floodplain fringe areas. The WPO is applied to development permits to minimize impacts on wetlands and water bodies. In addition, in accordance with the Zoning Ordinance, some sensitive lands have Special Area Designators for floodplains, flood channels, or vernal pools.

Cultivation and noncultivation activities are required to comply with Attachment A of SWRCB Order WQ 2023-0102-DWQ Term 37 (Section 1, General Requirements and Prohibitions), which requires setback areas of at least 50 feet of surface water, dependent upon the type of stream (e.g., ephemeral, perennial) and requires water quality control measures. In addition, cultivation and noncultivation activities are required to comply with Term 3 (Section 1, General Requirements and Prohibitions), which requires application for an LSA Agreement, and requirements therein, or consultation with CDFW for any activity that may substantially divert, obstruct, alter, or deposit into any river, stream, or lake. Furthermore, cultivation and noncultivation activities are required to comply with Term 63 of Attachment A (Section 2,

Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation) of SWRCB Order WQ 2023-0102-DWQ, which requires no disturbance of aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under proper permits (e.g., CDFW LSA Agreement), as well as Term 64 of Attachment A (Section 2, Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation), which requires maintaining riparian habitat. However, these setbacks may not always capture all riparian habitat present. Streams supporting riparian and wetland vegetation are regulated by CDFW under Section 1600 et seq. of the Fish and Game Code, which provides for the protection of fish, wildlife, and native plant resources.

Approximately 48,503 acres of woodland habitat occurs in the county, 46,920 acres of which are classified as oak woodlands. Oak woodlands are considered under the state Oak Woodlands Conservation Act, which requires the County to determine whether proposed development would result in conversion of oak woodlands that would have a significant adverse effect on the environment. The project would need to comply with Term 10 of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, which requires that sensitive habitats be avoided and buffers be provided in consultation with CDFW and CAL FIRE. In addition, Term 10 of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ requires site evaluations by a qualified biologist to determine whether sensitive habitats occur on the site before development or site expansion.

Cultivation and noncultivation activities associated with the program may result in ground disturbance, vegetation removal, and grading, which could result in the direct loss of riparian habitat, sensitive natural communities, and oak woodland if present on an individual project site. In addition, although Term 37 in Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ requires setback areas from the edge of a surface water feature up to 150 feet from the surface water feature, dependent upon the type of stream (e.g., ephemeral, perennial), these setbacks may not always capture all riparian habitat present. Similarly, although Terms 63 and 64 of Attachment A (Section 2, Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation) of SWRCB Order WQ 2023-0102-DWQ require no disturbance of riparian habitat and retention of riparian vegetation in aquatic habitat, without mapping the vegetation on-site, some riparian vegetation may still be adversely affected. For the same reason, impacts on sensitive natural communities and oak woodlands may still occur. Lastly, although individual projects are required to comply with Term 3 of Attachment A (General Requirements and Prohibitions), which requires an LSA Agreement and requirements therein, or consultation with CDFW, this is only required for activities that may substantially divert, obstruct, alter, or deposit into any river, stream, or lake.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Based on review satellite imagery, these five sites have been developed with buildings, parking areas, and infrastructure. Given the disturbed conditions of these sites, no significant impacts on riparian habitat or other sensitive natural communities are anticipated. However, no new commercial cannabis operations would be allowed.

There would be no impact related to loss of riparian habitat, sensitive natural communities, or oak woodlands under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

The specific locations of future cultivation and noncultivation activities are not known at this time and have not been evaluated as part of this programmatic environmental analysis. Therefore, quantifying the potential impact of these future activities on mapped riparian habitat, sensitive natural communities, and oak woodlands would occur at the individual project level. As a result, it is assumed that cultivation and noncultivation activities could occur in areas where these sensitive habitats exist. While several existing regulations require protection of these resources, most of these habitats are not mapped in the program area, and habitats that have not been identified cannot be effectively avoided. In addition, the setbacks and buffers required under existing regulations may not always capture all riparian habitat if this habitat exists outside of the extent of the setbacks and buffers.

Impacts on riparian habitat, sensitive natural communities, and oak woodlands would be potentially significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. Under Alternative 3, the definition of “sensitive uses” would be expanded, and the sensitive uses relevant to biological resources are regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, among other locations. The buffer observed from these sensitive uses from any cultivation or noncultivation activity would be expanded to 1,000 feet, from the 600 feet required by Alternative 2. Cannabis billboards would also be prohibited within 1,000 feet of these sensitive uses.

The potential impact mechanisms related to riparian habitat, sensitive natural communities, and oak woodlands under Alternative 3 would be the same as described above for Alternative 2. The expanded sensitive uses described above for Alternative 3 include regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, which encompass large areas of open space and natural habitat in San Diego County. These areas have been designated as open spaces, parks, or preserves because of the presence of

natural habitats, and they likely contain riparian habitat (especially regional parks near rivers), sensitive natural communities, and oak woodlands. Including a 1,000-foot buffer surrounding these areas may reduce the magnitude of potential indirect effects on these habitats from cultivation and noncultivation activities, including erosion, hydrological interruption, or introduction of invasive plant species. However, parks, trails, recreation facilities, and preserves do not encompass all occurrences of these sensitive habitats in the county, so impacts would not be completely avoided.

Impacts on riparian habitat, sensitive natural communities, and oak woodlands would be potentially significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, outdoor cannabis cultivation would be prohibited. Mixed-light cultivation activities could occur on up to 445 acres of land, with a total of up to 1,022,524 square feet (i.e., approximately 23 acres) of building area. Indoor cultivation activities could occur on up to 34 acres of land, with a total of up to 980,000 square feet (i.e., approximately 22.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 748 acres, with approximately 92.5 acres (44,032,924 square feet) of building area. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 4.

The potential impact mechanisms related to riparian habitat, sensitive natural communities, and oak woodlands under Alternative 4 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and increased buffer size under Alternative 4 would be the same as described above for Alternative 3. The prohibition of outdoor cannabis cultivation under Alternative 4 would not have a beneficial or adverse effect on riparian habitat, sensitive natural communities, or oak woodlands. The physical impact of indoor and outdoor cultivation activities would be functionally identical in relation to impacts on these habitats because they would both potentially involve ground disturbance, vegetation removal, and conversion of natural habitats. However, impacts would not be completely avoided.

Impacts on riparian habitat, sensitive natural communities, and oak woodlands would be potentially significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 5. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

The potential impact mechanisms related to riparian habitat, sensitive natural communities, and oak woodlands under Alternative 5 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and

increased buffer size under Alternative 5 would be the same as described above for Alternative 3. Because the total development footprint, including for outdoor cultivation activities, would be the same for Alternative 5 as for Alternatives 2 and 3, the potential for impact would be similar. As a result, the acreage limit for outdoor cultivation would not reduce impacts on riparian habitat, sensitive natural communities, and oak woodlands.

Impacts on riparian habitat, sensitive natural communities, and oak woodlands would be potentially significant under Alternative 5.

2.5.3.5 *Issue 3: State and Federally Protected Wetlands*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if it would have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means.

Impact Analysis

The program area contains approximately 3,970 acres of lakes and ponds, 155 acres of reservoirs, 241 acres of swamp and marsh habitat, 85 miles of perennial stream habitat (including major rivers [e.g., San Diego, San Luis Rey, Santa Margarita] and their tributaries), 416 miles of intermittent streams, and 3,555 miles of ephemeral stream habitat (Table 2.5.2; Figure 2.5.3). Many of these features likely qualify as state or federally protected wetlands or both. In addition, the program area contains approximately 78 miles of human-made features, including pipelines, ditches, and aqueducts (Table 2.5.2; Figure 2.5.3). Although some of these features may not qualify as waters of the United States, they may be considered waters of the state.

Cultivation and noncultivation activities associated with the project may include ground disturbance, vegetation removal, and grading, which could result in the direct loss of state or federally protected wetlands if they are present.

Federal, State, and Local Regulations and Existing Regulatory Processes

As identified in the Section 2.5.2, “Regulatory Framework,” and further discussed in Section 2.5.3.4, “Issue 2: Riparian Habitat and Other Sensitive Natural Communities,” there are a number of federal, state, and local regulations in place to limit impacts on federally protected wetlands in the county. At the federal level, the CWA prohibits the discharge of pollutants or fill materials in waters of the United States without obtaining a Section 404 permit from the USACE and a Section 401 certification from the RWQCB. At the state level, the Lake and Streambed Alteration Program requires written notification to CDFW prior to altering a riparian area (a type of wetland) supported by a lake, river, or stream, including federally protected wetlands. For water quality impacts on all wetlands, the California Porter-Cologne Water Quality Control Act directs the RWQCBs to develop regional Basin Plans, which, for the San Diego Region, are designed to preserve and enhance the quality of water resources in the region.

SWRCB Order WQ 2023-0102-DWQ

Term 10 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ requires site evaluations by a qualified biologist to determine whether sensitive communities occur on the site before development or site expansion. Because the SWRCB Order WQ 2023-0102-DWQ is intended to apply statewide, project specifics (e.g., bloom dates for potential wetland plants, locations of wetlands, quality of wetlands) were not considered. In addition, Term 37 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102 requires delineation of wetlands using the USACE Wetlands Delineation Manual and 100-foot riparian setbacks for any wetlands delineated. There may be instances in which wetlands identified will not receive sufficient protection from the 100-foot setback due to conditions such as topography or quality of wetland (e.g., habitat suitable for endangered species).

All licensed commercial cannabis cultivation operations are required to comply with the numeric and narrative instream flow requirements for all diversions of surface water and groundwater as part of compliance with Attachment A (Section 3, Numeric and Narrative Instream Flow Requirements) of SWRCB Order WQ 2023-0102-DWQ. These requirements include design requirements for fish screens, diversion structures, off-stream storage reservoirs, and storage bladders.

Diversion provisions of the standards are based on 3 types of requirements to ensure sufficient instream flows:

- dry season forbearance period and limitations on the wet season diversions,
- narrative instream flow requirements, and
- numeric instream flow requirements during the wet season.

Instream flow requirements during the wet season were established by SWRCB in consultation with CDFW for the protection of aquatic species life history needs, including those of endangered anadromous salmonids. Numeric instream flow requirements (minimum instream flows required to protect aquatic species) are established for each region in the state in Attachment A of SWRCB Order WQ 2023-0102-DWQ. Aquatic base flows have also been established to address instream flow impacts from groundwater diversions. The aquatic base flow is the set of chemical, physical, and biological conditions that represent limiting conditions for aquatic life in stream environments.

Surface water and groundwater diversions for commercial cannabis cultivation operations are limited in the following manner:

- Surface water diversions shall be prohibited from April 1 through October 31 each year (forbearance period).
- Surface water diversions may occur from November 1 through March 31 each year subject to the following requirements:
    - Surface water diversions shall not occur until the real-time daily average flow is greater than the minimum monthly instream flow requirement at a compliance gage for 7 consecutive days or after December 15 when flows are greater than the numeric flow requirement.

    - Surface water diversions must bypass a minimum of 50 percent of the streamflow past the point of diversion as estimated based on the commercial cannabis cultivator's visual observation.
- SWRCB shall monitor instream flows during the dry season and evaluate the number or location of groundwater diversions to determine whether a groundwater forbearance period or other measures should be imposed. SWRCB shall notify commercial cannabis cultivators if a groundwater forbearance period or other measures may be imposed to address the low-flow condition.
- SWRCB flow standards and diversion requirements were developed to protect fish spawning, migration, and rearing for endangered anadromous salmonids, as well as flows needed to maintain natural flow variability in each watershed. The diversion requirements would ensure that the individual and cumulative effects of water diversions and discharges associated with commercial cannabis cultivation do not affect instream flows necessary for fish spawning, migration, and rearing for endangered anadromous salmonids, as well as flows needed to maintain natural flow variability (SWRCB 2017a). The policy was scientifically peer-reviewed by 4 experts. The peer review determined that water quality, instream flow, and diversion requirements of the policy were based on sound scientific knowledge, methods, and data (SWRCB 2017b).

In accordance with Attachment A of SWRCB Order WQ 2023-0102-DWQ, for any water diversion or waste discharge related to commercial cannabis cultivation, Terms 1 through 14 (Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation) will apply, which include best management practices, including erosion control, commercial cannabis cultivation-related waste disposal, refuse and human waste disposal, and stream-crossing installation and maintenance.

In addition, cultivation and noncultivation activities are required to comply with Term 3 (General Requirements and Prohibitions), which requires application for an LSA Agreement, and requirements therein, or consultation with CDFW for any activity that may substantially divert, obstruct, alter, or deposit into any river, stream, or lake. Furthermore, cultivation and noncultivation activities are required to comply with Term 63 of Attachment A (Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation) of SWRCB Order WQ 2023-0102-DWQ, which requires no disturbance of aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under proper permits (e.g., CDFW LSA Agreement), as well as Term 64 of Attachment A (Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation), which requires maintaining riparian habitat.

Section 2.11, "Hydrology and Water Quality," contains further discussion of potential alteration in surface water flows and water quality from cultivation and noncultivation activities.

San Diego County Zoning Ordinance and Amendments

The Zoning Ordinance Vernal Pool Area Regulations would prohibit proposed uses, activities, or construction that would have any significant, adverse effects on any identified vernal pool or an associated rare, threatened, or endangered species. Sensitive Resource Area Regulations would also apply to nonexempt sites that contain wetlands.

County of San Diego Code of Regulatory Ordinances

The RPO requires that wetlands and their adjacent wetland buffers (i.e., 50–200 feet from the wetland edge) be protected on sites where these permits are granted. It also sets forth certain allowable uses within these lands.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Based on review satellite imagery, these five sites have been developed with buildings, parking areas, and infrastructure. Given the disturbed conditions of these sites, no significant impacts on state or federally protected wetlands are anticipated. However, no new commercial cannabis operations would be allowed.

There would be no impact related to loss of state or federally protected wetlands under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

The specific locations of future cultivation and noncultivation activities are not known at this time and have not been evaluated as part of this programmatic environmental analysis. Therefore, quantifying the potential impact of these future activities on mapped state and federally protected wetlands would occur at the individual project level. As a result, it is assumed that cultivation and noncultivation activities could occur in areas where these sensitive habitats exist. While several existing regulations require protection of these resources, most of these habitats are not mapped in the program area, and habitats that have not been identified cannot be effectively avoided. In addition, the setbacks and buffers required under existing regulations may not fully avoid impacts on these resources, including interruption of the hydrology of vernal pools. However, since cannabis activities are currently illegal under federal law, a federal permit, including a CWA Section 404 permit for dredge or discharge in waters of the United States, may not be issued for cultivation or noncultivation activities associated with the project, and no impacts would occur on relatively permanent waters or wetlands that could potentially be under the jurisdiction of the USACE.

Impacts on state and federally protected wetlands would be potentially significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. Under Alternative 3, the definition of "sensitive uses" would be expanded, and the sensitive uses relevant to biological resources are regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, among other locations. The buffer observed from these sensitive uses from any cultivation or noncultivation activity would be expanded to 1,000 feet, from the 600 feet required by Alternative 2. Cannabis billboards would also be prohibited within 1,000 feet of these sensitive uses.

The potential impact mechanisms related to state and federally protected wetlands under Alternative 3 would be the same as described above for Alternative 2. The expanded sensitive uses described above for Alternative 3 include regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, which encompass large areas of open space and natural habitat in San Diego County. These areas have been designated as open spaces, parks, or preserves because of the presence of natural habitats, and they likely contain some state and federally protected wetlands. Including a 1,000-foot buffer surrounding these areas may reduce the magnitude of potential indirect effects on these resources from cultivation and noncultivation activities, including erosion and hydrological interruption from ground disturbance. However, parks, trails, recreation facilities, and preserves do not encompass all state and federally protected wetlands in the county, so impacts would not be completely avoided.

Impacts on state and federally protected wetlands would be potentially significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, outdoor cannabis cultivation would be prohibited. Mixed-light cultivation activities could occur on up to 445 acres of land, with a total of up to 1,022,524 square feet (i.e., approximately 23 acres) of building area. Indoor cultivation activities could occur on up to 34 acres of land, with a total of up to 980,000 square feet (i.e., approximately 22.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 748 acres, with approximately 92.5 acres (4,032,924 square feet) of building area. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 4.

The potential impact mechanisms related to state and federally protected wetlands under Alternative 4 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and increased buffer size under Alternative 4 would be the same as described above for Alternative 3. The prohibition of outdoor cannabis cultivation under Alternative 4 would not have a beneficial or adverse effect on state or federally protected wetlands. The physical impact of indoor and outdoor cultivation

activities would be functionally identical in relation to impacts on these resources because they would both potentially involve ground disturbance, vegetation removal, and conversion of natural habitats.

Impacts on state and federally protected wetlands would be potentially significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 5. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

The potential impact mechanisms related to state and federally protected wetlands under Alternative 5 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and increased buffer size under Alternative 5 would be the same as described above for Alternative 3. Because the total development footprint, including for outdoor cultivation activities, would be the same for Alternative 5 as for Alternatives 2 and 3, the potential for impact would be similar.

Impacts on state and federally protected wetlands would be potentially significant under Alternative 5.

2.5.3.6 *Issue 4: Wildlife Movement Corridors and Nursery Sites*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if it would 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.

Impact Analysis

As described above in Section 2.5.1, “Existing Conditions,” Natural Landscape Blocks have been identified throughout much of the eastern half of San Diego County, and large ECAs connect natural habitats in the western portion of the county with the larger natural areas to the east (Figure 2.5.5). These ECAs are mostly consistent with the linkages modeled for the MSCP (Figure 2.5.5). Additional habitat connectivity modeling for mountain lions, shown in Figure 2.5.6, modeled the eastern half of San Diego County as a “high connectivity” area and urban areas in the western portion of the county as “no connectivity” areas for mountain lions. The locations of future cultivation and noncultivation activities are not known; however, these activities may be proposed in areas that have been modeled as important wildlife movement corridors. Furthermore, the program area likely contains native wildlife nursery sites that have not been identified and mapped.

Federal, State, and Local Regulations and Existing Regulatory Processes

There are a number of federal, state, and local regulations in place to protect wildlife movement corridors in the county. At the state level, the NCCP Act facilitates region-wide conservation efforts. As part of the process in determining natural community conservation areas, wildlife movement corridors are considered. The County has one approved NCCP, which is the MSCP South County Subarea Plan in the southwest portion of the unincorporated county. Regional habitat linkages and corridors have been identified in this conservation plan (see Figure 2.5.5). Pursuant to the BMO, development projects must generally avoid corridors and linkages within the MSCP to the maximum extent practicable. The County is preparing NCCP plans (north and east) to cover the remaining lands under the County's jurisdiction. Potential habitat linkages and corridors have been identified for the draft North County Plan (see Figure 2.5.5); however, these features will not be formally designated until the plan is adopted. Linkages and corridors have not yet been identified for the draft East County Plan. Until these plans are in effect, the County will continue to use all available biological data and mapping applications to identify potential movement paths and nursery sites. The County's Guidelines for Determining Significance for Biological Resources are then used to evaluate the potential effects of private and public projects on wildlife movement, corridors, and nursery sites.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Based on review satellite imagery, these five sites have been developed with buildings, parking areas, and infrastructure. Given the disturbed conditions of these sites, no significant impacts on wildlife movement corridors or wildlife nursery sites are anticipated. However, no new commercial cannabis operations would be allowed.

There would be no impact related to interference with native resident or migratory wildlife corridors or native wildlife nursery sites under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

The specific locations of future cultivation and noncultivation activities are not known at this time and have not been evaluated as part of this programmatic environmental analysis other

than the zoning areas where these activities will be allowed and the buffers described above. Therefore, quantifying the potential impact of these future activities on modeled ECAs, linkages, or core areas, as well as wildlife nursery sites (many of which have not been mapped) would occur at the individual project level. As a result, it is assumed that cultivation and noncultivation activities could occur in areas where these wildlife movement corridors exist. There are several existing regulations that require protection of these resources, and it is likely that cultivation and noncultivation activities would not be permitted within an important linkage or core area. However, wildlife movement occurs at different scales, and even if modeled regional corridors are avoided, local movement corridors may still be adversely affected, for example, through installation of fences. Furthermore, wildlife nursery sites are largely not mapped in the program area, and resources that have not been identified cannot be effectively avoided.

Impacts related to interference with native resident or migratory wildlife corridors and wildlife nursery sites would be potentially significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. Under Alternative 3, the definition of "sensitive uses" would be expanded, and the sensitive uses relevant to biological resources are regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, among other locations. The buffer observed from these sensitive uses from any cultivation or noncultivation activity would be expanded to 1,000 feet, from the 600 feet required by Alternative 2. Cannabis billboards would also be prohibited within 1,000 feet of these sensitive uses.

The potential impact mechanisms related to wildlife movement corridors and wildlife nursery sites under Alternative 3 would be the same as described above for Alternative 2. The expanded sensitive uses described above for Alternative 3 include regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, which encompass large areas of open space and natural habitat in San Diego County. These areas have been designated as open spaces, parks, or preserves because of the presence of natural habitats, and they likely contain some of the modeled ECAs, core areas, and linkages, as well as wildlife nursery sites. Including a 1,000-foot buffer surrounding these areas may reduce the magnitude of potential indirect effects on these resources from cultivation and noncultivation activities, including disturbance to wildlife and wildlife nursery sites from noise or visual stimuli. However, parks, trails, recreation facilities, and preserves do not encompass all wildlife movement corridors and wildlife nursery sites in the county, so impacts would not be completely avoided.

Impacts related to interference with native resident or migratory wildlife corridors and wildlife nursery sites would be potentially significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, outdoor cannabis cultivation would be prohibited. Mixed-light cultivation activities could occur on up to 445 acres of land, with a total of up to 1,022,524 square feet (i.e., approximately 23 acres) of building area. Indoor cultivation activities could occur on up to 34 acres of land, with a total of up to 980,000 square feet (i.e., approximately 22.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a

total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 748 acres, with approximately 92.5 acres (4,032,925 square feet) of building area. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 4.

The potential impact mechanisms related to wildlife movement corridors and wildlife nursery sites under Alternative 4 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and increased buffer size under Alternative 4 would be the same as described above for Alternative 3. The prohibition of outdoor cannabis cultivation under Alternative 4 may result in a small reduction in disturbance potential for wildlife using movement corridors or nearby wildlife nursery sites because the noise and visual stimuli (e.g., employees) associated with cultivation activities in outdoor facilities may be more impactful for nearby nesting or denning wildlife than the same activities conducted in a building or agricultural shade or crop structure, where these activities would be muffled (i.e., noise) or shielded (i.e., visual stimuli) by walls or tarps. However, the physical impact of indoor and outdoor cultivation activities would be functionally identical in relation to impacts on wildlife movement corridors and wildlife nursery sites because they would both potentially involve ground disturbance, vegetation removal, and conversion of natural habitats.

Impacts related to interference with native resident or migratory wildlife corridors and wildlife nursery sites would be potentially significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 5. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

The potential impact mechanisms related to wildlife movement corridors and wildlife nursery sites under Alternative 5 would be the same as described above for Alternative 2, and the potential reduction in impact magnitude due to the expanded sensitive uses and increased buffer size under Alternative 5 would be the same as described above for Alternative 3. Because the total development footprint, including for outdoor cultivation activities, would be the same for Alternative 5 as for Alternatives 2 and 3, the potential for impact would be similar. However, the actual distribution of these 1-acre lots in the program area is difficult to predict. It is possible that this requirement would prevent large areas of outdoor cultivation from being established, potentially retaining movement corridors and patches of undeveloped land for use by wildlife. It is also possible that 1-acre lots would be concentrated in areas near each other, resulting in functionally the same condition on the ground as a larger lot with multiple acres of outdoor cultivation. As a result, the acreage limit for outdoor cultivation would not necessarily reduce impacts on wildlife movement corridors and wildlife nursery sites.

Impacts related to interference with native resident or migratory wildlife corridors and wildlife nursery sites would be potentially significant under Alternative 5.

2.5.3.7 *Issue 5: Conflict with Local Policies and Ordinances*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Impact Analysis

The requirements of the proposed amendments to the Zoning Ordinance that are part of the Cannabis Program would include development standards to be applied to all cultivation and noncultivation activities. Cultivation and noncultivation activities would be required to comply with local ordinances, including the San Diego General Plan policies, San Diego County Zoning Ordinance (and proposed amendments), the County of San Diego Code of Regulatory Ordinances (including the RPO), and the BMO. Compliance with SWRCB Order WQ 2023-0102-DWQ, with the MSCP, and with mitigation measures provided in this PEIR, which will be included as performance standards under the program, would result in additional protection of biological resources and would avoid most conflicts with the local policies and ordinances described above.

The HLP Ordinance under the Regulatory Code requires projects to obtain an HLP prior to the issuance of a grading permit, clearing permit, or improvement plan if the project will directly or indirectly affect any coastal sage scrub habitat types. The HLP is a type of take permit for the coastal California gnatcatcher issued by the County pursuant to the Special 4(d) Rule under ESA. USFWS and CDFW must concur with the issuance of an HLP for it to become valid as take authorization under ESA. As described above, coastal California gnatcatcher is listed as threatened under ESA, and because cannabis activities are currently illegal under federal law, a federal permit, including an HLP for a federally listed species, may not be issued for cultivation or noncultivation activities associated with the program under current federal law. Therefore, applicants under the program would not be able to comply with the terms of the HLP Ordinance. Cultivation and noncultivation activities that occur within coastal sage scrub habitat would therefore result in a conflict with the HLP Ordinance.

Federal, State, and Local Regulations and Existing Regulatory Processes

There are no state or federal regulations that apply to this issue. However, some projects would require consultation with USFWS or CDFW depending on the resources affected and the jurisdictional regulations in place. All local regulations apply to this issue. See Section 2.5.2, “Regulatory Setting,” above for the full list of local regulations.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area per site. Based on review satellite imagery, these five sites have been developed with buildings, parking areas, and infrastructure. Given the disturbed conditions of these sites, no significant impacts related to local policies or ordinances are anticipated. However, no new commercial cannabis operations would be allowed.

There would be no impact related to conflict with local policies or ordinances under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

The specific locations of future cultivation and noncultivation activities are not known at this time and have not been evaluated as part of this programmatic environmental analysis other than the zoning areas where these activities will be allowed and the buffers described above. Therefore, it is not known whether activities associated with individual projects would occur in coastal sage scrub habitat. As a result, it is assumed that cultivation and noncultivation activities could occur in coastal sage scrub habitat. Any cultivation or noncultivation activities that occur on parcels that contain coastal sage scrub habitat would conflict with the HLP Ordinance because cannabis activities are currently illegal under federal law and a federal permit (including an HLP for a federally listed species) may not be issued for cultivation or noncultivation activities associated with the program under current federal law.

Impacts related to conflict with local policies or ordinances would be potentially significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. Under Alternative 3, the definition of “sensitive uses” would be expanded, and the sensitive uses relevant to biological resources are regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, among other locations. The buffer observed from these sensitive uses from any cultivation or noncultivation activity would be expanded to 1,000 feet, from the 600 feet required by Alternative 2. Cannabis billboards would also be prohibited within 1,000 feet of these sensitive uses.

The potential impact related to conflict with local policies or ordinances under Alternative 3 would be the same as described above for Alternative 2. The expanded sensitive uses described above for Alternative 3 include regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, which encompass large areas of open space and natural habitat in San Diego County. These areas have been designated as open spaces, parks, or preserves because of the presence of natural habitats, and they likely contain some coastal sage scrub habitat. While these areas would be avoided by a 1,000-foot buffer, parks,

trails, recreation facilities, and preserves do not encompass all coastal sage scrub habitat in the county, so impacts would not be completely avoided. The HLP Ordinance applies to projects that would directly or indirectly affect any coastal sage scrub habitat; therefore, the magnitude of the effect (i.e., number of acres) is not relevant, and the 1,000-foot buffer under Alternative 3 would not reduce the impact related to conflict with local policies or ordinances. Any cultivation or noncultivation activities that occur on parcels that contain coastal sage scrub habitat would conflict with the HLP Ordinance because cannabis activities are currently illegal under federal law and a federal permit (including an HLP for a federally listed species) may not be issued for cultivation or noncultivation activities associated with the program under current federal law.

Impacts related to conflict with local policies or ordinances would be potentially significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, outdoor cannabis cultivation would be prohibited. Mixed-light cultivation activities could occur on up to 445 acres of land, with a total of up to 1,022,524 square feet (i.e., approximately 23 acres) of building area. Indoor cultivation activities could occur on up to 34 acres of land, with a total of up to 980,000 square feet (i.e., approximately 22.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 748 acres, with approximately 92.5 acres (4,032,924 square feet) of building area. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 4.

The potential impact mechanisms related to conflict with local policies or ordinances under Alternative 4 would be the same as described above for Alternative 2, and the potential effect of the expanded sensitive uses and increased buffer size under Alternative 4 would be the same as described above for Alternative 3. The prohibition of outdoor cannabis cultivation under Alternative 4 would not have a beneficial or adverse effect related to conflict with local policies or ordinances. The physical impact of indoor and outdoor cultivation activities would be functionally identical in relation to impacts on these resources because they both would potentially involve direct or indirect impacts on coastal sage scrub habitat.

The HLP Ordinance applies to projects that would directly or indirectly affect any coastal sage scrub habitat; therefore, the magnitude of the effect (i.e., number of acres) is not relevant, and the reduced footprint under Alternative 4 would not reduce the impact related to conflict with local policies or ordinances. Any cultivation or noncultivation activities that occur on parcels that contain coastal sage scrub habitat would conflict with the HLP Ordinance because cannabis activities are currently illegal under federal law and a federal permit (including an HLP for a federally listed species) may not be issued for cultivation or noncultivation activities associated with the program under current federal law.

Impacts related to conflict with local policies or ordinances would be potentially significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 5. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

The potential impact mechanisms related to conflict with local policies or ordinances under Alternative 5 would be the same as described above for Alternative 2, and the potential effect of the expanded sensitive uses and increased buffer size under Alternative 5 would be the same as described above for Alternative 3. The HLP Ordinance applies to projects that would directly or indirectly affect any coastal sage scrub habitat; therefore, the magnitude of the effect (i.e., number of acres) and distribution of impacts is not relevant. The lot size and canopy area limits under Alternative 5 would not reduce the impact related to conflict with local policies or ordinances. Any cultivation or noncultivation activities that occur on parcels that contain coastal sage scrub habitat would conflict with the HLP Ordinance because cannabis activities are currently illegal under federal law and a federal permit (including an HLP for a federally listed species) may not be issued for cultivation or noncultivation activities associated with the project under current federal law.

Impacts related to conflict with local policies or ordinances would be potentially significant under Alternative 5.

2.5.3.8 *Issue 6: Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if it would conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan.

Impact Analysis

The program area overlaps with the plan area for the adopted MSCP South County Subarea Plan. As described above, indoor cultivation activities, mixed-light cultivation activities, noncultivation activities, and outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption would be considered covered activities under the MSCP, whereas some outdoor cultivation activities would be considered agricultural activities that would be exempt from regulations under the BMO, as described in Section 86.503 of the BMO, as long as clearing and grading related to outdoor cultivation meet the requirements described in the BMO. The program area also overlaps the proposed future plan areas for the East County and North County Plans, as well as the San Diego County Butterflies HCP, which are currently in development and have not been adopted.

Cultivation and noncultivation activities associated with the Cannabis Program could result in adverse effects on species covered under the MSCP, as described above under Section 2.5.3.3, “Issue 1: Special-Status Plant and Wildlife Species,” as well as species covered under the East County and North County Plans and San Diego County Butterflies HCP in the future.

Federal, State, and Local Regulations and Existing Regulatory Processes

There are no state or federal regulations that apply to this issue. However, some projects would require consultation with USFWS or CDFW depending on the resources affected and the jurisdictional regulations in place.

The BMO provides the regulatory basis for implementing the MSCP South County Subarea Plan. The BMO outlines the sensitive resources of concern and sets forth the specific criteria and mitigation requirements that all private and public projects must follow. The MSCP South County Subarea Plan and BMO provide specific criteria for project design, impact allowances, and mitigation requirements. The BMO includes specific project design criteria that must be incorporated into each project, such as protecting wildlife movement corridors and avoiding resources considered to be significant. The BMO also limits the impacts that can occur to certain sensitive, rare, or endangered species, and sets the minimum amount of mitigation that must be implemented.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Based on review satellite imagery, these five sites have been developed with buildings, parking areas, and infrastructure. Given the disturbed conditions of these sites, no significant impacts related to resources regulated under the MSCP are anticipated. Where these existing sites overlap the plan area of the MSCP, participation in the MSCP would be required. However, no new commercial cannabis operations would be allowed.

There would be no impact related to conflict with adopted HCPs or NCCPs under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses including schools, day cares, and youth centers.

As described above, cultivation and noncultivation activities that occur within the MSCP South County Subarea Plan area would be required to participate in the plan, except for some outdoor cultivation activities, which may be considered agricultural activities, and if certain requirements under the BMO are met, may be exempt under the MSCP. Exempt activities, as well as projects outside the South County Subarea Plan area, would be required to implement

mitigation measures for special-status species and sensitive habitats, as described below, which are consistent or more protective than the mitigation requirements in the MSCP. Furthermore, as a condition for exemption under the MSCP, as described in Section 86.503 of the BMO, outdoor cultivation activities would be prohibited in areas designated as PAMAs under the MSCP. Therefore, there would be no conflict with the adopted MSCP South County Subarea Plan.

Because the North County and East County Plans and Butterflies HCP have not been adopted, there would be no conflict with these plans under Alternative 2. Regardless, as described in Mitigation Measure M-BI.1-2 below, applicants would be required to participate in these plans when they are adopted.

Impacts related to conflict with adopted HCPs or NCCPs would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. Under Alternative 3, the definition of "sensitive uses" would be expanded, and the sensitive uses relevant to biological resources are regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, among other locations. The buffer observed from these sensitive uses from any cultivation or noncultivation activity would be expanded to 1,000 feet, from the 600 feet required by Alternative 2. Cannabis billboards would also be prohibited within 1,000 feet of these sensitive uses.

The potential impact related to conflict with adopted HCPs or NCCPs under Alternative 3 would be the same as described above for Alternative 2. The expanded sensitive uses described above for Alternative 3 include regional parks, local parks, trails, recreation facilities, and preserves with visitor-serving amenities, which encompass large areas of open space and natural habitat in San Diego County. These expanded buffers would not result in a change in the impact related to conflict with adopted HCPs or NCCPs.

As described above, cultivation and noncultivation activities that occur within the MSCP South County Subarea Plan area would be required to participate in the plan, except for some outdoor cultivation activities, which may be considered agricultural activities, and if certain requirements under the BMO are met, may be exempt under the MSCP. Exempt activities, as well as projects outside the South County Subarea Plan area, would be required to implement mitigation measures for special-status species and sensitive habitats, as described below, which are consistent or more protective than the mitigation requirements in the MSCP. Furthermore, as a condition for exemption under the MSCP, as described in Section 86.503 of the BMO, outdoor cultivation activities would be prohibited in areas designated as PAMAs under the MSCP. Therefore, there would be no conflict with the adopted MSCP South County Subarea Plan.

Because the North County and East County Plans and Butterflies HCP have not been adopted, there would be no conflict with these plans under Alternative 3. Regardless, as described in Mitigation Measure M-BI.1-2 below, applicants would be required to participate in these plans when they are adopted.

Impacts related to conflict with adopted HCPs or NCCPs would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, outdoor cannabis cultivation would be prohibited. Mixed-light cultivation activities could occur on up to 445 acres of land, with a total of up to 1,022,524 square feet (i.e., approximately 23 acres) of building area. Indoor cultivation activities could occur on up to 34 acres of land, with a total of up to 980,000 square feet (i.e., approximately 22.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 748 acres, with approximately 92.5 acres (4,032,924 square feet) of building area. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 4.

The potential impact mechanisms related to conflict with adopted HCPs or NCCPs under Alternative 4 would be the same as described above for Alternative 2, and the potential effect of the expanded sensitive uses and increased buffer size under Alternative 4 would be the same as described above for Alternative 3. The prohibition of outdoor cannabis cultivation under Alternative 4 would result in all cultivation and noncultivation activities associated with the project that are within the South County Subarea Plan area being required to participate in the plan (i.e., there would be no exempt activities).

Although this smaller development footprint may result in fewer impacts on resources protected under the MSCP, the reduced footprint under Alternative 4 would not reduce the impact related to conflict with adopted HCPs or NCCPs because all applicants subject to the South County Subarea Plan under all alternatives would be required to participate in the plan, implement any required measures, and/or pay associated fees. There would be no conflict with the adopted MSCP South County Subarea Plan.

Because the North County and East County Plans and Butterflies HCP have not been adopted, there would be no conflict with these plans under Alternative 4. Regardless, as described in Mitigation Measure M-BI.1-2 below, applicants would be required to participate in these plans when they are adopted.

Impacts related to conflict with adopted HCPs or NCCPs would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, the total development footprint acreage and building area acreage would be the same as described above for Alternative 2. The 1,000-foot buffer and expanded sensitive uses described above for Alternative 3 would also apply under Alternative 5. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

The potential impact mechanisms related to conflict with adopted HCPs or NCCPs under Alternative 5 would be the same as described above for Alternative 2, and the potential effect

of the expanded sensitive uses and increased buffer size under Alternative 5 would be the same as described above for Alternative 3. The lot size and canopy area limits under Alternative 5, compared to the other alternatives, may result in outdoor cultivation activities being more dispersed throughout the program area. However, this potential difference in distribution would not have a beneficial or adverse effect related to conflict with HCPs or NCCPs. As described above, cultivation and noncultivation activities that occur within the MSCP South County Subarea Plan area would be required to participate in the plan, except for some outdoor cultivation activities, which may be considered agricultural activities, and if certain requirements under the BMO are met, may be exempt under the MSCP. Exempt activities, as well as projects outside the South County Subarea Plan area, would be required to implement mitigation measures for special-status species and sensitive habitats, as described below, which are consistent or more protective than the mitigation requirements in the MSCP. Furthermore, as a condition for exemption under the MSCP, as described in Section 86.503 of the BMO, outdoor cultivation activities would be prohibited in areas designated as PAMAs under the MSCP. Therefore, there would be no conflict with the adopted MSCP South County Subarea Plan.

Because the North County and East County Plans and Butterflies HCP have not been adopted, there would be no conflict with these plans under Alternative 5. Regardless, as described in Mitigation Measure M-BI.1-2 below, applicants would be required to participate in these plans when they are adopted.

Impacts related to conflict with adopted HCPs or NCCPs would be less than significant under Alternative 5.

2.5.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for biological resources includes San Diego County and adjacent migration and movement corridors, including rivers and streams and the Pacific Flyway for migratory birds. In addition, the cumulative context includes the Pacific Ocean to account for migration of anadromous fish (e.g., steelhead).

2.5.4.1 *Issue 1: Special-Status Plant and Wildlife Species*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts on special-status plant and wildlife species from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts on special-status plant and wildlife species. Alternatives 2, 3, 4, and 5 could involve ground disturbance, vegetation removal, and conversion of natural habitat to developed or agricultural uses, which could result in the direct loss or disturbance of special-status plants and wildlife or associated habitat. Compliance with existing regulations, including the SWRCB Order WQ 2023-0102-DWQ, San Diego County RPO, and San Diego County BMO, would offset the project's contribution to this impact because it would require applicants to avoid special-status species, implement species-based and habitat-based mitigation pursuant to the MSCP, and contribute to preservation of habitat through participation in the MSCP. However, the project could result in direct loss of special-status species or habitat modification that would result in a substantial adverse effect on these species. Thus, the contribution of cultivation and noncultivation

activities associated with the program to significant cumulative impacts on special-status plants and wildlife would be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.5.4.2 *Issue 2: Riparian Habitat and Other Sensitive Natural Communities*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts on riparian habitat and other sensitive natural communities from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts on riparian habitat sensitive natural communities, and oak woodlands. Alternatives 2, 3, 4, and 5 could adversely affect riparian habitat, sensitive natural communities, and oak woodlands if they are present on project sites. This would contribute to significant cumulative impacts in San Diego County. Compliance with existing regulations, including the SWRCB Order WQ 2023-0102-DWQ, San Diego County RPO, and San Diego County BMO, would offset the project's contribution to this impact because it would require applicants to avoid sensitive habitats, implement setbacks, and contribute to preservation of habitat through participation in the MSCP. While several existing regulations require protection of these resources, most of these habitats are not mapped in the program area, and habitats that have not been identified cannot be effectively avoided. In addition, the setbacks and buffers required under existing regulations may not always capture all riparian habitat if this habitat exists outside of the extent of the setbacks and buffers. Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts on riparian habitat, sensitive natural communities, and oak woodlands would be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.5.4.3 *Issue 3: State and Federally Protected Wetlands*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts on wetlands from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts on state and federally protected wetlands. Alternatives 2, 3, 4, and 5 could adversely affect waters of the United States and waters of the state, such as streams, rivers, lakes, and wetlands. This would contribute to significant cumulative impacts in San Diego County. Compliance with existing regulations, including the SWRCB Order WQ 2023-0102-DWQ, San Diego County RPO, and San Diego County BMO, would offset the project's contribution to this impact because it would require applicants to avoid state and federally protected wetlands, implement setbacks, and contribute to preservation of habitat through participation in the MSCP. Although several existing regulations require protection of these resources, most of these habitats are not mapped in the program area, and habitats that have not been identified cannot be effectively avoided. In addition, the setbacks and buffers required under existing regulations may not fully avoid impacts on these resources, including interruption of the hydrology of vernal pools. However, since cannabis activities are currently illegal under federal law, a federal permit, including a CWA Section 404 permit for dredge or discharge in waters of the United States, may not be issued for cultivation or noncultivation activities associated with the program, and

no impacts would occur on relatively permanent waters or wetlands that could potentially be under the jurisdiction of the USACE. Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts on state and federally protected wetlands would be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.5.4.4 *Issue 4: Wildlife Movement Corridors and Nursery Sites*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts on wildlife movement corridors and nursery sites from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts on wildlife movement corridors or wildlife nursery sites. Alternatives 2, 3, 4, and 5 could adversely affect resident or migratory wildlife corridors through habitat fragmentation, degradation of aquatic habitat (e.g., streams, rivers), interference with wildlife corridors from fencing and improper siting of buildings, and disturbance or loss of wildlife nursery sites. This would contribute to significant cumulative impacts in San Diego County. Compliance with existing regulations, including the SWRCB Order WQ 2023-0102-DWQ, San Diego County RPO, and San Diego County BMO, would offset the project's contribution to this impact because it would require applicants to avoid impacts on modeled regional wildlife linkages. However, wildlife movement occurs at different scales, and even if modeled regional corridors are avoided, local movement corridors may still be adversely affected, for example, through installation of fences. Furthermore, wildlife nursery sites are largely not mapped in the program area, and resources that have not been identified cannot be effectively avoided. Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts on wildlife movement corridors and wildlife nursery sites would be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.5.4.5 *Issue 5: Conflict with Local Policies and Ordinances*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with local policy and ordinance conflicts from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts related to local policies and ordinances. Alternatives 2, 3, 4, and 5 could conflict with local policies and ordinances protecting biological resources. This would contribute to significant cumulative impacts in San Diego County. Cultivation and noncultivation activities associated with the program would be required to comply with existing local policies and ordinances, including San Diego County RPO, and San Diego County BMO; however, due to the current legal status of cannabis under federal law, applicants would not be able to comply with the San Diego County HLP Ordinance. Although there would potentially be a conflict with the San Diego County HLP Ordinance (because a federal permit may not be issued for cultivation or noncultivation activities associated with the project under federal law), this conflict would not contribute to cumulative impacts on the species or habitat protected by the ordinance (i.e., coastal sage scrub, coastal California gnatcatcher) because the potential conflict would not result in any physical impacts, only an administrative issue.

Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts from conflicts with local policies would not be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.5.4.6 *Issue 6: Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with conflicts with adopted HCPs and NCCPs from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts related to conflicts with the MSCP. Cultivation and noncultivation activities associated with Alternatives 2 through 5 would be required to participate in the MSCP, including purchase of associated mitigation credits and implementation of species-based and habitat-based mitigation, which would offset the project's contribution to this significant cumulative impact, and no conflict with the MSCP would occur; therefore, this impact would be less than significant. Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts from conflicts with adopted HCPs or NCCPs would be less than cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.5.5 Significance of Impact prior to Mitigation

2.5.5.1 *Issue 1: Special-Status Plant and Wildlife Species*

The Cannabis Program would have no direct impacts on special-status plant or wildlife species under Alternative 1.

The proposed Cannabis Program would result in potentially significant direct and indirect impacts on special-status plant and wildlife species under Alternatives 2 through 5. It would also have the potential to result in significant cumulative impacts associated with special-status plant and wildlife species.

2.5.5.2 *Issue 2: Riparian Habitat and Other Sensitive Natural Communities*

The Cannabis Program would have no direct impacts on riparian habitat and other sensitive natural communities under Alternative 1.

The proposed Cannabis Program would result in potentially significant direct and indirect impacts on riparian habitat and other sensitive natural communities under Alternatives 2 through 5. It would also have the potential to result in significant cumulative impacts associated with riparian habitat and other sensitive natural communities.

2.5.5.3 *Issue 3: State and Federally Protected Wetlands*

The Cannabis Program would have no direct impacts on state and federally protected wetlands under Alternative 1.

The proposed Cannabis Program would result in potentially significant direct impacts to state and federally protected wetlands under Alternatives 2 through 5. It would also have the potential to result in significant cumulative impacts associated with state and federally protected wetlands.

2.5.5.4 *Issue 4: Wildlife Movement Corridors and Nursery Sites*

The Cannabis Program would have no direct impacts on wildlife movement corridors and nursery sites under Alternative 1.

The proposed Cannabis Program would result in potentially significant impacts on wildlife movement corridors and wildlife nursery sites under Alternatives 2 through 5. It would also have the potential to result in significant cumulative impacts associated with wildlife movement corridors and nursery sites.

2.5.5.5 *Issue 5: Conflict with Local Policies and Ordinances*

The Cannabis Program would not conflict with local policies and ordinances under Alternative 1. The proposed Cannabis Program would result in a potentially significant conflict with local policies and ordinances under Alternatives 2 through 5. It would not result in significant cumulative impacts associated with local policies and ordinances.

2.5.5.6 *Issue 6: Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans*

The Cannabis Program would result in no conflicts with adopted HCPs or NCCPs under Alternatives 1 through 5. It would not result in significant cumulative impacts associated with adopted HCPs or NCCPs.

2.5.6 Mitigation

2.5.6.1 *Issue 1: Special-Status Plant and Wildlife Species*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-BI.1-1: Conduct Preapproval Reconnaissance-Level Surveys for Biological Resources

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County under the program if the application includes ground disturbance, vegetation removal, and/or grading. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ:

Reconnaissance-Level Survey

- A reconnaissance-level survey for biological resources shall be conducted by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in San Diego County) and approved by the County (i.e., on the *County of San Diego's CEQA Consultants List for*

Privately Initiated Projects) prior to any staging or development activities. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. A qualified biologist would:

- hold a wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university;
- be knowledgeable in relevant species life histories and ecology;
- be able to correctly identify relevant species and habitats;
- be knowledgeable about survey protocols;
- be knowledgeable about state and federal laws regarding the protection of special-status species; and
- have experience with CDFW's CNDDB and Biogeographic Information and Observation System (BIOS).

The reconnaissance-level survey shall include the following elements:

- Prior to the reconnaissance-level survey, the qualified biologist shall conduct a data review to determine the special-status plants; special-status wildlife; rare, narrow endemic plant and animal species; critical populations of sensitive plant species; sensitive habitats (e.g., federally protected wetlands, waters of the state, riparian habitat, sensitive natural communities); invasive plant species; and regional linkages/wildlife movement corridors that have the potential to occur within the proposed activity footprint of the cannabis use. This will include review of the best available, current data, including vegetation mapping data, the San Diego MSCP, the BMO, and database searches of the CNDDB, the CNPS Inventory of Rare and Endangered Plants of California, and the USFWS Inventory for Planning and Consultation.
- Prior to the reconnaissance-level survey, the qualified biologist shall determine whether the project constitutes an agricultural activity (i.e., cultivation) that would be exempt under the San Diego County MSCP, whether the project site is located within a PAMA or a Biological Resource Core Area as defined in the San Diego MSCP and BMO, and the tier level of vegetation on the project site ("List of San Diego County Vegetation Communities and Tier Levels within the San Diego MSCP").
- The qualified biologist shall map land cover, identify natural communities, and assess the habitat suitability of the proposed activity footprint of the cannabis use for special-status plants, special-status wildlife, and sensitive habitats identified as having potential to occur, consistent with the requirements of the San Diego MSCP and BMO for species covered by the plan, and consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ and Section 86.504 (Administrative Process and Evaluations; Environmental Initial Study) of the BMO.
- The biologist shall provide a report to the applicant and San Diego County Planning & Development Services with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed activity footprint of the cannabis use. The type of report will depend on the

type of permit (i.e., ministerial, discretionary) and the size of the project, at the discretion of the County.

- If the reconnaissance-level survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant may not be subject to additional biological resources protection measures.
- If special-status plants, special-status wildlife, habitat suitable for these species, or sensitive habitats are identified within or adjacent to the proposed activity footprint of the cannabis use, then additional mitigation measures would apply.

M-BI.1-2: Participate in the San Diego MSCP Including Payment of Fees and Implementation of Mitigation Measures for Covered Species

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with the following required compliance with SWRCB Order WQ 2023-0102-DWQ. County staff will review each project application and determine whether the project is in conformance with the MSCP and South County Subarea Plan and what is necessary (e.g., revisions, mitigation) for conformance with the MSCP plan and South County Subarea Plan.

Species Covered under the San Diego MSCP

If species covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use (during the initial biological survey described in M-BI.1-1), and the biologist determines that project activities may result in adverse effects on these species, the applicant shall assume presence of these species and satisfy the requirements of the San Diego MSCP, South County Subarea Plan, and the BMO. This measure applies to species currently covered under the South County Subarea Plan and species covered in the future under the North County Plan, East County Plan, and Butterflies HCP. This measure applies to cultivation and noncultivation activities that are not exempt from participation in the MSCP.

- If species covered under the San Diego MSCP or South County Subarea Plan that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation fees through purchase of mitigation credits, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and BMO habitat-based and species-based mitigation measures are required.
- If species covered under the San Diego MSCP or South County Subarea Plan that are listed under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the San Diego MSCP and South County Subarea Plan can be applied.
- Because some outdoor cultivation activities may be exempt from participation in the South County Subarea Plan, potential impacts on species covered under the South County Subarea Plan shall be addressed outside of the mitigation structure of the South County Subarea Plan and through implementation of the measures described below.

Special-Status Species Not Covered under the San Diego County MSCP

If species not covered under the San Diego MSCP or South County Subarea Plan are determined to be present or likely to be present within the proposed activity footprint of the cannabis use that is not exempt from participation in the MSCP, the applicant shall apply additional mitigation measures consistent with state and local requirements. This measure applies to all species not currently covered under the South County Subarea Plan. Should any of these species become subsequently covered under the North County Plan, East County Plan, or Butterflies HCP, the previous measure shall apply.

M-BI.1-3: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation for Plant Species Not Covered under the San Diego MSCP

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development activities associated with cultivation and noncultivation activities and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018).

  A qualified botanist would:

  - be knowledgeable about plant taxonomy;
  - be familiar with plants of the region, including special-status plants and sensitive natural communities;
  - have experience conducting floristic botanical field surveys as described in the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor;
  - be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/); and
  - be familiar with federal, state, and local statutes and regulations related to plants and plant collecting.
- If special-status plants are not found, the botanist shall document the findings in a report to CDFW, USFWS, the County, and the applicant, and no further mitigation will be required.
- If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. If special-status plants cannot be avoided, then the applicant shall consult with CDFW to determine if an incidental take permit should be obtained (i.e., for special-

status species listed under CESA) or if compensatory mitigation would be required (for special-status plants with a CRPR of 1 or 2, and/or on the County of San Diego sensitive plant List A or List B). Impacts on these special-status plant species would be mitigated such that there would be no net loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Habitat and individual plants lost shall be mitigated at a minimum 1:1 ratio (up to a 3:1 ratio), considering acreage as well as function and value. Success criteria for preserved and compensatory populations will include the following requirements:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.
- Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
    - plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and
    - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above, and other details, as appropriate to target the preservation of long-term viable populations.
- Any mitigation plan for unavoidable impacts on special-status plants must be reviewed and approved by the County and CDFW.

- If special-status plant species are found that have a CRPR of 3 or 4 and/or are on the County of San Diego sensitive plant List C or List D, the qualified botanist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species and shall prepare a report that contains evidence supporting the conclusion.
    - If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these plant species, the botanist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.
    - If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species, the botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. Impacts

on these special-status plant species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

M-BI.1-4: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

This measure shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation shall be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council.

- The application will include identification of invasive plant species that occur on the site and where they are located. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- All invasive plant species shall be removed from the site to the extent practicable using measures appropriate to the species. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on-site in a debris pile. Species that resprout readily or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use and shall be cleaned before entering the site to reduce the risk of introducing invasive plant species.

M-BI.1-5: Conduct Preconstruction Surveys for Special-Status Amphibians

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status amphibians are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If arroyo toads or California red-legged frogs are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be assumed that cultivation and noncultivation activities could result in take of these federally listed species, and the application shall be denied.
- If western spadefoot toads are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the

initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.

- Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) is present in the proposed development area as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species (i.e., coast range newt, western spadefoot [if not listed under ESA at the time of the survey]) shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey and, for arroyo toad, California red-legged frog, or western spadefoot (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

M-BI.1-6: Conduct Surveys for Special-Status Reptiles and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status reptiles are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If southwestern pond turtles are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.

- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.
- Regardless of detection during the initial biological survey, if habitat suitable for special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) and including southwestern pond turtle (if not listed under ESA at the time of the survey) is present in the proposed development area, as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status reptile species shall be conducted throughout the proposed construction area, and a minimum 400-foot buffer, or other buffer size as recommended by CDFW, shall be established around the proposed development area. Surveys shall consist of "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for reptiles and visual searches for southwestern pond turtles in aquatic habitat and potential burrows.
- If special-status reptiles are not detected during the preconstruction survey and, for southwestern pond turtle (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status reptiles shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

M-BI.1-7: Conduct Preconstruction California Spotted Owl Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if California spotted owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the county as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If a qualified biologist determines that the project site contains or is adjacent to habitat suitable for California spotted owls during the initial biological survey (see M-BI.1-1), the qualified biologist will determine whether a documented California spotted owl nesting occurrence is present within 0.25 miles of a project site by reviewing California spotted owl occurrence data in the CNDDB and contacting biologists from adjacent public lands (e.g., US Forest Service land), as applicable, to obtain any recent survey and occurrence data for California spotted owl that have not been made publicly available (e.g., in the CNDDB).

- If a nesting occurrence is determined to be present or if nesting habitat suitable for California spotted owl as determined by a biologist during the initial biological survey (see M-BI.1-1) is present within or within 0.25 miles of a project site, then the following measures will be followed:
    - Protocol-level surveys for California spotted owl will be conducted by a qualified biologist within a 0.25-mile radius surrounding the project site prior to any construction or staging activities where a documented nest or nesting habitat is present within 0.25 miles of the project site. Surveys for California spotted owl will be conducted pursuant to the *Protocol for Surveying for Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas* (US Forest Service 1993) or any protocol subsequently developed by USFWS should the species be listed.
    - If California spotted owls are determined to be absent within 0.25 miles from the site, then further mitigation is not required.
    - If nesting California spotted owls are identified during protocol-level surveys and determined to be present within 0.25 miles of the project site, then it is presumed that cultivation and noncultivation activities, including development and operation, could result in take of California spotted owls through habitat modification or disturbance. Therefore, if California spotted owls are determined to be present within 0.25 miles of the project site, proposed cultivation and noncultivation activities will not be permitted.

M-BI.1-8: Conduct Take Avoidance Survey for Burrowing Owl and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if burrowing owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for burrowing owls is determined to be present on the site during the initial biological survey (see M-BI.1-1), a qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species (e.g., grasslands, agricultural areas) on and within a minimum of 1,640 feet (500 meters) of the cultivation or noncultivation site using survey methods described in Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of 4 surveys shall be conducted to determine whether burrowing owls occupy the site. If feasible, at least 1 survey should be conducted between February 15 and April 15, and the remaining surveys should be conducted between April 15 and July 15 and at least 3 weeks apart. Because burrowing owls may recolonize a site after only a few days, 1 of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.

- If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant, the County, and CDFW, and no further mitigation shall be required.
- If an active burrow is found within a minimum of 1,640 feet of ground-disturbing activities that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). The protection buffer shall be adjusted if, during consultation with the County and CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures.
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 1,640 feet (500 meters). There is an option for the size of the buffer to be adjusted depending on the time of year and level of disturbance as outlined in the burrowing owl staff report. The size of the buffer shall be reduced if a broad-scale, long-term monitoring program acceptable to the County and CDFW is implemented so that burrowing owls are not adversely affected.

M-BI.1-9: Conduct Preconstruction Special-Status Nesting Raptor Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status raptors are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for loss of nesting raptors, tree and other vegetation removal activities shall occur only during the nonbreeding season (September 1 through January 31), if feasible.
- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within a certain distance, depending on the species that are known or have potential to be present. The survey radius for American peregrine falcon, bald eagle, and golden eagle shall be a minimum of 0.5 miles from the proposed development area boundary. The survey radius for Swainson's hawk and white-tailed kite shall be a minimum of 0.25 miles from the proposed development area boundary. The survey radius for all other raptor species shall be a minimum of 500 feet from the proposed development area boundary. The surveys shall be conducted between February 1 and August 31.
- If nesting special-status raptors are determined to be absent, then further mitigation is not required.

- If active nests are identified during preconstruction raptor surveys, then impacts on nesting raptors shall be avoided by establishing appropriate buffers around the nests. Factors to be considered for determining buffer size shall include the presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, and baseline levels of noise and human activity. Buffer size may be adjusted if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Typical buffer sizes are 0.5 miles for American peregrine falcon, bald eagle, and golden eagle; 0.25 miles for Swainson's hawk and white-tailed kite; and 500 feet for other raptor species. No activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist during and after construction activities (e.g., ground disturbance, vegetation removal) shall be required if the activity has potential to adversely affect the nest.
- Removal of bald and golden eagle nests is prohibited regardless of their occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
- Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree.

M-BI.1-10: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status birds are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for disturbance to or loss of special-status birds or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 15 through January 31), if feasible.
- Because coastal California gnatcatcher is a resident species and may be present year-round, there is no reliable season during which all impacts on non-nesting coastal California gnatcatchers could be avoided. Coastal California gnatcatcher is listed under ESA, and USFWS requires protocol-level surveys to determine presence or absence of the species, and these surveys must be conducted by a Section 10(a)(1)(A) permitted biologist. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys. Furthermore, the San Diego County HLP Ordinance requires issuance of a take permit for coastal California gnatcatcher pursuant to the Special 4(d) Rule under ESA for projects that would directly or indirectly affect any coastal sage scrub habitat types. For the same reasons, cultivation and noncultivation activities would not be permitted on parcels that contain coastal sage scrub habitat (see M-BI.5-1).

- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or vegetation or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for special-status and common nesting birds on the site and within 1,000 feet of the site. The surveys shall be conducted no more than 3 days before construction begins.
- Surveys will follow established protocols, where these protocols exist (e.g., surveys for least Bell's vireo will follow the protocols in *Least Bell's Vireo Survey Guidelines* [USFWS 2001]).
- Because the nests of least Bell's vireo, southwestern willow flycatcher, and other riparian nesting birds are small and difficult to find, occupancy of habitat suitable for this species will be determined by a qualified RPF or biologist familiar with the life history and calls of these species. If least Bell's vireos, southwestern willow flycatcher, or other riparian nesting birds are observed calling, exhibiting territorial displays, carrying nest materials, carrying prey, or other signs of breeding behavior, the habitat will be considered occupied.
- If no active nests are found during focused surveys, then further mitigation is not required.
- If nests associated with species listed under both CESA and ESA or only under ESA (i.e., California least tern, coastal California gnatcatcher, least Bell's vireo, light-footed Ridgway's rail, southwestern willow flycatcher, western snowy plover, western yellow-billed cuckoo) are found during surveys, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. No-disturbance buffers for these species shall be at least 1,000 feet.
- If active nests of species not listed under ESA are located during the preconstruction surveys, the biologist shall notify CDFW. If deemed necessary by CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines, in consultation with CDFW, that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a no-disturbance buffer, the size of which shall be determined by the qualified biologist in consultation with CDFW. No-disturbance buffers shall be a minimum of 100 feet from the nest to avoid disturbance, depending on the species identified, until the nest is no longer active. No-disturbance buffers surrounding tricolored blackbird colonies shall be a minimum of 500 feet.

M-BI.1-11: Conduct Preconstruction Crotch's Bumble Bee Habitat Suitability Surveys and Focused Surveys

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if bumble bees are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before implementation of ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for Crotch's bumble bee following the guidance in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee*

Species (CDFW 2023). Results of the habitat assessment shall be submitted to the applicant, the County, and CDFW before initiating ground-disturbing activities. If the area of proposed new development activities contains habitat suitable for Crotch's bumble bee (e.g., nesting habitat, foraging habitat, overwintering habitat), the following measures shall be followed:

- To avoid impacts on nesting Crotch's bumble bee, cultivation and noncultivation activities shall not occur in habitats suitable for this species from April through September (i.e., flight season) if feasible.
- Focused surveys for Crotch's bumble bees shall be conducted following the guidance in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). Crotch's bumble bee presence may also be assumed. If Crotch's bumble bees are determined to be absent during focused surveys, then further mitigation is not required. If Crotch's bumble bees are detected during focused surveys or presence is assumed, the following measure shall be implemented:
  - If Crotch's bumble bees are detected during review and surveys or presence is assumed, the qualified biologist shall contact CDFW for coordination regarding avoidance and mitigation. Avoidance and mitigation measures may include seasonal avoidance or physical avoidance of nest or overwintering sites.

M-BI.1-12: Conduct Preconstruction Special-Status Butterfly Habitat Suitability Surveys and Focused Surveys

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status butterflies are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To avoid impacts on overwintering monarch butterflies, new development related to cultivation and noncultivation activities shall not occur in monarch overwintering sites (Xerces Society 2018) and within a buffer surrounding the overwintering site, the size of which will be determined by the qualified biologist to avoid disturbance to the site (but at least 100 feet).
- If, during implementation of M-BI.1-1, a previously undetected monarch overwintering site is found by a qualified biologist, cultivation and noncultivation activities shall be prohibited in the overwintering site and within a buffer surrounding the overwintering site, the size of which will be determined by the qualified biologist to avoid disturbance to the site (but at least 100 feet).
- If, during implementation of M-BI.1-1, a qualified biologist determines that habitat suitable for overwintering monarchs is present on a site, a qualified biologist familiar with monarchs and monarch overwintering habitat will conduct focused surveys for monarch colonies in these areas between October 1 and March 31 and will identify any colonies found within the treatment area. Any identified colonies shall be avoided as described above. If no overwintering colonies are found, further mitigation to protect overwintering monarchs will not be required.

- Quino checkerspot butterfly is associated with coastal sage scrub habitats. Pursuant to M-BI.5-1, cultivation and noncultivation activities would not be permitted on parcels that contain coastal sage scrub habitat, which would help maintain habitat function and avoid impacts on this species.
- Established survey protocols for federally listed butterfly species, including *Quino Checkerspot Butterfly Survey Guidelines* (USFWS 2014), *Survey Guidelines for the Laguna Mountains Skipper* (USFWS 2004), and *Hermes Copper Butterfly Survey Protocol* (USFWS 2024b), require surveyors to have recovery permits for these species pursuant to Section 10(a)(1)(A) of ESA. If monarch butterfly is listed, a similar protocol and similar permit requirements may be established. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys for the project. Therefore, if habitat suitable for special-status butterflies is determined to be present on a site during the initial biological survey (see M-BI.1-1), before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct an additional habitat assessment to determine whether (1) the project site is within the limited range of any federally listed butterfly species and (2) the project site contains the microhabitat features suitable for these species (e.g., vegetation and habitat type, host plant availability, food plant availability). Surveys to determine host plant and food plant availability shall be conducted during the typical bloom period for these species to increase the chances of detecting the plants if present.
- Because surveys (i.e., capture surveys) for nonfederally listed butterfly species (i.e., Thorne's hairstreak, wandering skipper, alkali skipper [*Pseudocopaeodes eunus eunus*], Harbison's dun skipper [*Euphyes vestris harbisoni*], Hilda greenish blue [*Plebejus saepiolus hilda*], peninsular metalmark [*Apodemia virgulti peninsularis*], two-tailed swallowtail [*Papilio multicaudata*], yucca giant-skipper [*Megathymus yuccae*]) could result in take of federally listed species where the ranges of these species overlap, this above protocol shall also apply to these species.
- If habitat for special-status butterflies is determined not to be present on a project site by the qualified biologist, a report shall be prepared by the qualified biologist and submitted to the County for approval. If approved, then further mitigation is not required.
- If habitat potentially suitable for Thorne's hairstreak, wandering skipper, alkali skipper, Harbison's dun skipper, Hilda greenish blue, peninsular metalmark, two-tailed swallowtail, yucca giant-skipper, or monarch (if the species is not listed under ESA at the time of the survey) and habitat for federally listed butterfly species is not present on the project site, then the host plants for the nonfederally listed species shall be avoided and retained on the project site.
- If habitat suitable for Quino checkerspot, Laguna Mountains skipper, Hermes copper, or monarch (if the species is listed under ESA at the time of the survey) is present on a project site, the habitat will be considered occupied, and because these species are listed under ESA, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. If the project cannot be redesigned to avoid all habitat suitable for these species and potential edge effects, then the application shall be denied.

M-BI.1-13: Conduct Habitat Assessment for Special-Status Terrestrial Invertebrates and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status terrestrial invertebrates are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for special-status terrestrial invertebrates (non-butterflies) is determined to be present on the site during the initial biological survey (see M-BI.1-1), the following measures shall apply.
    - If special-status terrestrial invertebrate species are found that are in the County of San Diego sensitive animal Group ll (i.e., all non-butterfly terrestrial invertebrate species that could occur in the program area), the qualified biologist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these species and shall prepare a report that contains evidence supporting the conclusion.
        - If the qualified biologist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these species, the biologist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.
        - If the qualified biologist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these species, the biologist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site that shall be reflected in application materials to the County. Impacts on these special-status invertebrate species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

M-BI.1-14: Avoid Special-Status Fairy Shrimp Habitat

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status fairy shrimp are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If vernal pool habitat suitable for special-status fairy shrimp is determined to be present on a site during the initial biological survey (see M-BI.1-1), a no-disturbance buffer will be implemented surrounding all vernal pool habitat, the size of which will be determined by a qualified biologist, and the project will be redesigned to completely avoid this

habitat. If the project cannot be redesigned to avoid all habitat suitable for these species, then the application shall be denied.

M-BI.1-15: Conduct Preconstruction Bat Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status bats are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further mitigation will be required.
- If special-status bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the County and CDFW by the qualified biologist subject to the review and approval of the County in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest that is large enough to prevent disturbance to the colonies during hibernation or while females in maternity colonies are nursing young.

M-BI.1-16: Conduct Preconstruction Survey for Special-Status Rodents and Rabbits and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status rodents and rabbits are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct focused surveys for kangaroo rat burrows or burrow complexes, rodent burrows (i.e., for pocket mice and grasshopper mice), woodrat nests, and jackrabbit nests no more than 14 days prior to development and staging activities associated with cultivation and noncultivation activities.
- If rodent burrows suitable for Pacific pocket mouse are found on a site within the limited range of the species (i.e. near Escondido Creek and the San Dieguito River) or kangaroo rat burrows and burrow complexes suitable for Stephen's kangaroo rat are found on a site within the limited range of this species (i.e., the northern half of the county) (CWHR 2024b), the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. If the project cannot be redesigned to avoid all habitat suitable for these species, then the application shall be denied.

- While these burrows may be associated with other mouse or kangaroo rat species that are not listed under ESA, live trapping surveys would be required to determine the species, which could result in take of ESA-listed species. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys.
- If rodent burrows outside of the range of Pacific pocket mouse and not associated with kangaroo rats, woodrat nests, or jackrabbit nests are detected during focused surveys, a no-disturbance buffer would be established around the burrow, the size of which would be determined by the qualified biologist to prevent burrow collapse and disturbance from cultivation and noncultivation development activities, and no project activities would occur within this buffer.

M-BI.1-17: Conduct Preconstruction American Badger Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if American badgers are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct surveys of grassland or agricultural habitats within the site to identify any American badger burrows/dens. These surveys shall be conducted no more than 30 days prior to the start of construction.
- If occupied burrows are not found, further mitigation shall not be required.
- If occupied burrows are found, impacts on active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied.

M-BI.1-18: Conduct Preconstruction Southern California Ringtail Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if southern California ringtails are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development related to cultivation and noncultivation activities occurring within the southern California ringtail nesting season (April 15 through June 30), including tree or shrub removal, a qualified biologist shall conduct pre-construction surveys of all habitat suitable within the site and shall record sightings of individual ringtails, as well as potential dens.

- If individuals or potential for occupied dens are not found, further mitigation will not be required.
- If ringtails are detected or if potential dens of this species are detected, an appropriate method shall be used by the qualified biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices, such as a fiber optic scope, may be utilized to determine occupancy. If no ringtail occupies the potential den, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.
- If a den is found to be occupied by a ringtail, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the nest tree (or other structure) plus a buffer the size of which shall be determined by the qualified biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the den is unoccupied as determined by a qualified biologist in coordination with CDFW.

M-BI.1-19: Conduct Preconstruction Mountain Lion Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if mountain lions or signs of mountain lions (e.g., scat, prints) are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If potential nursey den habitat suitable for mountain lions is determined to be present on the site during the initial biological survey (see M-BI.1-1) within 7 days before commencement of development related to cultivation and noncultivation activities, a qualified biologist with familiarity with mountain lion and experience using survey methods for the species will conduct focused surveys in nursery den habitat suitable for the species adjacent to (i.e., within 2,000 feet of) the site to identify any potential mountain lion nurseries, as property access allows. Surveys will be conducted during dawn or dusk to increase the likelihood of detecting mountain lions.
- If no signs of a mountain lion nursery are found, then further mitigation would not be required for this species.
- If signs of a mountain lion nursery are found during surveys, further investigation will be required to determine if a mountain lion nursery is present. No staging or construction activities will occur in the area while further investigation is occurring. Survey methods will include the use of trail cameras, track plates, hair snares, and/or other noninvasive methods. Surveys using these noninvasive methods will be conducted for 3 days and 3 nights to determine whether a nursery may be present.
- If a nursery is known to occur in the area or further signs of a nursery are detected based on the surveys described above (e.g., lactating adult females or cubs on camera, repeated detections of an adult female in the area, growls or calls from cubs), a no-disturbance buffer of at least 2,000 feet will be implemented for a minimum of 10 weeks.

Staging and construction activities will not occur within this buffer during this time to avoid disturbance of mountain lion nurseries or injury or mortality of young. CDFW will be notified of the nursery and buffer location.

2.5.6.2 *Issue 2: Riparian Habitat and Other Sensitive Natural Communities*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-BI.2-1: Identify, Avoid, and Protect Riparian Habitat, Sensitive Natural Communities, and Oak Woodlands or Provide Compensation

As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions, Terms 10 and 37), San Diego County shall require applicants to demonstrate compliance with the following measures for the protection of riparian habitat, sensitive natural communities, and oak woodlands from proposed cultivation and noncultivation activities:

- For cultivation and noncultivation activities that could disturb riparian habitat, sensitive natural communities, or oak woodlands, the application shall include a report prepared by a qualified biologist that summarizes the potential presence of any of these sensitive resources as identified during the biological survey conducted under M-BI.1-1. Furthermore, the qualified biologist shall perform a protocol-level survey following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) of the site before the start of any development or staging related to cultivation or noncultivation activities. Sensitive natural communities shall be identified using the best means possible, including keying them out using the most current edition of *A Manual of California Vegetation* (including updated natural communities data at http://vegetation.cnps.org/) or referring to relevant reports (e.g., reports found on the VegCAMP website).
- All sensitive habitats identified during the protocol-level survey described above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist before development or staging activities associated with cannabis activities begin. Grading, excavation, other ground-disturbing activities, and vegetation removal shall not occur in these areas. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species. Periodic inspections during construction shall be conducted by the qualified biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.
- Impacts on habitat, including sensitive habitats, on the site shall be subject to mitigation ratios described in the MSCP and BMO (County of San Diego 2010a; see M-BI.1-2), as well as habitat mitigation ratios described in the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement – Biological Resources* (County of San Diego 2010b).
- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code

Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction by CDFW, the applicant shall abide by the conditions of any executed agreement before any ground disturbance.

- In consultation with CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of riparian habitat through removal of nonnative species, where appropriate, and planting of additional native riparian plants to increase the cover, continuity, and width of the riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement, as required under Section 1602 of the Fish and Game Code and SWRCB Order WQ 2023-0102-DWQ.

The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall identify the following information:

- compensatory mitigation sites and criteria for selecting these mitigation sites;
- in-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- monitoring protocol, including schedule and annual report requirements (compensatory habitat shall be monitored for a minimum of 5 years from completion of mitigation or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer);
- ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80-percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period, or dead and dying trees shall be replaced and monitoring continued until 80-percent survivorship is achieved;
- corrective measures if performance standards are not met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

If the report documents that site development cannot avoid adverse effects on sensitive natural communities or oak woodlands, in consultation with CDFW, the applicant shall compensate for permanent loss of these habitats such that no net loss of habitat function occurs as follows:

- restoring sensitive natural community habitat function within the project site (e.g., using locally collected seed or cuttings);
- restoring degraded sensitive natural communities outside the project site at a sufficient ratio to offset the loss of habitat function (at least 3:1 for sensitive natural communities with an S1 or S2 rank and at least 1:1 for other sensitive natural communities); or
- preserving existing sensitive natural communities of equal or better value to the sensitive natural community affected through a conservation easement at a sufficient ratio to offset the loss of habitat function (at least 3:1 for coastal prairie and at least 1:1 for other sensitive natural communities).

The applicant shall prepare and implement a Compensatory Mitigation Plan that includes the following elements:

- For preserving existing habitat outside the project site in perpetuity, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The applicant will provide evidence in the plan that the necessary mitigation has been implemented or that the applicant has entered into a legal agreement to implement it and that compensatory habitat will be preserved in perpetuity.
- For restoring or enhancing habitat within the project site or outside the project site, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.
- The following success criteria would be required to maintain habitat function for preserved and compensatory populations:
  - The extent of occupied area and density of plants associated with the sensitive natural community (number of plants per unit area) in compensatory habitats would be equal to or greater than the affected occupied habitat.
  - Compensatory and preserved sensitive natural communities would be self-producing. Populations would be considered self-producing when (1) plants associated with sensitive natural communities reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding, and (2) reestablished and preserved habitats contain an occupied area and density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

2.5.6.3 *Issue 3: State and Federally Protected Wetlands*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-BI.3-1: Identify State or Federally Protected Wetlands and Avoid These Features

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- The application shall include a report prepared by a qualified biologist that includes a summary of sensitive resources, including wetlands, streams, and rivers, that were identified during the biological survey conducted under M-BI.1-1.
- If the report documents that state or federally protected wetlands are present, a delineation of these resources, including wetlands that would be affected by the project, shall be prepared by a qualified biologist. The delineation shall be submitted to the County and the San Diego RWQCB.
- If, based on the delineation, it is determined that fill of any state or federally protected wetlands would result from implementation of the project, then the applicant shall modify the proposed project to avoid these resources by providing a buffer of at least 100 feet around these features. Depending on site features, a buffer of greater than 100 feet may be required. Buffer size shall be determined in consultation with CDFW and the San Diego RWQCB.
- Cannabis cultivation and noncultivation activities would be subject to Term 3 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, which requires operations to comply with Fish and Game Code Section 1602. When cultivation or noncultivation activities would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement before any ground disturbance in areas that are under Section 1600 et seq. jurisdiction.

2.5.6.4 *Issue 4: Wildlife Movement Corridors and Nursery Sites*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-BI.4-1: Utilize Wildlife-Friendly Building and Fencing Designs

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Buildings and other permanent structures that would be constructed for cultivation and noncultivation activities associated with the project shall be designed to minimize impacts on wildlife, including disruption to wildlife movement, bird strikes, and wildlife entanglement.

- Building design shall utilize guidelines regarding building height, materials, external lighting, and landscaping provided in the American Bird Conservancy's Bird-Friendly Building Design (American Bird Conservancy 2015). The County shall require review of the design plans by a qualified biologist, who will determine whether the plans are sufficient to reduce the likelihood of bird strikes or recommend additional measures.
- Fencing associated with cultivation and noncultivation activities associated with the project will utilize wildlife-friendly fencing design to minimize the risk of entanglement, entrapment, or impalement of wildlife, as well as interruption of wildlife movement corridors. The County shall require the review of fencing design by a qualified biologist prior to installation. The fencing design shall meet, but not be limited to the following standards:
  - Minimize interruption of wildlife movement corridors by limiting fencing to the shortest length necessary, and properly siting fencing location such that established wildlife movement corridors are avoided.
  - Minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale, snag, or entrap a leaping animal (e.g., wrought iron fencing with spikes).
  - Allow wildlife to jump over easily without injury. Typically, fences should be no more than 40 inches high on flat ground to allow adult deer to jump over. The determination of appropriate fence height will consider slope, as steep slopes are more difficult for wildlife to pass. If fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e., greater than 6 feet tall).
  - Allow smaller wildlife to pass under easily without injury or entrapment.
- Upon review of project-specific fencing design, the County and qualified biologist will require revisions to site plans if the proposed fencing design and/or location would result in impacts on wildlife movement.
- Polyethylene plastic used for agricultural shade or crop structures shall be properly fastened, maintained in good condition, and regularly inspected for degradation from weather to prevent introduction of plastic into the natural environment, including waterways.

M-BI.4-2: Retain Wildlife Nursery Habitat and Implement Buffers to Avoid Wildlife Nursey Sites

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

If after implementation of M-BI.1-1, a qualified biologist determines that wildlife nursery sites are present within a proposed project site, the following measures shall be implemented prior to and during construction of a project:

- A qualified biologist will identify the important habitat features of the wildlife nursery and, prior to commencement of project activities (e.g., ground disturbance, vegetation

removal, staging), will mark these features for avoidance and retention during project implementation to maintain the function of the nursery habitat.

- A no-disturbance buffer will be established around the nursery site if project activities are required while the nursery site is active/occupied. The appropriate size and shape of the buffer will be determined by a qualified biologist based on potential effects of project-related habitat disturbance, noise, visual disturbance, and other factors but will typically be a minimum of 100 feet. No project activity will commence within the buffer area until a qualified biologist confirms that the nursery site is no longer active/occupied. Monitoring of the effectiveness of the no-disturbance buffer around the nursery site by a qualified biologist during and after project activities may be required. If project activities cause agitated behavior of the individual(s), the buffer distance will be increased or project activities modified until the agitated behavior stops. The qualified biologist will have the authority to stop any project activities that could result in potential adverse effects on wildlife nursery sites.

2.5.6.5 *Issue 5: Conflict with Local Policies and Ordinances*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-BI.5-1: Prohibit Cultivation and Noncultivation Activities in Coastal Sage Scrub Habitat

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If after implementation of M-BI.1-1 and M-BI.2-1, a qualified biologist determines that a proposed cultivation or noncultivation site contains coastal sage scrub habitat, the project shall be designed such that direct and indirect impacts on this habitat would not occur as confirmed by the qualified biologist and the County. If the project cannot be redesigned to completely avoid direct and indirect impact on coastal sage scrub habitat, then the application will be denied, and cultivation and noncultivation activities will not be permitted on the site.

2.5.6.6 *Issue 6: Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans*

No mitigation is required.

2.5.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after mitigation measures are implemented for Alternatives 2, 3, 4, and 5. Implementation of these mitigation measures in addition to the requirements of SWRCB Order WQ 2023-0102_DWQ would be in compliance with General Plan Policies COS-1.9, COS-2.1, COS-2.2, COS-3.1, COS-3.2, COS-5.3, COS-5.4, and COS-5.5.

2.5.7.1 *Issue 1: Special-Status Plant and Wildlife Species*

Alternative 1 would have no impacts on special-status plant and wildlife species.

Cultivation and noncultivation activities associated with Alternatives 2, 3, 4 and 5 would have the potential to directly and indirectly adversely affect special-status plant and wildlife species. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 through M-BI.1-19 would reduce potentially significant program-level and cumulative impacts on special-status plant and wildlife species to a less-than-significant level because special-status plant and wildlife species would be identified through reconnaissance-level and focused or protocol-level surveys (as applicable), avoidance measures would be implemented to prevent impacts on these species, and appropriate permitting or compensation would be obtained or provided for impacts on special-status species that cannot be avoided. Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.5.7.2 *Issue 2: Riparian Habitat and Other Sensitive Natural Communities*

Alternative 1 would have no impacts to riparian habitat and other sensitive natural communities.

Cultivation and noncultivation activities associated with Alternatives 2, 3, 4 and 5 would have the potential to result in direct and indirect impacts on riparian habitat, sensitive natural communities, and oak woodlands. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 and M-BI.2-1 would reduce potentially significant program-level and cumulative impacts on riparian habitat, sensitive natural communities, and oak woodlands to a less-than-significant level because these resources would be identified through reconnaissance-level and focused surveys, avoidance measures would be implemented to prevent removal or degradation of the habitats, and appropriate permitting and compensation would be required for impacts on these resources. Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.5.7.3 *Issue 3: State and Federally Protected Wetlands*

Alternative 1 would have no impacts to state and federally protected wetlands.

Cultivation and noncultivation activities associated with Alternatives 2, 3, 4, and 5 would have the potential to result in direct and indirect impacts on state and federally protected wetlands. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 and M-BI.3-1 would reduce potentially significant program-level and cumulative impacts on state and federally protected wetlands to a less-than-significant level because wetlands would be identified through reconnaissance-level surveys and wetland delineation surveys, and wetlands would be avoided through project redesign. Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.5.7.4 *Issue 4: Wildlife Movement Corridors and Nursery Sites*

Alternative 1 would have no impacts on wildlife movement corridors and nursery sites.

Cultivation and noncultivation activities associated with Alternatives 2, 3, 4, and 5 would have the potential to interfere with resident or migratory wildlife movement corridors or impede the use of native wildlife nursery sites. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1, M-BI.4-1, and M-BI.4-2 would reduce potentially significant program-level and cumulative impacts on resident or migratory wildlife movement corridors and native wildlife nursery sites to a less-than-significant level because regional linkages, wildlife movement corridors, and wildlife nursery sites would be identified during reconnaissance-level surveys, wildlife-friendly building and fencing design would be required for all proposed activities, and native wildlife nursery sites would be protected and retained. Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.5.7.5 *Issue 5: Conflict with Local Policies and Ordinances*

Alternative 1 would have no impacts associated with conflicts with local policies and ordinances.

Cultivation and noncultivation activities associated with Alternatives 2, 3, 4, and 5 would have the potential to conflict with local policies and ordinances, specifically the HLP Ordinance. Therefore, the project would result in a potentially significant impact related to this issue. Implementation of Mitigation Measure M-BI.5-1 would reduce potentially significant program-level and cumulative impacts related to local policies and ordinances to a less-than-significant level because cultivation and noncultivation activities would be prohibited in coastal sage scrub habitat, thereby preventing conflict with the HLP Ordinance. Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.5.7.6 *Issue 6: Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans*

Cultivation and noncultivation activities associated with the program would not conflict with any applicable HCP or NCCP. Therefore, Alternatives 1, 2, 3, 4, and 5 would not result in a significant impact. In addition, these alternatives would not contribute to a significant cumulative impact.

Table 2.5.2 Habitat and Land Cover Types in the Program Area

Habitat and Land Cover Type	Vegetation Alliance (MCV)	Size (acres or miles)
Bog and Marsh		1,046.6 acres
—	*Distichlis spicata*	—
—	*Frankenia salina*	—
—	*Phragmites australis – Arundo donax – Alopecurus pratensis*	—
—	*Schoenoplectus americanus*	—
—	*Typha* (*angustifolia, domingensis, latifolia*)	—
Coastal Sage Scrub		38,287.8 acres
—	*Artemisia californica – (Salvia leucophylla)*	—
—	*Artemisia californica – Salvia mellifera*	—
—	*Salvia apiana*	—
—	*Salvia mellifera*	—
Grasslands, Vernal Pools, Meadows, and Other Herb Communities		56,130.1 acres
—	*Avena* (*barbata, fatua*)	—
—	*Avena* spp. – *Bromus* spp.	—
—	*Brassica nigra – Centaurea* (*solstitialis, melitensis*)	—
—	*Bromus rubens – Schismus* (*arabicus, barbatus*)	—
—	*Deinandra fasciculata*	—
—	*Nassella* spp. – *Melica* spp.	—
Riparian and Bottomland Habitat		20,443.5 acres
	Baccharis salicifolia	—
—	*Populus fremontii – Fraxinus velutina – Salix gooddingii*	—
—	*Salix gooddingii – Salix laevigata*	—
—	*Salix lasiolepis*	—
Scrub and Chaparral		185,368.5
	Adenostoma fasciculatum	—
—	*Adenostoma fasciculatum – Salvia* spp.	—
—	*Arctostaphylos glandulosa*	—
—	*Arctostaphylos glauca*	—
—	*Baccharis pilularis*	—
—	*Baccharis sarothroides*	—
—	*Bahiopsis laciniata*	—
—	*Ceanothus (oliganthus, tomentosus)*	—
—	*Ceanothus crassifolius*	—
—	*Ceanothus leucodermis*	—
—	*Cercocarpus montanus*	—
—	*Eriogonum fasciculatum*	—
—	*Eriogonum fasciculatum – Salvia apiana*	—
—	*Keckiella antirrhinoides*	—

Habitat and Land Cover Type	Vegetation Alliance (MCV)	Size (acres or miles)
—	*Lotus scoparius – Lupinus albifrons – Eriodictyon* spp.	—
—	*Malosma laurina*	—
—	*Prunus ilicifolia – Heteromeles arbutifolia – Ceanothus spinosus*	—
—	*Quercus berberidifolia*	—
—	*Rhus integrifolia*	—
—	*Selaginella* (*bigelovii, wallacei*)	—
—	*Simmondsia chinensis*	—
—	*Xylococcus bicolor*	—
Forest		18,229.6
—	*Callitropsis forbesii*	—
—	*Calocedrus decurrens*	—
—	*Pinus coulteri*	—
—	*Pinus ponderosa* / Shrub Understory	—
—	*Pseudotsuga macrocarpa*	—
Woodland		48,503.4 acres
—	*Eucalyptus* spp. – *Ailanthus altissima – Robinia pseudoacacia*	—
—	*Platanus racemosa – Quercus agrifolia*	—
—	*Quercus agrifolia*	—
—	*Quercus chrysolepis* (tree)	—
—	*Quercus engelmannii*	—
—	*Quercus kelloggii*	—
Agriculture		59,418.3 acres
Disturbed or Developed Areas		68,665.4 acres
Aquatic Habitat		—
Lake/Pond		3,970.4 acres
Reservoir		154.7 acres
Swamp/Marsh		240.7 acres
Ephemeral Stream/River		3,554.9 miles
Intermittent Stream/River		416.0 miles
Perennial Stream/River		84.5 miles
Human-made Aquatic Features		—
Canal Ditch		13.6 miles
Connector		13.6 miles
Drainageway		0.1 mile
Pipeline		51.1 miles

Source: Data downloaded from CDFW, NHD, and SanGIS in 2024; data compiled and adapted by Ascent in 2024.

Table 2.5.3 Special-Status Plant Species Known to Occur in San Diego County

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Red sand verbena[4] *Abronia maritima*	—	—	4.2	—	Coastal dunes. Dune plant. 0–330 ft in elevation. Blooms February–November. Perennial.
Chaparral sand-verbena[3] *Abronia villosa* var. *aurita*	—	—	1B.1	—	Chaparral, coastal scrub, desert dunes. Sandy areas. 245–5,250 ft in elevation. Blooms January–September. Annual.
Shrubby Indian mallow *Abutilon abutiloides*	—	—	2B.1	—	Sonoran desert scrub. Rocky, granitic. 2,805–2,955 ft in elevation. Blooms August–November. Perennial.
San Diego thorn-mint[3] *Acanthomintha ilicifolia*	FT	SE	1B.1	Covered Species; Narrow endemic plant species	Endemic to active vertisol clay soils of mesas and valleys. Usually on clay lenses within grassland or chaparral communities. 80–3,100 ft in elevation. Blooms April–June. Annual.
Pygmy lotus[3] *Acmispon haydonii*	—	—	1B.3	—	Creosote bush scrub to pinyon-juniper woodland; rocky sites. 590–4,200 ft in elevation. Blooms January–June. Perennial.
Nuttall's acmispon[3] *Acmispon prostratus*	—	—	1B.1	Covered Species	Coastal dunes, coastal scrub. On sand dunes. 0–60 ft in elevation. Blooms March–June. Annual.
California adolphia[3] *Adolphia californica*	—	—	2B.1	—	From sandy/gravelly to clay soils within grassland, coastal sage scrub, or chaparral; various exposures. 150–2,430 ft in elevation. Blooms December–May. Perennial.
Shaw's agave[3] *Agave shawii* var. *shawii*	—	—	2B.1	Covered Species; Narrow endemic plant species	Coastal bluffs and slopes within coastal sage scrub. 35–395 ft in elevation. Blooms September–May. Perennial.
Yucaipa onion *Allium marvinii*	—	—	1B.2	—	Chaparral. In openings on clay soils. 2,790–3,510 ft in elevation. Blooms April–May. Geophyte.
San Diego bur-sage[3] *Ambrosia chenopodiifolia*	—	—	2B.1	—	Coastal scrub, mostly associated with maritime succulent scrub. Slopes of canyons in open succulent scrub usually with little herbaceous cover. 65–820 ft in elevation. Blooms April–June. Perennial.
Singlewhorl burrobrush *Ambrosia monogyra*	—	—	2B.2	—	Chaparral, Sonoran desert scrub. Sandy soils. 15–1,560 ft in elevation. Blooms August–November. Perennial.
San Diego ambrosia[3] *Ambrosia pumila*	FE	—	1B.1	Covered Species; Narrow endemic plant species	Sandy loam or clay soil; sometimes alkaline. In valleys; persists where disturbance has been superficial. Sometimes on margins or near vernal pools. 10–1,905 ft in elevation. Blooms April–October. Geophyte.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
California androsace[4] *Androsace elongata* ssp. *acuta*	—	—	4.2	—	Chaparral, cismontane woodland, coastal sage scrub, valley and foothill grassland, meadows and seeps, pinyon and juniper woodland. Highly localized and often overlooked plant. 490–3,935 ft in elevation. Blooms March–June. Annual.
Aphanisma[3] *Aphanisma blitoides*	—	—	1B.2	Covered Species	On bluffs and slopes near the ocean in sandy or clay soils. 10–1,000 ft in elevation. Blooms February–June. Annual.
Del Mar manzanita[3] *Arctostaphylos glandulosa* ssp. *crassifolia*	FE	—	1B.1	Covered Species	Sandy coastal mesas and ocean bluffs; in chaparral or Torrey pine forest. 100–1,200 ft in elevation. Blooms December–June. Perennial.
Otay manzanita[3] *Arctostaphylos otayensis*	—	—	1B.2	Covered Species	Metavolcanic soils with other chaparral associates. 395–5,005 ft in elevation. Blooms January–April. Perennial.
Rainbow manzanita[3] *Arctostaphylos rainbowensis*	—	—	1B.1	—	Usually found in gabbro chaparral. 330–2,855 ft in elevation. Blooms December–March. Perennial.
San Diego sagewort[4] *Artemisia palmeri*	—	—	4.2	—	In drainages and riparian areas in sandy soil within chaparral and other habitats. 50–3,000 ft in elevation. Blooms May–September. Perennial.
Western spleenwort[4] *Asplenium vespertinum*	—	—	4.2	—	Chaparral, cismontane woodland, coastal scrub. Rocky sites. 590–3,280 ft in elevation. Blooms February–June. Geophyte.
Salton milk-vetch[4] *Astragalus crotalariae*	—	—	4.3	—	Sonoran desert scrub. Plains, valley floors, washes and fans in the foothills of desert mountains, or on open desert in sandy or gravelly soil. 195–820 ft in elevation. Blooms January–April. Perennial.
Dean's milk-vetch[3] *Astragalus deanei*	—	—	1B.1	Critical populations of sensitive plant species	Open, brushy south-facing slopes in Diegan coastal sage, sometimes on recently burned-over hillsides. 230–2,610 ft in elevation. Blooms February–May. Perennial.
Jacumba milk-vetch[3] *Astragalus douglasii* var. *perstrictus*	—	—	1B.2	—	Stony hillsides and gravelly or sandy flats in open oak woodland. 1,640–4,510 ft in elevation. Blooms April–June. Perennial.
Harwood's milk-vetch[3] *Astragalus insularis* var. *harwoodii*	—	—	2B.2	—	Open sandy flats and sandy or stony desert washes; mostly in creosote bush scrub. 165–2,295 ft in elevation. Blooms January–May. Annual.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Borrego milkvetch[4] *Astragalus lentiginosus* var. *borreganus*[4]	—	—	4.3	—	Mojavean desert scrub, Sonoran desert scrub. Sandy flats and semi-stabilized dunes, locally abundant after rains. 100–1,050 ft in elevation. Blooms February–May. Annual.
Peirson's milk-vetch[3] *Astragalus magdalenae* var. *peirsonii*	FT	SE	1B.2	—	Desert dunes. Slopes and hollows in mobile dunes, usually to the lee of the prevailing winds. 195–740 ft in elevation. Blooms December–April. Perennial.
San Diego milk-vetch[3] *Astragalus oocarpus*	—	—	1B.2	—	Openings in chaparral or on gravelly flats and slopes in thin oak woodland. 395–5,890 ft in elevation. Blooms May–August. Perennial.
Jaeger's milk-vetch[3] *Astragalus pachypus* var. *jaegeri*	—	—	1B.1	—	Dry ridges and valleys and open sandy slopes; often in grassland and oak-chaparral. 1,200–3,000 ft in elevation. Blooms December–June. Perennial.
Gravel milk-vetch *Astragalus sabulonum*	—	—	2B.2	—	Sandy or gravelly flats, washes, and roadsides. 195–2,905 ft in elevation. Blooms February–June. Annual/Perennial.
Coastal dunes milk-vetch[3] *Astragalus tene*r var. *titi*	FE	SE	1B.1	Covered Species	Moist, sandy depressions of bluffs or dunes along and near the Pacific Ocean; one site on a clay terrace. 5–150 ft in elevation. Blooms March–May. Annual.
Coulter's saltbush[3] *Atriplex coulteri*	—	—	1B.2	—	Ocean bluffs, ridgetops, as well as alkaline low places. Alkaline or clay soils. 5–1,510 ft in elevation. Blooms March–October. Perennial.
South coast saltscale[3] *Atriplex pacifica*	—	—	1B.2	—	Coastal scrub, coastal bluff scrub, playas, coastal dunes. Alkali soils. 5–1,310 ft in elevation. Blooms March–October. Annual.
Parish's brittlescale[3] *Atriplex parishii*	—	—	1B.1	—	Vernal pools, chenopod scrub, playas. Usually on drying alkali flats with fine soils. 15–4,660 ft in elevation. Blooms June–October. Annual.
Davidson's saltscale[3] *Atriplex serenana* var. *davidsonii*	—	—	1B.2	—	Coastal bluff scrub, coastal scrub. Alkaline soil. 35–655 ft in elevation. Blooms April–October. Annual.
California ayenia[3] *Ayenia compacta*	—	—	2B.3	—	Sandy and gravelly washes in the desert; dry desert canyons. 195–6,005 ft in elevation. Blooms March–April. Perennial.
Mexican mosquito fern[4] *Azolla microphylla*	—	—	4.2	—	Wetland. Marshes and swamps. Ponds and still water. 100–330 ft in elevation. Blooms August. Annual/perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Encinitas baccharis[3] *Baccharis vanessae*	FT	SE	1B.1	Covered Species; Narrow endemic plant species	On sandstone soils in steep, open, rocky areas with chaparral associates. 130–2,805 ft in elevation. Blooms August–November. Perennial.
San Diego County viguiera[4] *Bahiopsis laciniata*	—	—	—	—	Chaparral, coastal scrub. Slopes and ridges. 195–2,460 ft in elevation. Blooms February–June. Perennial.
Fremont barberry[4] *Berberis fremontii*	—	—	2B.3	—	Pinyon and juniper woodland, Joshua tree woodland. Rocky, sometimes granitic. 3,740–5,805 ft in elevation. Blooms March–May. Perennial.
Nevin's barberry[3] *Berberis nevinii*	FE	SE	1B.1	Covered Species; Narrow endemic plant species	On steep, north-facing slopes or in low grade sandy washes. 950–5,165 ft in elevation. Blooms March–June. Perennial.
Golden-spined cereus[3] *Bergerocactus emoryi*	—	—	2B.2	—	Coastal scrub, chaparral, closed-cone coniferous forest. Limited to the coastal belt. 10–1,295 ft in elevation. Blooms May–June. Perennial.
San Diego goldenstar[3] *Bloomeria clevelandii*	—	—	1B.1	Covered Species	Mesa grasslands, scrub edges; clay soils. Often on mounds between vernal pools in fine, sandy loam. 165–1,525 ft in elevation. Blooms April–May. Geophyte.
Hirshberg's rockcress[3] *Boechera hirshbergiae*	—	—	1B.2	—	Pebble (or pavement) plains. 4.595–4,640 ft in elevation. Blooms March–May. Perennial.
Thread-leaved brodiaea[3] *Brodiaea filifolia*	FT	SE	1B.1	Covered Species; Narrow endemic plant species	Usually associated with annual grassland and vernal pools; often surrounded by shrubland habitats. Occurs in openings on clay soils. 50–3,345 ft in elevation. Blooms March–June. Geophyte.
Orcutt's brodiaea[3] *Brodiaea orcuttii*	—	—	1B.1	Covered Species; Critical populations of sensitive plant species	Mesic, clay habitats; sometimes serpentine; usually in vernal pools and small drainages. 100–5,300 ft in elevation. Blooms May–July. Geophyte.
Santa Rosa Basalt brodiaea *Brodiaea santarosae*	—	—	1B.2	—	Valley and foothill grassland. Santa Rosa Basalt. 1,920–3,430 ft in elevation. Blooms May–June. Geophyte.
Little-leaf elephant tree[3] *Bursera microphylla*	—	—	2B.3	—	Hillsides and washes and on canyon sides in California; rocky sites. 640–2,000 ft in elevation. Blooms June–July. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Fire reedgrass *Calamagrostis koelerioides*	—	—	—	Covered Species	Mountain meadows, chaparral, pine and spruce forests, and on slopes, dry hills, and ridges. 0–7,550 ft in elevation. Blooms June–August. Perennial.
Brewer's calandrinia[4] *Calandrinia breweri*	—	—	4.2	—	Chaparral, coastal scrub. Sandy or loamy soils. Disturbed sites, burns. 35–3,935 ft in elevation. Blooms March–June. Annual.
Round leaved filaree[3] *California macrophyulla*	—	—	—	—	Foothill woodland and valley grassland. 0–4,000 ft in elevation. Blooms March–May. Annual.
Pink fairy-duster[3] *Calliandra eriophylla*	—	—	2B.3	—	Sonoran desert scrub. Sandy or rocky sites in the desert. 395–4,920 ft in elevation. Blooms January–March. Perennial.
Catalina mariposa-lily[4] *Calochortus catalinae*	—	—	4.2	—	Valley and foothill grassland, chaparral, coastal scrub, cismontane woodland. In heavy soils, open slopes, openings in brush. 50–2,295 ft in elevation. Blooms March–June. Geophyte.
Dunn's mariposa-lily[3] *Calochortus dunnii*	—	SR	1B.2	Covered Species; Narrow endemic plant species	On gabbro or metavolcanic soils; also known from sandstone; often associated with chaparral. 835–5,300 ft in elevation. Blooms April–June. Geophyte.
San Jacinto mariposa-lily *Calochortus palmeri* var. *munzii*	—	—	1B.2	—	Open Jeffrey pine forest as well as in chaparral. 3,085–5,955 ft in elevation. Blooms April–July. Geophyte.
Arizona pussypaws *Calyptridium arizonicum*	—	—	2B.1	—	Sonoran Desert scrub. In washes. 1,985–2,610 ft in elevation. Blooms March–April. Annual.
Lewis' evening primrose[4] *Camissoniopsis lewisii*	—	—	—	—	Valley and foothill grassland, coastal bluff scrub, cismontane woodland, coastal dunes, coastal scrub. Sandy or clay soil. 0–985 ft in elevation. Blooms March–May. Annual.
San Luis Obispo sedge *Carex obispoensis*	—	—	1B.2	—	Usually in transition zone on sand, clay, serpentine, or gabbro. In seeps. 15–2,770 ft in elevation. Blooms April–June. Perennial.
Arizona carlowrightia[3] *Carlowrightia arizonica*	—	—	2B.2	—	Sandy, granitic alluvium; associated with palm oases in California. 885–3,410 ft in elevation. Blooms March–May. Perennial.
California mustard *Caulanthus lasiophyllus*	—	—	—	Covered Species; Critical populations of sensitive plant species	Desert flats, sandy banks, gravelly or rocky areas, talus slopes, shrubland, grassy fields, and disturbed sites. 0–4,500 ft in elevation. Blooms March–June. Annual.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Payson's wild cabbage[4] *Caulanthus simulans*	—	—	4.2	—	Chaparral, coastal scrub. Frequently in burned areas, or in disturbed sites such as streambeds; also on rocky, steep slopes. Sandy, granitic soils. 295–7,220 ft in elevation. Blooms March–May. Annual.
Lakeside ceanothus[3] *Ceanothus cyaneus*	—	—	1B.2	Covered Species; Narrow endemic plant species	Closed-cone coniferous forest, chaparral. 655–3,410 ft in elevation. Blooms April–June. Perennial.
Viejas Mountain ceanothus *Ceanothus foliosus* var. *viejasensis*	—	—	1B.2	—	Chaparral. Gabbro. 2,575–4,495 ft in elevation. Blooms March–June. Perennial.
Vine Hill ceanothus *Ceanothus foliosus* var. *vineatus*	—	—	1B.1	—	Sandy, acidic soil in chaparral. 150–1,000 ft in elevation. Blooms March–May. Perennial.
Otay Mountain ceanothus *Ceanothus otayensis*	—	—	1B.2	—	Metavolcanic or gabbroic soils. 245–3,805 ft in elevation. Blooms January–April. Perennial.
Pendleton ceanothus *Ceanothus pendletonensis*	—	—	1B.2	—	Chaparral, cismontane woodland. Granitic. 360–2,855 ft in elevation. Blooms March–June. Perennial.
Wart-stemmed ceanothus[3] *Ceanothus verrucosus*	—	—	2B.2	Covered Species	Chaparral. 5–1,245 ft in elevation. Blooms December–May. Perennial.
Southern tarplant[3] *Centromadia parryi* ssp. *australis*	—	—	1B.1	—	Often in disturbed sites near the coast at marsh edges; also in alkaline soils. Sometimes on vernal pool margins. 0–3,200 ft in elevation. Blooms May–November. Annual.
Smooth tarplant[3] *Centromadia pungens* ssp. *laevis*	—	—	1B.1	—	Alkali meadow, alkali scrub; also in disturbed places. 15–3,840 ft in elevation. Blooms April–September. Annual.
Peirson's pincushion[3] *Chaenactis carphoclinia* var. *peirsonii*	—	—	1B.3	—	Open rocky or sandy sites. 10–605 ft in elevation. Blooms March–April. Annual.
Orcutt's pincushion[3] *Chaenactis glabriuscula* var. *orcuttiana*	—	—	1B.1	—	Coastal bluff scrub, coastal dunes. Sandy sites. 10–260 ft in elevation. Blooms January–August. Annual.
Parish's chaenactis[3] *Chaenactis parishii*	—	—	1B.3	—	Chaparral. Rocky sites. 4,265–8,200 ft in elevation. Blooms May–July. Perennial.
Southern mountain misery[4] *Chamaebatia australis*	—	—	4.2	—	Ultramafic. Chaparral. Gabbro or metavolcanic soils. 985–3,345 ft in elevation. Blooms November–May. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Salt marsh bird's-beak[3] *Chloropyron maritimum* ssp. *maritimum*	FE	SE	1B.2	Covered Species	Marshes and swamps, coastal dunes, salt marsh, wetland. Limited to the higher zones of salt marsh habitat. 0–35 ft in elevation. Blooms May–October. Annual.
Peninsular spineflower[4] *Chorizanthe leptotheca*	—	—	4.2	—	Chaparral, coastal scrub, lower montane coniferous forest. On granitic soils, in alluvial fans. 985–6,235 ft in elevation. Blooms May–August. Annual.
Orcutt's spineflower *Chorizanthe orcuttiana*	FE	SE	1B.1	—	Coastal scrub, chaparral, closed-cone coniferous forest. Sandy sites and openings; sometimes in transition zones. 10–410 ft in elevation. Blooms March–May. Annual.
San Fernando Valley spineflower *Chorizanthe parryi* var. *fernandina*	—	SE	1B.1	—	Coastal scrub, valley and foothill grassland. Sandy soils. 50–3,330 ft in elevation. Blooms April–July. Annual.
Long-spined spineflower *Chorizanthe polygonoides* var. *longispina*	—	—	1B.2	—	Chaparral, coastal scrub, meadows and seeps, valley and foothill grassland, vernal pools. Gabbroic clay. 100–5,050 ft in elevation. Blooms April–July. Annual.
White-bracted spineflower *Chorizanthe xanti* var. *leucotheca*	—	—	1B.2	—	Mojavean desert scrub, pinyon-juniper woodland, coastal scrub (alluvial fans). Sandy or gravelly places. 985–3,935 ft in elevation. Blooms April–June. Annual.
Seaside cistanthe[4] *Cistanthe maritima*	—	—	4.2	—	Coastal bluff scrub, coastal scrub, valley and foothill grassland. Sea bluffs; sandy sites. 15–985 ft in elevation. Blooms March–June. Annual.
Delicate clarkia[3] *Clarkia delicata*	—	—	1B.2	—	Cismontane woodland, chaparral. Often on gabbro soils. 165–4,460 ft in elevation. Blooms April–June. Annual.
San Miguel savory[3] *Clinopodium chandleri*	—	—	1B.2	Covered Species	Rocky, gabbroic or metavolcanic substrate. 395–3,525 ft in elevation. Blooms March–July. Perennial.
Las Animas colubrina[3] *Colubrina californica*	—	—	2B.3	—	Mojavean desert scrub, Sonoran desert scrub. On narrow, steep, rocky ravines or washes. 35–3,000 ft in elevation. Blooms April–June. Perennial.
Summer holly[3] *Comarostaphylis diversifolia* ssp. *diversifolia*	—	—	1B.2	—	Often in mixed chaparral in California, sometimes post-burn. 100–3,100 ft in elevation. Blooms April–June. Perennial.
Small flowered morning glory[4] *Convolvulus simulans*	—	—	4.2	—	Ultramafic. Chaparral, coastal scrub, valley and foothill grassland. Wet clay, serpentine ridges. 100–2,295 ft in elevation. Blooms March–July. Annual.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Small-flowered bird's-beak *Cordylanthus parviflorus*	—	—	2B.3	—	Joshua tree woodland, pinyon-juniper woodland, Mojavean desert scrub. 2,295–7,220 ft in elevation. Blooms August–October. Annual.
San Diego sand aster[3] *Corethrogyne filaginifolia* var. *incana*	—	—	1B.1	—	Coastal scrub, coastal bluff scrub, chaparral. Most sites are disturbed, so hard to tell. Possibly in disturbed sites and ecotones. 10–375 ft in elevation. Blooms June–September. Perennial.
Del Mar Mesa sand aster[3] *Corethrogyne filaginifolia* var. *linifolia*	—	—	1B.1	Covered Species	In coastal, shrubby communities on maritime sediments and conglomerates; in openings. 50–490 ft in elevation. Blooms May–September. Perennial.
Gander's cryptantha[3] *Cryptantha ganderi*	—	—	1B.1	—	On dunes and in washes. 510–1,015 ft in elevation. Blooms February–May. Annual.
Wiggins' cryptantha *Cryptantha wigginsii*	—	—	1B.2	—	Coastal scrub. Often on clay soils. 150–360 ft in elevation. Blooms February–June. Annual.
Snake cholla[3] *Cylindropuntia californica* var. *californica*	—	—	1B.1	Covered Species; Narrow endemic plant species	Chaparral, coastal scrub. 50–950 ft in elevation. Blooms April–May. Perennial.
Pink teddy-bear cholla *Cylindropuntia fosbergii*	—	—	1B.3	—	Sonoran desert scrub. 280–2,790 ft in elevation. Blooms March–May. Perennial.
Wolf's opuntia[4] *Cylindropuntia wolfii*	—	—	4.3	—	Sonoran desert scrub. Dry places above the valley floors. 330–3,935 ft in elevation. Blooms March–May. Perennial.
Otay tarplant[3] *Deinandra conjugens*	FT	SE	1B.1	Covered Species; Narrow endemic plant species	Coastal plains, mesas, and river bottoms; often in open, disturbed areas; clay soils. 195–900 ft in elevation. Blooms May–June. Annual.
Tecate tarplant[3] *Deinandra floribunda*	—	—	1B.2	—	Chaparral, coastal scrub. Often in small drainages or disturbed areas. 230–4,005 ft in elevation. Blooms August–October. Annual.
Mojave tarplant[3] *Deinandra mohavensis*	—	SE	1B.3	—	Low sand bars in river bed; mostly in riparian areas or in ephemeral grassy areas. 2,100–5,250 ft in elevation. Blooms June–October. Annual.
Paniculate tarplant[4] *Deinandra paniculata*	—	—	4.2	—	Usually in vernally mesic sites. Sometimes in vernal pools or on mima mounds near them. 80–3,085 ft in elevation. Blooms April–November. Annual.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Mt. Laguna aster[3] *Dieteria asteroides* var. *lagunensis*	—	SR	2B.1	—	Cismontane woodland, lower montane coniferous forest. Openings in woodland or forest. 2,985–6,005 feet in elevation. Blooms July–August. Perennial.
Cuyamaca larkspur[3] *Delphinium hesperium* ssp. *cuyamacae*	—	SR	1B.2	—	Usually found in low, moist areas within meadows. 3,985–6,085 ft in elevation. Blooms May–July. Perennial.
Intermediate larkspur[4] *Delphinium parishii* ssp. *subglobosum*	—	—	4.3	—	Chaparral, cismontane woodland, pinyon-juniper woodland, Sonoran desert scrub. On dry stony fans and slopes. 1,970–5,905 ft in elevation. Blooms March–June. Perennial.
Orcutt's bird's-beak[3] *Dicranostegia orcuttiana*	—	—	2B.1	Covered Species	Found in coastal scrub associations on slopes; also reported from intermittently moist swales, and in washes. 0–655 ft in elevation. Blooms April–July. Annual.
Western dichondra[4] *Dichondra occidentalis*	—	—	4.2	—	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland. On sandy loam, clay, and rocky soils. 165–1,640 ft in elevation. Blooms March–July. Geophyte.
Mt. Laguna aster[3] *Dieteria asteroides* var. *lagunensis*	—	SR	2B.1	—	Cismontane woodland, lower montane coniferous forest. Openings in woodland or forest. 2,985–6,005 ft in elevation. Blooms July–August. Perennial.
Arizona cottontop *Digitaria californica* var. *californica*	—	—	2B.3	—	Sonoran desert scrub, Mojavean desert scrub. Rocky schist hillsides in California; open plains out of state. 130–4,890 ft in elevation. Blooms July–November. Perennial.
Low bush monkeyflower[4] *Diplacus aridus*	—	—	4.3	—	Chaparral, Sonoran desert scrub. Dry, open rocky places. 2,460–3,935 feet in elevation. Blooms April–July. Perennial.
Cleveland's bush monkeyflower[4] *Diplacus clevelandii*	—	—	4.2	—	Chaparral, cismontane woodland, lower montane coniferous forest. Disturbed gravelly roadsides and slopes. 1,475–6,560 ft in elevation. Blooms April–July. Geophyte.
California ditaxis[4] *Ditaxis serrata* var. *californica*	—	—	3.2	—	Sonoran desert scrub. On sandy washes and alluvial fans of the foothills and lower desert slopes. 100–3,280 ft in elevation. Blooms March–December. Perennial.
Cuyamaca Lake downingia[3] *Downingia concolor* var. *brevior*	—	SE	1B.1	—	Meadows and seeps, vernal pools. In vernal seeps, lakes and pools, and on mudflats. 4,595–4,920 ft in elevation. Blooms May–July. Annual.
Orcutt's dudleya[3] *Dudleya attenuata* ssp. *attenuata*	—	—	2B.1	—	Rocky mesas, canyons, and ridges. 10–165 ft in elevation. Blooms May–July. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Blochman's dudleya[3] *Dudleya blochmaniae* ssp. *blochmaniae*	—	—	1B.1	Covered Species	Coastal scrub, coastal bluff scrub, chaparral, valley and foothill grassland. Open, rocky slopes; often in shallow clays over serpentine or in rocky areas with little soil. 15–1,475 ft in elevation. Blooms April–June. Perennial.
Short-leaved dudleya[3] *Dudleya brevifolia*	—	—	1B.1	Narrow endemic plant species	Bare sandstone terraces. 100–820 ft in elevation. Blooms April–May. Perennial
Many-stemmed dudleya[3] *Dudleya multicaulis*	—	—	1B.2	—	Chaparral, coastal scrub, valley and foothill grassland. In heavy, often clay soils or grassy slopes. 50–2,590 ft in elevation. Blooms April–July. Perennial.
Variegated dudleya[3] *Dudleya variegata*	—	—	1B.2	Covered Species; Narrow endemic plant species	Chaparral, coastal scrub, cismontane woodland, valley and foothill grassland. In rocky or clay soils; sometimes associated with vernal pool margins. 10–1,905 ft in elevation. Blooms April–June. Perennial.
Sticky dudleya[3] *Dudleya viscida*	—	—	1B.2	Covered Species	Coastal scrub, coastal bluff scrub, chaparral, cismontane woodland. On north and south-facing cliffs and banks. 35–1,805 ft in elevation. Blooms May–June. Perennial.
Harwood's eriastrum *Eriastrum harwoodii*	—	—	1B.2	—	Desert dunes. 245–2,360 ft in elevation. Blooms March–June. Annual.
Laguna Mountains goldenbush[3] *Ericameria cuneata* var. *macrocephala*	—	—	1B.3	—	Chaparral. Endemic to the Laguna Mountains. Among boulders; in crevices in granitic outcrops and in rocky soil. 3,920–6,070 ft in elevation. Blooms September–December. Perennial.
Palmer's goldenbush[3] *Ericameria palmeri* var. *palmeri*	—	—	1B.1	Covered Species; Narrow endemic plant species	Coastal scrub, chaparral. On granitic soils, on steep hillsides. Mesic sites. 15–2,050 ft in elevation. Blooms September–November. Perennial.
Sessile-leaved yerba santa *Eriodictyon sessilifolium*	—	—	2B.1	—	Coastal scrub. Volcanic. 560–555 ft in elevation. Blooms July. Perennial.
Vanishing wild buckwheat *Eriogonum evanidum*	—	—	1B.1	—	Chaparral, cismontane woodland, lower montane coniferous forest, pinyon and juniper woodland. Sandy sites. 3,200–7,350 ft in elevation. Blooms July–October. Annual.
Leafy California buckwheat[3] *Eriogonum fasciculatum* var. *foliolosum*	—	—	—	—	Dry slopes, washes, and canyons. 0–5,200 ft in elevation. Blooms June–August. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
San Diego button-celery[3] *Eryngium aristulatum* var. *parishii*	FE	SE	1B.1	Covered Species	Vernal pools, coastal scrub, valley and foothill grassland, wetland. San Diego mesa hardpan and claypan vernal pools and southern interior basalt flow vernal pools; usually surrounded by scrub. 50–2,885 ft in elevation. Blooms April–June. Annual/Perennial.
Pendleton button-celery[3] *Eryngium pendletonense*	—	—	1B.1	—	Wetland. Coastal bluff scrub, valley and foothill grassland, vernal pools. Clay. Vernally mesic sites. 65–100 ft in elevation. Blooms April–June. Perennial.
Sand-loving wallflower *Erysimum ammophilum*	—	—	1B.2	Covered Species	Chaparral (maritime), coastal dunes, coastal scrub. Sandy openings. 0–195 ft in elevation. Blooms February–June. Perennial.
Palomar monkeyflower[4] *Erythranthe diffusa*	—	—	4.3	—	Chaparral, lower montane coniferous forest. Sandy or gravelly soils. 4,005–6,005 ft in elevation. Blooms April–June. Annual.
Vernal pool monkeyflower[3] *Erythranthe latidens*	—	—	—	—	Wetlands. 0–3,000 ft in elevation. Blooms April–July. Annual.
Annual rock-nettle[3] *Eucnide rupestris*	—	—	2B.2	—	Sonoran desert scrub. 870–1,000 ft in elevation. Blooms December–April. Annual.
Abrams' spurge *Euphorbia abramsiana*	—	—	2B.2	—	Mojavean desert scrub, Sonoran desert scrub. Sandy sites. 150–4,740 ft in elevation. Blooms September–November. Annual.
Arizona spurge[3] *Euphorbia arizonica*	—	—	2B.3	—	Sonoran desert scrub. Sandy soils. 490–2,955 ft in elevation. Blooms March–April. Perennial.
Cliff spurge[3] *Euphorbia misera*	—	—	2B.2	—	Coastal bluff scrub, coastal scrub, Mojavean desert scrub. Rocky sites. 10–1,410 ft in elevation. Blooms December–August. Perennial.
Flat-seeded spurge[3] *Euphorbia platysperma*	—	—	1B.2	—	Sandy places or shifting dunes. Possibly a waif in California; more common in Arizona and Mexico. 195–3,150 ft in elevation. Blooms February–September. Annual.
Revolute spurge[4] *Euphorbia revoluta*	—	—	—	—	Rocky slopes. 0–10,170 ft in elevation. Blooms August–September. Annual.
San Diego barrel cactus[3] *Ferocactus viridescens*	—	—	2B.1	Covered Species	Chaparral, coastal scrub, valley and foothill grassland. Often on exposed, level or south-sloping areas; often in coastal scrub near crest of slopes. 10–1,610 ft in elevation. Blooms May–June. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Palmer's frankenia[3] *Frankenia palmeri*	—	—	2B.1	—	Wetland. Coastal dunes, marshes (coastal salt), playas. 0–35 ft in elevation. Blooms May–July. Perennial.
Chaparral ash *Fraxinus parryi*	—	—	2B.2	—	Chaparral. Open mixed chaparral and in the chaparral-sage scrub interface in California. 700–2,035 ft in elevation. Blooms March–May. Perennial.
Mexican flannelbush[3] *Fremontodendron mexicanum*	FE	SR	1B.1	—	Ultramafic. Closed-cone coniferous forest, chaparral, cismontane woodland. Usually scattered along the borders of creeks or in dry canyons; found on gabbro, serpentine, or metavolcanics. 985–1,610 ft in elevation. Blooms March–June. Perennial.
Chocolate lily[4] *Fritillaria biflora*	—	—	—	—	Woodlands and grasslands. 0–4,300 ft in elevation. Blooms March–April. Perennial.
Utah vine milkweed[4] *Funastrum utahense*	—	—	4.2	—	Mojavean desert scrub, Sonoran desert scrub. Sandy or gravelly sites in the desert. 330–4,710 ft in elevation. Blooms April–June. Perennial.
Borrego bedstraw[3] *Galium angustifolium* ssp. *borregoense*	—	SR	1B.3	—	Sonoran desert scrub. Steep walls and (usually north) slopes in rocky watersheds or canyons. 1,150–4,100 ft in elevation. Blooms March. Perennial.
San Jacinto Mountains bedstraw[3] *Galium angustifolium* ssp. *jacinticum*	—	—	1B.3	—	Lower montane coniferous forest. Open mixed forest. 3,905–8,005 ft in elevation. Blooms June–August. Perennial.
Johnston's bedstraw[4] *Galium johnstonii*	—	—	4.3	—	Chaparral, lower montane coniferous forest, pinyon and juniper woodland, riparian woodland. 4,005–7,545 ft in elevation. Blooms June–July. Perennial.
Desert bedstraw *Galium proliferum*	—	—	2B.2	—	Joshua tree woodland, Mojavean desert scrub, pinyon and juniper woodland. Rocky, limestone substrate. 3,905–5,350 ft in elevation. Blooms March–June. Annual.
Campbell's liverwort *Geothallus tuberosus*	—	—	1B.1	—	Coastal scrub, vernal pools. Liverwort known from mesic soil. 35–1,970 ft in elevation.
Sticky geraea[3] *Geraea viscida*	—	—	2B.2	—	Chaparral. Loamy coarse sand to gravelly sand soils; often in post burned areas and in bulldozed areas. 1,475–5,575 ft in elevation. Blooms May–June. Perennial.
El Paso gilia *Gilia mexicana*	—	—	2B.3	—	Pinyon and juniper woodland. Alluvial soil in washes, on bajadas, hillsides, arroyos, and plains. 3,445–4,840 ft in elevation. Blooms May. Annual.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Mission Canyon bluecup[4] *Githopsis diffusa* ssp. *filicaulis*	—	—	3.1	—	Chaparral. Probably in open, grassy places and mesic, disturbed areas; much overlooked. 1,475–2,295 ft in elevation. Blooms April–June. Annual.
San Diego gumplant[3] *Grindelia hallii*	—	—	1B.2	—	Meadows, valley and foothill grassland, chaparral, lower montane coniferous forest. Frequently occurs in low moist areas in meadows. 605–5,725 ft in elevation. Blooms May–October. Perennial.
Palmer's grapplinghook[4] *Harpagonella palmeri*	—	—	4.2	—	Chaparral, coastal scrub, valley and foothill grassland. Clay soils; open grassy areas within shrubland. 65–3,135 ft in elevation. Blooms March–May. Annual.
Orcutt's hazardia[3] *Hazardia orcuttii*	—	ST	1B.1	—	Chaparral, coastal scrub. Often on clay; in grassy edges of chaparral and coastal scrub. 15–280 ft in elevation. Blooms August–October. Perennial.
Algodones Dunes sunflower *Helianthus niveus* ssp. *tephrodes*	—	SE	1B.2	—	Desert dunes. On partially stabilized desert dunes. 165–330 ft in elevation. Blooms September–May. Perennial.
Curly herissantia[3] *Herissantia crispa*	—	—	2B.3	—	Sonoran desert scrub. 2,295–2,380 ft in elevation. Blooms August–September. Annual/Perennial.
Tecate cypress[3] *Hesperocyparis forbesii*	—	—	1B.1	Covered Species	Closed-cone coniferous forest, chaparral. Primarily on north-facing slopes; groves often associated with chaparral. On clay or gabbro. 195–5,395 ft in elevation. Perennial.
Cuyamaca cypress[3] *Hesperocyparis stephensonii*	—	—	1B.1	—	Ultramafic. Closed-cone coniferous forest, chaparral, chaparral, cismontane woodland, riparian forest. Restricted to the southwest slopes of Cuyamaca Peak, on gabbroic rock. 3,395–4,690 ft in elevation. Perennial.
Beach goldenaster[4] *Heterotheca sessiliflora* ssp. *sessiliflora*	—	—	1B.1	—	Coastal dunes, coastal scrub, chaparral (coastal). Sandy sites. 0–15 ft in elevation. Blooms March–December. Perennial.
Laguna Mountains alumroot[3] *Heuchera brevistaminea*	—	—	1B.3	—	Broadleaved upland forest, chaparral, cismontane woodland, riparian forest. Steep, rocky slopes. 4,460–6,560 ft in elevation. Blooms April–July. Geophyte.
San Diego County alumroot[3] *Heuchera rubescens* var. *versicolor*	—	—	3.3	—	Chaparral, lower montane coniferous forest. Rocky outcrops. 3,790–6,400 ft in elevation. Blooms May–June. Geophyte.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Graceful tarplant[4] *Holocarpha virgata* ssp. *elongata*	—	—	4.3	—	Grassland. 0–3,000 ft in elevation. Blooms May–November. Annual.
Vernal barley[4] *Hordeum intercedens*	—	—	3.2	—	Wetland. Valley and foothill grassland, vernal pools, coastal dunes, coastal scrub. Vernal pools, dry, saline streambeds, alkaline flats. 15–3,280 ft in elevation. Blooms March–June. Annual.
Mesa horkelia[3] *Horkelia cuneata* var. *puberula*	—	—	1B.1	—	Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. 50–5,395 ft in elevation. Blooms February–July. Perennial.
Ramona horkelia[3] *Horkelia truncata*	—	—	1B.3	—	Ultramafic. Chaparral, cismontane woodland. Habitats in California include: mixed chaparral, vernal streams, and disturbed areas near roads. Clay soil; at least sometimes on gabbro. 1,310–4,265 ft in elevation. Blooms May–June. Perennial.
Newberry's velvet mallow[4] *Horsfordia newberryi*	—	—	4.3	—	Sonoran desert scrub. Rocky sites. 10–2,625 ft in elevation. Blooms February–December. Perennial.
Otay Mountain lotus[3] *Hosackia crassifolia* var. *otayensis*	—	—	1B.1	—	Chaparral. Metavolcanic, often in disturbed areas. 1,245–3,295 ft in elevation. Blooms May–August. Perennial.
San Diego sunflower[3] *Hulsea californica*	—	—	1B.3	—	Chaparral, lower montane coniferous forest, upper montane coniferous forest. Burns, clearings, or openings in chaparral and pine-oak woodland. 1,200–6,100 ft in elevation. Blooms April–June. Perennial.
Mexican hulsea[3] *Hulsea mexicana*	—	—	2B.3	—	Chaparral. Volcanic soils or burns and disturbed sites. 3,595–4,265 ft in elevation. Blooms April–June. Annual/Perennial.
Beautiful hulsea[4] *Hulsea vestita*	—	—	4.2	—	Chaparral, lower montane coniferous forest. Rocky or gravelly, granitic sites. 3,000–10,005 ft in elevation. Blooms May–October. Perennial.
Wright's thimblehead[4] *Hymenothrix wrightii*	—	—	4.3	—	Cismontane woodland, lower montane coniferous forest, valley and foothill grassland. 4,595–5,085 ft in elevation. Blooms June–October. Perennial.
California satintail *Imperata brevifolia*	—	—	2B.1	—	Wetland. Coastal scrub, chaparral, riparian scrub, mojavean desert scrub, meadows and seeps (alkali), riparian scrub. Mesic sites, alkali seeps, riparian areas. 10–4,905 ft in elevation. Blooms September–May. Geophyte.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Slender-leaved ipomopsis[3] *Ipomopsis tenuifolia*	—	—	2B.3	—	Chaparral, pinyon and juniper woodland, Sonoran desert scrub. Dry rocky or gravelly slopes. 2,790–4,200 ft in elevation. Blooms March–May. Perennial.
Decumbent goldenbush[3] *Isocoma menziesii* var. *decumbens*	—	—	1B.2	—	Coastal scrub, chaparral. Sandy soils; often in disturbed sites. 5–3,000 ft in elevation. Blooms April–November. Perennial.
San Diego marsh-elder[3] *Iva hayesiana*	—	—	2B.2	—	Marshes and swamps, playas. Riverwashes. 5–1,410 ft in elevation. Blooms April–October. Perennial.
Ribbed cryptantha[4] *Johnstonella costata*	—	—	4.3	—	Sonoran desert scrub, Mojavean desert scrub, desert dunes. Sandy and gravelly places. 200–1,640 ft in elevation. Blooms February–May. Annual.
Winged cryptantha[4] *Johnstonella holoptera*	—	—	4.3	—	Mojavean desert scrub, Sonoran desert scrub. 330–5,545 ft in elevation. Blooms March–April. Annual.
Southern black walnut[4] *Juglans californica*	—	—	4.2	—	Chaparral, coastal scrub, cismontane woodland. Slopes, canyons, alluvial habitats. 165–2,955 ft in elevation. Blooms March–August. Perennial.
Southwesern spiny rush[4] *Juncus acutus* ssp. *leopoldii*	—	—	4.2	—	Wetland. Salt marshes, alkaline seeps, coastal dunes (mesic sites). Moist saline places. 10–2,955 ft in elevation. Blooms May–June. Geophyte.
Cooper's rush[4] *Juncus cooperi*	—	—	4.3	—	Wetland. Meadows and seeps. Mesic sites; alkaline or saline soils. 850–5805 ft in elevation. Blooms April–May. Perennial.
Santa Lucia dwarf rush *Juncus luciensis*	—	—	1B.2	—	Vernal pools, ephemeral drainages, wet meadow habitats and streamsides. 985–6,695 ft in elevation. Blooms April–July. Annual.
Coulter's goldfields[3] *Lasthenia glabrata* ssp. *coulteri*	—	—	1B.1	—	Coastal salt marshes, playas, vernal pools. Usually found on alkaline soils in playas, sinks, and grasslands. 5–4,510 ft in elevation. Blooms February–June. Annual.
Heart-leaved pitcher sage[3] *Lepechinia cardiophylla*	—	—	1B.2	Covered Species; Narrow endemic plant species	Closed-cone coniferous forest, chaparral, cismontane woodland. 1,705–4,495 ft in elevation. Blooms April–July. Perennial.
Pride-of-California[4] *Lathyrus splendens*	—	—	4.3	—	Chaparral. Sandy to gravelly soils. 655–5,005 ft in elevation. Blooms March–June. Perennial.

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Gander's pitcher sage[3] *Lepechinia ganderi*	—	—	1B.3	Covered Species; Narrow endemic plant species	Usually found in chaparral or coastal scrub; sometimes in tecate cypress woodland. Gabbro or metavolcanic substrate. 1,000–3,295 ft in elevation. Blooms June–July. Perennial.
Blair Valley pepper-grass[3] *Lepidium flavum* var. *felipense*	—	—	1B.2	—	Sonoran desert scrub, pinyon and juniper woodland. Sandy, clay, or silty soils. 1,100–2,755 ft in elevation. Blooms March–May. Annual.
Robinson's pepper-grass[3] *Lepidium virginicum* var. *robinsonii*	—	—	4.3	—	Chaparral, coastal scrub. Dry soils, shrubland. 5–2,905 ft in elevation. Blooms January–July. Annual.
Santa Rosa Mountains leptosiphon[3] *Leptosiphon floribundus* ssp. *hallii*	—	—	1B.3	—	Sonoran desert scrub, pinyon and juniper woodland. Desert canyons. 3,280–6,560 ft in elevation. Blooms May–July. Perennial.
Sea dahlia[3] *Leptosyne maritima*	—	—	2B.2	—	Coastal scrub, coastal bluff scrub. Occurs on a variety of soil types, including sandstone. 15–605 ft in elevation. Blooms March–May. Perennial.
Warner Springs lessingia[3] *Lessingia glandulifera* var. *tomentosa*	—	—	1B.1	—	Chaparral. Along roadsides, sandy soil, in high desert chaparral. 2,855–4,005 ft in elevation. Blooms August–October. Annual.
Short-sepaled lewisia[3] *Lewisia brachycalyx*	—	—	2B.2	—	Lower montane coniferous forest, meadows and seeps. Dry to moist meadows in rich loam. 4,495–8,040 ft in elevation. Blooms February–June. Perennial.
Humboldt lily[4] *Lilium humboldtii*	—	—	4.2	—	Yellow pine forest, openings or open forest. 295–4,200 ft in elevation. Blooms May–July. Geophyte.
Lemon lily[3] *Lilium parryi*	—	—	1B.2	—	Wet, mountainous terrain; in forested areas; on shady edges of streams, in open boggy meadows and seeps. 4,005–9,005 ft in elevation. Blooms July–August. Geophyte.
Parish's meadowfoam[3] *Limnanthes alba* ssp. *parishii*	—	SE	1B.2	—	Vernally moist areas and temporary seeps of highland meadows and plateaus; often bordering lakes and streams. 1,985–5,920 ft in elevation. Blooms April–June. Annual.
Desert beauty[3] *Linanthus bellus*	—	—	2B.1	—	Chaparral. Dry slopes and flats; open sandy spots in chaparral, mostly in loamy coarse sandy dg soil types. 3,280–4,595 ft in elevation. Blooms April–May. Annual.

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Jacumba Mountains linanthus *Linanthus maculatus* ssp. *emaculatus*	—	—	1B.1	—	Desert dunes, Sonoran desert scrub. Sandy or course, opaque-white, decomposed granite soils of washes and on flats near wash margins. Also on edges of desert dunes. 1,115–1,920 ft in elevation. Blooms April. Annual.
Orcutt's linanthus[3] *Linanthus orcuttii*	—	—	1B.3	—	Chaparral, lower montane coniferous forest, pinyon and juniper woodland. Sometimes in disturbed areas; often in gravelly clearings. 3,000–7,035 ft in elevation. Blooms May–June. Annual.
Mountain Springs bush lupine[3] *Lupinus albifrons* var. *medius*	—	—	1B.3	—	Pinyon and juniper woodland, Sonoran desert scrub. Dry, sandy, gently sloping canyon washes, sandy soil pockets, and flats in steeper slopes and drainages. 1,395–4,495 ft in elevation. Blooms March–May. Perennial.
California box-thorn[4] *Lycium californicum*	—	—	4.2	—	Coastal bluff scrub, coastal scrub. 15–490 ft in elevation. Blooms March–August. Perennial.
Parish's desert-thorn[3] *Lycium parishii*	—	—	2B.3	—	Coastal scrub, Sonoran desert scrub. 445–3,280 ft in elevation. Blooms March–April. Perennial.
Coulter's lyrepod[4] *Lyrocarpa coulteri*	—	—	4.3	—	Sonoran desert scrub. Rocky, dry hillsides and washes. 395–2,610 ft in elevation. Blooms December–April. Perennial.
Indian Valley bushmallow[3] *Malacothamnus aboriginum*	—	—	1B.2	—	Cismontane woodland, chaparral. Granitic outcrops and sandy bare soil, often in disturbed soils. 490–3,705 ft in elevation. Blooms April–October. Perennial.
Brown turbans[3] *Malperia tenuis*	—	—	2B.3	—	Sonoran desert scrub. Sandy places and rocky slopes. 0–1,805 ft in elevation. Blooms March–April. Annual.
Spear-leaf matelea[3] *Matelea parvifolia*	—	—	2B.3	—	Mojavean desert scrub, Sonoran desert scrub. Dry rocky ledges and slopes. 1,445–3,595 ft in elevation. Blooms March–May. Perennial.
Hairy stickleaf[3] *Mentzelia hirsutissima*	—	—	2B.3	—	Sonoran desert scrub. Washes, fans, slopes; coarse rubble and talus slopes; rocky sites. 0–2,295 ft in elevation. Blooms March–May. Annual.
Spiny-hair blazing star *Mentzelia tricuspis*	—	—	2B.1	—	Mojavean desert scrub. Sandy or gravelly slopes and washes. 490–4,200 ft in elevation. Blooms March–May. Annual.

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Small flowered microseris[4] *Microseris douglasii* ssp. *platycarpha*	—	—	4.2	—	Wetland. Cismontane woodland, valley and foothill grassland, coastal scrub, vernal pools. Alkaline clay in river bottoms. 50–3,510 ft in elevation. Blooms March–May. Annual.
Shevock's copper moss *Mielichhoferia shevockii*	—	—	1B.2	—	Cismontane woodland. Moss on metamorphic rocks containing heavy metals; mesic sites. On rocks along roads. 2,460–4,595 ft in elevation. Perennial.
Slender-lobed four o'clock *Mirabilis tenuiloba*	—	—	4.3	—	Sonoran desert scrub. 985–3,595 ft in elevation. Blooms March–May. Perennial.
Small-headed monardella *Monardella breweri* ssp. *microcephala*	—	—	2B.2	—	Chaparral, cismontane woodland, lower montane coniferous forest. Granitic, openings, sometimes in disturbed areas. 755–3,935 ft in elevation. Blooms June–August. Annual.
Intermediate monardella *Monardella hypoleuca* ssp. *intermedia*	—	—	1B.3	—	Chaparral, cismontane woodland, lower montane coniferous forest (sometimes). Often in steep, brushy areas. 640–54,955 ft in elevation. Blooms April–September. Geophyte.
Felt-leaved monardella[3] *Monardella hypoleuca* ssp. *lanata*	—	—	1B.2	Covered Species; Critical populations of sensitive plant species	Occurs in understory in mixed chaparral, chamise chaparral, and southern oak woodland; sandy soil. 985–5,165 ft in elevation. Blooms June–August. Geophyte.
Hall's monardella[3] *Monardella macrantha* ssp. *hallii*	—	—	1B.3	—	Dry slopes and ridges in openings within the above communities. 2,395–7,200 ft in elevation. Blooms June–October. Geophyte.
San Felipe monardella[3] *Monardella nana* ssp. *leptosiphon*	—	—	1B.2	—	Sometimes in openings and fuel breaks or in the understory of forest or chaparral. 2,790–7,955 ft in elevation. Blooms June–July. Geophyte.
Jennifer's monardella[3] *Monardella stoneana*	—	—	1B.2	—	Coastal scrub, chaparral, closed cone coniferous forest, riparian scrub. Usually found in rocky, intermittent streambeds. 35–2,590 ft in elevation. Blooms June–September. Perennial.
Willowy monardella[3] *Monardella viminea*	FE	SE	1B.1	Covered Species; Narrow endemic plant species	In canyons, in rocky and sandy places, sometimes in washes or floodplains. Alluvial, ephemeral washes with adjacent coastal scrub. 150–755 ft in elevation. Blooms June–August. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
California spineflower[4] *Mucronea californica*	—	—	4.2	—	Chaparral, cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland. Sandy soil. 0–4,595 ft in elevation. Blooms March–July. Annual.
Appressed muhly *Muhlenbergia appressa*	—	—	2B.2	—	Coastal scrub, Mojavean desert scrub, valley and foothill grassland. Rocky slopes, canyon bottoms. 65–5,250 ft in elevation. Blooms April–May. Annual.
Little mousetail[4] *Myosurus minimus*	—	—	—	—	Wetland. Vernal pools, valley and foothill grassland. Alkaline soils. 65–2,100 ft in elevation. Blooms March–June. Annual.
Wooton's lace fern *Myriopteris wootonii*	—	—	2B.3	—	Joshua tree woodland, pinyon-juniper woodland. In crevices and rocky sites. 5,250–6,235 ft in elevation. Blooms May–October. Geophyte.
Mud nama[3] *Nama stenocarpa*	—	—	2B.2	—	Lake shores, river banks, intermittently wet areas. 15–1,640 ft in elevation. Blooms January–July. Annual/Perennial.
Gambel's water cress[3] *Nasturtium gambelii*	FE	ST	1B.1	—	Wetland. Marshes and swamps. Freshwater and brackish marshes at the margins of lakes and along streams, in or just above the water level. 15–1,085 ft in elevation. Blooms April–October. Geophyte.
Spreading navarretia[3] *Navarretia fossalis*	FT	—	1B.1	Covered Species	San Diego hardpan and San Diego claypan vernal pools; in swales and vernal pools, often surrounded by other habitat types. 50–2,790 ft in elevation. Blooms April–June. Annual.
Baja navarretia[3] *Navarretia peninsularis*	—	—	1B.2	—	Lower montane coniferous forest, chaparral, meadows and seeps, pinyon and juniper woodland. Wet areas in open forest. 3,775–7,760 ft in elevation. Blooms June–August. Annual.
Prostrate vernal pool navarretia[3] *Navarretia prostrata*	—	—	1B.2	—	Alkaline soils in grassland, or in vernal pools. Mesic, alkaline sites. 10–4,050 ft in elevation. Blooms April–July. Annual.
Coast woolly-heads[3] *Nemacaulis denudata* var. *denudata*	—	—	1B.2	—	Coastal dunes. 0–330 ft in elevation. Blooms April–September. Annual.
Slender cottonheads[3] *Nemacaulis denudata* var. *gracilis*	—	—	2B.2	—	Sonoran desert scrub. In dunes or sand. 165–1,310 ft in elevation. Blooms April–May. Annual.
Chaparral nolina[3] *Nolina cismontana*	—	—	1B.2	—	Primarily on sandstone and shale substrates; also known from gabbro. 460–4,185 ft in elevation. Blooms May–July. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Dehesa nolina[3] *Nolina interrata*	—	SE	1B.1	Covered Species; Narrow endemic plant species	Typically on rocky hillsides or ravines on ultramafic soils (gabbro, serpentine, or metavolcanic). 835–2,410 ft in elevation. Blooms June–July. Perennial.
California adder's tongue[4] *Ophioglossum californicum*	—	—	4.2	—	Wetland. Chaparral, vernal pool areas, valley and foothill grassland. Grassy pastures, vernal pool margins, chaparral. Mesic sites. 195–1,720 ft in elevation. Blooms January–June. Geophyte.
Wiggins' cholla[4] *Opuntia wigginsii*	—	—	3.3	—	Sonoran desert scrub. Sandy soils. 100–2,905 ft in elevation. Blooms March. Perennial.
California Orcutt grass[3] *Orcuttia californica*	FE	SE	1B.1	Covered Species	Vernal pools, wetland. 35–2,165 ft in elevation. Blooms April–August. Annual.
Baja California birdbush[3] *Ornithostaphylos oppositifolia*	—	SE	2B.1	—	Chaparral. Associated with *Ceanothus verrucosus* and *Salvia mellifera* in California. 180–2,625 ft in elevation. Blooms January–April. Perennial.
Parish's broomrape[4] *Orobanche parishii*	—	—	4.2	—	A parasite growing attached to the roots of other plants, usually shrubs of the Asteraceae, such as Menzies' goldenbush (*Isocoma menziesii*).
Gander's ragwort[3] *Packera ganderi*	—	SR	1B.2	Covered Species; Critical populations of sensitive plant species	Recently burned sites and gabbro outcrops. 1,590–3,510 ft in elevation. Blooms April–June. Perennial.
Baja pectocarya[4] *Pectocarya peninsularis*	—	—	—	—	Washes, roadsides, clearings. 100–1,000 ft in elevation. Blooms February–April. Annual.
San Jacinto beardtongue[4] *Penstemon clevelandii*	—	—	4.3	—	Chaparral, pinyon-juniper woodland, Sonoran desert scrub. Dry rocky hillsides in coarse sandy loam and in cracks in rock outcrops. 1,310–4,920 ft in elevation. Blooms March–May. Perennial.
Thurber's beardtongue[4] *Penstemon thurberi*	—	—	4.2	—	Joshua tree woodland, pinyon and juniper woodland, Sonoran desert scrub, chaparral. Dry sandy washes. 1,640–4,005 ft in elevation. Blooms May–July. Perennial.
Golden-rayed pentachaeta[4] *Pentachaeta aurea*	—	—	—	—	Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, valley and foothill grassland, riparian woodland. 260–6,070 ft in elevation. Blooms March–July. Annual.
Gairdner's yampah[4] *Perideridia gairdneri* ssp. *gairdneri*	—	—	4.2	—	Coastal flats, grassland, and pine forest. 100–1,150 ft in elevation. Blooms June–October. Perennial.

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Narrow-leaf sandpaper-plant *Petalonyx linearis*	—	—	2B.3	—	Sandy or rocky canyons. 80–3,660 ft in elevation. Blooms March–May. Perennial.
Santiago Peak phacelia *Phacelia keckii*	—	—	1B.3	—	Closed-cone coniferous forest, chaparral. Open areas, sometimes along creeks. 1,790–5,250 ft in elevation. Blooms May–June. Annual.
Brand's star phacelia[3] *Phacelia stellaris*	—	—	1B.1	—	Coastal scrub, coastal dunes. Open areas. 5–1,310 ft in elevation. Blooms March–June. Annual.
Arizona pholistoma *Pholistoma auritum* var. *arizonicum*	—	—	2B.3	—	Mojavean desert scrub. 900–2,740 ft in elevation. Blooms March. Annual.
Thurber's pilostyles[4] *Pilostyles thurberi*	—	—	4.3	—	Sonoran desert scrub. Sandy alluvial plains, sandstone talus. 165–1,200 ft in elevation. Blooms December–April. Perennial.
Torrey pine[3] *Pinus torreyana* ssp. *torreyana*	—	—	1B.2	Covered Species	Closed-cone coniferous forest, chaparral. On dry, sandstone slopes. 230–525 ft in elevation. Perennial.
Cooper's rein orchid[4] *Piperia cooperi*	—	—	4.2	—	Chaparral, cismontane woodland, valley and foothill grassland. 50–605 ft in elevation. Blooms March–June. Perennial.
Rein orchid[4] *Piperia leptopetala*	—	—	4.3	—	Cismontane woodland, lower montane coniferous forest, upper montane coniferous forest. 1,245–7,300 ft in elevation. Blooms May–July. Perennial.
San Bernardino blue grass[3] *Poa atropurpurea*	FE	—	1B.2	—	Mesic meadows of open pine forests and grassy slopes, loamy alluvial to sandy loam soil. 4,115–8,710 ft in elevation. Blooms May–July. Geophyte.
San Diego mesa mint[3] *Pogogyne abramsii*	FE	SE	1B.1	Covered Species	Vernal pools within grasslands, chamise chaparral, or coastal sage scrub communities. 230–640 ft in elevation. Blooms March–July. Annual.
Otay Mesa mint[3] *Pogogyne nudiuscula*	FE	SE	1B.1	Covered Species	Dry beds of vernal pools and moist swales with. 445–540 ft in elevation. Blooms May–July. Annual.
Fish's milkwort[4] *Polygala cornuta*	—	—	4.3	—	Cismontane woodland, riparian woodland, chaparral. Scree slopes, brushy ridges, and along creeks; often with oaks. 330–3,280 ft in elevation. Blooms May–August. Perennial.
Desert unicorn plant[4] *Proboscidea althaeifolia*	—	—	4.3	—	Sonoran desert scrub. Gently sloping sandy flats and washes. 280–3,280 ft in elevation. Blooms May–September. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
White rabbit-tobacco *Pseudognaphalium leucocephalum*	—	—	2B.2	—	Riparian woodland, cismontane woodland, coastal scrub, chaparral. Sandy, gravelly sites. 115–1,690 ft in elevation. Blooms August–November. Perennial.
Deep Canyon snapdragon *Pseudorontium cyathiferum*	—	—	2B.3	—	Sonoran desert scrub. Rocky sites. 0–2,625 ft in elevation. Blooms February–April. Annual.
Cedros Island oak[3] *Quercus cedrosensis*	—	—	2B.2	—	Closed-cone coniferous forest, chaparral, coastal scrub. 425–3,200 ft in elevation. Blooms April–May. Perennial.
Nuttall's scrub oak[3] *Quercus dumosa*	—	—	1B.1	—	Generally on sandy soils near the coast; sometimes on clay loam. 50–1,310 ft in elevation. Blooms February–April. Perennial.
Engelmann oak[4] *Quercus engelmannii*	—	—	4.2	—	Cismontane woodland, chaparral, riparian woodland, valley and foothill grassland. 165–4,265 ft in elevation. Blooms March–June. Perennial.
Single-leaved skunkbrush[3] *Rhus aromatica* var. *simplicifolia*	—	—	2B.3	—	Pinyon and juniper woodland. Usually granitic. 2,395–4,365 ft in elevation. Blooms March–April. Perennial.
Moreno currant[3] *Ribes canthariforme*	—	—	1B.3	—	Among boulders in oak-manzanita thickets; shaded or partially shaded sites. 1,115–3,935 ft in elevation. Blooms February–April. Perennial.
Santa Catalina Island currant[3] *Ribes viburnifolium*	—	—	1B.2	—	Chaparral, cismontane woodland. Among shrubs in canyons. 100–1,000 ft in elevation. Blooms February–April. Perennial.
Coulter's matilija poppy[4] *Romneya coulteri*	—	—	4.2	—	Desert wash. Coastal scrub, chaparral. In washes and on slopes; also after burns. 65–3,935 ft in elevation. Blooms March–July. Geophyte.
Small-leaved rose[3] *Rosa minutifolia*	—	SE	2B.1	Covered Species	Coastal scrub, chaparral. Cobbly soil at the head of a small, dry canyon on Otay Mesa. 490–525 ft in elevation. Blooms January–June. Perennial.
Cuyamaca raspberry[3] *Rubus glaucifolius* var. *ganderi*	—	—	3.1	—	Lower montane coniferous forest. Open, moist forest; gabbro soils. 3,935–5,495 ft in elevation. Blooms May–June. Perennial.
Parish's rupertia[4] *Rupertia rigida*	—	—	4.3	—	Chaparral, lower montane coniferous forest, cismontane woodland, meadows and seeps, pebble plain, valley and foothill grassland. 2,295–8,200 ft in elevation. Blooms June–August. Perennial.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Caraway-leaved woodland-gilia[4] *Saltugilia caruifolia*	—	—	4.3	—	Chaparral, lower montane coniferous forest. In disturbed areas near roads and on fuel breaks, in sandy washes, on old burns; also in rocky outcrops. 2,755–7,545 ft in elevation. Blooms May–August. Annual.
Desert sage[4] *Salvia eremostachya*	—	—	4.3	—	Dry rocky and gravelly desert slopes, in desert canyons from the base of the mountains to the pinyon pine belt. 2,295–4,595 ft in elevation. Blooms March–May. Perennial.
Munz's sage[3] *Salvia munzii*	—	—	2B.2	—	Rolling hills and slopes, in rocky soil. 115–1,885 ft in elevation. Blooms February–April. Perennial.
Southern mountains skullcap[3] *Scutellaria bolanderi* ssp. *austromontana*	—	—	1B.2	—	In gravelly soils on streambanks or in mesic sites in oak or pine woodland. 1,395–6,560 ft in elevation. Blooms June–August. Geophyte.
Bluish spike moss[4] *Selaginella asprella*	—	—	4.3	—	Dry, rocky soils, crevices; granitic substrate. 5,250–8,860 ft in elevation. Blooms July. Geophyte.
Ashy spike moss[4] *Selaginella cinerascens*	—	—	4.1	—	Chaparral, coastal scrub. 65–2,100 ft in elevation. Geophyte.
Desert spike-moss[3] *Selaginella eremophila*	—	—	2B.2	—	Shaded sites, gravelly soils; crevices or among rocks. 655–2,955 ft in elevation. Blooms June. Geophyte.
Chaparral ragwort[3] *Senecio aphanactis*	—	—	2B.2	—	Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats. 65–2,805 ft in elevation. Blooms January–April. Annual.
Cove's cassia[3] *Senna covesii*	—	—	2B.2	—	Dry, sandy desert washes, slopes. 835–4,250 ft in elevation. Blooms March–June. Perennial.
Hammitt's clay-cress[3] *Sibaropsis hammittii*	—	—	1B.2	—	Mesic microsites in open areas on clay soils in needlegrass grassland. 2,360–3,495 ft in elevation. Blooms March–April. Annual.
Salt Spring checkerbloom *Sidalcea neomexicana*	—	—	2B.2	—	Alkali springs and marshes. 0–5,020 ft in elevation. Blooms March–June. Perennial.
Purple nightshade *Solanum xanti*	—	—	—	Covered Species; Critical populations of sensitive plant species	0–8,860 ft in elevation. Blooms February–July. Perennial.
Bristly scaleseed[3] *Spermolepis echinata*	—	—	—	—	Rocky slopes and sandy flats. 200–5,000 ft in elevation. Blooms March–April. Annual.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Hellhole scaleseed *Spermolepis infernensis*	—	—	1B.2	—	Sonoran desert scrub. Rocky or sandy. 755–2,200 ft in elevation. Blooms March–April. Annual.
Western bristly scaleseed *Spermolepis lateriflora*	—	—	2A	—	Sonoran desert scrub. Rocky or sandy. 1,200–2,200 ft in elevation. Blooms March–April. Annual.
Bottle liverwort *Sphaerocarpos drewiae*	—	—	1B.1	—	Chaparral, coastal scrub. Liverwort in openings; on soil. 195–1,920 ft in elevation.
Prairie false oat *Sphenopholis interrupta* ssp. *californica*	—	—	1B.1	—	Chaparral. Friable clay lenses. 285 ft in elevation. Annual.
Prairie wedge grass *Sphenopholis obtusata*	—	—	2B.2	—	Open moist sites, along rivers and springs, alkaline desert seeps. 985–6,560 ft in elevation. Blooms April–July. Perennial.
Purple stemodia[3] *Stemodia durantifolia*	—	—	2B.1	—	Sonoran desert scrub. Sandy soils; mesic sites. 115–1,265 ft in elevation. Blooms January–December. Perennial.
Laguna mountain jewelflower[4] *Streptanthus bernardinus*	—	—	4.3	—	Chaparral, lower montane coniferous forest. Clay or decomposed granite soils; sometimes in disturbed areas such as streamsides or roadcuts. 4,725–8,200 ft in elevation. Blooms May–August. Perennial.
Southern jewelflower[3] *Streptanthus campestris*	—	—	1B.3	—	Chaparral, lower montane coniferous forest, pinyon-juniper woodland. Open, rocky areas. 2,955–7,545 ft in elevation. Blooms May–July. Perennial.
San Diego County needle grass[4] *Stipa diegoensis*	—	—	4.2	—	Chaparral, coastal scrub. Rocky slopes, sea cliffs and stream banks; often in mesic sites. 35–2,625 ft in elevation. Blooms February–June. Perennial.
Oil neststraw[3] *Stylocline citroleum*	—	—	1B.1	—	Chenopod scrub, coastal scrub, valley and foothill grassland. Flats, clay soils in oil-producing areas. 165–1,310 ft in elevation. Blooms March–April. Annual.
Estuary seablite[3] *Suaeda esteroa*	—	—	1B.2	—	Coastal salt marshes in clay, silt, and sand substrates. 0–15 ft in elevation. Blooms May–October. Perennial.
Woolly seablite[4] *Suaeda taxifolia*	—	—	4.2	—	Wetland. Coastal bluff scrub, coastal dunes, marshes, and swamps. Margins of salt marshes. 0–165 ft in elevation. Blooms January–December. Perennial.
San Bernardino aster *Symphyotrichum defoliatum*	—	—	1B.2	—	Vernally mesic grassland or near ditches, streams and springs; disturbed areas. 5–6,695 ft in elevation. Blooms July–November. Geophyte.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
Parry's tetracoccus[3] *Tetracoccus dioicus*	—	—	1B.2	Covered Species; Critical populations of sensitive plant species	Stony, decomposed gabbro soil. 540–3,280 ft in elevation. Blooms April–May. Perennial.
Velvety false lupine[3] *Thermopsis californica* var. *semota*	—	—	1B.2	—	Pine forests and meadow edges, on rocky slopes and outcrops, and along roadsides. 3,280–6,135 ft in elevation. Blooms March–June. Geophyte.
Rigid fringepod *Thysanocarpus rigidus*	—	—	1B.2	—	Dry, rocky slopes and ridges of oak and pine woodland in arid mountain ranges. 1,395–7,105 ft in elevation. Blooms February–May. Annual.
California screw moss *Tortula californica*	—	—	1B.2	—	Moss growing on sandy soil. 35–4,790 ft in elevation. Perennial.
Coastal triquetrella *Triquetrella californica*	—	—	1B.2	—	Grows within approximately 100 feet from the coast in coastal scrub, grasslands and in open gravels on roadsides, hillsides, rocky slopes, and fields. On gravel or thin soil over outcrops. 35–330 ft in elevation. Perennial.
La Purisima viguiera[3] *Viguiera purisimae*	—	—	2B.3	—	Dry, rocky places in open shrubland. 1,200–1,395 ft in elevation. Blooms April–September. Perennial.
Golden violet[3] *Viola purpurea* ssp. *aurea*	—	—	2B.2	—	Great Basin scrub, pinyon-juniper woodland. Dry, sandy slopes. 3,280–8,200 ft in elevation. Blooms April–June. Perennial.
Palmer's jackass clover *Wislizenia refracta* ssp. *palmeri*	—	—	2B.2	—	Known from desert basins, dunes, washes and benches of sand field ecotones where upland desert scrubs, transition to halophytic scrub or mesquite. 410–575 ft in elevation. Blooms January–December. Perennial.
Rush-like bristleweed[4] *Xanthisma junceum*	—	—	4.3	—	Chaparral, coastal scrub. Dry hillsides. 785–3,280 ft in elevation. Blooms May–January. Perennial.
Orcutt's woody-aster[3] *Xylorhiza orcuttii*	—	—	1B.2	—	Sonoran desert scrub. Arid canyons; often in washes. 0–1,200 ft in elevation. Blooms March–April. Perennial.

Notes: CRPR = California Rare Plant Rank.

[1] Legal Status Definitions

Federal:

FE Endangered (legally protected by ESA)

FT Threatened (legally protected by ESA)

FC Candidate (legally protected by ESA)

State:

SE Endangered (legally protected by CESA)

California Rare Plant Ranks:

1B Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA)

2B Plant species considered rare or endangered in California but more common elsewhere (protected under CEQA, but not legally protected under ESA or CESA)

3 Plants about which more information is needed - A Review List

4 Plants of limited distribution – A Watch List

Threat Ranks:

0.1 Seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat)

0.2 Moderately threatened in California (20–80% occurrences threatened; moderate degree and immediacy of threat)

0.3 Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

[2] MSCP Categories

Covered Species

Critical populations of sensitive plant species

Narrow endemic plant species

[3] San Diego County List A and B Plant Species

[4] San Diego County List C and D Plant Species

Sources: CNDDB 2024; CNPS 2024a; County of San Diego 2010b.

Table 2.5.4 Special-Status Wildlife Species Known to Occur in San Diego County

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Amphibians and Reptiles				
Arroyo toad[3] *Anaxyrus californicus*	FE	SSC	Covered Species; Rare, narrow endemic animal species	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, and desert wash. Rivers with sandy banks, willows, cottonwoods, and sycamores; loose, gravelly areas of streams in drier parts of range.
Baja California coachwhip *Masticophis fuliginosus*	—	SSC	—	In California restricted to southern San Diego County, where it is known from grassland and coastal sage scrub. Open areas in grassland and coastal sage scrub.
Barefoot banded gecko[4] *Coleonyx switaki*	—	ST	—	Found only in areas of massive rock and rock outcrops at the heads of canyons. Occurs in rock cracks and crevices.
California glossy snake *Arizona elegans occidentalis*	—	SSC	—	Patchily distributed from the eastern portion of San Francisco Bay, southern San Joaquin Valley, and the Coast, Transverse, and Peninsular ranges south to Baja California. Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils.
California red-legged frog[3] *Rana draytonii*	FT	SSC	Covered Species; Rare, narrow endemic animal species	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11–20 weeks of permanent water for larval development. Must have access to estivation habitat.
Coast horned lizard[4] *Phrynosoma blainvillii*	—	SSC	Covered Species	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.
Coast mountain kingsnake[4] *Lampropeltis multifasciata*	—	—	—	A habitat generalist, found in diverse habitats including coniferous forest, oak-pine woodlands, riparian woodland, chaparral, manzanita, and coastal sage scrub.
Coast patch-nosed snake[4] *Salvadora hexalepis virgultea*	—	SSC	—	Brushy or shrubby vegetation in coastal southern California. Require small mammal burrows for refuge and overwintering sites.
Coast Range newt[4] *Taricha torosa*	—	SSC	—	Coastal drainages from Mendocino County to San Diego County. Lives in terrestrial habitats and will migrate over approximately 0.6 mile (1 kilometer) to breed in ponds, reservoirs, and slow-moving streams.
Coastal whiptail[4] *Aspidoscelis tigris stejnegeri*	—	SSC	—	Found in deserts and semiarid areas with sparse vegetation and open areas. Also found in woodland and riparian areas. Ground may be firm soil, sandy, or rocky.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Colorado Desert fringe-toed lizard[3] *Uma notata*	—	SSC	—	Colorado Desert region; in sand dunes, dry lakebeds, sandy beaches or riverbanks, desert washes, or sparse desert scrub. Requires fine, loose, windblown sand (for burrowing); shrubs or annuals for arthropod production.
Common chuckwalla[4] *Sauromalus ater*	—	—	—	Inhabits rocky flats and hillsides, lava flows, and large outcrops in the California Mojave and Colorado deserts.
Cope's leopard lizard *Gambelia copeii*	—	SSC	—	Restricted in California to southeastern San Diego County. Occurs in desert scrub, coastal sage scrub, oak woodland, and chaparral. Open flat areas within vegetation.
Coronado skink[4] *Plestiodon skiltonianus interparietalis*	—	—	—	Grassland, chaparral, pinyon-juniper and juniper sage woodland, pine-oak and pine forests in Coast Ranges of southern California. Prefers early successional stages or open areas. Found in rocky areas close to streams and on dry hillsides.
Desert slender salamander[3] *Batrachoseps major aridus*	FE	SE	—	Desert wash, limestone, and talus slope. Known only from Hidden Palm Canyon and Guadalupe Creek, Riverside County, in barren, palm oasis, desert wash, and desert scrub. Occurs under limestone sheets, rocks, and talus, usually at the base of damp, shaded, north and west-facing walls.
Flat-tailed horned lizard[3] *Phrynosoma mcallii*	—	SSC	—	Restricted to desert washes and desert flats in central Riverside, eastern San Diego, and Imperial counties. Critical habitat element is fine sand, into which lizards burrow to avoid temp extremes; requires vegetative cover and ants.
Large-blotched salamander[3] *Ensatina eschscholtzii klauberi*	—	—	—	Found in conifer and woodland associations. Found in leaf litter, decaying logs and shrubs in heavily forested areas.
Orange-throated whiptail[4] *Aspidoscelis hyperythra*	—	—	Covered Species	Semi-arid shrub areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.
Red-diamond rattlesnake[4] *Crotalus ruber*	—	SSC	—	Chaparral, woodland, grassland, and desert areas from coastal San Diego County to the eastern slopes of the mountains. Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks or surface cover objects.
Rosy boa[4] *Lichanura orcutti*	—	—	—	Inhabits arid scrublands, semi-arid shrublands, rocky shrublands, rocky deserts, canyons, and other rocky areas.
San Diego banded gecko[3] *Coleonyx variegatus abbotti*	—	SSC	—	Coastal and cismontane southern California. Found in granite or rocky outcrops in coastal scrub and chaparral habitats.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
San Diego ringneck snake[4] *Diadophis punctatus similis*	—	—	—	Open, fairly rocky areas. Use boards, flat rocks, woodpiles, stable talus, rotting logs and small ground holes for cover. Prefer areas with surface litter or herbaceous vegetation. Often in somewhat moist areas near intermittent streams.
Sandstone night lizard *Xantusia gracilis*	—	SSC	—	Known only from the Truckhaven Rocks in the eastern part of Anza-Borrego State Park. Found in fissures or under slabs of exfoliating sandstone and rodent burrows in compacted sandstone and mudstone
Silvery legless lizard[4] *Anniella pulchra pulchra*	—	SSC	—	Chaparral, coastal dunes, coastal scrub. Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. Prefers soils with a high moisture content.
South coast gartersnake[4] *Thamnophis sirtalis* pop. 1	—	SSC	—	Southern California coastal plain from Ventura County to San Diego County, and from sea level to approximately 2,800 ft in elevation. Marsh and upland habitats near permanent water with good strips of riparian vegetation.
Southern California legless lizard *Anniella stebbinsi*	—	SSC	—	Generally south of the Transverse Range, extending to northwestern Baja California. Occurs in sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute Mountains in Kern County. Variety of habitats; generally in moist, loose soil. Prefers soils with a high moisture content.
Southern mountain yellow-legged frog [3] *Rana muscosa*	FE	SE	—	Federal listing refers to populations in the San Gabriel, San Jacinto, and San Bernardino mountains (southern DPS). Northern DPS was determined to warrant listing as endangered, April 2014, effective June 30, 2014. Always encountered within a few feet of water. Tadpoles may require 2–4 years to complete their aquatic development.
Southern sagebrush lizard[4] *Sceloporus graciosus vandenburgianus*	—	—	—	Lives in shrublands such as chaparral, manzanita and ceanothus, as well as open pine and Douglas fir forests, mainly in the mountains. Prefers open areas with scattered low bushes and lots of sun.
Southwestern pond turtle[3] *Actinemys marmorata pallida*	FP	SSC	Covered Species; Rare, narrow endemic animal species	Ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6,000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to approximately 0.3 mile from water for egg-laying.
Two-striped gartersnake[3] *Thamnophis hammondii*	—	SSC	—	From sea to about 7,000 feet elevation. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.
Western spadefoot[4] *Spea hammondii*	FP	SSC	—	Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Birds				
American peregrine falcon[3] *Falco peregrinus*	FD	SD	Covered Species; Rare, narrow endemic animal species	Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. Nest consists of a scrape or a depression or ledge in an open site.
American white pelican[4] *Pelecanus erythrorhynchos*	—	SSC	—	Colonial nester on large interior lakes. Nests on large lakes, providing safe roosting and breeding places in the form of well-sequestered islets.
Bald eagle[3] *Haliaeetus leucocephalus*	FD	SE FP	Covered Species	Ocean shore, lake margins, and rivers for both nesting and wintering. Most nests within 1 mile of water. Nests in large, old-growth, or dominant live tree with open branches, especially ponderosa pine. Roosts communally in winter.
Bank swallow[3] *Riparia riparia*	—	ST	—	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.
Barn owl[4] *Tyto alba*	—	—	—	Dense foliage of trees and shrubs, buildings, and cliffs used for roosting cover.
Barrow's goldeneye[4] *Bucephala islandica*	—	SSC	—	Breeds in high central and northern Sierra Nevada mountains, near wooded mountain lakes or large streams. Nest in tree cavities, such as a deserted nest-hole of a pileated woodpecker or flicker; also use nest boxes.
Belding's savannah sparrow[3] *Passerculus sandwichensis beldingi*	—	SE	Covered Species; Rare, narrow endemic animal species	Inhabits coastal salt marshes, from Santa Barbara south through San Diego County. Nests in pickleweed (*Salicornia* spp.) on and about margins of tidal flats.
Bell's sparrow[3] *Artemisiospiza belli belli*	—	—	—	Nests in chaparral dominated by fairly dense stands of chamise. Found in coastal sage scrub in south of range. Nest located on the ground beneath a shrub or in a shrub 6–18 inches above ground. Territories about 50 yards apart.
Bendire's thrasher[4] *Toxostoma bendirei*	—	SSC	—	Migratory; local spring/summer resident in flat areas of desert succulent shrub/Joshua tree habitats in Mojave Desert. Nests in cholla, yucca, paloverde, thorny shrub, or small tree, usually 0.5 to 20 feet above ground.
Black skimmer[3] *Rynchops niger*	—	SSC	—	Nests on gravel bars, low islets, and sandy beaches, in unvegetated sites. Nesting colonies usually less than 200 pairs.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Black swift[4] *Cypseloides niger*	—	SSC	—	Coastal belt of Santa Cruz and Monterey counties; central and southern Sierra Nevada; San Bernardino and San Jacinto mountains. Breeds in small colonies on cliffs behind or adjacent to waterfalls in deep canyons and sea-bluffs above the surf; forages widely.
Black tern[4] *Chlidonias niger*	—	SSC	—	Freshwater lakes, ponds, marshes and flooded agricultural fields. At coastal lagoons and estuaries during migration. Breeding range reduced. Breeds primarily in Modoc Plateau region, with some breeding in Sacramento and San Joaquin valleys.
Burrowing owl[3] *Athene cunicularia*	—	SC SSC	Covered Species; Rare, narrow endemic animal species	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.
California black rail[4] *Laterallus jamaicensis coturniculus*	—	ST FP	Rare, narrow endemic animal species	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.
California gull[4] *Larus californicus*	—	—	—	Littoral waters, sandy beaches, waters and shorelines of bays, tidal mud-flats, marshes, and lakes. Colonial nester on islets in large interior lakes, either fresh or strongly alkaline.
California horned lark[4] *Eremophila alpestris actia*	—	—	—	Marine intertidal and splash zone communities, meadow and seep. Coastal regions, chiefly from Sonoma County to San Diego County. Also main part of San Joaquin Valley and east to foothills. Short-grass prairie, "bald" hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats.
California least tern[3] *Sternula antillarum browni*	FE	SE FP	Covered Species; Rare, narrow endemic animal species	Alkali playa, wetland. Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.
California spotted owl[3] *Strix occidentalis occidentalis*	FP	SSC	—	Mixed conifer forest, often with an understory of black oaks and other deciduous hardwoods. Canopy closure greater than 40 percent. Most often found in deep-shaded canyons, on north-facing slopes, and within 300 meters of water.
Canada goose[4] *Branta canadensis*	—	—	Covered Species	Preferred habitats include lacustrine, fresh emergent wetlands, and moist grasslands, croplands, pastures, and meadows.
Coastal cactus wren *Campylorhynchus brunneicapillus sandiegensis*	—	SSC	Rare, narrow endemic animal species	Southern California coastal sage scrub. Wrens require tall *Opuntia* cactus for nesting and roosting.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Coastal California gnatcatcher[3] *Polioptila californica californica*	FT	SSC	Covered Species	Obligate, permanent resident of coastal sage scrub below 2,500 feet in southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied.
Common loon[4] *Gavia immer*	—	SSC	—	Great Basin standing waters. Nesting locations at certain large lakes and reservoirs in interior of state, primarily in northeastern plateau region. Bodies of water regularly frequented are extensive, fairly deep, and produce quantities of large fish.
Cooper's hawk[3] *Accipiter cooperii*	—	—	Covered Species	Ranges from sea level to above 9,000 ft in elevation. Prefers dense stands of live oak, riparian deciduous, or other forest habitats near water.
Crissal thrasher[3] *Toxostoma crissale*	—	SSC	—	Resident of southeastern deserts in desert riparian and desert wash habitats. Nests in dense vegetation along streams/washes; mesquite, screwbean mesquite, ironwood, catclaw, acacia, arrowweed, willow.
Double-crested cormorant[4] *Nannopterum auritum*	—	—	—	Colonial nester on coastal cliffs, offshore islands, and along lake margins in the interior of the state. Nests along coast on sequestered islets, usually on ground with sloping surface, or in tall trees along lake margins.
Ferruginous hawk[3] *Buteo regalis*	—	—	Covered Species	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats. Eats mostly lagomorphs, ground squirrels, and mice. Population trends may follow lagomorph population cycles. Winter range overlaps San Diego County.
Fulvous whistling-duck[4] *Dendrocygna bicolor*	—	SSC	—	Freshwater marsh. Tule/cattail marsh.
Gadwall[4] *Mareca streptera*	—	—	—	A common yearlong resident in many parts of the state, particularly interior valleys, wetlands, ponds, and streams. Feeds and rests in freshwater lacustrine and emergent habitats, and to a lesser extent, estuarine and saline emergent habitats, and nests in nearby herbaceous and cropland habitats.
Golden eagle[3] *Aquila chrysaetos*	—	FP	Covered Species; Rare, narrow endemic animal species	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.
Grasshopper sparrow[3] *Ammodramus savannarum*	—	SSC	—	Dense grasslands on rolling hills, lowland plains, in valleys and on hillsides on lower mountain slopes. Favors native grasslands with a mix of grasses, forbs and scattered shrubs. Loosely colonial when nesting.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Gray vireo[3] *Vireo vicinior*	—	SSC	—	Dry chaparral; west of desert, in chamise-dominated habitat; mountains of Mojave Desert, associated with juniper and Artemisia. Forage, nest, and sing in areas formed by a continuous growth of twigs, 1–5 feet above ground.
Gray-headed junco[4] *Junco hyemalis caniceps*	—	—	—	Upper montane coniferous forest. Summer resident of Clark Mountain (eastern San Bernardino County) and Grapevine Mountains (Inyo County). Inhabits white fir association at 7,300 feet (Clark Mountain); also, from dense pinyons above 6,700 feet (Grapevine Mountains).
Great blue heron[4] *Ardea herodias*	—	—	—	Brackish marsh, estuary, freshwater marsh, marsh and swamp, riparian forest, and wetlands. Colonial nester in tall trees, cliffsides, and sequestered spots on marshes. Rookery sites in close proximity to foraging areas: marshes, lake margins, tide-flats, rivers and streams, wet meadows.
Greater sandhill crane[4] *Antigone canadensis tabida*	—	ST FP	—	Marsh and swamp, meadow and seep, wetland. Nests in wetland habitats in northeastern California; winters in the Central Valley. Prefers grain fields within 4 miles of a shallow body of water used as a communal roost site; irrigated pasture used as loafing sites.
Green heron[4] *Butorides virescens*	—	—	—	Nests and roosts in valley foothill and desert riparian habitats, and feeds in fresh emergent wetland, lacustrine, and slow-moving riverine habitats
Large-billed savannah sparrow[4] *Passerculus sandwichensis rostratus*	—	SSC	Covered Species	Wetland. Breeds along the Colorado River Delta in Mexico; winters at the Salton Sea. Saline emergent wetlands at the Salton Sea and southern coast.
Laughing gull[4] *Leucophaeus atricill*	—	—	—	Once a regular nester at the south end of the Salton Sea.
Le Conte's thrasher[4] *Toxostoma lecontei*	—	SSC	—	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2–8 feet above ground.
Least Bell's vireo[3] *Vireo bellii pusillus*	FE	SE	Covered Species; Rare, narrow endemic animal species	Summer resident of southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, coyote brush, mesquite.
Least bittern[4] *Ixobrychus exilis*	—	SSC	—	Colonial nester in marshlands and borders of ponds and reservoirs which provide ample cover. Nests usually placed low in tules, over water.
Lewis' woodpecker[3] *Melanerpes lewis*	—	—	—	Breeds in open forest and woodland with an open canopy and brushy understory. Requires dead trees for nest cavities.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Light-footed Ridgway's rail[3] *Rallus obsoletus levipes*	FE	SE FP	Covered Species; Rare, narrow endemic animal species	Found in salt marshes traversed by tidal sloughs, where cordgrass and pickleweed are the dominant vegetation. Requires dense growth of either pickleweed or cordgrass for nesting or escape cover; feeds on mollusks and crustaceans.
Loggerhead shrike[3] *Lanius ludovicianus*	—	SSC	—	Broken woodlands, savannah, pinyon-juniper, Joshua tree, and riparian woodlands, desert oases, scrub and washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.
Long-billed curlew[4] *Numenius americanus*	—	—	Covered Species	Great Basin grassland, meadow and seep. Breeds in upland shortgrass prairies and wet meadows in northeastern California. Habitats on gravelly soils and gently rolling terrain are favored over others.
Long-eared owl[3] *Asio otus*	—	SSC	—	Cismontane woodland, Great Basin scrub, riparian forest, riparian woodland, and upper montane coniferous forest. Riparian bottomlands grown to tall willows and cottonwoods; also, belts of live oak paralleling stream courses. Require adjacent open land productive of mice and the presence of old nests of crows, hawks, or magpies for breeding.
Lucy's warbler[3] *Leiothlypis luciae*	—	SSC	—	Primarily along lower Colorado River Valley and the washes and arroyos emptying into it, with occasional occurrences throughout the Sonoran and Mojave deserts. Partial to thickets of mesquite, riparian scrub, and stands of tamarisk.
Merlin[4] *Falco columbarius*	—	—	—	Estuary, Great Basin grassland, valley and foothill grassland. Seacoast, tidal estuaries, open woodlands, savannahs, edges of grasslands and deserts, farms and ranches. Clumps of trees or windbreaks are required for roosting in open country.
Mountain plover[4] *Charadrius montanus*	—	—	Covered Species	Short grasslands, freshly plowed fields, newly sprouting grain fields, and sometimes sod farms. Short vegetation, bare ground and flat topography. Prefers grazed areas and areas with burrowing rodents. Winter range overlaps San Diego County.
Mountain quail[4] *Oreortyx pictus*	—	—	—	Found seasonally in open, brushy stands of conifer and deciduous forest and woodland, and chaparral.
Northern harrier[3] *Circus hudsonius*	—	SSC	Covered Species	Nest and forage in grasslands, from salt grass in desert sink to mountain cienagas. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.
Olive-sided flycatcher[4] *Contopus cooperi*	—	SSC	—	Nesting habitats are mixed conifer, montane hardwood-conifer, Douglas fir, redwood, red fir and lodgepole pine. Most numerous in montane conifer forests where tall trees overlook canyons, meadows, lakes or other open terrain.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Osprey[3] *Pandion haliaetus*	—	—	—	Ocean shore, bays, fresh-water lakes, and larger streams. Large nests built in tree-tops within 15 miles of a good fish-producing body of water.
Prairie falcon[3] *Falco mexicanus*	—	—	—	Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.
Purple martin[3] *Progne subis*	—	SSC	—	Inhabits woodlands, low elevation coniferous forest of Douglas fir, ponderosa pine, and Monterey pine. Nests in old woodpecker cavities mostly, also in human-made structures. Nest often located in tall, isolated tree/snag.
Reddish egret[4] *Egretta rufescens*	—	—	Covered Species	San Diego County represents the northern limit of the range of this species along the Pacific coast. Uncommon annual nonbreeding visitor in the coastal wetlands or San Diego County.
Redhead[4] *Aythya americana*	—	SSC	—	
Red-shouldered hawk[3] *Buteo lineatus*	—	—	—	
San Diego cactus wren[3] *Campylorhynchus brunneicapillus sandiegensis*	—	—	Covered Species	The key habitat element is thickets of chollas (*Opuntia prolifera*) or prickly-pear cacti (*Opuntia littoralis, Opuntia oricola*) tall enough to support and protect nests.
Sharp-shinned hawk[3] *Accipiter striatus*	—	—	—	Ponderosa pine, black oak, riparian deciduous, mixed conifer, and Jeffrey pine habitats. Prefers riparian areas. North-facing slopes, with plucking perches are critical requirements. Nests usually within 275 feet of water.
Short-eared owl[4] *Asio flammeus*	—	SSC	—	Great Basin grassland, marsh and swamp, meadow and seep, valley and foothill grassland, and wetlands. Found in swamp lands, both fresh and salt; lowland meadows; irrigated alfalfa fields. Tule patches/tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.
Snow goose[4] *Anser caerulescens*	—	—	—	From October to March, the redhead is uncommon to locally common south from Modoc County to Mono County in eastern California in lacustrine waters where it is also a common breeder during summer. During this season it is also found in the Central Valley and central California foothills and coastal lowlands, and along the coast from Monterey County south to Ventura County and along the Colorado River. Also breeds locally in the Central Valley, coastal southern California, eastern Kern County, and the Salton Sea.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Southern California rufous-crowned sparrow[3] *Aimophila ruficeps canescens*	—	—	Covered Species	Resident in southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches.
Southwestern willow flycatcher[3] *Empidonax traillii extimus*	FE	SE	Covered Species; Rare, narrow endemic animal species	Requires dense riparian habitats with cottonwood, willow, and tamarisk vegetation and microclimatic conditions that are dictated by the local surroundings. Saturated soils, standing water or nearby streams, pools, or cienegas are a component of nesting habitat that also influences the microclimate and vegetation density component. Habitat not suitable for nesting may be used for migration and foraging. The southwestern willow flycatcher is typically found below 8,500 feet of elevation.
Summer tanager[4] *Piranga rubra*	—	SSC	—	Summer resident of desert riparian along lower Colorado River, and locally elsewhere in California deserts. Requires cottonwood-willow riparian for nesting and foraging; prefers older, dense stands along streams.
Swainson's hawk[3] *Buteo swainsoni*	—	ST	Covered Species	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.
Tricolored blackbird[3] *Agelaius tricolor*	—	ST SSC	Covered Species	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few miles of the colony.
Turkey vulture[3] *Cathartes aura*	—	—	—	Common in breeding season throughout most of California. Occurs in open stages of most habitats that provide adequate cliffs or large trees for nesting, roosting, and resting.
Vermilion flycatcher[3] *Pyrocephalus rubinus*	—	SSC	—	During nesting, inhabits desert riparian adjacent to irrigated fields, irrigation ditches, pastures, and other open, mesic areas Nest in cottonwood, willow, mesquite, and other large desert riparian trees.
Western bluebird[4] *Sialia mexicana*	—	—	Covered Species	Fairly common to common year-round throughout much of California, excluding the higher mountains and eastern deserts. Breeds in open woodlands of oaks, riparian deciduous trees, or conifers with herbaceous understory.
Western grebe[3] *Aechmophorus occidentalis*	—	—	—	Breeds on freshwater lakes and marshes with open water bordered by vegetation. Saltwater or brackish bays, estuaries, or sea coasts in winter. Less frequently on freshwater lakes or rivers.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Western snowy plover[3] *Charadrius nivosus nivosus*	FT	SSC	Covered Species	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.
Western yellow-billed cuckoo[3] *Coccyzus americanus occidentalis*	FT	SE	Rare, narrow endemic animal species	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.
White-faced ibis[3] *Plegadis chihi*	—	—	Covered Species	Shallow fresh-water marsh. Dense tule thickets for nesting interspersed with areas of shallow water for foraging.
White-tailed kite[3] *Elanus leucurus*	—	FP	—	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.
Wood stork[4] *Mycteria americana*	—	SSC	—	Freshwater and saltwater sloughs, lagoons, shallow ponds, and marshes.
Yellow rail *Coturnicops noveboracensis*	—	SSC	—	Summer resident in eastern Sierra Nevada in Mono County. Fresh-water marshlands. Winter range overlaps San Diego County; rare visitor.
Yellow warbler[4] *Setophaga petechia*	—	SSC	—	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.
Yellow-breasted chat[3] *Icteria virens*	—	SSC	—	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 feet of ground.
Fish				
Arroyo chub *Gila orcuttii*	—	SSC	—	Native to streams from Malibu Creek to San Luis Rey River basin. Introduced into streams in Santa Clara, Ventura, Santa Ynez, Mojave, and San Diego river basins. Slow water stream sections with mud or sand bottoms. Feeds heavily on aquatic vegetation and associated invertebrates.
Desert pupfish[4] *Cyprinodon macularius*	FE	SE	—	Desert ponds, springs, marshes and streams in southern California.
Mohave tui chub *Siphateles bicolor mohavensis*	FE	SE FP	—	Endemic to the Mojave River basin, adapted to alkaline, mineralized waters. Needs deep pools, ponds, or slough-like areas. Needs vegetation for spawning.
Steelhead - southern California DPS[3] *Oncorhynchus mykiss irideus* pop. 10	FE	SC	—	South coast flowing waters. Federal listing refers to populations from Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County). Southern steelhead likely have greater physiological tolerances to warmer water and more variable conditions.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Unarmored threespine stickleback[4] *Gasterosteus aculeatus williamsoni*	FE	SE FP	—	South coast flowing waters. Weedy pools, backwaters, and among emergent vegetation at the stream edge in small southern California streams. Cool, clear water with abundant vegetation.
Invertebrates				
Alkali skipper[3] *Pseudocopaeodes eunus eunus*	—	—	—	Grassy spots on alkali flats. Host plant is Desert salt grass (*Distichlis spicata* var. *stricta*).
Belkin's dune tabanid fly[4] *Brennania belkini*	—	—	—	Inhabits coastal sand dunes of southern California.
Blaisdell trigonoscuta weevil[4] *Trigonoscuta blaisdelli*	—	—	—	Associated with either coastal sand dunes, desert sand dunes, or other inland sand dune areas.
California linderiella[3] *Linderiella occidentalis*	—	—	—	Vernal pool. Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions. Water in the pools has very low alkalinity, conductivity, and total dissolved solids.
Crotch's bumble bee *Bombus crotchii*	—	SC	—	Found primarily in California: mediterranean, Pacific coast, western desert, Great Valley, and adjacent foothills through most of southwestern California. Habitat includes open grassland and scrub. Nests underground.
Harbison's dun skipper[3] *Euphyes vestris harbisoni*	—	—	—	Found in chaparral or riparian areas that have narrow canyons or drainages. Oak woodland is a preferred vegetation community due to the balance of sun and shade. Host plant is San Diego sedge (*Carex spissa*).
Hermes copper[3] butterfly *Lycaena hermes*	FT	—	—	Found in southern mixed chaparral and coastal sage scrub at western edge of Laguna Mountains. Host plant is *Rhamnus crocea*.
Hilda greenish blue[3] *Plebejus saepiolus hilda*	—	—	—	Meadows. Host plant is cows clover (*Trifolium wormskioldii*).
Laguna Mountains skipper[3] *Pyrgus ruralis lagunae*	FE	—	—	Only in a few open meadows in yellow pine forest between 5,000 and 6,000 feet in the vicinity of Mt Laguna and Palomar Mountain. Eggs laid on leaves of *Horkelia bolanderi clevelandi*. Larvae feed on leaves and overwinter on the host plant.
Mesa shoulderband[4] *Helminthoglypta coelata*	—	—	—	Coastal bluff scrub. Known only from a few locations in western San Diego County. Found in rock slides, beneath bark and rotten logs, and among coastal vegetation.
Mimic tryonia (=California brackishwater snail)[4] *Tryonia imitator*	—	—	—	Inhabits coastal lagoons, estuaries and salt marshes, from Sonoma County south to San Diego County. Found only in permanently submerged areas in a variety of sediment types; able to withstand a wide range of salinities.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Monarch[4] *Danaus plexippus*	FP	—	—	Habitat requirements include host plants for larvae (primarily milkweeds [*Asclepias* spp.]); adult nectar sources (i.e., flowering plants); and sites for roosting, thermoregulation, mating, hibernation, and predator escape. In addition, monarch butterfly requires conditions and resources for initiating and completing migration both to and from winter roosting areas. Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby. Many overwintering sites have been documented in San Diego County (Xerces Society 2018).
Oblivious tiger beetle[4] *Cicindela latesignata obliviosa,*	—	—	—	Occurs along the coast of southern California occupying salt marshes, mud flats, and other estuarine habitats, usually near beaches.
Palomar banana slug[4] *Ariolimax* sp. (taxonomy under review)	—	—	—	Common in moist habitats along the West Coast of North America. The population on Palomar Mountain near San Diego represents a new species.
Peninsular metalmark[3] *Apodemia virgulti peninsularis*	—	—	—	Occurs within large, open, dry meadows areas surrounded by sparse Jeffrey pine forest. Host plant is Wright's buckwheat (*Eriogonum wrightii* ssp. *membranaceum*).
Quino checkerspot butterfly[3] *Euphydryas editha quino*	FE	—	—	Chaparral, coastal scrub. Sunny openings within chaparral and coastal sage shrublands in parts of Riverside and San Diego counties. Hills and mesas near the coast. need high densities of food plants *Plantago erecta, Plantago insularis, Orthocarpus purpurescens.*
Riverside fairy shrimp[3] *Streptocephalus woottoni*	FE	—	Covered Species; Rare, narrow endemic animal species	Coastal scrub, valley and foothill grassland, vernal pool, wetland. Endemic to western Riverside, Orange, and San Diego counties in areas of tectonic swales/earth slump basins in grassland and coastal sage scrub. Inhabits seasonally astatic pools filled by winter/spring rains.
Robinson's rain scarab[4] *Phobetus robinsoni*	—	—	—	Only known from San Diego County.
San Diego fairy shrimp[3] *Branchinecta sandiegonensis*	FE	—	Covered Species; Rare, narrow endemic animal species	Chaparral, coastal scrub, vernal pool, wetland. Endemic to San Diego and Orange County mesas. Vernal pools.
Sandy beach tiger beetle[4] *Cicindela hirticollis gravida*	—	—	—	Coastal dunes. Inhabits areas adjacent to non-brackish water along the coast of California from San Francisco Bay to northern Mexico. Clean, dry, light-colored sand in the upper zone. Subterranean larvae prefer moist sand not affected by wave action.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Senile tiger beetle[4] *Cicindela senilis frosti*	—	—	—	Mud shore/flats, wetland. Inhabits marine shoreline, from central California coast south to salt marshes of San Diego. Also found at Lake Elsinore Inhabits dark-colored mud in the lower zone and dried salt pans in the upper zone.
Sigmoid tiger beetle[4] *Cicindela trifasciata sigmoidea*	—	—	—	Occurs along the Pacific coast of southern California. Most common at salt water-edge habitats close the coast but also found in tidal mudflats, marshes, bays, and inlets. Can also occur in inland freshwater environments.
Thorne's hairstreak butterfly[3] *Callophrys thornei (Mitoura thornei)*	—	—	Covered Species	Thorne's hairstreak butterfly is restricted to its larval host plant, Tecate cypress. Associated with chaparral ecosystems in southern California and northern Baja California.
Two-tailed swallowtail[3] *Papilio multicaudata*	—	—	—	Found near streams in dry montane canyons within Tulare, Kern, San Bernardino, Ventura, Los Angeles, Imperial, and San Diego counties.
Wandering skipper[3] *Panoquina errans*	—	—	Covered Species	Restricted to coastal salt marshes with its only known host plant seashore saltgrass *(Distichlis spicata*).
Western tidal flat beetle[4] *Cicindela gabbii*	—	—	—	Occurs on mudflats and dry saline flats of estuaries along the southern California coast.
Western beach tiger beetle[4] *Cicindela latesignata latesignata*	—	—	—	Coast of California south of Los Angeles; also in Baja California.
Yucca giant-skipper[4] *Megathymus yuccae*	—	—	—	Occurs throughout San Diego County extending north into Riverside County and east to the eastern slopes of the Santa Rosa Mountains. Host plant is yucca (*Hesperoyucca* spp.; *Yucca* ssp.).
Mammals				
American badger[4] *Taxidea taxus*	—	SSC	Covered Species	American badgers are most commonly found in treeless areas including tallgrass and shortgrass prairies, grass-dominated meadows and fields within forested habitats, and shrub-steppe communities. Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.
Big free-tailed bat[4] *Nyctinomops macrotis*	—	SSC	—	Low-lying arid areas in southern California. Need high cliffs or rocky outcrops for roosting sites. Feeds principally on large moths.
California leaf-nosed bat[4] *Macrotus californicus*	—	SSC	—	Desert riparian, desert wash, desert scrub, desert succulent scrub, alkali scrub, and palm oasis habitats. Needs rocky, rugged terrain with mines or caves for roosting.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Dulzura pocket mouse[4] *Chaetodipus californicus femoralis*	—	SSC	—	Chaparral, coastal scrub, valley and foothill grassland. Variety of habitats including coastal scrub, chaparral and grassland in San Diego County. Attracted to grass-chaparral edges.
Fringed myotis[4] *Myotis thysanodes*	—	—	—	In a wide variety of habitats, optimal habitats are pinyon-juniper, valley foothill hardwood and hardwood-conifer. Uses caves, mines, buildings or crevices for maternity colonies and roosts.
Jacumba pocket mouse[4] *Perognathus longimembris internationalis*	—	SSC	—	Desert riparian, desert scrub, desert wash, coastal scrub and sagebrush. Rarely found on rocky sites, uses all canopy coverages.
Lesser long-nosed bat *Leptonycteris yerbabuenae*	FD	—	—	Arid regions such as desert grasslands and shrub land. Suitable day roosts (caves and mines) and suitable concentrations of food plants (columnar cacti and agaves) are critical resources. No maternity roosts known from California; may only be vagrant. Caves and mines are used as day roosts. Caves, mines, rock crevices, trees and shrubs, and abandoned buildings are used as night roosts for digesting meals. Nectar, pollen, and fruit eating bat; primarily feeding on agaves, saguaro, and organ pipe cactus.
Long-eared myotis[4] *Myotis evotis*	—	—	—	Found in all brush, woodland and forest habitats from sea level to about 9,000 feet prefers coniferous woodlands and forests. Nursery colonies in buildings, crevices, spaces under bark, and snags. Caves used primarily as night roosts.
Long-legged myotis[4] *Myotis volans*	—	—	—	Upper montane coniferous forest. Most common in woodland and forest habitats above 4,000 feet. Trees are important day roosts; caves and mines are night roosts. Nursery colonies usually under bark or in hollow trees, but occasionally in crevices or buildings.
Los Angeles pocket mouse[4] *Perognathus longimembris brevinasus*	—	SSC	—	Lower elevation grasslands and coastal sage communities in and around the Los Angeles Basin. Open ground with fine sandy soils. May not dig extensive burrows, hiding under weeds and dead leaves instead.
Mexican long-tongued bat[4] *Choeronycteris mexicana*	—	SSC	—	Pinyon and juniper woodlands, riparian scrub, Sonoran thorn woodland. Occasionally found in San Diego County, which is on the periphery of their range. Feeds on nectar and pollen of night-blooming succulents. Roosts in relatively well-lit caves, and in and around buildings.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Mountain lion[4] *Felis concolor*	—	SC	Covered Species	Mountain lions inhabit a wide range of ecosystems, including mountainous regions, forests, deserts, and wetlands. Mountain lions establish and defend large territories and can travel large distances in search of prey or mates. In April of 2020, the California Fish and Game Commission found that listing of the Central Coast and Southern California Evolutionarily Significant Units may be warranted, and designated mountain lion within these ESUs as a candidate species.
Northwestern San Diego pocket mouse[4] *Chaetodipus fallax fallax*	—	SSC	—	Coastal scrub, chaparral, grasslands, and sagebrush in western San Diego County. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.
Pacific pocket mouse[3] *Perognathus longimembris pacificus*	FE	SSC	Rare, narrow endemic animal species	Coastal scrub. Inhabits the narrow coastal plains from the Mexican border north to El Segundo, Los Angeles County. Seems to prefer soils of fine alluvial sands near the ocean, but much remains to be learned.
Pallid bat[4] *Antrozous pallidus*	—	SSC	—	Most common in open, dry habitats with rocky areas for roosting. Tree roosting has also been documented in large conifer snags, inside basal hollows of redwoods and giant sequoias, and bole cavities in oaks. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.
Pallid San Diego pocket mouse[4] *Chaetodipus fallax pallidus*	—	SSC	—	Desert wash, pinyon and juniper woodlands, Sonoran desert scrub. Desert border areas in eastern San Diego County in desert wash, desert scrub, desert succulent scrub, and pinyon-juniper. Sandy herbaceous areas, usually in association with rocks or coarse gravel.
Palm Springs pocket mouse *Perognathus longimembris bangsi*	—	SSC	—	Desert riparian, desert scrub, desert wash, and sagebrush habitats. Most common in creosote-dominated desert scrub. Rarely found on rocky sites. Occurs in all canopy coverage classes.
Peninsular desert bighorn sheep DPS[3] *Ovis canadensis nelsoni* pop. 2	FE	ST FP	—	Eastern slopes of the Peninsular Ranges below 4,600 feet elevation. This DPS of the subspecies inhabits the Peninsular Ranges in southern California from the San Jacinto Mountains south to the US-Mexico International Border. Optimal habitat includes steep walled canyons and ridges bisected by rocky or sandy washes, with available water.
Pocketed free-tailed bat[4] *Nyctinomops femorosaccus*	—	SSC	—	Variety of arid areas in southern California; pine-juniper woodlands, desert scrub, palm oasis, desert wash, and desert riparian. Rocky areas with high cliffs.
San Diego black-tailed jackrabbit[4] *Lepus californicus bennettii*	—	SSC	—	Coastal sage scrub habitats in southern California.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
San Diego desert woodrat[4] *Neotoma lepida intermedia*	—	SSC	—	Coastal scrub of southern California from San Diego County to San Luis Obispo County. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops and rocky cliffs and slopes.
Southern California ringtail[4] *Bassariscus astutus octavus*	—	FP	—	Exploits a variety of habitats such as dry, rocky, brush-covered hillsides or riparian areas, typically not far from an open water source. Dens most often in rock crevices, boulder piles, or talus, but also tree hollows, root cavities, and rural buildings. Rarely use same den for more than a few days. Females with litters change dens within 10 days of birth and almost daily after 20 days.
Southern grasshopper mouse[4] *Onychomys torridus ramona*	—	SSC	—	Desert areas, especially scrub habitats with friable soils for digging. Prefers low to moderate shrub cover. Feeds almost exclusively on arthropods, especially scorpions and orthopteran insects.
Southern mule deer[4] *Odocoileus hemionus fuliginatus*	—	—	Covered Species	Southern mule deer are adapted to a variety of habitats in western San Diego County, including woodlands, shrublands, meadows, grasslands, and riparian areas. Shrub habitats and woodlands interspersed with meadows or grasslands are important for food resources, as well as cover for shade and protection from predators.
Spotted bat[4] *Euderma maculatum*	—	SSC	—	Occupies a wide variety of habitats from arid deserts and grasslands through mixed conifer forests. Feeds over water and along washes. Feeds almost entirely on moths. Needs rock crevices in cliffs or caves for roosting.
Stephens' kangaroo rat[3] *Dipodomys stephensi*	FT	ST	—	Primarily annual and perennial grasslands, but also occurs in coastal scrub and sagebrush with sparse canopy cover. Prefers buckwheat, chamise, brome grass and filaree. Will burrow into firm soil.
Townsend’s big-eared bat[4] *Corynorhinus townsendii*	—	SSC	—	Throughout California in a wide variety of habitats. Most common in mesic sites. Requires large cavities for roosting, which may include abandoned buildings and mines, caves, and basal cavities of trees. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.
Western mastiff bat[4] *Eumops perotis californicus*	—	SSC	—	Found in a variety of habitats, from desert scrub to chaparral to oak woodland and into the ponderosa pine belt and high elevation meadows of mixed conifer forests. The distribution of this species is likely geomorphically determined, with the species being present only where there are significant rock features offering roosting habitat.

Species	Listing Status[1] Federal	Listing Status[1] State	MSCP Categories[2]	Habitat
Western red bat[4] *Lasiurus frantzii*	—	SSC	—	Roosts primarily in trees, 2–40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.
Western small-footed myotis[4] *Myotis ciliolabrum*	—	—	—	Wide range of habitats mostly arid wooded and brushy uplands near water. Seeks cover in caves, buildings, mines and crevices Prefers open stands in forests and woodlands. Requires drinking water. Feeds on a wide variety of small flying insects.
Western yellow bat *Lasiurus xanthinus*	—	SSC	—	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.
Yuma myotis[4] *Myotis yumanensis*	—	—	—	Optimal habitats are open forests and woodlands with sources of water over which to feed. Distribution is closely tied to bodies of water. Maternity colonies in caves, mines, buildings or crevices.

Notes: CEQA = California Environmental Quality Act; DPS = distinct population segment; ESU = evolutionarily significant unit.

[1] Legal Status Definitions

Federal:

FE Endangered (legally protected)

FT Threatened (legally protected)

FD Delisted

FC Candidate for Listing

FP Proposed for Listing

State:

FP Fully Protected (legally protected)

SSC Species of Special Concern (no formal protection other than CEQA consideration)

SE State Listed as Endangered (legally protected)

ST State Listed as Threatened (legally protected)

SC State Candidate for Listing (legally protected)

SD State Delisted

[2] MSCP Categories

Covered Species

Rare, narrow endemic animal species

[3] San Diego County Group I Animal Species

[4] San Diego County Group II Animal Species

Sources: CNDDB 2024; County of San Diego 1998; County of San Diego 2010b.

Table 2.5.5 Legacy Sensitive Natural Communities Known to Occur in San Diego County

Sensitive Natural Community	Habitat Type
Coastal brackish marsh	Bog and Marsh
Coastal sage chaparral scrub	Coastal Sage Scrub Scrub and Chaparral
Desert fan palm (*Washingtonia filifera*) oasis woodland	Woodland
Diegan coastal sage scrub	Coastal Sage Scrub
Maritime succulent scrub	Scrub and Chaparral
Mesquite bosque	Woodland
Mojave mixed steppe	Scrub and Chaparral
Mojave riparian forest	Riparian and Bottomland Habitat
San Diego Mesa Claypan Vernal Pool	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
San Diego Mesa Hardpan Vernal Pool	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
Scrub Oak Chaparral	Scrub and Chaparral
Sonoran Cottonwood Willow Riparian Forest	Riparian and Bottomland Habitat
Southern Coast Live Oak Riparian Forest	Riparian and Bottomland Habitat
Southern Coastal Bluff Scrub	Scrub and Chaparral
Southern Coastal Salt Marsh	Bog and Marsh
Southern Cottonwood Willow Riparian Forest	Riparian and Bottomland Habitat
Southern Dune Scrub	Dune Community
Southern Foredunes	Dune Community
Southern Interior Cypress Forest	Forest
Southern Maritime Chaparral	Scrub and Chaparral
Southern Riparian Forest	Riparian and Bottomland Habitat
Southern Riparian Scrub	Riparian and Bottomland Habitat
Southern Sycamore Alder Riparian Woodland	Riparian and Bottomland Habitat
Southern Willow Scrub	Riparian and Bottomland Habitat
Torrey Pine Forest	Forest
Valley Needlegrass Grassland	Grasslands, Vernal Pools, Meadows, and Other Herb Communities

Source: CNDDB 2024, compiled by Ascent in 2024.

Table 2.5.6 Sensitive Natural Communities Known to Occur and with Potential to Occur in San Diego County

Sensitive Natural Community[1]	Rarity Rank[2]	Habitat Type
Alkali heath marsh *Frankenia salina**	S3	Bog and Marsh
Common three-square marsh *Schoenoplectus americanus**	S3.2	Bog and Marsh
California cordgrass marsh *Spartina foliosa**	S3.2	Bog and Marsh
White sage scrub *Salvia apiana**	S3	Coastal Sage Scrub
Clustered tarweed fields *Deinandra fasciculata**	S2	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
Needle grass – Melic grass grassland *Nassella* spp. – *Melica* spp.*	S3S4	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
Fremont cottonwood forest and woodland *Populus fremontii – Fraxinus velutina – Salix gooddingii**	S3.2	Riparian and Bottomland
Goodding's willow - red willow riparian woodland and forest *Salix gooddingii – Salix laevigata**	S3	Riparian and Bottomland
Bush penstemon scrub *Keckiella antirrhinoides**	S3	Scrub and Chaparral
Bushy spikemoss mats *Selaginella* (*bigelovii, wallacei*)*	S3	Scrub and Chaparral
California brittle bush - Ashy buckwheat scrub *Encelia californica – Eriogonum cinereum**	S3	Scrub and Chaparral
Eastwood manzanita chaparral *Arctostaphylos glandulosa**	S3	Scrub and Chaparral
Hairy leaf - woolly leaf ceanothus chaparral *Ceanothus (oliganthus, tomentosus)**	S3	Scrub and Chaparral
Jojoba scrub *Simmondsia chinensis**	S3	Scrub and Chaparral
Lemonade berry scrub *Rhus integrifolia**	S3	Scrub and Chaparral
Menzies's golden bush scrub *Isocoma menziesii**	S3	Scrub and Chaparral
Mission manzanita chaparral *Xylococcus bicolor**	S3	Scrub and Chaparral
Wart-stemmed ceanothus chaparral *Ceanothus verrucosus**	S2	Scrub and Chaparral
Tecate cypress - Piute cypress woodland *Callitropsis forbesii**	S3	Forest
Bigcone Douglas fir forest *Pseudotsuga macrocarpa**	S3.2	Forest

Sensitive Natural Community[1]	Rarity Rank[2]	Habitat Type
Incense cedar forest and woodland *Calocedrus decurrens**	S3	Forest
California sycamore - coast live oak riparian woodlands *Platanus racemosa – Quercus agrifolia**	S3	Woodland
Engelmann oak woodland and forest *Quercus engelmannii**	S3	Woodland
Bush monkeyflower scrub *Diplacus aurantiacus*	S3?	Coastal sage scrub
California brittle bush - Ashy buckwheat scrub *Encelia californica – Eriogonum cinereum*	S3	Coastal sage scrub
Coast prickly pear scrub *Opuntia littoralis – Opuntia oricola – Cylindropuntia prolifera*	S3	Coastal sage scrub
Scale broom scrub *Lepidospartum squamatum*	S3	Coastal sage scrub
Wright's buckwheat - Heerman's buckwheat - Utah butterfly-bush scrub *Eriogonum wrightii – Eriogonum heermannii – Buddleja utahensis*	S3	Coastal sage scrub
Dune mat *Abronia latifolia – Ambrosia chamissonis*	S3	Dune Communities
Ashy ryegrass – creeping ryegrass turf *Leymus cinereus – Leymus triticoides*	S3	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
Clustered tarweed field *Deinandra fasciculata*	S2	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
Deer grass bed *Muhenbergia rigens*	S2?	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
Giant wild rye grassland *Leymus condensatus*	S3	Grasslands, Vernal Pools, Meadows, and Other Herb Communities
Black cottonwood forest *Populus trichocarpa*	S3	Riparian and Bottomland Habitat
California rose briar patch *Rosa californica*	S3	Riparian and Bottomland Habitat
Shining willow groves *Salix lucida* ssp. *lasiandra*	S3.2	Riparian and Bottomland Habitat
Wild grape shrubland *Vitis arizonica – Visit girdiana*	S3	Riparian and Bottomland Habitat
Acton's and Virgin River brittlebush - net-veined goldeneye scrub *Encelia (actonii, virginensis) – Viguiera reticulata*	S3	Scrub and chaparral
Big galleta shrub-steppe *Pleuraphis rigida*	S2.2	Scrub and chaparral
Bush seepweed scrub *Suaeda moquinii*	S3	Scrub and chaparral

Sensitive Natural Community[1]	Rarity Rank[2]	Habitat Type
Canyon sunflower scrub *Venegasia carpesiodies*	S3	Scrub and Chaparral
Coastal sage and island scrub oak chaparral *Quercus dumosa – Quercus pacifica*	S3	Scrub and chaparral
Cup leaf ceanothus – California flannelbush chaparral *Ceanothus greggii – Fremontodendron californicum*	S3	Scrub and Chaparral
Desert agave scrub *Agave deserti*	S3.2	Scrub and chaparral
Desert apricot scrub *Prunus fremontii*	S3	Scrub and chaparral
Nolina scrub *Nolina* (*bigelovii, parryi*)	S2.2	Scrub and chaparral
Oak gooseberry thicket *Ribes quercetorum*	S2?	Scrub and chaparral
Palmer oak chaparral *Quercus palmeria*	S2	Scrub and chaparral
Snakeweed scrub *Gutierrezia sarothrae – Gutierrezia microcephala*	S3	Scrub and chaparral
Cuyamaca cypress stand *Hespeocyparis stephensonii*	S1	Forest
Parry pinyon woodland *Pinus quadrifolia*	S2	Forest
Torrey pine woodland *Pinue torreyana*	S1.2	Forest
California bay forest *Umbellularia californica*	S3	Woodland
California walnut groves *Juglans californica*	S3.2	Woodland
Elephant tree stand *Bursera microphylla*	S1.2	Woodland

Notes: Vegetation communities shown with an asterisk (*) are known to occur in San Diego County. The other communities have potential to occur in the habitat types identified in the county.

[1] These are designated sensitive natural communities with a state rarity rank of S1 (critically imperiled), S2 (imperiled), or S3 (vulnerable).

[2] A question mark (?) denotes an inexact numeric rank when there is an insufficient number of samples over the full expected range of the type, but existing information points to this rank.

[3] For S3S4 there remains uncertainty whether the alliance should be defined as either S3 or S4.

Source: Sawyer et al. 2009, compiled and adapted by Ascent in 2024.

Table 2.5.7 Minimum Riparian Setbacks[1,2]

Common Name	Watercourse Class[3]	Distance
Perennial watercourses, waterbodies (e.g., lakes, ponds), or springs[4]	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Human-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone
All other human-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A

1. A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivator with requirements that are inconsistent with the setbacks in this table if the Executive Officer determines that the site-specific WDRs or enforcement order contains sufficient requirements to be protective of water quality.

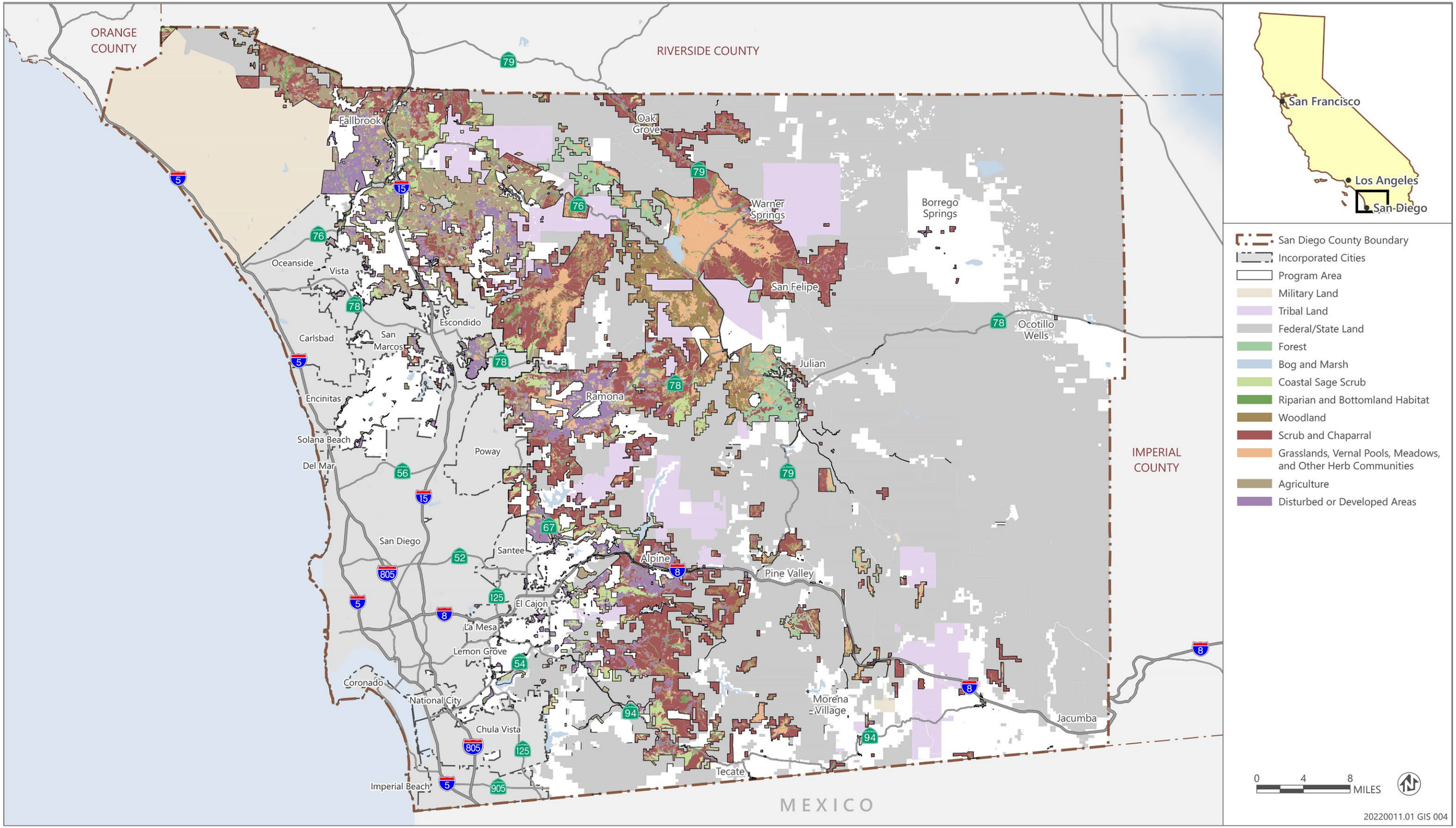
2. Cannabis cultivators enrolled in a Regional Water Board order adopting WDRs or a waiver of WDRs for cannabis cultivation activities prior to October 17, 2017, may retain reduced setbacks applicable under that Regional Water Board order unless the Regional Water Board's Executive Officer determines that the reduced setbacks applicable under that order are not protective of water quality.

3. Except where more restrictive, the stream class designations are equivalent to the Forest Practice Rules Water Course and Lake Protection Zone definitions (California Code of Regulations, title 14, Chapter 4. Forest Practice Rules, Subchapters 4, 5, and 6 Forest District Rules, Article 6 Water Course and Lake Protection).

4. Spring riparian setbacks default to the applicable watercourse riparian setback 150 feet downstream and/or upstream of the spring's confluence with the watercourse or 150 feet downstream of the point where the spring forms a watercourse with defined bed and banks.

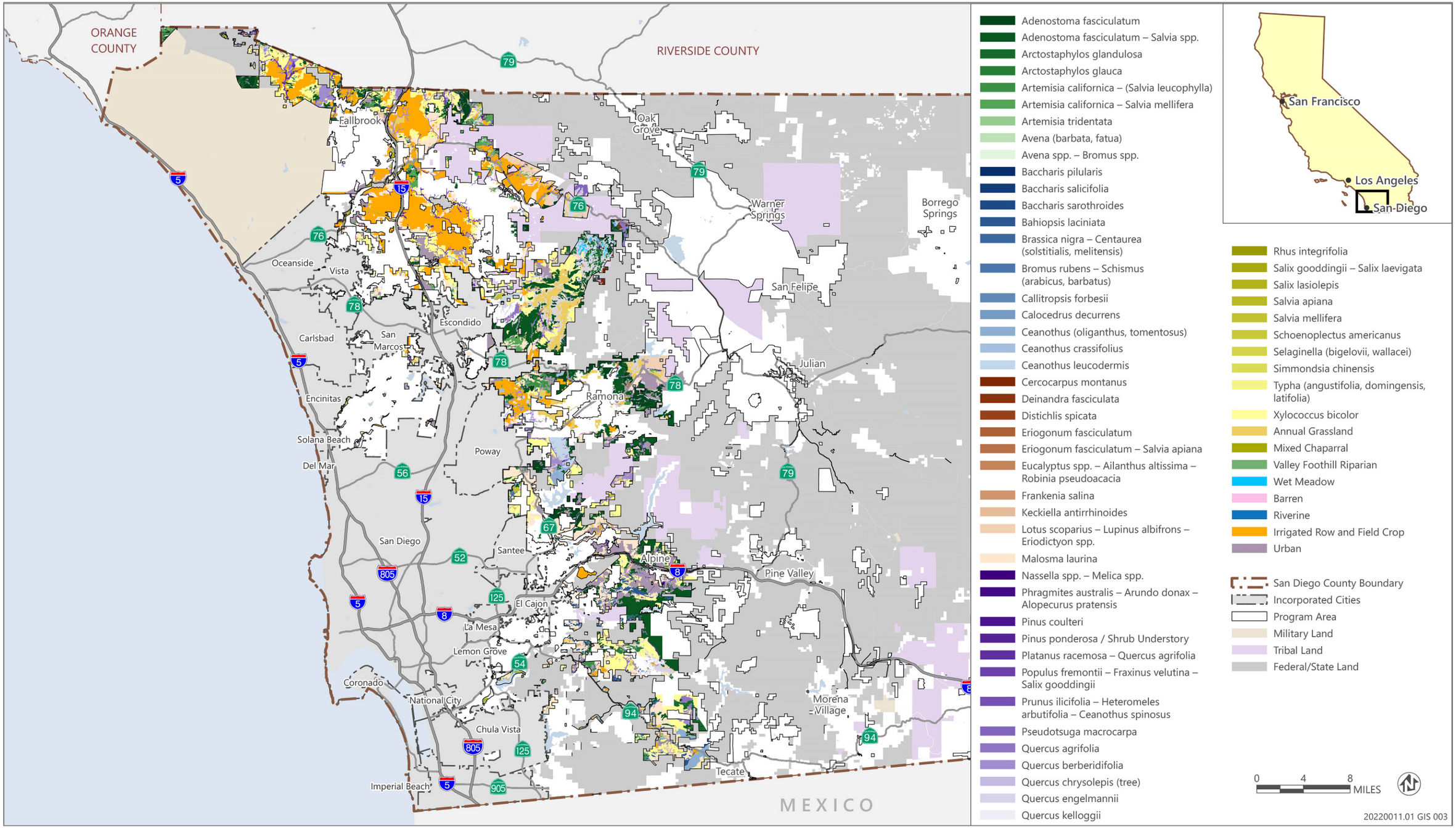
Source: SWRCB 2023.

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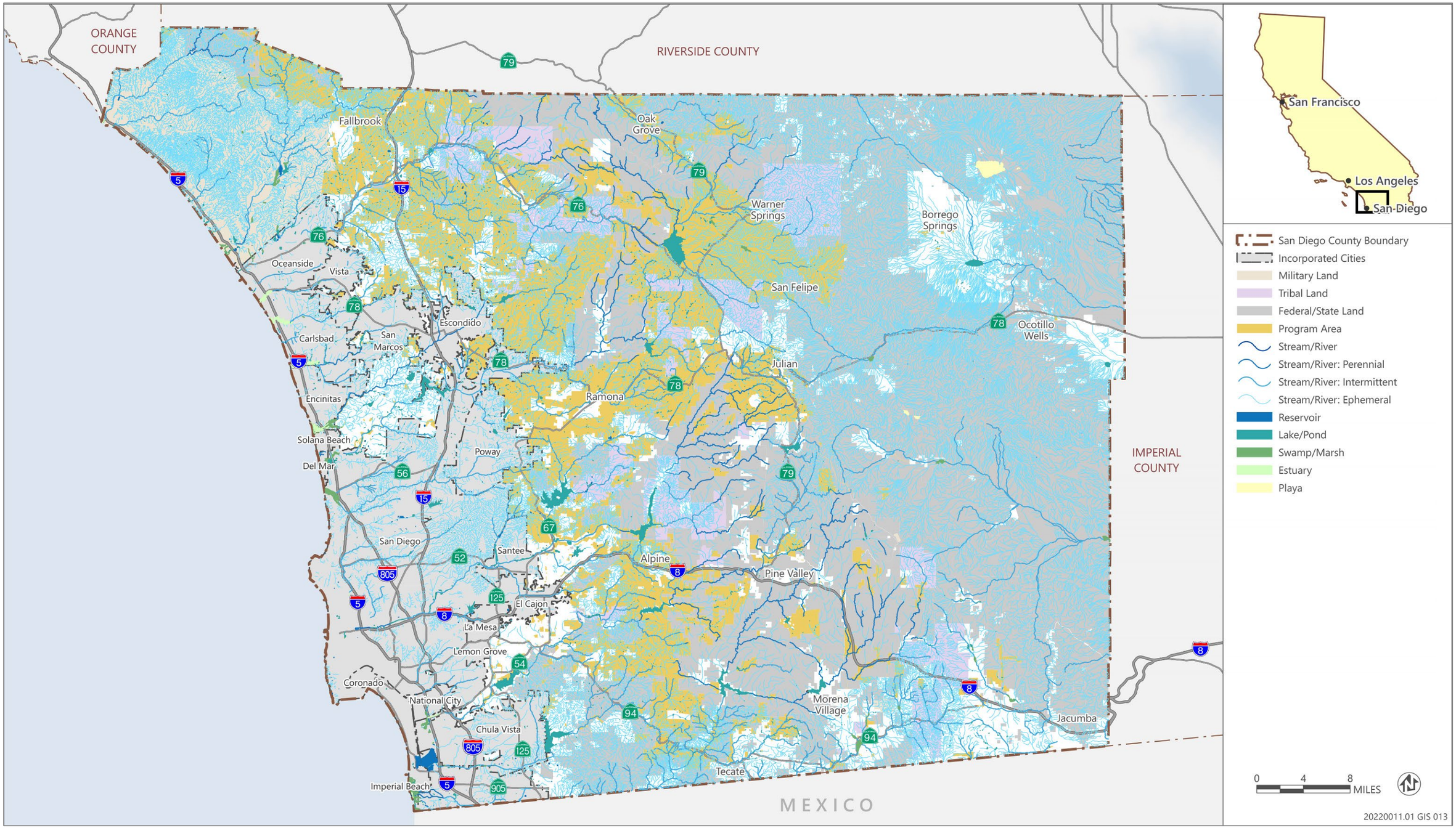
Sources: Data downloaded from SanGIS in 2024, adapted by Ascent in 2024.

Figure 2.5.1 **Vegetation and Habitat Types in the Program Area**



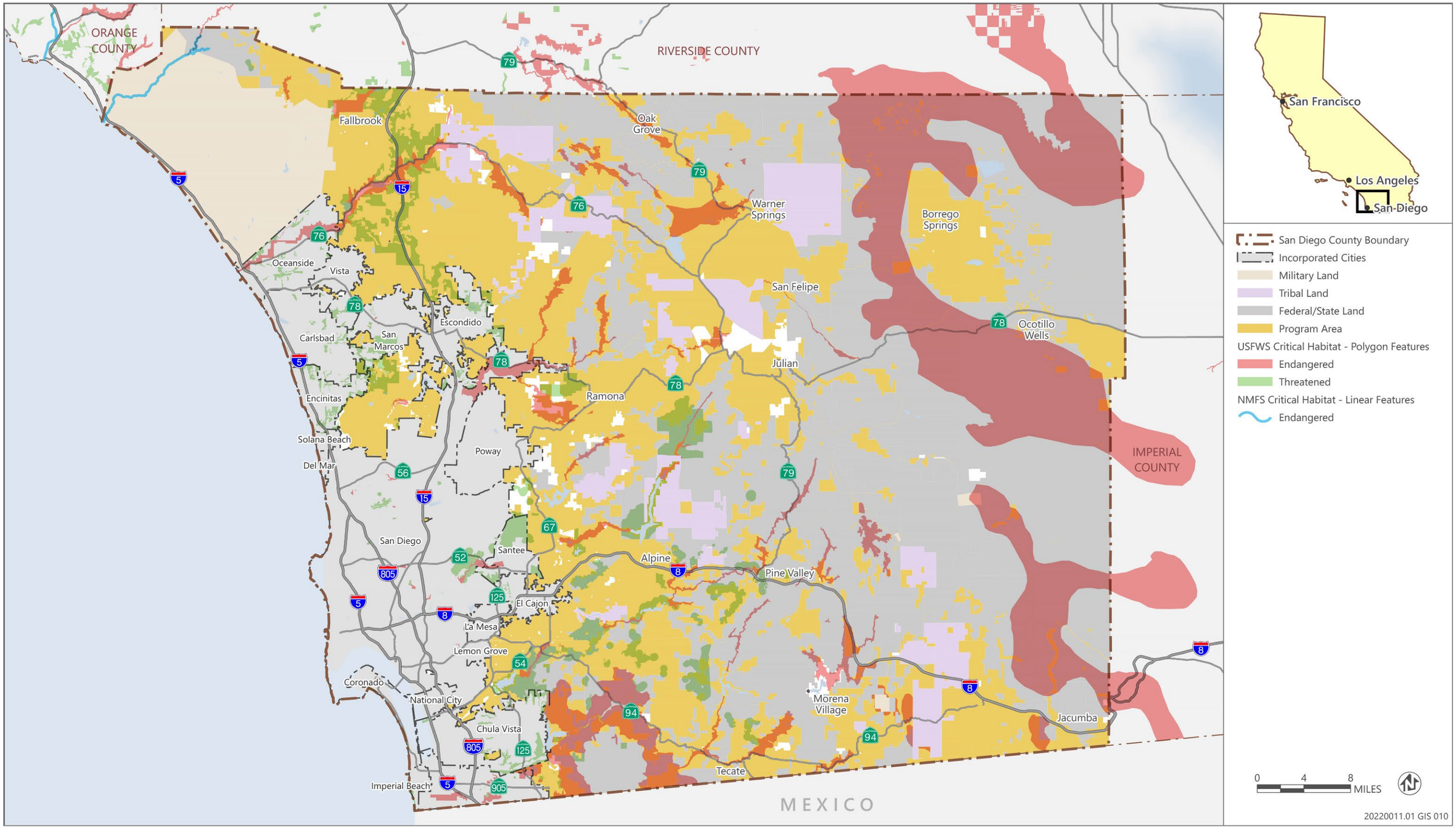
Sources: Data downloaded from CDFW in 2024; adapted by Ascent in 2024.

Figure 2.5.2 **Vegetation Alliances in Western San Diego County**



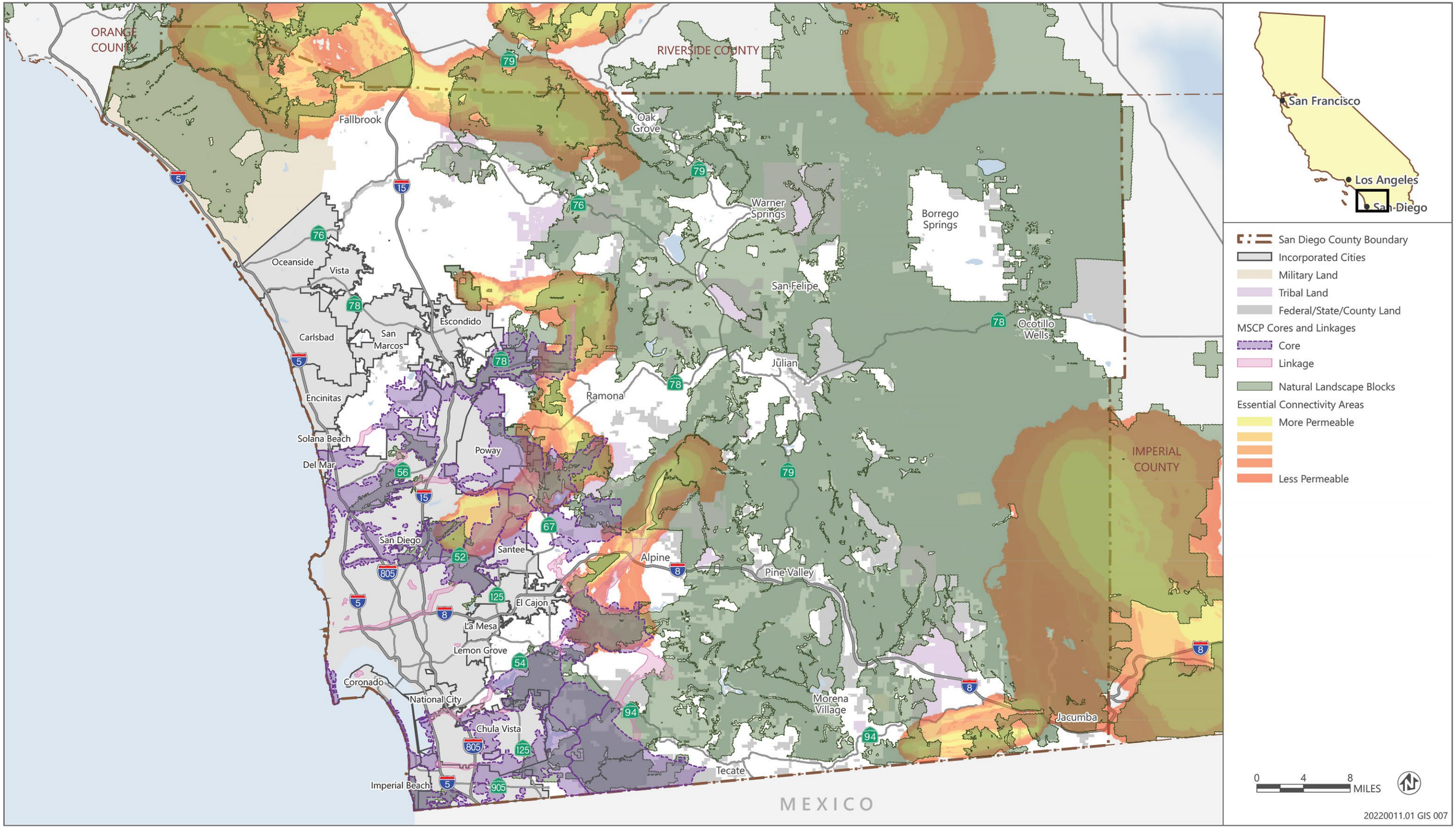
Sources: Data downloaded from USGS (NHD) in 2023, SanGIS in 2021, and County of San Diego in 2023; adapted by Ascent in 2024.

Figure 2.5.3 **Aquatic Habitat in the Program Area**



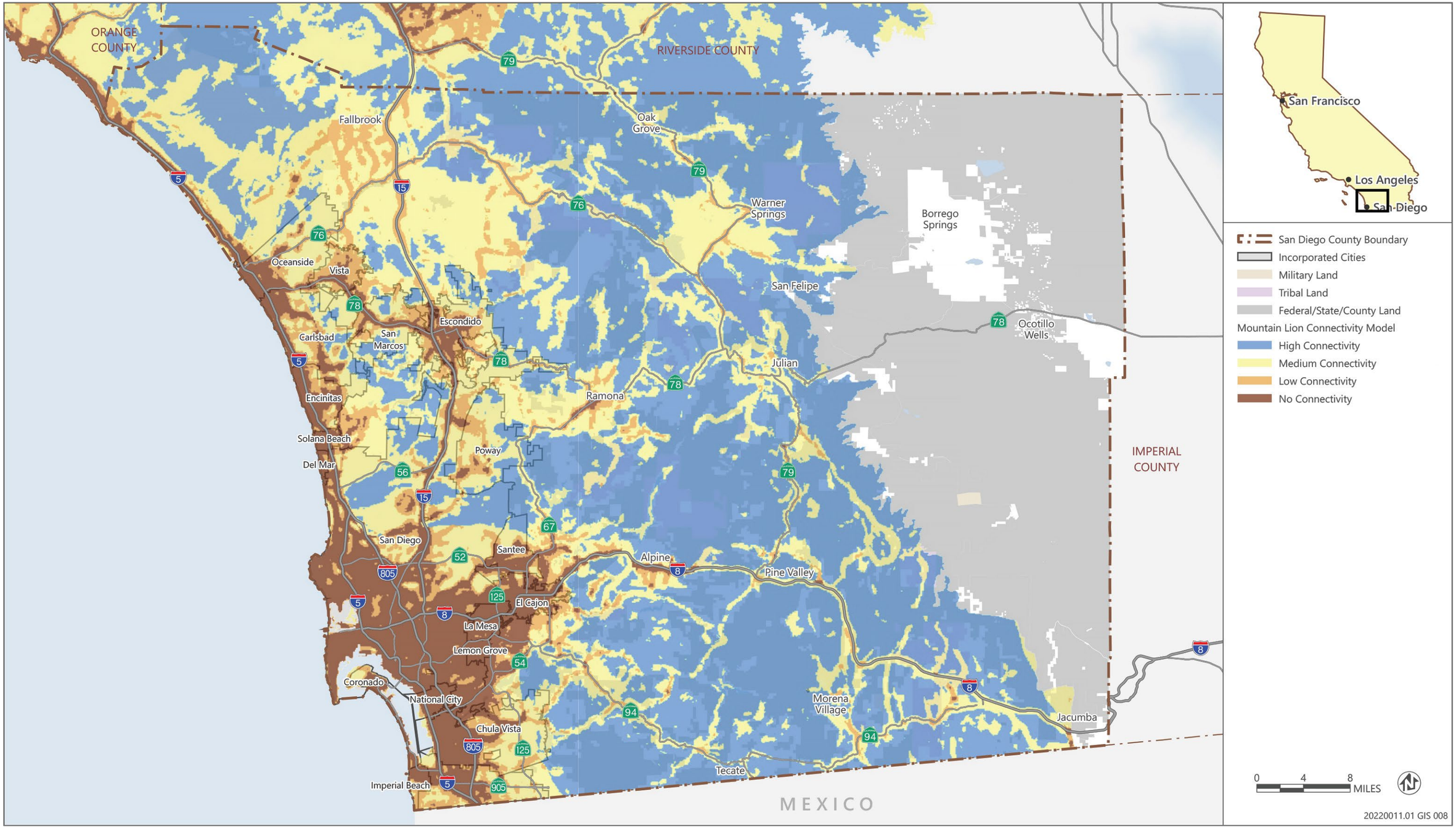
Sources: Data downloaded from USFWS and NOAA Fisheries in 2024; adapted by Ascent in 2024.

Figure 2.5.4 **Designated Critical Habitat in San Diego County**



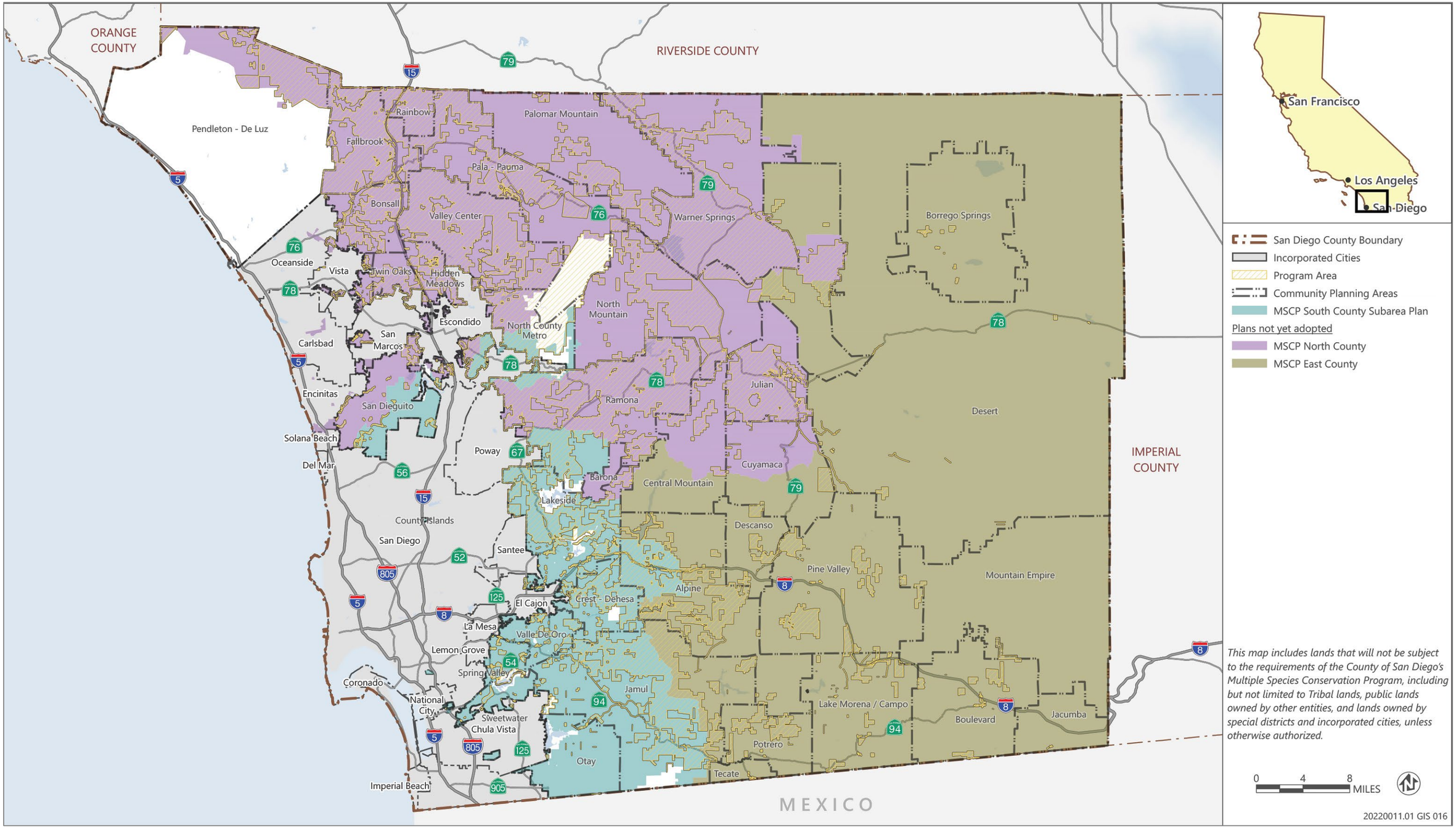
Sources: Data downloaded from CDFW in 2024; adapted by Ascent in 2024.

Figure 2.5.5 **California Essential Habitat Connectivity**



Sources: Data downloaded from SDMMP in 2024; Vickers et al. 2017; adapted by Ascent in 2024.

Figure 2.5.6 **Mountain Lion Habitat Connectivity**



Sources: Data downloaded from County of San Diego in 2024; adapted by Ascent in 2024.

Figure 2.5.7 **MSCP Plan Areas and Draft Plan Areas**

2.6 Cultural and Paleontological Resources

This section analyzes and evaluates the potential impacts of the Cannabis Program on cultural and paleontological resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include prehistoric resources and historic-period resources. Archaeological resources are locations where human activity has altered the earth or left deposits of prehistoric (e.g., precontact) or historic-period (e.g., historic era) physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Paleontological resources include the remains and traces of prehistoric life (exclusive of human remains, artifacts, or features), including the localities where fossils were collected and the sedimentary rock formations in which they were formed.

No comment letters regarding cultural or paleontological resources were received in response to the notice of preparation (NOP) or during the scoping meeting. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.6.1.

Table 2.6.1 Cultural and Paleontological Resources Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Cause a Substantial Adverse Change in the Significance of a Historical Resource	Alternatives 1–5: Significant	Alternatives 1–5: Significant	Alternatives 1–5: Less than Significant
2	Cause a Substantial Adverse Change in the Significance of an Archaeological Resource	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
3	Directly or Indirectly Destroy a Unique Paleontological Resource	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
4	Disturb Any Human Remains	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant

2.6.1 Existing Conditions

The San Diego County General Plan Update EIR setting section for cultural resources includes a detailed discussion of the precontact, historical, and paleontological settings of San Diego County (County of San Diego 2011a: 2.5-1 through 2.5-5). This section presents a brief summary of those discussions, as well as cultural resources records searches conducted in

2024. The existing conditions and the information provided below addresses the county as a whole and does not specifically differentiate between incorporated and unincorporated unless otherwise noted.

2.6.1.1 *Regional Prehistory*

The body of current research of Native American (precontact) occupation in San Diego County recognizes the existence of at least 2 major cultural traditions, discussed here as Early Period/Archaic (precontact history) and Late Period (historic era history), based upon general economic trends and material culture. In San Diego County, the Early Period/Archaic includes the period from 10,000 to 1,300 years ago, while the Late Period is from 1,300 years ago to historic Spanish contact (contact). The Post-Contact/Historic Period covers the time from Spanish contact to present.

Terminology used for the past 10,000-year history of San Diego County includes a mixture of ideas of ordering archaeological sites using terms for peoples, collections of artifacts, and temporal time frames. The first ordering was by Malcolm Rogers, who used the terms: “Shell-Midden people,” “Scraper-Maker culture (scraper-makers),” and “Yuman.” He later revised his chronology to use the terms “La Jolla culture (shell-midden people),” “San Dieguito (scraper-maker),” and “Yuman.” Claude Warren characterized the San Dieguito Tradition as including a wide range of scraper types made on side-struck flakes and finished by well-controlled percussion flaking, leaf-shaped knives, or large points of several varieties: leaf-shaped, lanceolate, and slightly shouldered points in small number. Chipped stone crescents, often eccentric in form, hammerstones, and flaked tools are few in number. Milling stones and manos were not present. Warren’s revision to Rogers’s La Jolla culture, called the Encinitas Tradition, identifies the majority of flaked stone tools being percussion flaked and made from local macrocrystalline rock and a large percentage of the tool assemblage composed of chopping, scraping, and cutting tools and hammerstones. Projectile points are rare and rather large, suggesting the use of darts, rather than bow and arrow. Ground stone items include large numbers of manos and milling stones usually shaped through use and occasional items, such as doughnut stones, discs, and cogstones. Bone tools are rare but include awls, antler flakers, and beads. Shell items are also limited but include beads and pendants. Basketry is represented. Loosely flexed burials are found throughout the area. Warren has more recently updated his chronology for the San Dieguito Tradition (initial occupation), has since included milling tools and a wider range of tools and food sources, and now discusses the potential of transitional and intermediate stages of occupation to cover the past 10,000 years of Native American occupation in San Diego County.

Early Period/Archaic

The Early Period/Archaic includes the San Dieguito, La Jolla, and Pauma complexes, which are poorly defined, as are the interrelationships between contemporaneous inland, desert, and coastal assemblages. Initially believed to represent big game hunters, the San Dieguito people are better typified as a hunting and gathering society. These people had a relatively diverse and nonspecialized economy wherein relatively mobile bands accessed and used a wide range of plant, animal, and lithic (stone) resources. Movement of early groups from the California desert may have been spurred by the gradual desiccation of the vast pluvial lake system that dominated inland basins and valleys during the early to middle Holocene. This hypothesis is supported by the similarity between Great Basin assemblages and those of Early

Holocene Archaic sites in San Diego County. Several researchers recognized the regional similarity of artifacts and grouped these contemporaneous complexes under the nomenclature of either the Western Pluvial Lakes Tradition or the Western Lithic Co-Tradition.

Early migrations into San Diego County may have come from the north. Recent work on the northern Channel Islands near Santa Barbara demonstrates island occupation dating back to the terminal Pleistocene, roughly 13,000 years ago. At this early date, a fully maritime-adapted population exploited shellfish and used seaworthy boats to ply channel waters. Fish were captured using bone gorges 10,000 years ago. Such early dates are lacking for the adjacent Santa Barbara mainland, presumably because the rise in sea level brought about by post-Pleistocene deglaciation would have inundated sites along the late Pleistocene/early Holocene coastlines. At this time in San Diego County, the shoreline stood 2 to 6 kilometers farther seaward than today's coast. Therefore, any evidence for early coastal adaptation coeval with that of the northern Channel Islands may have been destroyed in this 2- to 6-kilometer paleo shoreline area by sea encroachment thousands of years ago.

The origin of coastal populations in San Diego County and subsequent interaction between these populations and Great Basin/desert groups is a subject of some debate. Whether they migrated into San Diego County from the coast or inland, the first occupants immediately exploited coastal and inland resources of plants, animals, shellfish, and fish.

The development of a generalized economic system indicates that the initial occupation, referred to here as San Dieguito, can be placed within the general Archaic pattern. Archaic cultures occurred in North America at slightly different times in different areas but are generally correlated with local economic specialization growing out of the earlier Paleo-Indian Tradition. Archaic cultures are often represented by more diverse artifact assemblages and more complex regional variation than Paleo-Indian traditions. This is generally thought to have resulted from the gradual shift away from a herd-based hunting focus to a more diverse and area-specific economy.

Early Period/Archaic sites from 10,000 to 1,300 years ago in San Diego County include a range of sites that consist of coastal and inland valley habitation sites, inland hunting and milling camps, and quarry sites, usually in association with fine-grain metavolcanic material. Material culture assemblages during this long period are remarkably similar in many respects. These deposits may well represent a process of relative terrestrial economic stability and presumably slow cultural change. Although various cultural traits developed or disappeared during the long span of 10,000 to 1,300 years ago, there is a clear pattern of cultural continuity during this period.

Late Period

During the Late Period (circa 1,300 years ago to historic contact) a material culture pattern similar to that of historic Native Americans first became apparent in the archaeological record. The economic pattern during this period appears to be one of more intensive and efficient exploitation of local resources. The prosperity of these highly refined economic patterns is well evidenced by the numerous Kumeyaay/Diegueño and Luiseño habitation sites scattered throughout San Diego County. This increase in Late Period site density probably reflects both better preservation of the more recent archaeological record and a gradual population increase in the region. Kumeyaay artifacts and cultural patterns reflecting this Late Period pattern include small projectile points, pottery, the establishment of permanent or semipermanent

seasonal village sites, a proliferation of acorn milling sites in the uplands, the presence of obsidian from the Imperial Valley source of Obsidian Butte, and interment by cremation.

Luiseño occupation in northern San Diego County during the late Holocene has been viewed as an occupation that migrated from the desert to the coast, an incursion called "the Shoshonean Wedge." Late Period culture patterns were shared with groups along the northern and eastern periphery of San Diego County, incorporating many elements of their neighbors' culture into their own cultures. This transference and melding of cultural traits between neighboring groups makes positive association of archaeological deposits with particular ethnographically known cultures difficult. This is particularly true of the groups in San Diego County. Although significant differences exist between Luiseño and Kumeyaay/Diegueño cultures (including linguistic stock), the long interaction of these groups during the Late Period resulted in the exchange of many social patterns.

2.6.1.2 *Ethnohistoric Setting*

The Kumeyaay, referred to as Diegueño by the Spanish, were the original native inhabitants of San Diego County. The Kumeyaay who are Yuman-speaking people of Hokan stock, have lived in this region for more than 10,000 years. Historically, the Kumeyaay were horticulturists and hunters and gatherers (Viejas 2024).

The Kumeyaay Native Americans were a seasonal hunting and gathering people with cultural elements that were very distinct from the Luiseño people. Noted variations in material culture include cremation, the use of the bow and arrow, and adaptation to use of the acorn as a main food staple. Along the coast, the Kumeyaay made use of marine resources by fishing and collecting shellfish for food. Game and seasonally available plant food resources (including acorns) were sources of nourishment for the Kumeyaay. By far, though, the most important food resource for these people was the acorn. The acorn represented a storable surplus, which in turn allowed for seasonal sedentism and its attendant expansion of social phenomena (Smith and Conroy 2022).

The Luiseño people enjoyed life in a land rich with a variety of plants and animals. Women gathered seeds, roots, wild berries, acorns, wild grapes, strawberries, wild onions, and prickly pear in finely woven baskets. They made a tasty ground acorn mush, "*wìiwish*," a staple food, high in protein. The men hunted deer, rabbits, wood rats, ducks, quail, seafood, and various insects. Hunters used bows and arrows, atlatls or spear throwers, rabbit sticks, traps, nets, and slings to catch the game. Fishermen and traders used tule reed canoes in the ocean and tule rafts in the rivers or lakes. Family groups had specific hunting and gathering areas in the mountains and along the coast and the boundaries of these areas were crossed only with permission (Native Talk n.d.).

The traditional territory of the Luiseño people extended along the coast, from the north near San Juan Capistrano, south to the Encinitas/Carlsbad area, and east to the valleys of the coastal mountains and Mount Palomar. Today this area is in northern San Diego, Riverside, and Orange counties. The Uto-Aztecan language that the Luiseños speak, Chamtéela, is vibrant and complex. In Chamtéela, some of the names the Luiseño people use for themselves are *Payómkawichum* (people of the west), '*atáaxum* (the people), and *Qéchngawish* (people originating in or residents of San Luis Rey) (Native Talk n.d.).

The people lived in small villages near freshwater sources. Each home or “kìicha” was built of arroyo willow, yucca, and tule. The kìicha was dome-shaped with a small smoke hole on top and the floor dug down 2 to 3 feet into the earth. This design served to insulate the hut, keeping it warm in the winter and cool in the summer. A large granary basket made from willow was kept outside the kìicha, raised off the ground, to store acorns (Native Talk n.d.).

2.6.1.3 *Historic Era Setting*

The history of San Diego County is commonly presented in terms of Spanish, Mexican, and American political control. A discussion of historic land use and occupation under periods of political rule by people of European and Mexican origin is based on characteristics associated with each period and when economic, political, and social activities were influenced by the prevailing laws and customs. Certain themes are common to all periods, such as the development of transportation, settlement, and agriculture.

Spanish Period (1542–1821)

In 1542, the Spaniard Juan Rodríguez Cabrillo landed a ship at present-day Point Loma in San Diego and claimed the territory. The people already in residence shot arrows at the intruders, according to some accounts. The Native population of San Diego area at that time is estimated at 20,000. Five distinguishable Native American groups were present in San Diego County at the time of Spanish contact: Luiseño, Cahuilla, Cupeno, Kumeyaay, and Northern Diegueño. Native peoples lived in semipermanent villages, traveling to forage for food and depending heavily on acorns, small animals, and fishing. The native people of San Diego have no beasts of burden and do not use the wheel (USD 2024).

Beginning in 1769, the Spanish Period includes the establishment of the San Diego Presidio and missions at San Diego (1769) and San Luis Rey (1798), and the establishment of asistencias (chapels) to the San Diego Mission at Santa Ysabel (1818) and to the San Luis Rey Mission at Pala (1816). Horses, cattle, agricultural foods, weed seeds, and a new architectural style and method of building construction were also introduced. Spanish influence continued after 1821 when California became a part of Mexico. For a period of time under Mexican rule, the missions continued to operate as in the past, and laws governing the distribution of land were also retained.

Mexican Period (1821–1848)

The Mexican Period includes the initial retention of Spanish laws and practices until shortly before secularization of the missions in 1834, a decade after the end of Spanish rule. Although several grants of land were made prior to 1834, vast tracts of land were dispersed through land grants offered after secularization. Cattle ranching prevailed over agricultural activities, and the development of the hide-and-tallow trade increased during the early part of this period. The Pueblo of San Diego was established, and transportation routes were expanded. The Mexican Period ended in 1848 as a result of the Treaty of Guadalupe Hidalgo that ended the Mexican-American War.

Between 1827 and 1828, a smallpox epidemic swept through California Native American populations, and toward the end of 1840, the condition of mission Indians declined after secularization of the missions. A few Native Americans left the missions with marketable skills, but most had no land or means of livelihood. Displaced and discontented, Native Americans

regularly raided and plundered ranchos in San Diego County. By 1846, relations between US and Mexico deteriorated into war. Shortly before the Treaty of Guadalupe Hidalgo was signed, the discovery of gold at Sutter's Mill sparked the California gold rush. An unprecedented population boom soon overwhelmed the remaining California Native Americans and much of their land (USD 2024).

American Period (1848–Present)

The American Period began when Mexico ceded California to the United States under the Treaty of Guadalupe Hidalgo. Terms of the treaty brought about the creation of the Lands Commission in response to the Homestead Act of 1851, which was adopted as a means of validating and settling land ownership claims throughout the state. Few Mexican ranchos remained intact because of legal costs and the difficulty of producing sufficient evidence to prove title claims. Much of the land that once constituted rancho holdings became available for settlement by immigrants to California. The influx of people to California and the San Diego region resulted from several factors, including the discovery of gold in the state, the conclusion of the Civil War, the availability of free land through the passage of the Homestead Act, and later, the importance of San Diego County as an agricultural area supported by roads, irrigation systems, and connecting railways. The growth and decline of towns occurred in response to an increased population and the economic boom-and-bust cycle in the late 1800s.

The population of the inland part of the county declined during the 1890s, but between 1900 and 1910, it rose by about 70 percent. The pioneering efforts were over, the railroads had broken the relative isolation of southern California, and life in San Diego County became similar to other communities throughout the west. After World War I, the history of San Diego County was primarily determined by the growth of San Diego Bay. In 1919, the U. S. Navy decided to make the bay the home base for the Pacific Fleet, as did the aircraft industry in the 1920s. The establishment of these industries led to the growth of the county as a whole; however, most of the civilian population growth occurred in the north county coastal areas, where the population almost tripled between 1920 and 1930. During this time period, the history of inland San Diego County was subsidiary to that of the city of San Diego, which had become a Navy center and industrial city. In inland San Diego County, agriculture became specialized, and recreational areas were established in the mountain and desert areas. Just before World War II, urbanization spread to the inland parts of the county (Smith and Conroy 2022).

In 1850 US Congress authorized 3 California Native American commissioners to make treaties for the protections of the Native Americans and to secure their rights to land. In 1868, the federal Superintendent of Indian Affairs for California bemoaned the inaction of Congress in failing to establish a Native American reservation in San Diego. However, in 1870 President Ulysses S. Grant signed an executive order creating San Diego’s first Native American reservations: the San Pasqual and Pala reservations. Similarly, in 1875 President Grant signed an executive order setting aside land in San Diego County and later allowing the establishment of reservations for the Santa Ysabel, Pala, Sequan (also spelled Sycuan), La Jolla, Rincon, Viejas, and Capitan Grande bands. Several San Diego County reservations were established under authorizing congressional legislation of 1891: Campo, Cuyapaipe, La Posta, Manzanita, Rincon, Pauma and Yuima. By 1932, the agricultural economy of the Kumeyaay living on ancestral lands on the Capitan Grande Reservation—already diminished by a city diversion of the San Diego River to Lake Cuyamaca—never recovered after residents were forced off their lands to make way for the city of San Diego’s El Capitan Dam and its reservoir. Kumeyaay tribal members from the Capitan Grande Reservation were split into 2 groups when moved off

their reservation and retained a joint trust-patent for 15,000 acres of reservation land. One band moved to the Barona Valley; the other to the Viejas Valley. The new areas proved too dry for a renewal of traditional farming livelihoods. Congress enacted the Indian Gaming Regulatory Act to bring tribal gaming under a regulatory structure and to give state governments added control over the types of casino-style games allowed on reservations in 1988. The Act affirmed that gaming revenues belong to the tribes but provided a means for states to negotiate for a share of the revenue. States subsequently secure revenue shares ranging from 7 to 25 percent of gross Native American gaming revenues (USD 2024).

2.6.1.4 *Records Searches*

Information contained in the California Historical Resources Information System (CHRIS) is derived from the accumulated observations and assessments reported by individuals and organizations. The resources reported consist of both eligible and ineligible resources for the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP). The purpose of conducting a records search is to obtain that information and proceed based on the needs of the project.

On May 20, 2024, a records search was performed at the South Coastal Information Center (SCIC) at San Diego State University. The records search encompassed the entirety of San Diego County (incorporated an unincorporated). According to the results of the records search, 21,170 cultural sites and features have been recorded in San Diego County. The 21,170 cultural sites and features consist of 195 records that include “building,” 168 records that include “structure,” 1,990 records that include “site,” 25 records that include “object,” 15 records that include “district,” 31 records that include “element of district,” and 1059 records that include “other.” The results of the records search are summarized in Table 2.6.2, which is presented at the end of this section. These terms are defined as follows:

- Building: A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.
- Structure: The term “structure” is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.
- Object: The term “object” is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.
- Site: A site is the location of a significant event, a precontact or historic era occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.
- District: A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development (OHP 1995).
- Element of a district: This could be a site, building, structure, or object that is a contributing element of a district.

- Other: This category is used for resources that cannot be readily classified as one of the above categories.

Known Archaeological Resources

The records search results revealed that 2,271 precontact archaeological resources, such as lithic scatters, bedrock milling features, burial sites, and petroglyphs, have previously been recorded in San Diego County. A total of 475 historic-era archaeological resources, such as cemeteries, building foundations, and abandoned dams and railroad grades, have been previously recorded in San Diego County. It is unknown how many of these resources (2,746 combined) have been listed, evaluated, or determined eligible for listing in the CRHR or NRHP.

Known Built-Environment Resources

The SCIC search revealed that 363 built-environment resources, including walls, bridges, single-family properties, and government buildings, have been recorded in San Diego County. In addition, the Built Environment Resources Directory (BERD), which consists of listings of the CRHR, California State Historical Landmarks, California State Points of Historical Interest, and NRHP, contains 9,540 built-environment resources for San Diego County (OHP 2024). According to the BERD, 2,434 built-environment resources have been listed, have been determined to be eligible for listing, or appear to be eligible for listing in the NRHP. Under CEQA, these 2,434 built-environment resources have the same status in the CRHR. Therefore, these 2,434 built-environment resources are historical resources under CEQA. Note that not all 9,540 built-environment resources have been submitted to and processed by the SCIC, which is why not all are included in the 363 SCIC total.

2.6.1.5 *Paleontological Resources*

Paleontological resources are the remains and traces of prehistoric life (exclusive of human remains, artifacts, or features) that include the localities where fossils are collected and the sedimentary rock formations in which they were formed. The defining character of fossils is their geologic age. Fossils or fossil deposits are generally regarded as being older than 10,000 years, marking the end of the late Pleistocene and the beginning of the Holocene (County of San Diego 2011a).

Fossils result from the preservation of organic remains, which require a unique combination of physical and biological factors. Skeletal tissue, which has a high percentage of mineral matter, is readily preserved, whereas soft tissues not intimately connected with the skeletal parts are least likely to be preserved. For this reason, the fossil record contains a biased selection not only of types of organisms but also of parts of organisms. For example, 2 groups of abundant organisms in shallow marine environments are bivalve and gastropod mollusks and polychaete worms. However, whereas mollusks, with their calcium carbonate shells, are the dominant fossils in many marine formations, the polychaete worms are barely recognized in fossil deposits. The same can be said of vertebrate fossils. Much of the paleontological knowledge about mammals is based on teeth alone, the teeth being generally more durable than other parts of the skeleton. The best-preserved fossils are of those organisms that lived within a sedimentary depositional environment or were buried by sediment shortly after death, thus partially insulating them from destructive chemical and physical processes.

Fossil remains commonly include marine shells; bones and teeth of fish, reptiles, and mammals; leaf assemblages; and petrified wood. Fossil traces consist of internal and external molds (impressions) and casts. Trace fossils include evidence of past activities of fossil organisms, such as footprints and trackways, burrows and boreholes, coprolites, and nests and (packrat) middens. Fossils, fossil traces, and trace fossils are found in the sedimentary rocks and unconsolidated sediments of natural ancient environments, such as oceans, rivers, lakes, deltas, beaches, and lagoons.

The majority of San Diego County fossils are represented by shells and tests (hard coverings) of marine invertebrates (corals, mollusks, crustaceans, and echinoderms). However, important skeletal remains of terrestrial vertebrates (reptiles, birds, and mammals) characterize certain geologic rock units and time intervals. The local terrestrial fossil record also consists of remains and impressions of plants, including leaf assemblages and petrified wood.

Resource Potential and Sensitivity of Geologic Formations in Unincorporated San Diego County

A geologic formation is a body of rock identified by its lithic characteristics (e.g., grain size, texture, color, mineral content) and stratigraphic position. Formations are mapped at the earth's surface or traced in the subsurface and are formally named and described in the geologic literature. The fossil content may also be a characteristic of a formation. There is a direct relationship between fossils and the geologic formations within which they are enclosed; therefore, with sufficient knowledge of the geology and stratigraphy of a particular area and the paleontological resource potential, it is possible to reasonably predict where fossils might or might not be found. This is the case in San Diego County, where a general overview of the geologic setting provides a basis for reasonably predicting the location of paleontological resources.

San Diego County is underlain by a number of distinct geologic rock units (formations) that record portions of the past 450 million years of earth's history. In general, time periods late in geologic history are better represented than periods farther back in time. In San Diego County, the geologic record is most complete for parts of the past 75 million years, represented by the Cretaceous Period; the Eocene, Oligocene, and Pliocene Epochs of the Tertiary Period; and the Pleistocene Epoch of the Quaternary Period.

Most of the unincorporated areas of San Diego County are underlain by geologic formations with no, low, or marginal paleontological resource potential and sensitivity and are therefore unlikely to contain important fossils. Nonetheless, areas of high and moderate sensitivity, which do have the potential to contain unique paleontological resources, are present in Camp Pendleton, the San Dieguito area, Spring Valley, and Otay Mesa in the Coastal Plains region; Warner Valley and Jacumba Valley in the Peninsular Ranges region; and the Anza Borrego Desert and Coyote Mountains in the Salton Trough region.

2.6.2 Regulatory Framework

2.6.2.1 *Federal*

National Register of Historic Places

The NRHP is the nation's master inventory of known historic properties. It is administered by the National Park Service and consists of listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The formal criteria (Code of Federal Regulations, Title 36, Section 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP).
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations.
3. It possesses at least one of the following characteristics:

Criterion A	Is associated with events that have made a significant contribution to the broad patterns of history (events).
Criterion B	Is associated with the lives of persons significant in the past (persons).
Criterion C	Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
Criterion D	Has yielded, or may be likely to yield, information important in prehistory or history (information potential).

For a property to retain and convey historic integrity, it must possess most of the 7 aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has been moved since its construction. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period. This intangible quality is evoked by physical features that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historical use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee consideration in planning for federal or federally assisted projects, eligibility for

federal tax benefits, and qualification for federal historic preservation assistance. In addition, project effects on properties listed in the NRHP must be evaluated under CEQA.

Cultural and Historic Landscapes

Under the NRHP, historic properties may be defined as sites, buildings, structures (such as bridges or dams), objects (such as sculptures or monuments), or districts, including cultural or historic landscapes. A cultural landscape differs from a historic building or district in that it is understood through the spatial organization of the property, which is created by the landscape's cultural and natural features. Some features may create viewsheds or barriers (such as a fence), and others create spaces or "rooms" (such as an arrangement of buildings and structures around a lawn area). Some features, such as grading and topography, underscore the site's development in relationship to the natural setting. To be listed in the NRHP, a cultural landscape must meet 1 of the 4 evaluation criteria and must retain its integrity.

A cultural landscape is defined as "a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values" (NPS 2024). There are 4 general types of cultural landscapes—historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes—and they are not mutually exclusive:

- A historic site is a landscape significant for its association with a historic event, activity, or person. Examples include battlefields and a president's house properties.
- A historic designed landscape is a landscape that was consciously designed or laid out by a landscape architect, master gardener, architect, or horticulturist according to design principles or by an amateur gardener working in a recognized style or tradition. The landscape may be associated with a significant person, trend, or event in landscape architecture, or it may illustrate an important development in the theory and practice of landscape architecture. Aesthetic values play a significant role in designed landscapes. Examples include parks, campuses, and estates.
- A historic vernacular landscape is a landscape that evolved through use by the people whose activities or occupancy shaped that landscape. Such a landscape reflects the social and cultural attitudes of an individual, a family, or a community, as well as the physical, biological, and cultural character of everyday lives. Function plays a significant role in vernacular landscapes. Vernacular landscapes can be a single property, such as a farm, or a collection of properties, such as a district of historic farms along a river valley. Examples include rural villages, industrial complexes, and agricultural landscapes.
- An ethnographic landscape is a landscape containing a variety of natural and cultural resources that associated people define as "heritage resources." Examples are contemporary settlements, religious sacred sites, and massive geological structures. Small plant communities, animals, subsistence, and ceremonial grounds are often components.

Historic landscapes include residential gardens and community parks, scenic highways, rural communities, institutional grounds, cemeteries, battlefields, and zoological gardens. They are composed of character-defining features that individually or collectively contribute to the landscape's physical appearance as they have evolved over time. In addition to vegetation and topography, cultural landscapes may include water features, such as ponds, streams, and fountains; circulation features, such as roads, paths, steps, and walls; buildings; and furnishings, including fences, benches, lights, and sculptural objects.

Secretary of the Interior's Standards

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards) provides guidance for working with historic properties. The Secretary's Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary's Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would not result in a significant impact on a historic resource.

In 1992 the Secretary's Standards were revised so they could be applied to all types of historic resources, including landscapes. They were reduced to 4 sets of treatments to guide work on historic properties: preservation, rehabilitation, restoration, and reconstruction. The 4 distinct treatments are defined as follows:

- Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- Restoration depicts a property at a particular period of time in its history while removing evidence of other periods.
- Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

Because rehabilitation incorporates continuing changing uses of a property, it would be the most likely treatment used for projects. Therefore, specific guidance has been developed for this treatment. The Secretary's Standards for rehabilitation are as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Historic Sites, Buildings, Objects, and Antiquities Act

The Historic Sites, Buildings, Objects, and Antiquities Act of 1935 states that it is the national policy to preserve for the public use historic sites, properties, buildings, and objects of national significance. It gives the National Park Services broad powers to execute the policy on both federal and nonfederal lands. The act also set up an advisory board to aid the secretary of the interior in implementing the act. The National Natural Landmarks Program was established in 1962 to recognize and encourage the conservation of outstanding examples of the country's natural history. National Natural Landmarks are designated by the secretary of the interior, with the owner's concurrence, as being of national significance, defined as being one of the best examples of a biological community or geological feature within a natural region of the United States.

2.6.2.2 *State*

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the CRHR. The CRHR is a list of state of California resources that are significant in the context of California's history. It is a statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

California Historical Landmarks—buildings, structures, sites, or places that have been determined to have statewide historical significance—are also automatically listed in the CRHR. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR.

A historical resource must be significant at the local, state, or national level under 1 or more of the criteria defined in California Code of Regulations (CCR), Title 15, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets 1 of the criteria listed below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses 4 evaluation criteria:

Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2. Is associated with the lives of persons important to local, California, or national history.

Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.

Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet 1 of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same 7 aspects of integrity used by the NRHP.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "historical resources" and "unique archaeological resources." Pursuant to CEQA Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

Historical Resources

"Historical resource" is a term with a defined statutory meaning (CEQA Section 21084.1; State CEQA Guidelines Sections 15064.5(a) and (b)). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR is considered a historical resource (Public Resources Code [PRC] Section 5024.1).

2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3) Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).

4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g])

does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC Sections 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. CEQA Section 21083.2(g) states that "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets 1 or more of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA Section 21083.2

Treatment options under CEQA Section 21083.2(b) to mitigate impacts on archaeological resources include activities that preserve such resources in place in an undisturbed state. CEQA Section 21083.2 states:

(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

   (1) Planning construction to avoid archaeological sites.

   (2) Deeding archaeological sites into permanent conservation easements.

   (3) Capping or covering archaeological sites with a layer of soil before building on the sites.

   (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.

(e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:

(1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.

(2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.

(3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:

(A) Two hundred dollars ($200) per unit for any of the next 99 units.

(B) One hundred fifty dollars ($150) per unit for any of the next 400 units.

(C) One hundred dollars ($100) per unit in excess of 500 units.

(f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both state and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC), which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Section 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency,

or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Paleontological Resources

Paleontological resources are classified as nonrenewable scientific resources and are protected by state statute (PRC Section 5097.5; State CEQA Guidelines, Appendix G). No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earthmoving on state or private land on a project site.

California Code of Regulations

CCR, Title 4, Section 16304(a)(3) provides that commercial cannabis cultivation activities should be immediately halted and the requirements of Section 7050.5(b) of the Health and Safety Code should be implemented if human remains are discovered.

State Water Resources Control Board Order WQ 2023-0102-DWQ

Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, includes the following requirements (terms) for state-licensed cultivation sites:

18. Cannabis cultivators shall not commit trespass. Nothing in this Policy or any program implementing this Policy shall be construed to authorize cannabis cultivation: (a) on land not owned by the cannabis cultivator without the express written permission of the landowner; or (b) inconsistent with a conservation easement, open space easement, or greenway easement. This includes, but is not limited to, land owned by the United States or any department thereof, the State of California or any department thereof, any local agency, or any other person who is not the cannabis cultivator. This includes, but is not limited to, any land owned by a California Native American tribe, as defined in section 21073 of the Public Resources Code, whether or not the land meets the definition of tribal lands and includes lands owned for the purposes of preserving or protecting Native American cultural resources of the kinds listed in Public Resources Code section 5097.9 and 5097.993. This includes, but is not limited to, conservation easements held by a qualifying California Native American tribe pursuant to Civil Code section 815.3 and greenway easements held by a qualifying California Native American tribe pursuant to Civil Code section 816.56.

19. Prior to acting on a cannabis cultivator's request to cultivate cannabis on tribal lands[1] or within 600 feet of tribal lands, the Water Boards will notify the governing body of any affected California Native American tribe or the governing body's authorized representative, as applicable. A 45-day review period will commence upon receipt of the notice by the affected tribe.

[1] "Tribal lands" means lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.

During the 45-day review period, the affected tribe may, at its discretion, accept, reject, or not act regarding the cannabis cultivation proposal. If the tribe rejects the proposed cultivation, the cannabis cultivator is prohibited from cultivating cannabis on or within 600 feet of the affected tribe's tribal lands. If the affected tribe accepts the cannabis cultivation proposal or does not act during the 45-day review period, the Water Boards may proceed with a decision on the cannabis cultivation request as though the affected tribe accepted the cannabis cultivation proposal. The Water Boards will consider requests to extend the 45-day review period on a case-by-case basis.

The governing bodies of California Native American tribes may, at their discretion, notify the State Water Board's Executive Director in writing that they: a) reject all proposed cannabis cultivation; or b) waive the 45-day review period for all current and future proposed cannabis cultivation on their tribal lands, on portions of their tribal lands, or within 600 feet of their tribal lands. Upon the Executive Director's receipt of written notice, the Water Boards will, based on the nature of the request, either:

a. Not approve cannabis cultivation proposals on or within 600 feet of the affected tribe's tribal lands, as applicable; or
b. Abide by the waiver and, at the Water Boards discretion, act on cannabis cultivation requests on or within 600 feet of tribal lands, as applicable, as though the affected tribe accepted the proposal.

The governing bodies of California Native American tribes may, at their discretion, withdraw a previously issued decision regarding cannabis cultivation on or within 600 feet of their tribal lands. In such instances, the governing body of the affected tribe should notify the State Water Board's Executive Director in writing. The Water Boards will abide by the withdrawal of the affected tribe's decision for any new cannabis cultivation proposals received after the date the State Water Board Executive Director has notified the governing body of the affected tribe that its decision was received. The Water Boards will coordinate with the affected tribe to address existing permitted cannabis cultivation sites on the affected tribe's lands, as necessary. Nothing in this provision shall be construed to modify or interpret tribal law or tribal jurisdiction in any way.

20. No cannabis cultivation activities shall occur within 600 feet of an identified tribal cultural resource site. The State Water Board may modify this requirement for specific identified tribal cultural resource sites at the request of an affected California Native American tribe(s) after consultation with the affected tribe(s). The cannabis cultivator is solely responsible for identifying any tribal cultural resource sites[2] within the cannabis cultivation area.

21. Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall perform a records search of potential Native American archeological or cultural resources at a California Historical Resources Information System (CHRIS) information center. Any person who meets qualification requirements for access to the CHRIS may perform the initial CHRIS records search and document the results. The requirement to perform a CHRIS records search may be satisfied by

[2] "Identified tribal cultural resource site" means a tribal cultural resource that meets the requirements of section 21074, subdivision (a)(1) of the Public Resource Code.

using the results of a previous CHRIS records search completed within the previous 10 years for the specific parcel or parcels where new or expanded cannabis cultivation activities are proposed to occur.

Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall also request a search of the Sacred Lands Inventory that is maintained by the Native American Heritage Commission pursuant to Public Resources Code sections 5097.94, subdivision (a), and 5097.96 (Sacred Lands Inventory). If the Sacred Lands Inventory search reveals the presence or potential presence of Native American places of special or social significance to Native Americans, Native American known graves or cemeteries, or Native American sacred places, the cannabis cultivator shall consult with the tribe or tribes that are culturally affiliated with the area in which these Native American cultural resources exist or potentially exist prior to conducting any land disturbance activities. The information provided by tribes through consultation with the cannabis cultivator shall be maintained as confidential by the cannabis cultivator and its agents. A new Sacred Lands Inventory search is always required prior to ground disturbing activities for new or expanded cannabis cultivation.

The cannabis cultivator shall notify the Appropriate Person within seven days of receiving a CHRIS positive result or Sacred Lands Inventory positive result. The Appropriate Person is the Deputy Director for Water Rights (Deputy Director) if the cannabis cultivator is operating under the Cannabis Small Irrigation Use Registration (SIUR), the Executive Officer of the applicable Regional Water Board (Executive Officer) if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, the cannabis cultivator shall also notify the Native American Heritage Commission within seven days of receiving the CHRIS positive result and request a list of any California Native American tribes that are potentially culturally affiliated with the positive result. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the CHRIS positive result within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a Professional Archeologist[3] to evaluate the CHRIS positive result and recommend appropriate conservation measures. In the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe and shall promptly retain a Professional Archeologist to assist in this task in the event of a Sacred Lands Inventory positive result related to human remains or archeological resources. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve

[3] A professional archaeologist is one that is qualified by the secretary of interior, Register of Professional Archaeologists, or Society for California Archaeology.

archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, or in the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving tribal cultural resources and prehistoric archeological resources with appropriate dignity.

Ground-disturbing activities shall not commence until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

22. If any buried archeological materials or indicators[4] are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find.

    The cannabis cultivator shall notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the Deputy Director if the cannabis cultivator is operating under the Cannabis SIUR, the Regional Water Board Executive Officer if the cannabis cultivator is operating under the Cannabis General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

    In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission.

    The cannabis cultivator shall promptly retain a professional archeologist[5] to evaluate the discovery. The cannabis cultivator shall submit proposed mitigation and conservation measures to the appropriate person(s) (Deputy Director for the Cannabis SIUR and Regional Water Board Executive Officer for the Cannabis General Order or Cannabis General Water Quality Certification) for written approval. The appropriate person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

[4] Prehistoric archaeological indicators include obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles); and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire-affected stones, shellfish, or other dietary refuse.

[5] A professional archaeologist is one that is qualified by the secretary of interior, Register of Professional Archaeologists, or Society for California Archaeology.

In the event of a discovery of prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The appropriate person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity.

Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

23. Upon discovery of any human remains, cannabis cultivators shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

    All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The cannabis cultivator shall immediately notify the County coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met. The cannabis cultivator shall ensure that the human remains are treated with appropriate dignity.

    Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.

    Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods. If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98. If the landowner does not accept the descendant's recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

Government Code Section 25373

Government Code (GC) Section 25373 gives authority to local governments to acquire property for the preservation or development of a historical landmark. In addition, local governments may provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.

Government Code Section 27288.2

GC Section 27288.2 requires the county recorder to record a certified resolution establishing a historical resources designation issued by the State Historical Resources Commission or a local agency. For previously designated properties, the county may record the certified resolution establishing the historical resources designation upon submission.

Government Code Sections 50280–50290, Mills Act

The Mills Act, implemented in unincorporated San Diego County through Administrative Ordinance 9425 (amended by Ordinance 9628) provides for reduced property taxes on eligible historic properties in return for the property owner's agreement to maintain and preserve the historic property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the secretary of the interior. In order to be designated, a building must meet qualifying criteria, such as significant architecture, association with a historically significant event or person, or location in a historic district, such as Marston Hills.

2.6.2.3 *Local*

San Diego County General Plan

The San Diego County General Plan provides the following policies related to cultural and paleontological resources (County of San Diego 2011b):

- **Policy COS-7.1: Archaeological Protection.** Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.
- **Policy COS-7.2: Open Space Easements.** Require development to avoid archaeological resources whenever possible. If complete avoidance is not possible, require development to fully mitigate impacts to archaeological resources.
- **Policy COS-7.3: Archaeological Collections.** Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.
- **Policy COS-7.4: Consultation with Affected Communities.** Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.
- **Policy COS-7.5: Treatment of Human Remains.** Require human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains will be done in consultation with the Most Likely Descendant (MLD) and under the requirements of Federal, State and County Regulations.

- **Policy COS-7.6: Cultural Resource Data Management.** Coordinate with public agencies, tribes, and institutions in order to build and maintain a central database that includes a notation whether collections from each site are being curated, and if so, where, along with the nature and location of cultural resources throughout the County of San Diego.
- **Policy COS-8.1: Preservation and Adaptive Reuse.** Encourage the preservation and/or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process.
- **Policy COS-8.2: Education and Interpretation.** Encourage and promote the development of educational and interpretive programs that focus on the rich multicultural heritage of the County of San Diego.
- **Policy COS-9.1: Preservation.** Require the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes.
- **Policy COS-9.2: Impacts of Development.** Require development to minimize impacts to unique geological features from human related destruction, damage, or loss.

San Diego County Code of Regulatory Ordinances Sections 87.101–87.804, Grading, Clearing, and Watercourses Ordinance

Section 87.430 of the County's Grading, Clearing, and Watercourses Ordinance provides for the requirement of a paleontological monitor at the discretion of the County. In addition, the suspension of a grading operation is required upon the discovery of fossils greater than 12 inches in any dimension. The ordinance also requires notification of the County official (e.g., permit compliance coordinator). The ordinance gives the County official the authority to determine the appropriate resource recovery operations, which shall be carried out prior to the county official's authorization to resume normal grading operations.

Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or archaeological resources may be located on site, in which case avoidance or mitigation will be required.

San Diego County Code of Regulatory Ordinances Sections 86.601–86.608, Resource Protection Ordinance

This ordinance requires that cultural resources be evaluated as part of the County's discretionary environmental review process, and if any resources are determined significant under the Resource Protection Ordinance (RPO), they must be preserved. RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Register of Professional Archaeologists. Sites determined to be RPO significant must be avoided and preserved.

San Diego County Zoning Ordinance

The County's Zoning Ordinance provides for the designation and regulation of "special areas." One type of special zoning area is a Historic/Archaeological Landmark or District. These resources may be assigned an "H" designator for historic areas or a specific district designator (e.g., Julian has a "J" designator). The purpose of these provisions is to identify, preserve, and protect the historic, cultural, archaeological, and architectural resource values of designated landmarks and districts. Zoning regulations for these resources are designed to preserve their integrity and content. Other types of resources of equal or greater significance may exist and be designated in other ways, such as NRHP and CRHR.

Resource Conservation Areas

County Resource Conservation Areas (RCAs) are identified lands requiring special attention in order to conserve resources in a manner best satisfying public and private objectives. The appropriate implementation actions will vary depending upon the conservation objectives of each resource but may include public acquisition; establishment of open space easements; application of special land use controls, such as cluster zoning, large lot zoning, scenic or natural resource preservation overlay zones; or by incorporating special design considerations into subdivision maps or special use permits. RCAs consist of the following areas: groundwater problem areas, coastal wetlands, native wildlife habitats, construction quality sand areas, littoral sand areas, astronomical dark sky areas, unique geologic formations, and significant archaeological and historical sites. County departments and other public agencies must give careful consideration and special environmental analysis to all projects located in RCAs.

San Diego County Local Register of Historical Resources

The purpose of the San Diego County Local Register of Historical Places is to develop and maintain "an authoritative guide to be used by state agencies, private groups, and citizens to identify the county's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, and objects that are eligible to the NRHP or the CRHR are automatically included in the San Diego County Local Register of Historical Places.

San Diego County Historic Site Board

The County of San Diego Historic Site Board is an advisory body that provides recommendations to decision makers regarding archaeological and historic cultural resources. The Historic Site Board is responsible for reviewing resources seeking historic designation and participation in the Mills Act, as well as discretionary projects with significant cultural resources.

2.6.3 Analysis of Effects and Significance Determinations

2.6.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines and *the County of San Diego Guidelines for Significance: Cultural Resources: Archaeological and Historic Resources*, implementation of the Cannabis Program would result in a significant impact on cultural and paleontological resources if it would:

- cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- disturb any human remains, including those interred outside of formal cemeteries; or
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

2.6.3.2 *Issues Not Discussed Further*

All potential cultural and paleontological resources issues identified in the significance criteria are evaluated below.

2.6.3.3 *Approach to Analysis*

The impact analysis for cultural and paleontological resources is informed by the provisions and requirements of federal, state, and local laws and regulations, as discussed previously.

In addition, according to State CEQA Guidelines Section 15126.4(b)(1), if a project adheres to the Secretary's Standards for the Treatment of Historic Properties, the project's impact "will generally be considered mitigated below the level of significance and thus is not significant."

For the purposes of the impact discussion, "historical resource" is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as "historical resources" pursuant to CEQA, are analyzed separately from built-environment historical resources.

Similarly, the following program-level analysis is based on paleontological resource mapping and data available from the General Plan Update EIR. The footprint and design details of any site-specific commercial cannabis projects are not known at this time.

Evaluation of potential cultural and paleontological resources impacts is based on a review of the SCIC, BERD, and General Plan Update EIR. Information obtained from these sources was reviewed and summarized to describe existing conditions and to identify potential environmental effects based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, state, and local laws, ordinances, and regulations.

2.6.3.4 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

Guidelines for Determination of Significance

Section 5020.1 of the PRC defines a historic district as a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A historical landmark means any historical resource that is registered as a state historical landmark pursuant to PRC Section 5021, and a historical resource includes any object, building,

structure, site, area, place, record, or manuscript that is historically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The San Diego County Administrative Code Ordinance 9493, Section 396.7(V)(d)(2) (Types of Historical Resources and Criteria for Listing in the San Diego County Register of Historical Resources) states that 1 of the criteria for historical listing is "historical resources achieving significance within the past fifty (50) years." However, the County's Significance Guidelines states, "A resource less than fifty (50) years old may be considered if it can be determined that sufficient time has passed to understand its historical importance."

According to Appendix G of the State CEQA Guidelines and the County's RPO, the Cannabis Program would have a significant impact if it would result in a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the State CEQA Guidelines or the County's RPO through physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project:

- demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR;
- demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of State CEQA Guidelines Section 15064.5(b)(2).
- proposes activities or uses that would damage significant cultural resources as defined by the RPO and fails to preserve those resources.

Definition of an Historical Resource

Section 15064.5(a) of the State CEQA Guidelines defines "historical resources" as the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4850 et seq.).

2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4852 et. seq.) including the following:

    a. Criterion A: Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage. Examples include resources associated with the Battle of San Pasqual, gold mining in the Julian area, or a Kumeyaay settlement.

    b. Criterion B: Is associated with the lives of persons important in the past. Examples of significant resources include those associated with the lives of George W. Marston, Kate Sessions, John D. Spreckels, Ellen Browning Scripps, Ah Quin, Manuel O. Medina, Jose Manuel Polton (Hatam), or Jose Pedro Panto.

    c. Criterion C: Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values. Resources representing the work of architects such as William Templeton Johnson, Irving Gill, Lilian Rice, or Hazel Waterman would be considered significant because they represent the work of an important creative individual; or if a resource is identified as a Queen Anne, Mission Revival, Craftsman, Spanish Colonial, or Western Ranch Style structure, it would be significant because it embodies the distinctive characteristics of a type or period.

    d. Criterion D: Has yielded, or may be likely to yield, information important in history. For example, a historic stone dam would be significant because it is considered unique and is likely to yield information important to history.

4. The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

The following definition of a historical resource was derived from the County's RPO:

- Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
    - formally determined eligible or listed in the NRHP by the Keeper of the National Register; or
    - to which the Historic Resource ("H" Designator) Special Area Regulations have been applied.

Impact Analysis

Historical (or architectural) resources include standing buildings (e.g., houses, barns, cabins) and intact structures (e.g., dams, bridges). San Diego County contains several known historical resources, including federally recognized and state-recognized resources. Known historic era resources within the county generally consist of civic and commercial or industrial buildings, bridges, barns, homes, and historic districts.

As described in Section 2.6.1, "Existing Conditions," and Table 2.6.2, presented at the end of this section, the records search results from the SCIC identified 363 built-environment resources in San Diego County. The BERD identified 9,540 built-environment resources for San Diego County, most of which have not been included in the SCIC results. According to the BERD, 2,434 resources have been listed, determined eligible, or appear to be eligible for the NRHP; these 2,434 resources are also eligible for listing in the CRHR and therefore are resources under CEQA.

As noted in Section 2.6.2, "Regulatory Framework," there are a number of federal, state, and local regulations currently in place that help protect the county's historical resources.

As previously described in Section 2.6.2, "Regulatory Framework," Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ established requirements (terms) for state-licensed cultivation facilities. Term 21 of Section 1 (General Requirements and Prohibitions) requires that records searches be performed through the applicable CHRIS information center before land-disturbing activities. Any positive results identified in the records search would need to be further evaluated.

Similarly, specific General Plan policies related to the protection of historical resources (Policy COS-8.1) are listed above in Section 2.6.2. Policy COS-8.1 encourages the preservation or adaptive reuse of historical sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourages the preservation of historical structures identified during the ministerial application process.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Expansion of the 5 existing facilities and current commercial cannabis cultivation operations under Alternative 1 that could result in damage to, modification of, or destruction of yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 1 would be subject to Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1 (noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation, and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application

process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource would constitute an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources.*

There would be a potentially significant impact on historical resources under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis cultivation operations resulting from Alternative 2 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. As discussed above, cultivation facilities would be subject to Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1. Compliance with Term 21 of SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical features and further evaluation. Compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources for cannabis cultivation and noncultivation uses.

Future commercial cannabis operations associated with the proposed ordinance could result in the reuse of existing buildings or construction of new buildings for processing activities, as well as smaller sheds for storage of materials. These activities could be in areas with known historical sites or in areas where structures have not yet been evaluated for historical significance. Damage to or destruction of a building or structure that is a designated historic resource, eligible for listing as a historic resource, or that has not yet been evaluated could result in a change in its historical significance. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 3 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 3 would be subject to Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1(noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation, and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource would constitute an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 4 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 4 would be subject to Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1 (noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation, and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource causes an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require

discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis cultivation operations resulting from Alternative 5 that could result in damage, modification, or destruction of known or yet to be evaluated historical resources would be a potentially significant impact. Cannabis cultivation sites under Alternative 5 would be subject to Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1 (noncultivation sites would only be subject to General Plan Policy COS-8.1). Term 21 of SWRCB's General Requirements and Prohibitions would reduce impacts to known historical resources through identification of potential historical buildings, structures, features, or objects, and further evaluation and compliance with San Diego County General Plan Policy COS-8.1 would encourage the preservation or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historical resources as part of the discretionary application process and encourage the preservation of historic structures identified during the ministerial application process, which would also reduce impacts to historical resources. However, significant historical resources are nonrenewable and therefore cannot be replaced. The damage or alteration of a historical resource causes an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

There would be a potentially significant impact on historical resources under Alternative 5.

2.6.3.5 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

Guidelines for Determination of Significance

As described above in Section 2.6.3.1, "Thresholds of Significance," significant cultural resources are nonrenewable and therefore cannot be replaced. The disturbance or alteration of a cultural resource causes an irreversible loss of significant information. According to Appendix G of the State CEQA Guidelines, the Cannabis Program would have a potentially significant impact if it would cause a substantial adverse change in the significance of an archaeological resource as defined by State CEQA Guidelines Section 15064.5(a) and the criteria provided below. In addition, according to the County's RPO, the Cannabis Program would have a potentially significant impact if the project proposes any activities or uses that

would damage significant cultural resources as defined by the RPO and fails to preserve those resources. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.

Definition of an Archaeological Resource

CEQA Section 21083.2 defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

The following definition of an archaeological resource was derived from the County's RPO:

- Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either formally determined eligible or listed in the NRHP by the Keeper of the National Register;
- One-of-a-kind, locally unique, or regionally unique cultural resources that contain a significant volume and range of data and materials; or
- Any location of past or current sacred religious or ceremonial observances that is either:
    - protected under Public Law 95-341, the American Indian Religious Freedom Act or Public Resources Code Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, or
    - other formally designated and recognized sites that are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

Under the State CEQA Guidelines, archaeological resources may also be considered historical resources. Therefore, definitions of archaeological resources, as defined in Section 15064.5 of the State CEQA Guidelines and the County's RPO, are the same as those provided above in Section 2.6.3.4, "Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource," which includes definitions of archaeological (historical) resources.

Impact Analysis

Archaeological site types that may be encountered throughout the county could include bedrock milling features, habitation, burial sites, petroglyphs, and abandoned dams and railroad grades, among others. As described in Section 2.6.1, "Existing Conditions," 2,746 archaeological sites and features that include precontact and historic-era archaeological resources have been identified in San Diego County. It is unknown how many of these resources have been listed, evaluated, or determined eligible for the CRHR/NRHP.

As noted in Section 2.6.2, “Regulatory Framework,” there are a number of federal, state, and local regulations currently in place that help protect the county’s archaeological resources. CEQA Section 21083.2(b) provides treatment options to mitigate impacts on archaeological resources, including activities that preserve such resources in place in an undisturbed state.

As previously described in Section 2.6.2, Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ established requirements (Terms) for state-licensed cultivation sites. Term 21 of Section 1 (General Requirements and Prohibitions) requires CHRIS and NAHC records searches. Term 22 of Section 1 (General Requirements and Prohibitions) requires ground-disturbing activities to stop in the event that any archaeological resources or human remains are identified. Term 22 requires specific notifications, evaluation of the discovery, and the identification of appropriate measures that may include monitoring, preservation in place, and archaeological data recovery.

Similarly, specific San Diego County General Plan policies related to the protection of archaeological resources (Policies COS-7.1, COS-7.2, and COS-7.3) are listed above in Section 2.6.2, “Regulatory Framework.” Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.

Section 87.429 of the County’s Grading and Clearing Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or archaeological resources may be located on site, in which case avoidance or mitigation will be required.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Ground-disturbance activities associated with expansion of the 5 existing facilities and current commercial cannabis operations under Alternative 1 could result in damage to or destruction of known or yet to be discovered unique archaeological resources, which would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation facilities would be subject to Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County’s Grading Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB’s General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to

protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant for Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis cultivation operations resulting from Alternative 2 that could result in damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to Terms 21 and 22 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 3 that could result in damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 3 would be subject to Terms 21 and 22 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 4 that could result in damage or damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 4 would be subject to Terms 21 and 22 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require

discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis cultivation operations resulting from Alternative 5 that could result in damage to or destruction of known or yet to be discovered unique archaeological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 5 would be subject to Terms 21 and 22 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3, as well as Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions would reduce impacts to known archaeological resources through implementation of standard record searches, archaeological evaluations of identified features, and necessary measures to ensure the conservation of archaeological resources. Compliance with San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3 would reduce impacts to known or yet undiscovered archaeological resources through establishment of appropriate mitigation to protect, to avoid whenever possible, and for treatment and preservation of archaeological resources. Similarly, compliance with CEQA Section 21083.2(b) would reduce impacts to archaeological resources through the implementation of treatment options that mitigate impacts on archaeological resources and that preserve them in an undistributed state. Lastly, project activities that require discretionary review would be subject to the *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

The impact on unique archaeological resources would be less than significant under Alternative 5.

2.6.3.6 *Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact on paleontological resources if it would:

- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Definition of a Unique Paleontological Resource

For the purposes of this PEIR, a unique paleontological resource is any fossil or assemblage of fossils, paleontological resource site, or formation that meets any one of the following criteria:

- is the best example of its kind locally or regionally;
- illustrates a life-based geologic principle (e.g., faunal succession);
- provides a critical piece of paleobiological data (illustrates a portion of geologic history or provides evolutionary, paleoclimatic, paleoecological, paleoenvironmental or biochronological data);
- encompasses any part of a "type locality" of a fossil or formation;
- contains a unique or particularly unusual assemblage of fossils;
- occupies a unique position stratigraphically within a formation; or
- occupies a unique position, proximally, distally or laterally within a formation's extent or distribution.

Impact Analysis

As noted in Section 2.6.1, "Existing Conditions," there are geological features in San Diego County that have the potential to contain paleontological resources. San Diego County is underlain by a number of distinct geologic rock units (formations) that record portions of the past 450 million years of earth's history. In general, time periods late in geologic history are better represented than periods farther back in time. In San Diego County, the geologic record is most complete for parts of the past 75 million years, represented by the Cretaceous Period; the Eocene, Oligocene, and Pliocene Epochs of the Tertiary Period; and the Pleistocene Epoch of the Quaternary Period. Paleontological resources are classified as nonrenewable scientific resources and are protected by state statute.

As noted in Section 2.6.2, "Regulatory Framework," there are a number of state, and local regulations currently in place that help protect the county's unique paleontological resources.

Specific San Diego County General Plan policies related to the protection of unique paleontological resources (Policies COS-9.1 and COS-9.2) are listed above in Section 2.6.2, "Regulatory Framework." Policy COS-9.1 requires the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes. Policy COS-9.2 requires development to minimize impacts to unique geological features from human-related destruction, damage, or loss. In addition, Section 87.430 of the County's Grading and Clearing Ordinance provides the requirement of a paleontological monitor when the county determines it is necessary.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Ground disturbance activities associated with expansion of the 5 existing facilities and current commercial cannabis operations under Alternative 1 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 along with Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant for Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis operations resulting from Alternative 2 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 along with Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis operations resulting from Alternative 3 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 3 would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would

reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human-related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis operations resulting from Alternative 4 that could result in damage or damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 4 would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human-related destruction, damage, or loss.

The impact on unique paleontological resources would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis operations resulting from Alternative 5 that could result in damage or destruction of known or yet to be discovered unique paleontological resources would be a potentially significant impact. Cannabis cultivation and noncultivation sites under Alternative 5 would be subject to the San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance. These regulations would reduce impacts to known or yet undiscovered unique paleontological resources by requiring

the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes or requiring a paleontological monitor when necessary, and by requiring development to minimize impacts to unique geological features from human-related destruction, damage, or loss.

The impact on paleontological resources would be less than significant under Alternative 5.

2.6.3.7 *Issue 4: Disturb Any Human Remains*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact on cultural resources if it would:

- disturb any human remains, including those interred outside of formal cemeteries.

Impact Analysis

As described in Section 2.6.2, "Regulatory Framework," 2,979 archaeological sites that include precontact and historic-era resources have been identified in San Diego County. This evidence indicates that burial sites are likely to be encountered in San Diego County. Human burials have occurred outside of dedicated cemeteries historically, and the disturbance of any human remains is considered a significant impact, regardless of archaeological significance or association. Whereas some burials have been uncovered, the potential exists for unknown burials to be present, including Native American burials. As evident from human remains that were previously discovered throughout unincorporated San Diego County, there is the potential for impacts to human remains to occur as the result of development.

As noted in Section 2.6.2, "Regulatory Framework," there are a number of state and local regulations currently in place that protect the county's human remains. PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land, specifically, Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

As previously described in Section 2.6.2, Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ established requirements (terms) for state-licensed cultivation sites. Term 23 of Section 1 (General Requirements and Prohibitions) requires compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, the specific San Diego County General Plan policy related to the protection of human remains (Policy COS-7.5) is listed above in Section 2.6.2, "Regulatory Framework." Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and county regulations.

Section 87.429 of the County's Grading and Clearing Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or

archaeological resources may be located on site, in which case avoidance or mitigation will be required.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area at each site.

Ground-disturbance activities associated with expansion of the 5 existing facilities and current commercial cannabis operations under Alternative 1 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading, Clearing, and Watercourses. Therefore, there would be no impact on human remains under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis operations resulting from Alternative 2 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. However, as discussed above, cannabis cultivation and noncultivation sites would be subject to Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis

facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 3 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. Similar to Alternative 2, cannabis cultivation and noncultivation sites under Alternative 3 would be subject Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Commercial cannabis cultivation operations resulting from Alternative 4 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. Similar to Alternatives 2 and 3, cannabis cultivation and noncultivation sites under Alternative 4 would be subject to Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and

specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Commercial cannabis cultivation operations resulting from Alternative 5 that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. Similar to Alternatives 2, 3, and 4, cannabis cultivation and noncultivation sites under Alternative 5 would be subject to Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions would reduce impacts on previously undiscovered human remains by requiring compliance with the Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98. Compliance with San Diego County General Plan Policy COS-7.5 would reduce impacts to previously undiscovered human remains by requiring that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. Similarly, PRC Section 5097 would reduce impacts to previously undiscovered human remains by outlining the procedures to be followed if human remains are unexpectedly discovered on nonfederal land and specifically Section 5097.5, which states that no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic era or precontact burial grounds.

The impact on human remains would be less than significant under Alternative 5.

2.6.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for cultural and paleontological resources is the San Diego region.

2.6.4.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with historic resources from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of historical resources through the physical

demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The cumulative context for historical resources is San Diego County, where common patterns of historic era settlement have occurred over roughly the past 2 centuries. As discussed above in Section 2.6.3.4, "Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource," implementation of the proposed Cannabis Program would have the potential to result in substantial adverse changes to the significance of historical resources due to demolition, destruction, or alteration as a result of commercial cannabis operations. Even with compliance with Term 21 of SWRCB's General Requirements and Prohibitions and San Diego County General Plan Policy COS-8.1, disturbance or alteration of a historical resource causes an irreversible loss of significant information.

The proposed Cannabis Program, in combination with the identified cumulative projects, would have the potential to result in a significant cumulative impact associated with historical resources under Alternatives 1, 2, 3, 4, and 5.

2.6.4.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with archaeological resources from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of archaeological resources through development activities that could cause a substantial adverse change in the significance of an archaeological resource. Cumulative projects that may result in significant impacts include any projects that involve ground-disturbing activities (e.g., grading, excavation). Ground-disturbing activities could damage or destroy known unique archaeological resources, unevaluated archaeological sites, and previously undiscovered archaeological resources.

As discussed in Section 2.6.3, "Analysis of Effects and Significance Determinations," above, commercial cannabis operations could result in damage or destruction of known or yet to be discovered unique archaeological resources and would be a potentially significant impact. However, Terms 21 and 22 of SWRCB's General Requirements and Prohibitions; San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3; Section 87.429 of the County's Grading and Clearing Ordinance; and CEQA Section 21083.2(b) would reduce impacts to a less-than-significant level. Therefore, the contribution to cumulative archaeological resources impacts would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.6.4.3 *Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with paleontological resources from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with paleontological resources from extensive grading,

excavation, or other ground-disturbing activities. The cumulative context for paleontological resources is San Diego County, which is underlain by a number of distinct geologic rock units (formations) that record portions of the past 450 million years of earth's history. In general, time periods late in geologic history are better represented than periods farther back in time. In San Diego County, the geologic record is most complete for parts of the past 75 million years, represented by the Cretaceous Period; the Eocene, Oligocene, and Pliocene Epochs of the Tertiary Period; and the Pleistocene Epoch of the Quaternary Period.

As discussed in Section 2.6.3 above, commercial cannabis operations could result in damage or destruction of known or yet to be discovered paleontological resources and would be a potentially significant impact. However, compliance with San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance would reduce impacts to a less than significant level. Therefore, the contribution to cumulative paleontological resources impacts would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.6.4.4 *Issue 4: Disturb Any Human Remains*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with human remains from implementation of the General Plan (County of San Diego 2011a).

Cumulative projects located in the southern California region would have the potential to result in impacts associated with human remains due to grading, excavation, or other ground-disturbing activities. Human burials have occurred outside of dedicated cemeteries historically, and the disturbance of any human remains is considered a significant impact, regardless of archaeological significance or association. While some burials have been uncovered, the potential exists for unknown burials to be present, including Native American burials.

As discussed in Section 2.6.3.7, "Disturb Any Human Remains," above, commercial cannabis operations that could result in the disturbance of previously undiscovered human remains would be a potentially significant impact. However, compliance with Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, Section 87.429 of the County's Grading and Clearing Ordinance would reduce impacts to a less than significant level. Therefore, the contribution to cumulative human remains impacts would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.6.5 Significance of Impacts prior to Mitigation

2.6.5.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

The proposed Cannabis Program would result in potentially significant direct impacts to historical resources under Alternatives 1 through 5. It would also have the potential to result in significant cumulative impacts associated with historical resources.

2.6.5.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

The Cannabis Program would not result in potentially significant impacts to archaeological resources under Alternatives 1 through 5, and it would not result in significant cumulative impacts associated with archaeological resources for all alternatives.

2.6.5.3 *Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource*

The Cannabis Program would not result in potentially significant impacts to paleontological resources under Alternatives 1 through 5, and it would not result in significant cumulative impacts associated with paleontological resources for all alternatives.

2.6.5.4 *Issue 4: Issue 4: Disturb Any Human Remains*

The Cannabis Program would not result in potentially significant direct impacts to human remains under Alternatives 1 through 5, and it would not result in significant cumulative impacts associated with the disturbance of human remains for all alternatives.

2.6.6 Mitigation

2.6.6.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

The following mitigation is identified for Alternatives 1, 2, 3, 4, and 5.

M-CR.1-1: Identify and Evaluate Historical Structures

- As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1 - Term 21) and County General Plan Policy COS-8.1, commercial cannabis cultivation and noncultivation sites in San Diego County would be required to identify and evaluate all historical (over 50 years in age) buildings and structures that are proposed to be removed or modified as part of commercial cannabis site operations.

- The applicant shall identify structures that are proposed to be removed or modified as part of the commercial cannabis site operations and the age of these structures. For all historic-age (over 45-years in age) buildings and structures, projects involving interior alterations, the addition of rooftop solar, or routine maintenance work, do not need evaluation of eligibility by an architectural historian in a historic report.
- For projects that involve modifications to structures over 45 years, excluding interior alterations, the addition of rooftop solar, or routine maintenance work, the applicant shall have the structure evaluated to determine their eligibility for listing on the National Register of Historic Places, California Register of Historical Resources, or County local official register of historic resources. The evaluation shall be prepared by an architectural historian or historical architect who meets the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards and is listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b). To qualify as a ministerial project, the evaluation must

conclude that no historical resources are present or that the project would not result in a substantial adverse change to the significance of historical resources.

- If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural or built-environment resource is not feasible, additional mitigation options include specific design plans for historic districts and plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

2.6.6.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

No mitigation is required.

2.6.6.3 *Issue 3: Directly or Indirectly Destroy a* Unique Paleontological Resource

No mitigation is required.

2.6.6.4 *Issue 4: Disturb Any Human Remains*

No mitigation is required.

2.6.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and identifies the level of impact that would occur after the relevant federal, state, and local regulations and mitigation measures are implemented.

2.6.7.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Historical Resource*

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4, and 5 would facilitate new development that in turn would have the potential to result in substantial adverse changes to the significance of historical resources. Therefore, the proposed Cannabis Program would result in a potentially significant impact to historical resources. Additionally, the proposed Cannabis Program would result in a potentially significant cumulative impact prior to mitigation. Compliance with Term 21 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-8.1 and the identified mitigation measure (M-CR. 1-1: Identify and Evaluate Historical Structures) would reduce direct and cumulative impacts to a less-than-significant level.

2.6.7.2 *Issue 2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource*

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4, and 5 would result in new development that would have the potential to cause a substantial adverse change

in the significance of an archaeological resource, including the destruction or disturbance of an archaeological site that contains or has the potential to contain information important to history. Compliance with Terms 21 and 22 of SWRCB's General Requirements and Prohibitions; San Diego County General Plan Policies COS-7.1, COS-7.2, and COS-7.3; Section 87.429 of the County's Grading and Clearing Ordinance; and CEQA Section 21083.2(b) would reduce impacts to a less-than-significant level. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.6.7.3 *Issue 3: Directly or Indirectly Destroy a Unique Paleontological Resource*

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4, and 5 would result in new development that would have the potential to adversely impact unique paleontological resources. Compliance with San Diego County General Plan Policies COS-9.1 and COS-9.2 and Section 87.430 of the County's Grading and Clearing Ordinance would reduce impacts to a less-than-significant level. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.6.7.4 *Issue 4: Disturb Any Human Remains*

Cultivation and noncultivation activities associated with Alternatives 1, 2, 3, 4 and 5 would result in new development that would have the potential to disturb human remains, including those discovered outside of formal cemeteries. Compliance with Term 23 of SWRCB's General Requirements and Prohibitions, San Diego County General Plan Policy COS-7.5, PRC Section 5097, and Section 87.429 of the County's Grading and Clearing Ordinance would reduce impacts to a less-than-significant level. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Table 2.6.2 Resources Previously Recorded in San Diego County

	Building	Structure	Site	Object	District	Element of District	Other
Precontact	0	0	1,497	4	0	0	770
Protohistoric era	0	0	21	0	0	0	1
Historic era	195	168	454	21	15	31	264
Unknown	0	0	18	0	4	16	24

Source: SCIC 2024.

2.7 Energy

This section was prepared pursuant to State CEQA Guidelines Section 15126 and Appendix F, which require that EIRs include a discussion of the potential energy impacts of projects. The analysis considers whether the Cannabis Program would result in inefficient, wasteful, and unnecessary consumption of energy.

Comment letters regarding energy were received in response to the notice of preparation (NOP) that identified concerns regarding energy usage and demands and the use of renewable energy sources. These issues are addressed in this section. All comments received in response to the NOP are presented in Appendix A of this PEIR

A summary of impacts evaluated in this section is provided in Table 2.7.1.

Table 2.7.1 Energy Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
2	Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency	Alternatives 1–5: Significant	Alternatives 1–5: Significant	Alternatives 1–5: Less than Significant

2.7.1 Existing Conditions

2.7.1.1 *Physical Setting*

Energy Types and Sources

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. One-third of energy commodities consumed in California consists of natural gas. In 2022, approximately 55 percent of utility-scale electricity generation was fueled by natural gas. Residential land uses represented approximately 22 percent of California's natural gas consumption in 2021. Nonhydroelectric renewable energy sources provided 34 percent of the state's utility-scale net generation in 2021. With small-scale solar photovoltaics included, nonhydroelectric renewable energy sources supplied 40 percent of California's total in-state electricity generation. For the same year, coal accounted for less than 0.2 percent of the state's utility-scale net generation (EIA 2022a).

In September 2019, the cities of San Diego, Chula Vista, Encinitas, La Mesa, and Imperial Beach adopted an ordinance and resolution to form San Diego Community Power (SDCP), a California joint powers agency. In 2021, the San Diego County and National City voted to join SDCP. SDCP is a community choice aggregation program that allows customers to enroll on a voluntary basis. SDCP purchases electricity from renewable resources that is then delivered to

consumers through a grid infrastructure owned and maintained by San Diego Gas and Electric Company (SDG&E). SDG&E is the primary energy supplier in San Diego County and provides energy service to more than 3.6 million customers (i.e., 1.4 million accounts) in San Diego County and portions of southern Orange County. The utility has a diverse power production portfolio, composed of a variety of renewable and nonrenewable sources. Energy production typically varies by season and by year. Regional electricity loads tend to be higher in the summer because higher summer temperatures drive increased demand for air-conditioning. In contrast, natural gas loads are higher in winter because colder temperatures drive increased demand for natural gas heating. See Tables 2.7.2 and 2.7.3, presented at the end of this section, for further details regarding SDG&E, state, and SDCP power mixes. As shown in Table 2.7.2, SDG&E derived 45 percent of its electricity from eligible renewable sources in 2021 (CEC 2021a). As shown in Table 2.7.3, SDCP derived 55 percent of its electricity from eligible renewable sources in 2021 (CEC 2021b).

2.7.1.2 *Energy Use for Transportation*

In 2021, petroleum products accounted for about 90 percent of the total US transportation sector energy use (EIA 2022b). The California Department of Transportation (Caltrans) projected that 1,804 million gallons of gasoline and diesel were consumed in San Diego County in 2015, an increase of approximately 183 million gallons of fuel from 2010 levels. It is estimated that approximately 2.82 billion gallons of gasoline and 294 million gallons of diesel will be consumed in San Diego County in 2030 (Caltrans 2008).

2.7.1.3 *Energy Use and Climate Change*

Scientists and climatologists have produced evidence that the burning of fossil fuels by vehicles, power plants, industrial facilities, residences, and commercial facilities has led to an increase of the earth's temperature. For an analysis of greenhouse gas (GHG) production and the Cannabis Program's impacts on climate change, refer to Section 2.9, "Greenhouse Gas Emissions and Climate Change."

2.7.2 Regulatory Framework

2.7.2.1 *Federal*

Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Pursuant to this act, the National Highway Traffic and Safety Administration, part of the US Department of Transportation, is responsible for revising existing fuel economy standards and establishing new vehicle economy standards.

Energy Policy Act of 1992 and 2005

The Energy Policy Act of 1992 (EPAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. The EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large centrally fueled fleets in metropolitan areas. It requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition,

financial incentives are also included in the EPAct. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The EPAct of 2005 provides renewed and expanded tax credits for electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 is designed to improve vehicle fuel economy and help reduce US dependence on oil. It represents a major step forward in expanding the production of renewable fuels, reducing dependence on oil, and confronting global climate change.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the US government's fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the country. The US Environmental Protection Agency calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. Based on information generated under the CAFE program, the US Department of Transportation is authorized to assess penalties for noncompliance. As of 2024, the CAFE standards require an industry-wide fleet average of approximately 50.4 miles per gallon (mpg) in model year (MY) 2031 for passenger cars and light trucks, and an industry fleet-wide average for heavy-duty pickup trucks and vans (HDPUVs) of roughly 2.851 gallons per 100 miles in MY 2035. The final CAFE standards increase at a rate of 2 percent per year for passenger cars in MYs 2027-31 and 2 percent per year for light trucks in model years 2029-31. The final HDPUV fuel efficiency standards increase at a rate of 10 percent per year in MYs 2030-2032 and 8 percent per year in MYs 2033-2035.

2.7.2.2 *State*

Warren-Alquist Act

The 1975 Warren-Alquist Act established the California Energy Resources Conservation and Development Commission, now known as the California Energy Commission (CEC). The act established state policy to reduce wasteful, uneconomical, and unnecessary uses of energy by employing a range of measures. CEC regulates privately owned utilities in the energy, rail, telecommunications, and water sectors.

State of California Energy Action Plan

CEC is responsible for preparing the state energy plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The current plan is the California Energy Action Plan (2008 update). The plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in

implementing incentive programs for zero-emission vehicles (ZEVs) and addressing their infrastructure needs and encouragement of urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to Assembly Bill (AB) 2076 (Chapter 936, Statutes of 2000), CEC and the California Air Resources Board (CARB) prepared and adopted a joint agency report in 2003, *Reducing California's Petroleum Dependence.* The report includes recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and CARB 2003). A performance-based goal of AB 2076 was to reduce petroleum demand to 15 percent below 2003 demand by 2030.

Integrated Energy Policy Report

Senate Bill (SB) 1389 (Chapter 568, Statutes of 2002) required CEC to "conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The Energy Commission shall use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety" (Public Resources Code Section 25301(a)). This work culminated in the Integrated Energy Policy Report (IEPR).

CEC adopts an IEPR every 2 years and an update every other year. The 2023 IEPR is the most recent IEPR. The 2023 IEPR provides a summary of priority energy issues currently facing the state and outlines strategies and recommendations to further the state's goal of ensuring reliable, affordable, and environmentally responsible energy sources. The report contains an assessment of major energy trends and issues within California's electricity, natural gas, and transportation fuel sectors. The report provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state's economy; and protect public health and safety. Topics covered in the 2023 IEPR include building decarbonization, coordination between state energy agencies, decarbonizing the state's natural gas system, increasing transportation efficiencies, improving energy reliability, and an assessment of the California Energy Demand Forecast (CEC 2023).

Advanced Clean Cars Program

In January 2012, CARB approved the Advanced Clean Cars program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of ZEVs, into a single package of regulatory standards for vehicle model years 2017–2025. The new regulations strengthened the GHG standards for 2017 models and beyond. In addition, the program's ZEV regulation requires battery, fuel cell, and plug-in hybrid electric vehicles (EVs) to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the Advanced Clean Cars II program, which sets sales requirements for ZEVs to ultimately reach the goal of 100 percent ZEV sales in the state by 2035.

Renewables Portfolio Standard

SB X1-2 of 2011 required all California utilities to generate 33 percent of their electricity from renewables by 2020. SB 100 of 2018 sets a 3-stage compliance period requiring all California utilities, including independently owned utilities, energy service providers, and community choice aggregators, to generate 52 percent of their electricity from renewables by December 31, 2027; 60 percent by December 31, 2030; and 100 percent carbon-free electricity by December 31, 2045. On September 16, 2022, the state passed SB 1020, the Clean Energy, Jobs, and Affordability Act of 2022. The act revises state policy to provide eligible renewable energy resources and zero-carbon resources to supply 100 percent of all retail sales of electricity to California and 100 percent of electricity procured to serve all state agencies by December 31, 2045.

Senate Bill 350: Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by December 31, 2030. It also establishes energy efficiency targets that achieve statewide, cumulative doubling of the energy efficiency savings in electricity and natural gas end uses by the end of 2030.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statutes of 2005) required CEC to prepare a state plan to increase the use of alternative fuels in California. CEC prepared the State Alternative Fuels Plan in partnership with CARB and in consultation with other state, federal, and local agencies. The plan presents strategies and actions California must take to increase the use of alternative nonpetroleum fuels in a manner that minimizes the costs to California and maximizes the economic benefits of in-state production. The plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuel use, reduce GHG emissions, and increase in-state production of biofuels without causing a significant degradation of public health and environmental quality.

California Building Energy Efficiency Standards (Title 24, Part 6 and Part 11)

The energy consumption of new residential and nonresidential buildings in California is regulated by the state's Title 24, Part 6, Building Energy Efficiency Standards (California Energy Code). The California Energy Code was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and to provide energy efficiency standards for residential and nonresidential buildings.

CEC updates the California Energy Code every 3 years with more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions. The current California Energy Code requires builders to use more energy-efficient building technologies for compliance with increased restrictions on allowable energy use. The core focus of the building standards has been efficiency, but the 2019 Energy Code ventured into on-site generation by requiring solar photovoltaics on new homes, providing significant GHG savings. The most recent version is the 2022 California Energy Code, which advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, establishing electric-ready requirements

when natural gas is installed, expanding solar photovoltaic system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers $1.5 billion and reduce GHG emissions by 10 million metric tons of carbon dioxide-equivalent ($MMTCO_2e$) emissions over the next 30 years (CEC 2022).

The California Green Building Standards Code, referred to as CALGreen, was added to Title 24 as Part 11, first in 2009 as a voluntary code; it became mandatory January 1, 2011 (as part of the 2010 California Building Standards Code). The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened regulations pertaining to EV and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by state agencies for meeting the requirements of Executive Order (EO) B-18-12.

Assembly Bill 32, Senate Bill 32, and Climate Change Scoping Plan and Update

In December 2008, CARB adopted its Climate Change Scoping Plan, which contains the main strategies California will implement to achieve reduction of approximately 118 $MMTCO_2e$ emissions, or approximately 21.7 percent from the state's projected 2020 emission level of 545 $MMTCO_2e$ under a business-as-usual scenario (this is a reduction of 47 $MMTCO_2e$, or almost 10 percent, from 2008 emissions). In May 2014, CARB released and has since adopted the *First Update to the Climate Change Scoping Plan* to identify the next steps in reaching AB 32 goals and evaluate progress that has been made between 2000 and 2012 (CARB 2014).

In August 2016, SB 32 and AB 197, which serve to extend California's GHG-reduction programs beyond 2020, were signed into law. SB 32 amended the Health and Safety Code to include Section 38566, which contains language to authorize CARB to achieve a statewide GHG-emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. SB 32 codified the targets established by EO B-30-15 for 2030, which set the next interim step in the state's continued efforts to pursue the long-term target expressed in EOs S-3-05 and B-30-15 of 80 percent below 1990 emission levels by 2050. Achievement of these goals will have the co-benefit of reducing California's dependency on fossil fuels and making land use development and transportation systems more energy efficient.

California's 2017 Climate Change Scoping Plan (2017 Scoping Plan), prepared by CARB, outlines the main strategies California will implement to achieve the legislated GHG-emission target for 2030 and "substantially advance toward our 2050 climate goals" (CARB 2017). It identifies the reductions needed by each GHG-emission sector (e.g., transportation, industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste).

On September 16, 2022, the state legislature passed AB 1279, which codified stringent emissions targets for the state of achieving carbon neutrality and an 85 percent reduction in 1990 emissions level by 2045. CARB adopted the Final 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) on November 16, 2022, as directed by AB 1279 (CARB 2022). The 2022 Scoping Plan traces the pathway for the state to achieve its carbon neutrality

goal and an 85 percent reduction in 1990 emissions goal by 2045 using a combined top-down, bottom-up approach using various scenarios. CARB adopted the 2022 Scoping Plan on December 16, 2022.

Senate Bill 375 of 2008

SB 375, signed into law in September 2008, aligns regional transportation planning efforts, regional GHG-emission reduction targets, and land use and housing allocation policies. It requires metropolitan planning organizations (MPOs) to adopt a sustainable communities strategy or alternative planning strategy, showing prescribed land use allocation in each MPO's regional transportation plan. CARB, in consultation with the MPOs, provided each affected region with reduction targets for GHGs emitted by passenger cars and light trucks for 2020 and 2035. Implementation of SB 375 will have the co-benefit of reducing California's dependency on fossil fuels and making land use development and transportation systems more energy efficient.

Department of Cannabis Control

California Code of Regulations (CCR), Title 4, Division 19 includes the following requirements regarding energy use for commercial cannabis uses.

Section 16305: Renewable Energy Requirements

(a) Beginning January 1, 2023, all holders of indoor, tier 2 mixed-light license types of any size, and all holders of nursery licenses using indoor or tier 2 mixed-light techniques shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program in division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

(b) If a licensed cultivator's average weighted greenhouse gas emission intensity, as calculated and reported upon license renewal pursuant to section 15020, is greater than the local utility provider's greenhouse gas emission intensity, the licensee shall obtain carbon offsets to cover the excess in carbon emissions from the previous annual licensed period. The carbon offsets shall be purchased from one or more of the following recognized voluntary carbon registries:

(1) American Carbon Registry;

(2) Climate Action Reserve; or

(3) Verified Carbon Standard.

2.7.2.3 *Local*

San Diego Association of Governments Regional Plans and Programs

The San Diego Association of Governments' (SANDAG's) San Diego Forward: The Regional Plan (2021 Regional Plan) is a regional transportation plan/sustainable communities strategy that combines and updates 2 previous plans, the Regional Comprehensive Plan and the Regional Transportation Plan/Sustainable Communities Strategy, into 1 document that looks toward 2050. The 2021 Regional Plan covers a broad range of topics, including air quality, borders and tribal nations, climate change, economic prosperity, emerging technologies, transit and automobile energy efficiency, fuels, habitat preservation, community health, public

facilities, shoreline preservation, transportation, and water quality. The 2021 Regional Plan emphasizes the importance of multimodal transportation and places special emphasis on active transportation, such as walking and biking, and reducing car use to minimize GHG emissions, diminish air pollution, and maximize public health. The 2021 Regional Plan also includes a sustainable communities strategy, which identifies 5 main strategies to complement the goal of sustainability. These strategies focus on job growth and housing in urbanized areas with existing public transportation options; housing needs for all economic segments of the population; the preservation of open space; investment in an accessible transit network; and reduced GHG emissions through increasing public transportation infrastructure and access, encouraging active transportation through upgrades to pedestrian and bike facilities, and incentivizing EV use and providing additional EV infrastructure. The 2021 Regional Plan is designed to be updated every 4 years in accordance with federal law in collaboration with the 18 cities and San Diego County along with regional, state, and federal partners. The 2021 Regional Plan focuses on regional targets through 2050. The 2021 Regional Plan reduces per capita GHG emissions from cars and light-duty trucks to 20 percent below 2005 levels by 2035, exceeding the region's state-mandated target of 19 percent. The 2021 Regional Plan also meets federal air quality conformity requirements. The following goals are outlined in the 2021 Regional Plan:

- the efficient movement of people and goods;
- access to affordable, reliable, and safe mobility; and
- healthier air and reduced GHG emissions.

2011 San Diego County General Plan

The following General Plan policies related to energy are applicable to the Cannabis Program:

- **Policy COS-14.3: Sustainable Development**. Require design of residential subdivisions and nonresidential development through "green" and sustainable land development practices to conserve energy, water, open space, and natural resources.
- **Policy COS-14.4: Sustainable Technology and Projects**. Require technologies and projects that contribute to the conservation of resources in a sustainable manner, that are compatible with community character, and that increase the self-sufficiency of individual communities, residents, and businesses.
- **Policy COS-14.6: Solar Access for Infill Development**. Require that property setbacks and building massing of new construction located within existing developed areas maintain an envelope that maximizes solar access to the extent feasible.
- **Policy COS-14.7: Alternative Energy Sources for Development Projects**. Encourage development projects that use energy recovery, photovoltaic, and wind energy.
- **Policy COS-14.10: Low-Emission Construction Vehicles and Equipment**. Require County contractors and encourage other developers to use low-emission construction vehicles and equipment to improve air quality and reduce GHG emissions.
- **Policy COS-14.13: Incentives for Sustainable and Low GHG Development**. Provide incentives such as expedited project review and entitlement processing for developers that maximize use of sustainable and low GHG land development practices in exceedance of State and local standards.

- **Policy COS-15.1: Design and Construction of New Buildings**. Require that new buildings be designed and constructed in accordance with "green building" programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of GHGs and toxic air contaminants.
- **Policy COS-15.4: Title 24 Energy Standards**. Require development to minimize energy impacts from new buildings in accordance with or exceeding Title 24 energy standards.
- **Policy COS-15.6: Design and Construction Methods**. Require development design and construction methods to minimize impacts to air quality.
- **Policy COS-16.3: Low-Emissions Vehicles and Equipment**. Require County operations and encourage private development to provide incentives (such as priority parking) for the use of low- and zero-emission vehicles and equipment to improve air quality and reduce GHG emissions. [Refer also to Policy M-9.3 (Preferred Parking) in the Mobility Element.]
- **Policy COS-17.4: Composting**. Encourage composting throughout the County and minimize the amount of organic materials disposed at landfills.
- **Policy COS-17.6: Recycling Containers**. Require that all new land development projects include space for recycling containers.

San Diego County Final 2024 Climate Action Plan

In June 2024, the County of San Diego released the Draft Final 2024 Climate Action Plan (CAP). The CAP includes GHG-reduction measures to achieve 43.6 percent and 85.4 percent reductions in community-wide GHG emissions from a 2019 inventory level by 2030 and 2045, respectively. The CAP also includes an aspirational goal to achieve net zero emissions by 2045. Many measures target GHG emissions from the energy sector. The Final CAP was adopted by the Board of Supervisors on September 11, 2024.

Green Building Incentive Program

The San Diego County Green Building Incentive Program is designed to promote the use of resource-efficient construction materials, water conservation, and energy efficiency in new and remodeled residential and commercial buildings. The program offers incentives of reduced plan check turnaround time and a 7.5 percent reduction in plan check and building permit fees for projects meeting program requirements (County of San Diego 2019).

Landscape Ordinance

The County of San Diego's Landscaping Ordinance was adopted in accordance with the state's Model Water Efficient Landscape Ordinance, which establishes water efficiency standards for new and existing landscapes to reduce water-related energy use. The County's ordinance applies to new construction for which the County issues a building permit or a discretionary review where the aggregate landscaped area is 500 square feet or more to obtain outdoor water use authorization. For projects between 500 and 2,500 square feet, the County has a more streamlined process called the prescriptive compliance option. All

landscape areas are subject to a maximum applied water allowance, which sets an upper limit of allowable water use per landscape area.

County Operations Strategic Sustainability Plan

The 2020–2030 County Operations Strategic Sustainability Plan (2020 Strategic Plan) supersedes the previously implemented 2015 Strategic Energy Plan. The 2020 Strategic Plan sets goals to promote sustainability in 4 key sectors of County operations: energy, water, waste, and transportation. The following energy-related goals are outlined in the 2020 Strategic Plan:

- reduce energy use and GHG emissions,
- promote clean energy production,
- provide sound facility energy management,
- achieve cost savings,
- reduce fleet VMT,
- eliminate underutilized vehicles to decrease size of the fleet,
- electrify the fleet where possible, and
- expand EV-charging infrastructure on County sites for both public and fleet.

The 2020 Strategic Plan is intended to consolidate the sustainability planning efforts of other County planning documents under a single County operations purpose (i.e., mission statement).

2.7.3 Analysis of Project Impacts and Determination of Significance

2.7.3.1 *Thresholds of Significance*

According to Appendices F and G of the State CEQA Guidelines, an energy impact is considered significant if implementation of the Cannabis Program would do any of the following:

- 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; or
- conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The County of San Diego has not established thresholds for determining the significance of energy impacts.

2.7.3.2 *Issues Not Discussed Further*

All issues pertaining to energy are addressed in this analysis.

2.7.3.3 *Approach to Analysis*

Impacts related to energy are analyzed based on a review of the Cannabis Program and its potential to result in physical changes to the environment if it is approved and implemented. Each issue area is analyzed in the context of existing laws and regulations, as well as policies adopted in the General Plan, and the extent to which these existing regulations and policies adequately address and minimize the potential for impacts associated with implementation of the Cannabis Program.

The environmental analysis in this PEIR is general in nature and does not evaluate energy impacts of specific commercial cannabis cultivation site construction and operation. Instead, the analysis focuses on the worst-case energy-related impacts that could occur from the implementation of the Cannabis Program, assuming 5 alternatives.

While precise site impacts cannot be determined without specific project and property information, the analysis does assess the potential for impacts under various scenarios that are likely to represent actual conditions using the construction and operational assumptions for the alternatives provided in Appendix C.

Levels of energy consumption by the project are measured in kilowatt-hours of electricity, British thermal units (kBTU) of natural gas, gallons of gasoline, and gallons of diesel fuel. Energy consumption estimates were calculated using the California Emissions Estimator Model (CalEEMod) version 2022.1 computer program. Where project-specific information was not known, CalEEMod default values based on the project's location were used. Project sizes were calculated using an average square footage derived from the proposed number of license types summarized in Table 1.4 and default assumptions in CalEEMod for construction equipment type and duration were utilized. Table 2.7.4 summarizes the levels of energy consumption per year of construction, and Table 2.7.5 summarizes the levels of energy consumption for the first year of operation in 2026 for each commercial cannabis use type, whereas Tables 2.7.6 and 2.7.7 summarize energy consumption for all cannabis uses assumed to be developed by 2044. (Tables are presented at the end of this section.) An example project-level estimate of emissions was prepared for noncultivation cannabis uses using the largest development footprint and operational features (e.g., employees, traffic, energy use) of the range of the noncultivation uses identified in Table 1.4.

2.7.3.4 *Issue 1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources*

Guidelines for Determination of Significance

According to Appendices F and G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if construction and operation of the project would result in the wasteful, inefficient, or unnecessary consumption of energy.

CEQA requires an analysis of the potential for a project to result in "wasteful, inefficient, and unnecessary energy usage" (Public Resources Code Section 21100(b)(3)). Appendix G of the State CEQA Guidelines requires the consideration of the energy implications of a project. Neither the law nor the State CEQA Guidelines establish criteria that define "wasteful, inefficient, or unnecessary" use. As described below, project design features that would

increase energy efficiency and renewable energy consumption and decrease reliance on fossil fuel energy sources are generally assumed to comply with the State CEQA Guidelines.

Impact Analysis

Energy would be required for the construction of commercial cannabis uses. This temporary energy expenditure would be nonrecoverable. Most energy consumption would result from the use of construction equipment and vehicle trips associated with commutes by construction workers and haul trucks supplying materials. Operation of commercial cannabis sites would consume electricity and natural gas or propane for lighting, space heating, and water heating. Diesel fuel may be used for temporary generators and on-site auxiliary equipment, such as a utility vehicle. Energy would be used indirectly for activities such as water pumping and solid waste removal. Gasoline and diesel fuel would also be consumed for worker commute trips and haul trucks transporting materials and products. However, these discrete increases in new energy demand would occur if a new building is required to support cannabis cultivation and noncultivation uses. Notably, future cannabis cultivation and noncultivation activities could be located in existing buildings requiring minimal renovations and would not require the use of heavy-duty equipment. The energy demand disclosed in this analysis is therefore inherently conservative.

Energy consumption associated with construction was estimated for each commercial cannabis cultivation type using the range of assumed future licensed commercial cannabis cultivation sites presented in Table 1.4 and based on anticipated daily construction activities and is provided in Table 2.7.4, presented at the end of this section, for each commercial cannabis use type. Refer to Appendix C for construction assumptions and detailed modeling input parameters and results. Energy consumption associated with the operation for each commercial cannabis use type based on Table 1.4 is provided in Table 2.7.5, presented at the end of this section. Refer to Appendix C for operation assumptions and detailed modeling input parameters and results.

The energy needs for commercial cannabis construction would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. All buildings constructed would be built to the California Energy Code in effect at the time of construction, as well as CCR Title 4, Section 16305 regarding energy sources subject to the California Energy Code that reduce GHG emissions. Implementation of these energy efficiency provisions on new commercial cannabis facilities would be consistent with General Plan Policies COS 14.3, COS-14.7, COS-14.13, and COS-15.4.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis uses would be allowed. However, these expansions would not generate significant construction or operational energy demands beyond existing operations.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

As identified in Table 1.4, outdoor cultivation activities under Alternative 2 could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

All new buildings constructed for future commercial cannabis uses would be required to meet the California Energy Code in effect at the time of construction. Although compliance with the California Energy Code would result in energy-efficient buildings, such compliance does not address all potential energy impacts during new licensed commercial cannabis site construction and operation. For example, energy would be required to transport people and materials to and from each site. However, these discrete increases in new energy demand would occur if a new building is required to support cannabis cultivation and noncultivation uses. Notably, future cannabis cultivation and noncultivation activities could be located in existing buildings requiring minimal renovations and would not require the use of heavy-duty equipment. The energy demand disclosed in this analysis is therefore inherently conservative.

Energy would be required for the construction of new commercial cannabis uses. This temporary energy expenditure would be nonrecoverable. Most energy consumption would result from the use of construction equipment and vehicle trips associated with commutes by construction workers and haul trucks supplying materials. Operation of new commercial cannabis sites would consume electricity and natural gas or propane for lighting, space heating, and water heating. Diesel fuel may be used for temporary generators and on-site auxiliary equipment, such as a utility vehicle. Energy would be used indirectly for activities such as water pumping and solid waste removal. Gasoline and diesel fuel would also be consumed for worker commute trips and haul trucks transporting materials and products.

Energy consumption associated with construction was estimated for each commercial cannabis type and based on anticipated daily construction activities and is provided in Table 2.7.4. Refer to Appendix C for construction assumptions and detailed modeling input parameters and results. Energy consumption associated with the operation for each commercial cannabis type is presented in Table 2.7.5. Refer to Appendix C for operation assumptions and detailed modeling input parameters and results.

The energy needs for commercial cannabis site construction would be temporary and would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. All buildings constructed would be built to the California Energy Code in effect at the time of construction, as well as CCR Title 4, Section 16305 regarding energy sources that reduce GHG emissions. Future commercial cannabis uses and associated energy expenditure under the program would be similar to those currently in the county. For this

reason, energy consumption associated with the construction and operation of commercial cannabis cultivation sites that would be licensed under the Cannabis Program would not be considered wasteful, inefficient, or unnecessary.

The impact would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. The required sensitive use buffer would be 1,000 feet. In addition, advertising of cannabis on a billboard would be prohibited within 1,000 feet of a sensitive use. The development potential for this alternative is provided in Table 1.4 and is the same as Alternative 2 described above.

As discussed above under Alternative 2, the extent of construction and operational activity for new cannabis sites would vary depending on the location and existing site conditions, such as the existence of on-site buildings that could be used to support the commercial cannabis facility. Neither the change in what is considered a sensitive use under Alternative 3 nor the more conservative buffer distance would alter the increased energy demand projected for Alternative 2.

The impact would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, all commercial outdoor cannabis cultivation within the unincorporated county would be prohibited, and mixed-light and indoor cultivation would be allowed only within a building or greenhouse. This alternative would result in 2,002,524 square feet of cannabis building area and 479 acres of land area dedicated to cannabis cultivation activity as compared to Alternatives 2, 3, and 5 (2,680,304 square feet of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). This alternative would also require a 1,000-foot buffer from expanded sensitive uses, as defined by Alternative 3, and prohibit cannabis advertising on a billboard within 1,000 feet of the expanded sensitive uses. The development potential for this alternative is provided in Table 1.4.

Alternative 4 includes a prohibition on outdoor cannabis cultivation with an increased potential for mixed-light and indoor cannabis cultivation licenses and acreage. When assessed at a project-level, the construction and operational energy demand of a single mixed-light and indoor cannabis site would be similar to that disclosed in Tables 2.7.4 and 2.7.5, presented at the end of this section. It is foreseeable, in a cumulative context, that allowance of additional licenses for mixed-light and indoor cultivation under Alternative 4 would result in an increase in total electrical demand to grow cannabis. Nevertheless, future mixed-light and indoor cultivation facilities would be required to comply with the provisions of the California Energy Code and CCR Title 4, Section 16305.

The impact would be less than significant for Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, outdoor commercial cannabis cultivation would be limited to 1 acre of total canopy area, or 25 percent of the lot size, whichever is less. This alternative would also require a 1,000-foot buffer from expanded sensitive uses, as defined by Alternative 3, and prohibit cannabis advertising on a billboard within 1,000 feet of the expanded sensitive uses. The development potential for this alternative is provided in Table 1.4 and is the same as Alternative 2 described above.

As discussed above under Alternative 2, the extent of construction and operational activity for new cannabis sites would vary depending on the location and existing site conditions, such as the existence of on-site buildings that could be used to support the commercial cannabis facility. The development potential under Alternative 5 is similar to Alternative 2. Neither the change in what is considered a sensitive use under Alternative 5 nor the more conservative buffer distance would alter the increased energy demand projected for Alternative 2.

The impact would be less than significant for Alternative 5.

2.7.3.5 *Issue 2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if construction and operation of the project would conflict with a local or statewide plan for renewable energy or energy efficiency.

Impact Analysis

As discussed in Section 2.7.2, the County of San Diego adopted its Final CAP in September 2024. While intended to be used for CEQA streamlining of GHG analysis, Appendix 8, “2024 Climate Action Plan Consistency Review Checklist,” (CAP Checklist) of the Final CAP may be applicable to determine whether the project would conflict with an applicable local plan for renewable energy or energy efficiency.

The CAP Checklist includes 2 steps: Step 1 entails evaluating whether a project would introduce growth outside of the growth projections used in the CAP to estimate future GHG emissions for activities occurring in the county; step 2 provides “consistency requirements” that project proponents are required to incorporate into their project to demonstrate compliance with the CAP. Projects requiring general plan or zoning amendments that would increase the development capacity assumed in the CAP cannot use the CAP Checklist.

The energy-related policies of the CAP may be used to determine whether the project would conflict with a local plan for renewable energy or energy efficiency, such as the CAP.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing

facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis uses would be allowed. These expansions would generally not be subject to the County's CAP. Expansion or renovation of existing development undergoing environmental review would be subject the measures of the CAP.

For this reason, some expansion under Alternative 1 could result in conflicts with the County's CAP that are not subject to environmental review. This impact would be significant.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

The following CAP measures may be applicable to future cannabis cultivation sites under the Cannabis Program:

- **Measure E-2: Develop policies and programs to increase energy efficiency and electrification in the unincorporated area.** This measure directs the County to amend the County's Code of Regulatory Ordinances by 2025 to require all-electric equipment in new residential, commercial, and industrial construction to reduce energy emissions from new development.
- **Measure E-3: Develop policies and programs to increase renewable energy use, generation, and storage in the unincorporated area**. This measure entails amending the County's Code of Regulatory Ordinances by 2026 to require (Tier 2) CALGreen or similar renewable energy requirements for new residential and nonresidential construction.

As stated above, there are no project-specific design proposals at this programmatic stage. There is inherent uncertainty at the programmatic level as to whether fully electric development may be feasible for future cannabis cultivation and noncultivation sites based on the need for the use of natural gas in certain operations or propane for sites with limited or no access to other energy sources in rural areas of the county. Because the proposed Cannabis Program does not include provisions to electrify new commercial cannabis uses, the project would not be consistent with the local plan for renewable energy or energy efficiency (i.e., the CAP).

The impact would be potentially significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. The required sensitive use buffer would be 1,000 feet. In addition, advertising of cannabis on a billboard would be prohibited within 1,000 feet of an expanded sensitive use. The development potential for this alternative is provided in Table 1.4 and is the same as Alternative 2 described above.

Similar to Alternative 2, the proposed Cannabis Program under Alternative 3 does not include provisions to electrify new commercial cannabis uses; therefore, the project would not be consistent with the local plan for renewable energy or energy efficiency.

The impact would be potentially significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, all commercial outdoor cannabis cultivation within the unincorporated county would be prohibited, and mixed-light and indoor cultivation would be allowed only within a building or greenhouse. This alternative would result in 2,002,524 square feet of cannabis building area and 479 acres of land area dedicated to cannabis cultivation activity as compared to Alternatives 2, 3, and 5 (2,680,304 square feet of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). This alternative would also require a 1,000-foot buffer from expanded sensitive uses, as defined by Alternative 3, and prohibit cannabis advertising on a billboard within 1,000 feet of the expanded sensitive uses. The development potential for this alternative is provided in Table 1.4.

Similar to Alternative 2, the proposed Cannabis Program under Alternative 4 does not include provisions to electrify new commercial cannabis uses; therefore, the project would not be consistent with the local plan for renewable energy or energy efficiency.

The impact would be potentially significant for Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, outdoor commercial cannabis cultivation would be limited to 1 acre of total canopy area, or 25 percent of the lot size, whichever is less. This alternative would also require a 1,000-foot buffer from the expanded sensitive uses, as defined by Alternative 3, and prohibit cannabis advertising on a billboard within 1,000 feet of the expanded sensitive uses. The development potential for this alternative is provided in Table 1.4 and is the same as Alternative 2 described above.

Similar to Alternative 2, the proposed Cannabis Program under Alternative 5 does not include provisions to electrify new commercial cannabis uses; therefore, the project would not be consistent with the local plan for renewable energy or energy efficiency.

The impact would be potentially significant for Alternative 5.

2.7.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for energy is the customers of SDG&E, including the incorporated cities in San Diego County, as well as the unincorporated county. Energy consumption is related to construction activities and operation-related energy demand from existing and new land uses. Construction-related energy use is project-specific and temporary, which would not represent a long-term increase in energy demand under cumulative conditions.

2.7.4.1 *Issue 1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources*

The San Diego County General Plan Update EIR did not identify any cumulatively considerable impacts regarding energy use from implementation of the General Plan (County of San Diego 2011).

New commercial cannabis operations under Alternatives 1, 2, 3, 4, and 5 would be required to comply with the California Energy Code and CCR, Title 24, Section 16305, which requires licensees that would exceed the local utility provider's GHG-emission intensity threshold to obtain carbon offsets to cover the excess of carbon emissions from the previous annual licensed period. Carbon offset programs cover several GHG-reducing projects, some of which could be investments in renewable energy projects. For these reasons, energy consumption associated with construction and operation of existing and new licensed commercial cannabis cultivation sites would not be considered wasteful, inefficient, or unnecessary. Table 3.7.8, presented at the end of this section, summarizes the total energy expenditure of 12 overlapping cannabis cultivation constructed simultaneously. Tables 2.7.6 and 2.7.7, presented at the end of this section, summarize the total energy demand of all cultivation and noncultivation sites assumed under Alternatives 2, 3, 4, and 5 by 2044.

Thus, the contribution of cultivation and noncultivation activities associated with cumulative impacts to wasteful, inefficient, or unnecessary use of energy would be less than cumulatively considerable under Alternatives 1, 2, 3, 4, and 5.

2.7.4.2 *Issue 2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency*

The San Diego County General Plan Update EIR did not identify any cumulatively considerable impacts regarding conflicts with energy plans from implementation of the General Plan (County of San Diego 2011).

Under Alternative 1, expansion of existing cultivation sites could occur. New commercial cannabis operations under Alternatives 2, 3, 4, and 5 would be required to comply with the California Energy Code and CCR, Title 24, Section 16305, which requires licensees that would exceed the local utility provider's GHG emission intensity threshold to obtain carbon offsets to cover the excess of carbon emissions from the previous annual licensed period. Nevertheless, there are no provisions within the proposed Cannabis Program that precludes future commercial cultivation sites from using natural gas or propane-powered equipment, such as heating, air-conditioning, and ventilation systems. Therefore, future cannabis cultivation sites and noncultivation uses could conflict with the County's CAP, which contains a local plan for

renewable energy and energy efficiency. Future cannabis cultivation sites and noncultivation uses that do not implement the provisions of the CAP pertaining to energy resources could cumulatively combine with other past, present, and future projects to obstruct the energy efficiency goals of the CAP.

Thus, the project's potential to conflict with a local plan for renewable energy or energy efficiency would be cumulatively considerable for Alternatives 1 through 5.

2.7.5 Significance of Impacts Prior to Mitigation

2.7.5.1 *Issue 1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources*

Alternatives 1 through 5 of the Cannabis Program would result in less-than-significant impacts associated with the wasteful, inefficient, or unnecessary consumption of energy resources. The Cannabis Program would not result in cumulatively considerable contributions of wasteful, inefficient, or unnecessary use of energy.

2.7.5.2 *Issue 2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency*

Prior to mitigation, Alternatives 1 through 5 of the Cannabis Program would result in potentially significant impacts due to conflicts with the County's CAP. The Cannabis Program could result in cumulatively considerable contributions to potentially significant cumulative impacts.

2.7.6 Mitigation

2.7.6.1 *Issue 1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources*

No mitigation is required.

2.7.6.2 *Issue 2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency*

The following mitigation is identified for Alternatives 1, 2, 3, 4, and 5.

M-EN.2-1: Implement the requirements of the County's Climate Action Checklist

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

2.7.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after the mitigation measure is implemented.

2.7.7.1 *Issue 1: Result in a Potentially Significant Environmental Impact Due to Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources*

Implementation of the Cannabis Program under Alternatives 1 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities that could result in increased energy demand; however, this increase would not be considered wasteful, inefficient, or unnecessary. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact with respect to the wasteful, inefficient, or unnecessary consumption of energy resources.

2.7.7.2 *Issue 2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency*

The operation of future cannabis cultivation sites and noncultivation uses from the implementation of the Cannabis Program under Alternatives 1, 2, 3, 4, and 5 would have the potential to conflict with the County's CAP. Implementation of Mitigation Measure M-EN.1-1 would require future cannabis cultivation sites and noncultivation uses to comply with the measures of the CAP Checklist, which would include prohibiting the use of natural-gas-powered appliances through all-electric development or achieving Tier 2 status as set forth by the CALGreen Code Appendix A5 Nonresidential Voluntary Measures. This measure would ensure that new development under the Cannabis Program would be consistent with the CAP (i.e., the local plan for renewable energy and energy efficiency). Therefore, with mitigation, this impact would be less than significant.

Table 2.7.2 SDG&E and the State of California Power Mix in 2022

Energy Resources	SDG&E Power Mix (%)	California-Wide Power Mix (%)
Eligible renewables	45	36
Biomass and waste	*3*	*2*
Geothermal	*0*	*5*
Eligible hydroelectric	*0*	*1*
Solar	*28*	*18*
Wind	*14*	*11*
Coal	0	2
Large hydroelectric	2	9
Natural gas	54	36
Nuclear	0	9
Other	0	<1
Unspecified sources of power[1]	1	7
Total	**100**	**100**

Notes: SDG&E = San Diego Gas and Electric Company.

[1] Electricity from transactions that are not traceable to specific generation sources.

Source: SDG&E 2023.

Table 2.7.3 SDCP and the State of California Power Mix in 2022

Energy Resources	SDCP Power Mix (%)	California-Wide Power Mix (%)
Eligible renewables	54	36
Biomass and waste	1	*2*
Geothermal	3	*5*
Eligible hydroelectric	1	*1*
Solar	26	*18*
Wind	24	*11*
Coal	0	2
Large hydroelectric	13	9
Natural gas	0	36
Nuclear	0	9
Other	0	<1
Unspecified sources of power[1]	33	7
Total	**100**	**100**

Notes: SDCP = San Diego Community Power.

[1] Electricity from transactions that are not traceable to specific generation sources.

Source: SDCP 2023.

Table 2.7.4 Energy Consumption Associated with Construction of Individual New Commercial Cannabis Cultivation Site Types and Noncultivation Sites

Cannabis Use Type	Diesel Fuel (gallons)	Gasoline (gallons)
Outdoor	3,422	550
Mixed-light	5,102	941
Indoor	3,189	450
Noncultivation	3,098	422

Notes: Gasoline gallons include on-road gallons from worker trips. Diesel fuel gallons include off-road equipment and on-road gallons from worker and vendor trips.

Source: Data modeled by Ascent in 2024.

Table 2.7.5 Energy Consumption Associated with Operation of Individual New Commercial Cannabis Cultivation Site Types and Noncultivation Sites

Cannabis Use Type	Energy Consumption	Units
Outdoor	1,211,403	kWh/year
	2,337,681	kBTU/year
Mixed-light	960,691	kWh/year
	497,837	kBTU/year
Indoor	431,458	kWh/year
	419,299	kBTU/year
Noncultivation	2,091,104	kWh/year
	1,083,625	kBTU/year

Notes: kWh/year = kilowatt hours per year; kBTU/year = 1,000 British thermal units per year.

Source: Data modeled by Ascent in 2024.

Table 2.7.6 Cumulative Operational Energy Consumption Associated with Operation of New Commercial Cannabis Cultivation Site Types and Noncultivation Sites (Alternatives 2, 3, and 5)

Cannabis Use Type	Energy Consumption	Units
Outdoor	339,192,840	kWh/year
	654,550,680	kBTU/year
Mixed-light	63,405,606	kWh/year
	32,857,242	kBTU/year
Indoor	11,217,908	kWh/year
	10,901,774	kBTU/year
Noncultivation	355,487,680	kWh/year
	184,216,250	kBTU/year

Notes: kWh/year = kilowatt hours per year, kBTU/year = 1,000 British thermal units per year.

Source: Data modeled by Ascent in 2024.

Table 2.7.7 Cumulative Operational Energy Consumption Associated with Operation of New Commercial Cannabis Cultivation Site Types and Noncultivation Sites (Alternative 4)

Cannabis Use Type	Energy Consumption	Units
Outdoor	0	kWh/year
	0	kBTU/year
Mixed-light	97,029,791	kWh/year
	50,281,537	kBTU/year
Indoor	47,891,838	kWh/year
	46,542,189	kBTU/year
Noncultivation	355,487,680	kWh/year
	184,216,250	kBTU/year

Notes: kWh/year = kilowatt hours per year; kBTU/year = 1,000 British thermal units per year.

Source: Data modeled by Ascent in 2024.

Table 2.7.8 Cumulative Construction Energy Consumption Associated with Construction of 12 New Commercial Cannabis Cultivation Site Types Simultaneously

Cannabis Use Type	Diesel Fuel (gallons)	Gasoline (gallons)
Outdoor	41,064	6,600
Mixed-light	61,224	11,292
Indoor	38,268	5,400
Noncultivation	37,176	5,064

Notes: Gasoline gallons include on-road gallons from worker trips. Diesel fuel gallons include off-road equipment and on-road gallons from worker and vendor trips.

Source: Data modeled by Ascent in 2024.

2.8 Geology, Soils, and Mineral Resources

This section evaluates the potential impacts related to geology, soils, and mineral resources resulting from adoption and implementation of the proposed Cannabis Program. It includes a description of geology, soils, and mineral resources and analysis of potential environmental impacts.

No comment letters regarding geology, soils, or mineral resources were received in response to the notice of preparation (NOP) or during the scoping meeting. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.8.1.

Table 2.8.1 Geology, Soils, and Mineral Resources Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Exposure to Seismic-Related Hazards	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
2	Soil Erosion or Topsoil Loss	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
3	Soil Stability	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
4	Expansive Soils	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
5	Unique Geologic Features	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant

2.8.1 Existing Conditions

2.8.1.1 *Regional Geology*

San Diego County is located along the Pacific Rim, which is an area characterized by island arcs with subduction zones forming deep oceanic trenches and mountain ranges on land with active volcanoes and earthquakes (County of San Diego 2009). As a result of this, there are 4 general rock types found within the county:

(1) Cretaceous age crystalline rocks including granites, diorites, and gabbros and Upper Jurassic metavolcanics, which underlie most of the mountainous terrain in the central portion of the County,

(2) Mesozoic Age metamorphic rocks include marble, schist, and gneiss outcrops that are found in the western foothills and mountains of the Peninsular Ranges and in the desert east of the mountains,

(3) Tertiary Age sedimentary rocks include sandstone, conglomerate, and mudstone and are found in the western portion of the County, as well as in the eastern portion of the desert basin, and

(4) Recent alluvium, including sand, gravel, silt, and clay are found in river and stream valleys, around lagoons, in intermountain valleys, and in the desert basins (San Diego County 2009).

San Diego County has 3 distinctive geographic regions, according to the County of San Diego General Plan Update (2009)—(1) low-lying coastal plain, (2) mountainous Peninsular Range, and (3) desert basin (Salton Trough)—which are discussed further below.

2.8.1.2 *Local Geology and Topography*

Coastal Plain

The coastal plain ranges in elevation from sea level to approximately 600 feet above mean sea level (amsl) and is characterized by marine and nonmarine sedimentary rock overlying metamorphic rock (County of San Diego 2009). The sedimentary units most common to the coastal plain region include sediments from ancient river courses, lagoonal and nonmarine terrace deposits, marine deposits, fluvial sedimentary rocks, and other rock formations (County of San Diego 2009).

Peninsular Range

The Peninsular Range is divided into a lower and upper area. The lower area spans an elevation from 600 feet to 2,000 feet amsl and is characterized by rolling to hilly uplands that contain narrow winding valleys and are traversed by several rivers. The foothills at the base of these rolling hills contain various urban, suburban, and rural land uses, including the communities of Bonsall, Fallbrook, Ramona, Lakeside, Crest/Dehesa, Valle de Oro, Spring Valley, and Otay (County of San Diego 2009). The upper area spans an elevation of 2,000 feet to 6,000 feet amsl and is characterized by steep mountains comprised of granitic boulders, chaparral vegetation, evergreen and temperate forests, and desert chaparral (County of San Diego 2009).

The Peninsular Range is substantially comprised of igneous rock formed from the cooling of magma deep within the earth's crust. Younger sedimentary rocks occur in various regions, along with alluvial and alluvial fan deposits in the intermountain valleys. The Peninsular Range region also includes sandstone, siltstone, and conglomerate; gravels; and metasedimentary rocks (County of San Diego 2009).

Desert Basin

The eastern area of the county is a desert climate, and elevations range from sea level to approximately 3,000 feet amsl, with the topography that includes mountains, alluvial fans, and desert (County of San Diego 2009). This area includes the Anza-Borrego Desert State Park, and development includes Borrego Springs, Ocotillo Wells, and Shelter Valley (County of San Diego 2009). The Salton Trough within the desert basin area is filled with sediments up to 5 miles in thickness and is comprised of conglomerate and alluvium (County of San Diego 2009).

2.8.1.3 *Groundwater*

The county overlies a complex groundwater system that varies throughout the region but generally has 3 categories of aquifers: fractured rock aquifers, and alluvial and sedimentary aquifers (County of San Diego 2009). The coastal zone is mostly supplied with imported water from member agencies of the San Diego County Water Authority, and the remaining portion of the county (approximately 65 percent) is dependent on groundwater resources (County of San Diego 2009). For further information regarding groundwater, see Section 2.11, "Hydrology and Water Quality," of this PEIR.

2.8.1.4 *Subsidence*

Land subsidence is the gradual settling or sinking of an area with very little horizontal motion. Subsidence can be induced by both natural and human phenomena. Natural phenomena include shifting of tectonic plates and dissolution of limestone, resulting in sinkholes. Subsidence related to human activity includes pumping groundwater, oil, and gas from underground reservoirs; collapse of underground mines; drainage of wetlands; and soil compaction.

The underlying geologic formations in the county are mostly granitic and thus have a very low potential of subsidence; Borrego Valley has recorded minor subsidence from groundwater depletion that has not caused damage (County of San Diego 2009).

2.8.1.5 *Expansive Soils*

Expansive soils (also known as shrink-swell soils) are soils that contain expansive clay minerals that can absorb significant amounts of water. The presence of these clay minerals makes the soil prone to large changes in volume in response to changes in water content. When an expansive soil becomes wet, water is absorbed and it increases in volume, and as the soil dries, it contracts and decreases in volume. This repeated change in volume over time can produce enough force and stress on buildings, underground utilities, and other structures to damage foundations, pipes, and walls.

Areas of highly expansive soils occur predominantly in the coastal plains and are also found in valleys and on slopes in the foothills, specifically near Ramona, Escondido, Rainbow, and northeast of Vista, as well as mountains of the Peninsular Range region, and to a lesser extent the desert. (County of San Diego 2009: Figure 2.6-4). Expansive soils in San Diego County are presented in Figure 2.8.1, which is presented at the end of this section.

2.8.1.6 *Mass Wasting and Landslides*

Mass wasting refers to the collective group of processes that characterize down-slope movement of rock and unconsolidated sediment overlying bedrock. These processes include landslides, slumps, rockfalls, flows, and creeps. Many factors contribute to the potential for mass wasting, including geologic conditions, as well as the drainage, slope, and vegetation of the site.

Along coastal bluffs, landslides have occurred within the incorporated areas of the county, and previous landslides and landslide-prone areas are mostly located in the western portion of the unincorporated county. Landslides have also occurred in the eastern part of the county,

although they are less prevalent (County of San Diego 2009). The county was screened to determine the risks of landslides in the Multi-Jurisdictional Hazard Mitigation Plan, the analysis of which indicated that high risk areas could potentially affect 11,000 people in urbanized areas, 3,000 people in rural areas, and less than 100 commercial buildings and other critical facilities. Areas susceptible to landslides in San Diego County are presented in Figure 2.8.2, which is presented at the end of this section. The analysis noted that this is not comparable to the numbers of people exposed to earthquake hazards (County of San Diego 2009).

2.8.1.7 *Seismicity*

Most earthquakes originate along fault lines. A fault is a fracture in the earth's crust along which rocks on one side are displaced relative to those on the other side due to shear and compressive crustal stresses. Most faults are the result of repeated displacement that may have taken place suddenly or by slow creep (Bryant and Hart 2007). The state of California has a classification system that designates faults as either active, potentially active, or inactive, depending on how recently displacement has occurred along them. Faults that show evidence of movement within the last 11,000 years (the Holocene geologic period) are considered active, and faults that have moved between 11,000 and 1.6 million years ago (comprising the later Pleistocene geologic period) are considered potentially active.

The seismicity of San Diego County is most prominently defined by the San Andreas Fault zone, which separates two tectonic plates of the earth's crust: the North American Plate and the Pacific Plate. The movement of these 2 plates shifting against one another is the driving force of fault ruptures on the west coast of California, the largest of which is the San Andreas Fault (County of San Diego 2009). According to the County General Plan Update EIR, a number of faults are parallel to the San Andreas, including the active San Jacinto, Elsinore, and Rose Canyon Fault zones, which each traverse through San Diego County and are shown in Figure 2.8.3, which is presented at the end of this section. These faults and other faults within southern California have resulted in a large potential for seismicity throughout most of Southern California (County of San Diego 2009). These faults are listed in Table 2.8.2, which is presented at the end of this section.

Seismic hazards resulting from earthquakes include surface fault rupture, ground shaking, and liquefaction. Each of these potential hazards is discussed below.

Surface Fault Rupture

Surface rupture is the surface expression of movement along a fault. Structures built over an active fault can be torn apart if the ground ruptures. The potential for surface rupture is based on the concepts of recency and recurrence. Surface rupture along faults is generally limited to a linear zone a few meters wide. The Alquist-Priolo Earthquake Fault Zoning Act (see the "Regulatory Framework" section below) was created to prohibit the location of structures designed for human occupancy across, or within 50 feet of, an active fault, thereby reducing the loss of life and property from an earthquake.

Faults with designated Alquist-Priolo Earthquake Fault Zones within the county are the Elsinore Fault, north of Pala, Palomar Mountain, Pauma Valley, Lake Henshaw, Julian, Banner Canyon, Mason Valley, Vallecito Valley, and Carrizo Valley; the Earthquake Valley Fault, in the San Felipe Valley and Sentenac Canyon; and the San Jacinto Fault/Coyote Creek Fault, in the Borrego Valley and Ocotillo Wells (County of San Diego 2009).

According to the County's General Plan Update EIR, the unincorporated urbanized areas of the county are located away from active fault zones, which are the San Jacinto Fault and Elsinore Fault (County of San Diego 2009).

Ground Shaking

The intensity of seismic shaking, or strong ground motion, during an earthquake is dependent on the distance and direction from the epicenter of the earthquake, the magnitude of the earthquake, and the geologic conditions of the surrounding area. Ground shaking could potentially result in the damage or collapse of buildings and other structures. Earthquake intensities are described in Table 2.8.3, which is presented at the end of this section.

The California Building Code (CBC) categorizes different seismic design categories based on the building occupancy type and the severity of the probable earthquake ground shaking at the site (County of San Diego 2009). There are 6 seismic design categories, ranging from A through F (A being the category with the least seismic potential and F being the category with the highest seismic potential). All of San Diego County is located within seismic design categories E and F (County of San Diego 2009).

Liquefaction and Lateral Spreading

Liquefaction is a phenomenon in which loose, saturated, granular soil deposits lose a significant portion of their shear strength because of excess pore water pressure buildup. An earthquake typically causes an increase in pore water pressure and subsequent liquefaction. The soils behave like a liquid during seismic shaking and resolidify when shaking stops. The potential for liquefaction is highest in areas with high groundwater and loose, fine, sandy soils at depths of less than 50 feet.

As stated in the County General Plan Update EIR, liquefaction is not known to have occurred historically in the county, but liquefaction has occurred in Imperial Valley in earthquakes with a magnitude of 6 or higher, and there may be a potential for liquefaction to occur in areas with loose, sandy soils combined with a shallow groundwater table (typically associated with alluvial river valleys and floodplains). Primary areas for potential liquefaction include the lower San Dieguito, Sweetwater, and San Luis Rey River Valleys; Jacumba, Borrego Valley near the Borrego Sink; and part of Ramona. (County of San Diego 2009). Potential liquefaction zones in San Diego County are shown in Figure 2.8.4, which is presented at the end of this section.

Liquefaction may also lead to lateral spreading. Lateral spreading (also known as expansion) is the horizontal movement or spreading of soil toward an "open face," such as a streambank, the open side of fill embankments, or the sides of levees. It often occurs in response to liquefaction of soils in an adjacent area. The potential for failure from lateral spreading is highest in areas where there is a high groundwater table, where there are relatively soft and recent alluvial deposits, and where creek banks are relatively high.

2.8.1.8 *Mineral Resources*

The California Department of Conservation Division of Mines and Geology has developed guidelines for the classification and designation of mineral lands, known as Mineral Resource Zones (MRZs), and retains publications of the Surface Mining and Reclamation Act (SMARA) Mineral Land Classification Project dealing with mineral resources in California.

MRZ-1 areas are areas where adequate geologic information indicates that no significant mineral deposits are present or where there is little likelihood of their presence, and 6 areas in the unincorporated county are designated as MRZ-1: 5 are located in the North Metro Community Planning Area (CPA), just north of Escondido, and 1 is at the intersection of State Route (SR) 94 and SR 54, in the Rancho San Diego area of Valle de Oro CPA (County of San Diego 2009).

MRZ-2 areas are areas underlain by mineral deposits where geologic information shows that significant mineral resources are present and would typically include an operating mine; in 1982, over 20 areas in the unincorporated county had aggregate deposits, 19 of which are still economically extractable, and additional deposits have been classified or reclassified in the unincorporated area of the county since 1982 (County of San Diego 2009).

MRZ-3 areas are areas that contain known mineral deposits that could qualify as mineral resources, and most of the land in the Western San Diego Production-Consumption (P-C) Zone, which extends from the southern Camp Pendleton boundary south to the international border, and from the Pacific Ocean to an irregular boundary approximately one-third of the way across the county, is classified as MRZ-3 (County of San Diego 2009).

MRZ-4 areas are areas where geologic information is inconclusive on the presence or absence of mineral resources; in other words, lands classified as MRZ-4 do not imply that there is little likelihood for mineral resources but rather that there is a lack of knowledge regarding mineral resources (County San Diego 2009).

Uncategorized zones are the remaining lands in the county located outside the Western San Diego County P-C Zone. The Mineral Resource Zones in San Diego County are shown in Figure 2.8.5, which is presented at the end of this section.

The following general categories of mineral resources are important to the county:

- construction materials, including sand, gravel, and crushed rock;
- industrial and chemical mineral materials, including limestone, dolomite, and marble, specialty sands, clays, phosphate, borates and gypsum, feldspar, talc, building stone, and dimension stone; and
- metallic and rare minerals, including pervious metals (silver, platinum), iron and other ferro-alloy metals, copper, lead, zinc gemstones and semiprecious materials, and optical-grade calcite.

These mineral resources serve various public, commercial, scientific, and recreational purposes used in both private and public development projects, and local extraction sites are valuable assets used to help facilitate the continual growth of the region (County of San Diego County 2009). Mineral resources in San Diego County are shown in Figure 2.8.6, which is presented at the end of this section.

2.8.2 Regulatory Framework

2.8.2.1 *Federal*

National Earthquake Hazards Reduction Act

In October 1977, US Congress passed the Earthquake Hazards Reduction Act to reduce the risks to life and property from future earthquakes in the United States. To accomplish this, the act established the National Earthquake Hazards Reduction Program (NEHRP). The mission of NEHRP includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improved building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improved mitigation capacity; and accelerated application of research results. The NEHRP designates the Federal Emergency Management Agency as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities.

2.8.2.2 *State*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act of 1972 (Alquist-Priolo Act; Public Resources Code [PRC] Section 2621–2630) intends to reduce the risk to life and property from surface fault rupture during earthquakes by regulating construction in active fault corridors and by prohibiting the location of most types of structures intended for human occupancy across the traces of active faults. The act defines criteria for identifying active faults, giving legal support to terms such as “active” and “inactive,” and establishes a process for reviewing building proposals in Earthquake Fault Zones. Under the Alquist-Priolo Act, faults are zoned, and construction along or across these zones is strictly regulated if they are “sufficiently active” and “well-defined.” A fault is considered sufficiently active if one or more of its segments or strands shows evidence of surface displacement during Holocene time (defined for purposes of the act as within the last 11,000 years). A fault is considered well-defined if its trace can be clearly identified by a trained geologist at the ground surface or in the shallow subsurface, using standard professional techniques, criteria, and judgment (Bryant and Hart 2007). Before a project can be permitted in a designated Alquist-Priolo Earthquake Fault Zone, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. The law addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards.

Seismic Hazards Mapping Act

The intention of the Seismic Hazards Mapping Act of 1990 (PRC Sections 2690–2699.6) is to reduce damage resulting from earthquakes. While the Alquist-Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The act’s provisions are similar in concept to those of the Alquist-Priolo Act: The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other corollary hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones. Under the Seismic Hazards Mapping Act, permit review is the primary mechanism for local regulation of development.

California Building Code

The CBC (California Code of Regulations, Title 24) is based on the International Building Code. The CBC has been modified from the International Building Code for California conditions with more detailed and more stringent regulations. Specific minimum seismic safety and structural design requirements are set forth in Chapter 16 of the CBC. The CBC identifies seismic factors that must be considered in structural design. Chapter 18 of the CBC regulates the excavation of foundations and retaining walls, and Chapter 18A regulates construction on unstable soils, such as expansive soils and areas subject to liquefaction. Appendix J of the CBC regulates grading activities, including drainage and erosion control. The CBC contains a provision that provides for a preliminary soil report to be prepared to identify "the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects" (CBC Chapter 18, Section 1803.1.1.1).

State Water Code

On-site wastewater treatment systems (OWTS) are regulated by the State Water Code Section 13282, which allows the Regional Water Quality Control Board (RWQCB) to authorize a local public agency to issue permits for and to regulate OWTS to ensure that systems are adequately designed, located, sized, spaced, constructed, and maintained (County of San Diego 2009).

State Water Resources Control Board Regulations for Cannabis Cultivation

Permitting of waste discharges to surface waters from commercial cannabis cultivation is regulated under the State Water Resources Control Board (SWRCB) Cannabis Policy under Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. A summary of erosion and sediment control requirements is provided below. See Section 2.11, "Hydrology and Water Quality," for additional details on this order.

The Cannabis General Order provides a statewide tiered approach for permitting discharges and threatened discharges of waste from commercial cannabis cultivation and associated activities. The 2 tiers are as follows:

- Tier 1 outdoor commercial cultivation activities disturb an area equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet).
- Tier 2 outdoor commercial cultivation activities disturb an area equal to or greater than 1 acre.

For the purposes of this regulation, land disturbances are areas where natural conditions have been modified in a way that may result in an increase in turbidity in water discharged from the site. Land disturbance includes all activities associated with developing or modifying land for commercial cannabis cultivation–related activities or access. Land disturbance activities include construction of roads, buildings, and water storage areas, as well as excavation, grading, and site clearing.

Tier 1 and Tier 2 enrollees must characterize the risk designation based on the slope of disturbed areas and the proximity to a water body. Enrollees must comply with the riparian

setback and slope limits associated with the following low-, moderate-, and high-risk classifications:

- Low risk: A commercial cannabis cultivation site is classified as low risk if no part of the disturbed area is located on a slope of 30 percent or greater. Commercial cannabis cultivators associated with low-risk sites shall register as low risk and submit a site management plan.
- Moderate risk: A commercial cannabis cultivation site is classified as moderate risk if any part of the disturbed area is located on a slope greater than 30 percent and less than 50 percent. Commercial cannabis cultivators associated with moderate-risk sites shall register as moderate risk and submit a site erosion and sediment control plan.
- High risk: A commercial cannabis cultivation site is classified as high risk if any part of the disturbed area exists within the riparian setback limits. Commercial cannabis cultivators associated with high-risk sites shall register as high risk, submit a disturbed area stabilization plan, and address the compliance issue as described below. Because such commercial cannabis cultivators pose a higher risk to water quality and will require a higher level of RWQCB oversight, they are subject to higher application and annual fees. When the commercial cannabis cultivation site is reconfigured to comply with the riparian setbacks, the commercial cannabis cultivator can request that the RWQCB reclassify the site to a lower risk level and allow a lower annual fee to be assessed.

To obtain coverage under the waiver or enroll under the general order, the discharger is required to submit an online application, application fee, and relevant technical reports. Technical report requirements are based on tier and risk level. Pursuant to SWRCB Order WQ 2023-0102-DWQ, moderate- and high-risk sites are required to provide the following plans to address soil erosion (SWRCB 2023).

Site Erosion and Sediment Control Plan

A site erosion and sediment control plan describes how the commercial cannabis cultivator will implement the site erosion and sediment control requirements listed in Attachment A of SWRCB Order WQ 2023-0102-DWQ. The report must include an analysis of slope stability and is subject to approval by the RWQCB. When required, the site erosion and sediment control plan is to be prepared by a qualified individual (i.e., a registered professional according to the cannabis policy requirements).

Disturbed Area Stabilization Plan

A disturbed area stabilization plan describes how best management practices (BMPs) will be implemented to achieve the goal of stabilizing the disturbed area to minimize the discharge of sediment off-site and complying with the riparian setback requirements. The report must be approved by the RWQCB executive officer before implementation. When required, the disturbed area stabilization plan shall be prepared by a qualified professional.

Wastewater Disposal Associated with Industrial Waste or Indoor Commercial Cannabis Cultivation

Term 27 of Attachment A of SWRCB Order WQ 2023-0102-DWQ prohibits discharges of wastewater from commercial cannabis manufacturing activities defined in Business and Professions Code Section 26100, indoor grow operations, and other industrial wastewater to

an on-site wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land.

SWRCB Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems

OWTS, commonly known as septic systems, primarily treat domestic wastewater and employ subsurface disposal. On June 19, 2012, SWRCB adopted Resolution No. 2012-0032, adopting the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy). The OWTS Policy uses a risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS. Most notably, the policy establishes a framework that promotes local agency management plans developed for local governments to implement.

Surface Mine Reclamation Act of 1975 (SMARA)

The Surface Mining and Reclamation Act of 1975 (SMARA, PRC, Sections 2710–2796) provides a comprehensive surface mining and reclamation policy for the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state's mineral resources.

2.8.2.3 *Local*

San Diego County General Plan

The San Diego County General Plan contains policies associated with geologic hazards and soils within its Safety Element, as well as policies associated with mineral resources within its Conservation and Open Space Element. The following policies are relevant to the Cannabis Program (County of San Diego 2021, 2011):

- **Policy S-8.1: Development Location.** Locate development in areas where the risk to people or resources is minimized. In accordance with the California Department of Conservation Special Publication 42, require development be located a minimum of 50 feet from active or potentially active faults, unless an alternative setback distance is approved based on geologic analysis and feasible engineering design measures adequate to demonstrate that the fault rupture hazard would be avoided.
- **Policy S-8.2: Engineering Measures to Reduce Risk.** Require all development to include engineering measures to reduce risk in accordance with the California Building Code, Uniform Building Code, and other seismic and geologic hazard safety standards, including design and construction standards that regulate land use in areas known to have or potentially have significant seismic and/or other geologic hazards.
- **Policy S-9.1: Landslide Risks.** Direct development away from areas with high landslide, mudslide, or rockfall potential when engineering solutions have been determined by the County to be infeasible.
- **Policy S-9.2: Risk of Slope Instability.** Prohibit development from causing or contributing to slope instability.

- **Policy COS-9.2: Impacts of Development.** Require development to minimize impacts to unique geological features from human related destruction, damage, or loss.
- **Policy COS-10.1: Siting of Development.** Encourage the conservation (i.e., protection from incompatible land uses) of areas designated as having substantial potential for mineral extraction. Discourage development that would substantially preclude the future development of mining facilities in these areas. Design development or uses to minimize the potential conflict with existing or potential future mining facilities. For purposes of this policy, incompatible land uses are defined by SMARA Section 3675.
- **Policy COS-10.2: Protection of State-Classified or Designated Lands.** Discourage development or the establishment of other incompatible land uses on or adjacent to areas classified or designated by the State of California as having important mineral resources (MRZ-2), as well as potential mineral lands identified by other government agencies. The potential for the extraction of substantial mineral resources from lands classified by the State of California as areas that contain mineral resources (MRZ-3) shall be considered by the County in making land use decisions.

San Diego County Special Studies Zones

The County has established special study cones that include late-Quaternary faults mapped by the California Division of Mines and Geology (now named California Geological Survey, or CGS) in the county (County of San Diego 2009). Late-Quaternary faults (movement during the past 700,000 years) were mapped based on geomorphic evidence similar to that of Holocene faults except that tectonic features are less distinct. As indicated by the CGS, these faults may be younger, but the lack of younger overlying deposits precludes more accurate age classification. Traces of faults within special study zones are treated by the County as active unless a fault investigation can prove otherwise, and before any construction is allowed, a geologic study must be conducted to determine if any active fault lines are located on or within the vicinity of a project site (County of San Diego 2009).

San Diego County Regulatory Code

Grading, Clearing, and Watercourses Ordinance, Sections 87.101–87.717

Chapter 4 of the County Grading, Clearing, and Watercourses Ordinance (which commences at Section 87.101 of the County Regulatory Code) includes requirements for the maximum slope allowed for cut and fill slopes, for drainage terraces on cut or fill slopes exceeding 40 feet in height, for expansive soil for cuts and fills, for minimum setbacks for buildings from cut or fill slopes, and for reporting, including a soil engineer's report and a final engineering geology report by an engineering geologist, which includes specific approval of the grading as affected by geological factors (County of San Diego 2009).

Plumbing Code and OWTS Ordinance, Sections 68.301–68.361

Section 68.301 of the County Regulatory Code is the OWTS Ordinance (Title 6, Division 8, Chapter 3), which establishes the requirements for OWTS in the county. It also makes it unlawful for any person to cause or allow the disposal of sewage, human excrement, or other liquid wastes in any place or manner except through and by means of an approved plumbing and drainage system and an approved sewage disposal system installed and maintained in accordance with the provisions of Division 3 of Title 5 of the County Plumbing Code and OWTS Ordinance.

Septic Tank and Cesspool Cleaners, Section 68.601

Section 68.601 of the County Regulatory Code (Title 6, Division 8, Chapter 6) pertains to septic tank and cesspool cleaners. This code section establishes processes, fees, and requirements for the examination, cleaning, and collection of sewage from septic tanks and cesspools (County of San Diego 2009).

San Diego County Zoning Ordinance Fault Displacement Area Regulations

The County Zoning Ordinance Sections 5400–5406 implement the requirements of the Alquist-Priolo Act, which outline the allowable development, permitting requirements, and construction limitations within Fault Rupture Zones, as designated by the Alquist-Priolo Act (County of San Diego 2009). For ministerial permits (such as building permits), the Department of Planning & Development Services, Building Division requires any above-surface structure to conform to the seismic requirements of the CBC and to incorporate design recommendations contained within the soils and geologic report as required per code (County of San Diego 2009). The County prohibits any buildings or structures to be used for human occupancy to be constructed over or within 50 feet of the trace of known fault (Zoning Ordinance Section 5406), and the County generally requires geologic reports for development proposed in Alquist-Priolo Earthquake Fault Zones (Zoning Ordinance Section 5406(b)) (County of San Diego 2009).

Other specific zoning ordinance sections do the following:

- Prohibit construction of essential facilities and high occupancy structures in special studies zones as defined under the Alquist-Priolo Act or in special studies zones defined by the County of San Diego (Zoning Ordinance Section 5404).
- Require a geologic report for other development proposed in special studies zones as defined under the Alquist-Priolo Act or in special studies zones defined by the County of San Diego (Zoning Ordinance Section 5406).
- Prohibit new construction of structures to be used for hazardous waste storage and/or human or animal occupancy over or within 50 feet of the trace of an active known fault, with the exception of single-family wood frame dwellings not exceeding 2 stories in height, built or located as part of a development of less than four dwellings and mobile homes wider than eight feet (Zoning Ordinance Sections 5406(c) and (d)).
- Delineate special studies zones along active faults as new geologic information becomes available. These special study zones shall be administered in the same manner as those delineated by the State of California.

2.8.3 Analysis of Project Effects and Determination of Significance

2.8.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, a geology and soils impact is considered significant if implementation of the Cannabis Program would do any of the following:

- directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault; strong seismic shaking; seismic-related ground failure, including liquefaction; or landslides;

- result in substantial soil erosion or the loss of topsoil;
- locate project facilities 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-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
- locate project facilities on expansive soil, creating substantial direct or indirect risks to property;
- 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; or
- directly or indirectly destroy a unique geologic feature.

A mineral resources impact is considered significant if implementation of the Cannabis Program would do any of the following:

- result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- 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.

2.8.3.2 *Issues Not Discussed Further*

Septic Systems

Project-specific analyses would be required for future cannabis sites to determine if the site is capable of supporting an OWTS. Future cannabis sites would be required to comply with all applicable federal, state, and local regulations related to septic tanks and wastewater disposal. Term 27 of Attachment A of SWRCB Order WQ 2023-0102-DWQ prohibits discharges of wastewater from commercial cannabis manufacturing activities defined in Business and Professions Code Section 26100, indoor grow operations, and other industrial wastewater to an OWTS (e.g., septic tank and associated disposal facilities), to surface water, or to land. The San Diego County OWTS Ordinance is described in Section 68.301 of the San Diego County Regulatory Code. Compliance with such regulations would reduce the potential for septic systems to be located in soils incapable of supporting such systems. Therefore, no impacts associated with septic systems would occur, and this issue is not evaluated further.

Mineral Resources

San Diego County contains a variety of mineral resources, with minerals playing an important role in the county's economy. However, commercial cannabis operations are similar to agricultural activities that would not render the locations on which they occur unavailable for future mineral extraction (i.e., conversion of land area with paved roadways, residences, and other structures that commit the land to a developed condition). Mining extraction and new licensed commercial cannabis cultivation could occur on the same or contiguous parcels. Implementation of the Cannabis Program would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of that state and would not 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. Therefore, no impacts associated with mineral resources would occur, and this issue is not evaluated further.

2.8.3.3 *Approach to Analysis*

The following program-level analysis is based on generalized geology, soils, and mineral resources mapping and available data. The footprint and design details of any site-specific commercial cannabis projects are not known at this time. Specific requirements of existing laws and regulations described in Section 2.8.2, "Regulatory Framework," are assessed for their ability to avoid or reduce the exposure of people or structures to substantial adverse effects. The examination of geology, soils, and mineral resources is based on information obtained from reviews of:

- available literature, including documents published by the County, state, and federal agencies, and published information dealing with geotechnical conditions in the San Diego area and
- applicable elements from the County General Plan.

2.8.3.4 *Issue 1: Exposure to Seismic-Related Hazards*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Geologic Hazards*, the proposed Cannabis Program would have a significant impact if it would expose people or structures to potential substantial adverse impacts, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction or landslides.

Specifically, the project would result in a significant impact from fault rupture if:

a. The project proposes any building or structure to be used for human occupancy over or within 50 feet of the trace of an Alquist-Priolo Fault or County Special Study Zone Fault.
b. The project proposes the following uses within an Alquist-Priolo Zone which are prohibited by the County:
    i. Uses containing structures with a capacity of 300 people or more. Any use having the capacity to serve, house, entertain, or otherwise accommodate 300 or more persons at any one time.
    ii. Uses with the potential to severely damage the environment or cause major loss of life. Any use having the potential to severely damage the environment or cause major loss of life if destroyed, such as dams, reservoirs, petroleum storage facilities, and electrical power plants powered by nuclear reactors.
    iii. Specific civic uses. Police and fire stations, schools, hospitals, rest homes, nursing homes, and emergency communication facilities.

The project would also result in a significant impact from ground shaking if the project site is located within Seismic Design Category E and F of the CBC and the project does not conform to the CBC.

The project would have the potential to expose people or structures to substantial adverse effects from liquefaction if:

a. The project site contains potentially liquefiable soils;
b. The potentially liquefiable soils are saturated or have the potential to become saturated; or
c. In-situ soil densities are not sufficiently high to preclude liquefaction.

The project would result in a significant impact from landslide risk if:

a. The project site would expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving landslides;
b. The project is located on a geologic unit or soil that is unstable, or would become unstable as a result of the project, potentially resulting in an on- or off-site landslide; or
c. The project site lies directly below or on a known area subject to rockfall which would result in collapse of structures.

Impact Analysis

As described in Section 1.6.1, “Project Components,” the proposed Cannabis Program would allow for the development of the following commercial cannabis uses in select areas of the unincorporated county: storefront, non-storefront retail, and consumption lounges; cultivation facilities; distribution facilities; manufacturing facilities; microbusinesses; testing laboratories; and temporary events.

Natural geologic processes that represent a hazard to life, health, or property are considered geologic hazards. Natural geologic hazards that affect people and property in San Diego County include earthquakes, which can cause surface fault rupture, ground shaking, landslides and liquefaction. As discussed below, these seismic hazards pose a high potential for causing widespread damage. Future cannabis projects under the Cannabis Program must address seismic hazards. Seismic hazard regulations are in place at the state and County levels that reduce risks associated with seismic-related hazards through avoidance or building standards. These adopted guidelines include the Alquist-Priolo Earthquake Fault Zoning Act, as described above in Section 2.8.2, “Regulatory Framework.” The CBC contains specific provisions for structures located in seismic zones. To ensure that these safety measures are met, the CBC employs a permit system based on hazard classification. Buildings within San Diego County must conform to the Seismic Design Category E and F requirements of the CBC, which are the requirements for the most active seismic zone.

In addition, it is important to note that environmental impact analyses under CEQA generally are not required to analyze the impact of existing environmental conditions on a project’s future users or residents unless the proposed project might cause or risk exacerbating environmental hazards or conditions that already exist (State CEQA Guidelines, Section 15126.2(a)). In those specific instances, it is the project’s impact on the environment and not the environment’s impact on the project that compels an evaluation of how future residents or users may be

affected by exacerbated conditions (*California Building Industry Association v. Bay Area Air Quality Management District* [2015] 62 Cal.4th 369).

New commercial cannabis activities permitted and licensed under the proposed Cannabis Program may include new structures and additional people in a region of existing seismic hazards, such as fault rupture. However, new buildings associated with these commercial cannabis cultivation activities would be constructed in accordance with the seismic design requirements of the most recent CBC, Alquist-Priolo Act, and County standards. The CBC standards require the design of structures to consider seismic hazards present at the site and the intended use, or nature of occupancy, of the structure. For example, Chapter 16, "Structural Design," of the most recent CBC identifies both general building structural design requirements and specific seismic safety design requirements.

The Alquist-Priolo Act requires that buildings intended for human occupancy are located at least 50 feet away from an active fault trace. Requirements associated with the CBC, Alquist-Priolo Act, County Special Studies Zones, County Zoning Ordinance for Fault Displacement Area Regulations, and any other applicable standards contain building specification and siting requirements that avoid the risks of loss, injury, or death resulting from seismic hazards, such as fault rupture and seismic ground shaking. In addition, commercial cannabis uses are not intended for human occupancy, such as residential housing, which might otherwise increase on-site risks if located within 50 feet of an active fault trace. Construction of commercial cannabis cultivation uses would not be expected to exceed 20 feet in depth. For these reasons, new licensed commercial cannabis site construction and operations would not create new seismic events or exacerbate existing seismic hazards because limited ground disturbance associated with commercial cannabis uses would not alter seismic and fault conditions in the region.

Compliance with these standards is consistent with San Diego County General Plan Policies S-8.1 and S-8.2, which require minimum setbacks from active known fault lines and engineering measures by requiring all new buildings and structures to comply with the uniform construction codes and to be located, designed, constructed, and managed to minimize geologic-related hazards, such as seismic-related hazards.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of up to 50,000 square feet of total building area between the five facilities. Because there would be no changes to existing conditions, this alternative would not expose people or structures to seismic-related hazards.

There would be no impact associated with seismic hazards under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

New buildings would be constructed in accordance with the seismic design requirements of the most recent CBC, Alquist-Priolo Act, and County standards. The CBC standards require the design of structures to consider seismic hazards present at the site and the intended use, or nature of occupancy, of the structure. The Alquist-Priolo Act requires that buildings intended for human occupancy are located at least 50 feet away from an active fault trace. Requirements associated with the most recent CBC, Alquist-Priolo Act, and County standards contain building specification and siting requirements that avoid the risks of loss, injury, or death resulting from seismic hazards. New licensed commercial cannabis site construction and operations would not create new seismic events or exacerbate existing seismic hazards because limited ground disturbance associated with commercial cannabis cultivation would not alter seismic and fault conditions in the region.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As identified under Alternative 2, new buildings would be constructed in accordance with the seismic design requirements of the most recent CBC, Alquist-Priolo Act, and County standards. Requirements associated with the most recent CBC, Alquist-Priolo Act, and County standards contain building specification and siting requirements that avoid the risks of loss, injury, or death resulting from seismic hazards. New licensed commercial cannabis site construction and operations would not create new seismic events or exacerbate existing seismic hazards because the limited ground disturbance associated with commercial cannabis cultivation would not alter seismic and fault conditions in the region.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

As identified under Alternative 2, new buildings would be constructed in accordance with the seismic design requirements of the most recent CBC, Alquist-Priolo Act, and County standards. Requirements associated with the most recent CBC, Alquist-Priolo Act, and County standards contain building specification and siting requirements that avoid the risks of loss, injury, or death resulting from seismic hazards. New licensed commercial cannabis site construction and operations would not create new seismic events or exacerbate existing

seismic hazards because the limited ground disturbance associated with commercial cannabis cultivation would not alter seismic and fault conditions in the region.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As identified under Alternative 2, new buildings would be constructed in accordance with the seismic design requirements of the most recent CBC, Alquist-Priolo Act, and County standards. Requirements associated with the most recent CBC, Alquist-Priolo Act, and County standards contain building specification and siting requirements that avoid the risks of loss, injury, or death resulting from seismic hazards. New licensed commercial cannabis site construction and operations would not create new seismic events or exacerbate existing seismic hazards because the limited ground disturbance associated with commercial cannabis cultivation would not alter seismic and fault conditions in the region.

This impact would be less than significant under Alternative 5.

2.8.3.5 *Issue 2: Soil Erosion or Topsoil Loss*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would have a significant impact if it would result in substantial soil erosion or the loss of topsoil.

Impact Analysis

Topsoil is the uppermost layer of soil, usually comprised of the top 6–8 inches below the ground surface, and topsoil erosion can be a concern because its loss disrupts the food chain and local ecosystem and erosion can increase the rate of pollutants delivered to watersheds (County of San Diego 2009).

Construction of new commercial cannabis cultivation activities permitted and licensed under the proposed Cannabis Program could involve earthwork activities that have the potential to remove topsoil and increase the potential for soil erosion. These activities may include grading, placement of fill, and excavation. New licensed commercial cannabis sites could also include construction of new facilities and would likely include clearing, grading, and excavation for new facilities, which may relate to the construction of foundations, roads and driveways, and utility trenches. New cannabis projects would be restricted to zoning districts that allow for cannabis uses. However, ultimately, these types of land-disturbance activities could create accelerated erosion and sedimentation.

New commercial cannabis activities would be subject to the County's Grading, Clearing, and Watercourses Ordinance, which includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements, including a soil engineer's report and final engineering geology report for approval of grading as affected by geological factors, as well as be subject to SWRCB Order WQ 2023-0102-DWQ, which contains requirements for soil erosion and sedimentation controls (BMPs) for soil stability and the implementation of a site erosion and sediment control plan and a disturbed area stabilization plan for higher risk sites. Examples of BMPs for soil erosion control that may be used include the use of ground cover vegetation (grasses), detention/water quality control basins, drainage control features that are rock lined and that reduce stormwater flow velocities, and other similar features. New commercial cannabis activities would also be subject to Appendix J, "Grading," of the most recent CBC, which regulates grading activities, including drainage and erosion control. Compliance with these standards is consistent with San Diego County General Plan Policy S-8.2, which requires all new buildings and structures to comply with the uniform construction codes and to be located, designed, constructed, and managed to minimize geologic-related hazards, such as soil erosion and loss of topsoil. As appropriate, geologic and soil engineering information would be required to evaluate, locate, and design development to minimize geologic hazards.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of up to 50,000 square feet of total building area between the 5 facilities. Commercial cannabis cultivation activities would be subject to SWRCB Order WQ 2023-0102-DWQ, which contains requirements for soil erosion and sedimentation controls (BMPs) for soil stability. In addition, the County's Grading Ordinance includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements. Finally, Appendix J, "Grading," of the CBC, regulates grading activities, including drainage and erosion control.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, new commercial cannabis cultivation activities would be subject to SWRCB Order WQ 2023-0102-DWQ, which contains requirements for soil erosion and sedimentation controls (BMPs) for soil stability. In addition, the County's Grading Ordinance includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements. Finally, Appendix J, "Grading," of the CBC, regulates grading activities, including drainage and erosion control. Compliance with these standards would be consistent with San Diego County General Plan Policy S-8.2, which requires all new buildings and structures to comply with the uniform construction codes to minimize geologic-

related hazards. Because future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and the CBC, geologic-related hazards, such as soil erosion and loss of topsoil, would be minimized.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and the most recent CBC, which would ensure that geologic-related hazards, such as soil erosion and loss of topsoil, would be minimized.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Because no outdoor cannabis cultivation uses would be allowed, potential impacts would be limited to the development of new permanent buildings to support indoor cannabis cultivation or noncultivation uses. If new cannabis uses involve development of new buildings, construction and development plans would be subject to the County's Grading Ordinance and the most recent CBC. These requirements would ensure that geologic-related hazards, such as soil erosion and loss of topsoil, would be minimized.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and the most recent CBC, which would ensure that geologic-related hazards, such as soil erosion and loss of topsoil, would be minimized.

This impact would be less than significant under Alternative 5.

2.8.3.6 *Issue 3: Soil Stability*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Geologic Hazards*, the Cannabis Program would have a potentially significant impact if it would 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.

Impact Analysis

As discussed above in Section 2.8.1, "Existing Conditions," the County has encountered landslides within incorporated areas along coastal bluffs, and most landslides-prone areas are located in the western portion of the county and less prevalent in the eastern part of the county. Liquefaction and lateral spreading are not known to have occurred in the county. However, the San Diego County General Plan Update EIR states that primary areas for potential liquefaction include the lower San Dieguito, Sweetwater, and San Luis Rey River Valleys; Jacumba, Borrego Valley near the Borrego Sink; and part of Ramona (County of San Diego 2009). Subsidence is considered to have a very low potential within the county because the underlying geologic formations of the county are mostly granitic and thus have a very low potential for subsidence; Borrego Valley has recorded minor subsidence from groundwater depletion, which has not caused damage.

Construction of new commercial cannabis sites permitted and licensed under the proposed Cannabis Program could involve earthwork activities that have the potential to result in soil instability. These activities may include grading, placement of fill, and excavation. New licensed commercial cannabis sites could also include construction of new facilities and would likely include clearing, grading, and excavation for new facilities, which may involve the construction of foundations, roads and driveways, and utility trenches. These cannabis projects would be restricted to zoning districts that allow for cannabis uses. However, ultimately, these types of land disturbance activities could result in accelerated erosion, sedimentation, and soil instability.

As discussed above in Section 2.8.3.5, "Issue 2: Soil Erosion or Topsoil Loss," new commercial cannabis cultivation activities would be subject to the County's Grading Ordinance, which includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements, including a soil engineer's report and final engineering geology report for approval of grading as affected by geological factors, as well as be subject to SWRCB Order WQ 2023-0102-DWQ, which contains requirements for soil erosion and sedimentation controls (BMPs) for soil stability and the implementation of a site erosion and sediment control plan and a disturbed area stabilization plan for higher risk sites. Examples of BMPs for soil erosion control that may be used include the use of ground cover

vegetation (grasses), detention/water quality control basins, drainage control features that are rock lined and that reduce stormwater flow velocities, and other similar features. New commercial cannabis uses would also be subject to the CBC, Chapter 18A, “Soils and Foundations,” which regulates the excavation of foundations and construction on unstable soils and areas subject to liquefaction. Compliance with these standards is consistent with San Diego County General Plan Policy S-8.2, which requires all new buildings and structures to comply with the uniform construction codes and to be located, designed, constructed, and managed to minimize geologic-related hazards, such as soil instability. As appropriate, geologic and soil engineering information would be required to evaluate, locate, and design development to minimize geologic hazards.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of up to 50,000 square feet of total building area between the 5 facilities. Commercial cannabis cultivation activities would be subject to SWRCB Order WQ 2023-0102-DWQ, which contains requirements for soil erosion and sedimentation controls (BMPs) for soil stability. In addition, the County’s Grading Ordinance includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements. Finally, Appendix J, “Grading,” of the CBC, regulates grading activities, including drainage and erosion control.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project— Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, new commercial cannabis cultivation activities would be subject to SWRCB Order WQ 2023-0102-DWQ, which contains requirements for soil erosion and sedimentation controls (BMPs) for soil stability. In addition, the County’s Grading Ordinance includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements. Finally, Appendix J, “Grading,” of the CBC, regulates grading activities, including drainage and erosion control. Compliance with these standards would be consistent with San Diego County General Plan Policy S-8.2, which requires all new buildings and structures to comply with the uniform construction codes to minimize geologic-related hazards. Because future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County’s Grading Ordinance, and the most recent CBC, impacts associated with soil stability would be minimized.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in

Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County’s Grading Ordinance, and the most recent CBC. These requirements would ensure impacts associated with soil stability would be minimized.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Because no outdoor cannabis cultivation uses would be allowed, potential impacts would be limited to the development of new permanent buildings to support indoor cannabis or noncultivation uses. While it is considered unlikely that new cannabis uses would involve development of new buildings, construction and development plans would be subject to the County’s Grading Ordinance and the most recent CBC. These requirements would ensure that impacts associated with soil stability would be minimized.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre. As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County’s Grading Ordinance, and the most recent CBC. These requirements would ensure impacts associated with soil stability would be minimized.

This impact would be less than significant under Alternative 5.

2.8.3.7 *Issue 4: Expansive Soils*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Geologic Hazards*, the Cannabis Program would have a significant impact if it would be located on expansive soil, as defined in Section 1802A.3.2 of the CBC, creating substantial risks to life or property.

Impact Analysis

Areas of highly expansive soils occur predominantly in the coastal plains and are also found in valleys and on slopes in the foothills, specifically near Ramona, Escondido, Rainbow, and northeast of Vista, as well as mountains of the Peninsular Ranges Region and to a lesser extent the desert (County of San Diego 2009: Figure 2.6-4). However, site-specific conditions related to topography, slope, and soil conditions could result in the development of commercial cannabis cultivation activities on expansive soils, in the absence of grading and development conducted with proper engineering and design. New licensed commercial cannabis sites are anticipated to require soil disturbance, such as clearing and grading, through the construction of supporting uses (i.e., roads, water storage, and accessory structures, such as storage sheds) and of greenhouses and agricultural shade or crop structures.

The County Grading Ordinance, commencing at Section 87.101 of the County Regulatory Code, includes requirements for expansive soils for cuts and fills and includes requirements for a soil engineer's report and final engineering report by an engineering geologist to include specific approval of grading as affected by geological factors. In addition, Chapter 18A, "Soils and Foundations," of the CBC, regulates construction on unstable soils, such as expansive soils.

Future new commercial cannabis cultivation activities permitted and licensed under the proposed Cannabis Program may be located on expansive soils. Construction activities may involve preparation of level surfaces, such as grading, excavation, and placement of fill during construction and other earthwork activities for site improvements. New commercial cannabis sites would be subject to SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and the CBC Chapter 18A, "Soils and Foundations," which regulates the excavation of foundations on expansive soils. The SWRCB Order establishes requirements that address site erosion and sediment control, disturbed areas stabilization, site closure procedures, and monitoring and reporting requirements. In addition, the SWRCB order contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. The SWRCB order also requires the use of soil stability controls for soil stability and the implementation of a site erosion and sediment control plan and a disturbed area stabilization plan for higher risk sites. Examples of BMPs for soil erosion control that may be used include the use of ground cover vegetation (grasses), detention/water quality control basins, and drainage control features that are rock lined and that reduce stormwater flow velocities. Adhering to these established regulations and engineering practices would reduce or eliminate potential expansive soil-related impacts.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be

allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of up to 50,000 square feet of total building area between the 5 facilities. However, these sites have already been graded and developed and have addressed soil expansion issues as part of site development.

The would be no impact associated with expansive soils under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, new commercial cannabis cultivation activities would be subject to SWRCB Order WQ 2023-0102-DWQ, which establishes requirements that address site erosion and sediment control, disturbed areas stabilization, site closure procedures, and monitoring and reporting requirements. In addition, the SWRCB order contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. The SWRCB order also requires the use of soil stability controls (discussed under Section 2.8.2, "Regulatory Framework") and the implementation of a site erosion and sediment control plan and a disturbed area stabilization plan for higher risk sites. In addition, the County's Grading Ordinance includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements. Finally, Appendix J, "Grading," of the CBC, regulates grading activities, including drainage and erosion control. Compliance with these standards would be consistent with San Diego County General Plan Policy S-8.2, which requires all new buildings and structures to comply with the uniform construction codes to minimize geologic-related hazards. Because future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and the most recent CBC, impacts associated with expansive soils would be minimized.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and the most recent CBC. These requirements would ensure impacts associated with soil stability would be minimized.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Because no outdoor cannabis cultivation uses would be allowed, potential impacts would be limited to development of new permanent buildings to support indoor cannabis or noncultivation uses. While it is considered unlikely that new cannabis uses would involve development of new buildings, construction and development plans would be subject to the County's Grading Ordinance and the most recent CBC. These requirements would ensure that impacts associated with soil stability would be minimized.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and the most recent CBC. These requirements would ensure impacts associated with soil stability would be minimized.

This impact would be less than significant under Alternative 5.

2.8.3.8 *Issue 5: Unique Geologic Features*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Unique Geology*, the Cannabis Program would have a significant impact if it would directly or indirectly destroy a unique geologic feature. Specifically, the Cannabis Program would result in significant impact if it would materially impair a unique geologic feature by destroying or altering those physical characteristics that convey the uniqueness of the resource. A geologic feature is unique if it meets one of the following criteria:

a. Is the best example of its kind locally or regionally;

b. Embodies the distinctive characteristics of a geologic principle that is exclusive locally or regionally;
c. Provides a key piece of geologic information important in geology or geologic history;
d. Is a “type locality” of a formation;
e. Is a geologic formation that is exclusive locally or regionally;
f. Contains a mineral that is not known to occur elsewhere in the County; or
g. Is used repeatedly as a teaching tool.

Impact Analysis

Unique geologic features are those that are locally or regionally unique in the context of the geologic history of California and may include particular rocks or strata that explain or result from geologic processes that have affected the county and that lend themselves to scientific study (County of San Diego 2011). The County specifically defines “unique geologic features” as sites that exhibit distinctive characteristics that are exclusive to the region or provide a key piece of geologic information important to the study of geology or geologic history, and examples may include unique rock outcrops (e.g., natural bridges), type localities of named geologic formations (e.g., type locality of Scripps Formation in the sea cliffs north of Scripps Institute of Oceanography), information-risk geologic exposures (e.g., cliff face exposing faulted sedimentary layers), and unique landforms (e.g., Round Mountain in Jacumba Valley, which represents a volcanic plug) (County of San Diego 2011).

The County General Plan Update EIR states that nearly all of the known unique geologic features are located in areas that would not be disturbed by new development, for example open space, parks, roadway rights-of-way) (see Table 2.8.4, which is presented at the end of this section).

New commercial cannabis sites permitted and licensed under the proposed Cannabis Program could include soil-disturbing activities, such as site preparation, grading, and excavation, which have the potential to damage or destroy unique geologic features. However, new commercial cannabis sites developed under the project would be required to comply with the County General Plan Policy COS-9.2, which requires development to minimize impacts to unique geologic features from human-related destruction, damage, or loss. The siting and location of new commercial cannabis sites would be evaluated on a project-specific, case-by-case basis.

Therefore, adherence to the General Plan and standard practice would ensure that ground-moving activities associated with future licensed sites would not result in the destruction of a unique geologic feature.

Alternative 1: No Project–Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of up to 50,000 square feet of total building area between the 5 facilities. However, these sites have already been graded and developed and no unique geologic features exist on the sites based on review of satellite imagery.

There would be no impact on unique geologic features under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

New commercial cannabis sites permitted and licensed under the proposed Cannabis Program could include soil-disturbing activities, such as site preparation, grading, and excavation, which have the potential to damage or destroy unique geologic features. However, new commercial cannabis sites would be required to comply with the County General Plan Policy COS-9.2, which requires development to minimize impacts to unique geologic features from human-related destruction, damage, or loss. This is accomplished through discretionary review, such as CEQA, and through the permitting process. Compliance with Policy COS-9.2 would ensure that ground-moving activities associated with commercial cannabis sites would not result in the destruction of unique geologic features.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to County General Plan Policy COS-9.2, which requires development to minimize impacts to unique geologic features from human-related destruction, damage, or loss. Compliance with Policy COS-9.2 would ensure that ground-moving activities associated with commercial cannabis sites would not result in the destruction of unique geologic features.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Because no outdoor cannabis cultivation uses would be allowed, potential impacts would be limited to development of new permanent buildings to support indoor cannabis or

noncultivation uses. While it is considered unlikely that new cannabis uses would involve development of new buildings, construction and development plans would be subject to County General Plan Policy COS-9.2, which requires development to minimize impacts to unique geologic features from human-related destruction, damage, or loss. Compliance with Policy COS-9.2 would ensure that ground-moving activities associated with commercial cannabis sites would not result in the destruction of unique geologic features.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county through 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed under Alternative 2, future licensed commercial cannabis sites would be subject to County General Plan Policy COS-9.2, which requires development to minimize impacts to unique geologic features from human-related destruction, damage, or loss. Compliance with Policy COS-9.2 would ensure that ground-moving activities associated with commercial cannabis sites would not result in the destruction of unique geologic features.

This impact would be less than significant under Alternative 5.

2.8.4 Cumulative Impacts

The geographic scope of the cumulative impact analysis for geology and soils is site-specific and limited to the immediate area of the geologic constraint, with the exception of some geologic impacts that are regional, such as earthquake risk. As discussed in Section 2.8.3, none of the alternatives would result in loss of access to known mineral resources in the county.

Cumulative projects located within the geographic scope for cumulative geology and soils impacts would be subject to the most recent CBC, the County General Plan, the County Grading Ordinance, SWRCB Order WQ 2023-0102-DWQ, and any other applicable city, state, and County regulations in place.

2.8.4.1 *Issue 1: Exposure to Seismic-Related Hazards*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with seismic-related hazards from implementation of the General Plan (County of San Diego 2009).

Alternative 1 would involve potential expansion of existing cannabis facilities, there would be no contribution to cumulative seismic-related impacts.

New commercial cannabis sites licensed and permitted through the project would be subject to the seismic design requirements of the most recent CBC, the Alquist-Priolo Act, County Special Study Zones, County Zoning Ordinance for Fault Displacement Area Regulations, and

other applicable standards that contain building siting and design requirements that would reduce the risks of loss, injury, or death resulting from seismic-related ground shaking. Cumulative projects would, as applicable, also be subject to these building siting and design requirements.

In addition, the Cannabis Program, as proposed, would not create new seismic events or exacerbate existing seismic hazards because limited ground disturbance associated with commercial cannabis cultivation activities would not alter existing seismic and fault conditions in the San Diego County region. Therefore, the incremental effects of the project related to seismic activity would not combine with the effects of cumulative projects to create significant cumulative impacts. The Cannabis Program's incremental effects would not be cumulatively significant, and the project's contributions to these seismic-related hazards would not be cumulatively considerable such that a new cumulatively significant impact would occur. Therefore, the proposed Cannabis Program, in combination with the identified cumulative projects, would not have the potential to result in a significant cumulative impact associated with seismic hazards under Alternatives 2, 3, 4, and 5.

2.8.4.2 *Issue 2: Soil Erosion or Topsoil Loss*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with soil erosion or topsoil loss from implementation of the General Plan (County of San Diego 2009).

The Cannabis Program encompasses varying terrain throughout the whole of unincorporated areas in San Diego County, parts of which contain Coastal Plain, Peninsular Range, and Desert Basin. Thus, the San Diego County region has varying levels of topography and development, with the most urbanized and densely populated areas located in the western half. Existing commercial cannabis, expanded existing commercial cannabis, and new commercial cannabis sites permitted and licensed through the Cannabis Program would be subject to the requirements of the County Grading Ordinance, which includes requirements for cut and fill slopes, drainage and terracing, setbacks for buildings from cut or fill slopes, and reporting requirements, including a soil engineer's report and final engineering geology report for approval of grading as affected by geological factors. In addition, these cannabis sites would also be subject to the requirements of SWRCB Order WQ 2023-0102-DWQ, which addresses site erosion and sediment control, disturbed areas stabilization, site closure procedures, monitoring and reporting requirements, maintenance, stream crossing installation and maintenance, soil disposal and spoils management, roadway design and maintenance, the implementation of a Site Erosion and Sediment Control Plan, and a Disturbed Area Stabilization Plan for high risk sites, all of which would reduce the project's associated soil erosion and topsoil loss to a less-than-significant level. Cumulative projects would also be subject to these regulatory compliance measures, as applicable, which would serve to offset contributions to cumulative impacts related to soil erosion and topsoil loss.

Therefore, the incremental effects of the Cannabis Program on soil erosion or topsoil loss would not combine with the effects of cumulative projects to create significant cumulative impacts. The project's incremental effects would not be cumulatively significant, and the project's contributions to these geology and soils impacts would not be cumulatively considerable such that a new cumulatively significant impact would occur. Therefore, the proposed Cannabis Program, in combination with the identified cumulative projects, would not

have the potential to result in a significant cumulative impact associated with soil erosion and topsoil loss for Alternatives 1, 2, 3, 4, and 5.

2.8.4.3 *Issue 3: Soil Stability*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with soil stability from implementation of the General Plan (County of San Diego 2009).

As discussed in Section 2.8.1, "Existing Conditions," the county has encountered landslides most prevalently along the incorporated areas of the coastal bluffs and western portion of the county, with few areas in the eastern part of the county. Liquefaction and lateral spreading are not known to occur in the county, but there are areas of the county that may have the potential for liquefaction (lower San Dieguito, Sweetwater, and San Luis Rey River Valleys; Jacumba; Borrego Valley near the Borrego Sink; and part of Ramona) (County of San Diego 2009). The only subsidence recorded in the county is minor subsidence in Borrego Valley associated with groundwater depletion, which has not caused any damage.

New commercial cannabis sites licensed and permitted through the Cannabis Program would be subject to the County's Grading Ordinance, SWRCB Order WQ-0102-DWQ, Chapter 18A of the CBC, and other applicable standards that contain requirements that would reduce impacts associated with soil stability. Cumulative projects would also be subject to these regulatory compliance measures, as applicable, which would serve to offset cumulative impacts related to soil stability.

Therefore, the incremental effects of the Cannabis Program on soil stability would not combine with the effects of cumulative projects to create significant cumulative impacts. The project's incremental effects would not be cumulatively significant, and the project's contributions to these geology and soils impacts would not be cumulatively considerable such that a new cumulatively significant impact would occur. Therefore, the proposed Cannabis Program, in combination with the identified cumulative projects, would not have the potential to result in a significant cumulative impact associated with soil stability under Alternatives 1, 2, 3, 4, and 5.

2.8.4.4 *Issue 4: Expansive Soils*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with expansive soils from implementation of the General Plan (County of San Diego County 2009).

The 5 existing facilities included in Alternative 1 have already been graded and developed and have addressed soil expansion issues as part of site development; thus, there would be no contribution to cumulative expansive soils impacts.

Areas of expansive soils in the county occur predominantly in the coastal plains, valleys, and slopes in the foothills, the mountains of the Peninsular Ranges, and to a lesser extent the desert. New commercial cannabis sites permitted and licensed through the project would be required to comply with the County's Grading Ordinance, which includes requirements for expansive soils for cut and fills and would also be subject to Chapter 18A of the CBC, which regulates construction on unstable soils, such as expansive soils. Cumulative projects would

also be subject to these regulatory compliance measures, as applicable, which would serve to offset cumulative impacts related to expansive soils.

Therefore, the incremental effects of the Cannabis Program on expansive soils would not combine with the effects of cumulative projects to create significant cumulative impacts. The project's incremental effects would not be cumulatively significant, and the project's contributions to these geology and soils impacts would not be cumulatively considerable such that a new cumulatively significant impact would occur. Therefore, the proposed Cannabis Program, in combination with the identified cumulative projects, would not have the potential to result in a significant cumulative impact associated with expansive soils under Alternatives 2, 3, 4, and 5.

2.8.4.5 *Issue 5: Unique Geologic Features*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with unique geologic features from implementation of the General Plan (County of San Diego 2009).

The 5 existing facilities included in Alternative 1 have already been graded and developed and no unique geologic features exist on the sites based on review of satellite imagery; thus, there would be no contribution to cumulative unique geologic feature impacts.

The County General Plan Update EIR states that nearly all of the known unique geologic features are located in areas that would not be disturbed by new development, for example, open space, parks, roadway rights-of-way (see Table 2.8.4). Therefore, it is not anticipated that commercial cannabis sites permitted and licensed through the Cannabis Program would be located on sites with unique geologic features.

Therefore, the incremental effects of the Cannabis Program on unique geologic features would not combine with the effects of cumulative projects to create significant cumulative impacts. The project's incremental effects would not be cumulatively significant, and the project's contributions to these geology and soils impacts would not be cumulatively considerable such that a new cumulatively significant impact would occur. Therefore, the proposed Cannabis Program, in combination with the identified cumulative projects, would not have the potential to result in a significant cumulative impact associated with unique geologic features under Alternatives 2, 3, 4, and 5.

2.8.5 Significance of Impacts Prior to Mitigation

2.8.5.1 *Issue 1: Exposure to Seismic-Related Hazards*

The Cannabis Program would have no direct impacts to seismic hazards under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts to seismic hazards under Alternatives 2 through 5. Project impacts would not be cumulatively considerable such that new cumulative impacts associated with seismic hazards would occur.

2.8.5.2 *Issue 2: Soil Erosion or Topsoil Loss*

The proposed Cannabis Program would result in less-than-significant direct impacts to soil erosion or loss under Alternatives 1 through 5. Project impacts would not be cumulatively considerable such that new cumulative impacts associated soil erosion or loss would occur.

2.8.5.3 *Issue 3: Soil Stability*

The Cannabis Program would have no direct impacts to soil stability under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts to soil stability under Alternatives 1 through 5. Project impacts would not be cumulatively considerable such that new cumulative impacts associated with soil stability would occur.

2.8.5.4 *Issue 4: Expansive Soils*

The Cannabis Program would have no direct impacts associated with expansive soils under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts associated with expansive soils under Alternatives 2 through 5. Project impacts would not be cumulatively considerable such that new cumulative impacts associated with expansive soils would occur.

2.8.5.5 *Issue 5: Unique Geologic Features*

The Cannabis Program would have no direct impacts to unique geologic features under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts to unique geologic features under Alternatives 2 through 5. Project impacts would not be cumulatively considerable such that new cumulative impacts associated with unique geologic features would occur.

2.8.6 Mitigation

2.8.6.1 *Issue 1: Exposure to Seismic-Related Hazards*

No mitigation is required.

2.8.6.2 *Issue 2: Soil Erosion or Topsoil Loss*

No mitigation is required.

2.8.6.3 *Issue 3: Soil Stability*

No mitigation is required.

2.8.6.4 *Issue 4: Expansive Soils*

No mitigation is required.

2.8.6.5 *Issue 5: Unique Geologic Features*

No mitigation is required.

2.8.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

2.8.7.1 *Issue 1: Exposure to Seismic-Related Hazards*

The Cannabis Program would have no direct impacts associated with seismic-related hazards under Alternative 1. Future licensed commercial cannabis sites under Alternatives 2, 3, 4, and 5 would be required to comply with the most recent CBC, Alquist-Priolo Act, and County building standards to reduce the potential for adverse impacts related to seismic hazards. Furthermore, commercial cannabis sites would not create new seismic events or exacerbate existing seismic hazards. For these reasons, the impacts associated with seismic hazards would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.8.7.2 *Issue 2: Soil Erosion or Topsoil Loss*

The Cannabis Program would have no direct impacts associated with soil erosion or topsoil loss under Alternative 1 potential site expansions. Future licensed commercial cannabis sites under Alternatives 2, 3, 4, and 5 have the potential to increase soil erosion and the loss of topsoil. However, adherence to SWRCB Order WQ 2023-0102-DWQ (including the site erosion and sediment control plan), the County's Grading Ordinance, and General Plan policies would ensure that impacts associated with soil erosion and the loss of topsoil would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.8.7.3 *Issue 3: Soil Stability*

The Cannabis Program would have no direct impacts associated with soil stability under Alternative 1 potential site expansions. Future licensed commercial cannabis sites under Alternatives 2, 3, 4, and 5 have the potential to increase soil erosion and the loss of topsoil. However, adherence to SWRCB Order WQ 2023-0102-DWQ (including the site erosion and sediment control plan), the County's Grading Ordinance, and General Plan policies would ensure that impacts associated with soil instability would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.8.7.4 *Issue 4: Expansive Soils*

The Cannabis Program would have no direct impacts associated with expansive soils under Alternative 1. Future licensed commercial cannabis sites under Alternatives 2, 3, 4, and 5 have the potential to be located on soils prone to expansion. However, adherence to the most recent CBC, the County Grading Ordinance, and SWRCB Order WQ 2023-0102-DWQ would ensure that impacts associated with expansive soils would be less than significant for Alternatives 2,

3, 4 and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.8.7.5 *Issue 5: Unique Geologic Features*

The Cannabis Program would have no direct impacts associated with unique geologic features under Alternative 1. New commercial cannabis sites under Alternative 2, 3, 4, and 5 have the potential to disturb unique geologic features during soil-disturbing construction activities, such as grading and excavation. Compliance with, and adherence to, the County's General Plan would ensure that construction earthwork activities associated with the development of new commercial cannabis sites would not result in the destruction of unique geologic features. This impact would be less than significant for Alternative 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Table 2.8.2 Active Faults in and Adjacent to San Diego County

Fault Name	General Information	Most Recent Activity
San Jacinto Fault Zone	130.5 miles in length and extends through the Borrego Springs and Ocotillo Wells areas. Right-lateral strike-slip fault, minor right reverse. Most recent surface rupture was on the Coyote Creek fault, discussed above. Slip rate is typically between 7 and 17 millimeters per year (mm/yr), and the interval between surface ruptures is 100 to 300 years per segment.	April 9, 1968; Magnitude 6.5 on Coyote Creek Segment
Coyote Creek Fault	Right-lateral strike-slip fault extending 50 miles through Borrego Springs, Borrego, and Ocotillo Wells. Most recent surface rupture was on April 8, 1968, on the southern half. Slip rate is between 2 and 6 mm/yr.	April 9, 1968; Magnitude 6.5 on southern half
Elsinore Fault Zone	About 112 miles in length, extending through Julian in San Diego County, and north of the County through the Temecula and Lake Elsinore areas. The Elsinore fault is one of the largest in southern California. Last major rupture was May 15, 1910, with an interval of roughly 250 years between major ruptures. Slip rate category: 4.0 mm/yr. At its southern end, the Elsinore fault is cut by the Yuha Wells Fault. The continuation of the Elsinore Fault, south of the Yuha Wells Fault, is known as the Laguna Salada Fault.	May 15, 1910; Magnitude 6, no surface rupture found
Rose Canyon Fault Zone	About 19 miles in length and extends through from the city of Coronado across San Diego Bay to the city of San Diego, La Jolla, and Linda Vista communities. Slip rate category: 1.1 mm/yr; could be greater if unmeasured parallel segments carry a significant amount of slip. The faults in this zone typically dip to the east.	Holocene, in part; mostly Quaternary; probable magnitudes estimated between 6 and 7.2
Earthquake Valley Fault	About 16 miles in length, extending through San Felipe and Julian. Right-later strike slip fault with a slip rate of between 1 and 3 mm/yr.	Holocene; probable magnitudes estimated between 6 and 7
San Andreas Fault Zone	Right-lateral strike-slip fault, 746 miles in length, extending generally north-south through the length of California, terminating in Southern California, east of San Diego County, near the Salton Sea. Last major rupture was January 9, 1857, on the northern segment of the fault and slip rate is about 20 to 35 mm/yr.	January 9, 1857 (Mojave segment), April 18, 1906 (northern segment); magnitudes estimated between 6.8 and 8

Sources: San Diego County 2009; California Institute of Technology 2024.

Table 2.8.3 The Modified Mercalli Scale of Earthquake Intensities

If most of these effects are observed	Then the intensity is
Earthquake shaking not felt, but people may observe marginal effects of large distance earthquakes without identifying these effects as earthquake-caused–among them trees, liquids, bodies of water sway slowly, or doors swing slowly.	I
Effect on people: Shaking felt by those at rest, especially if they are indoors, and by those on upper floors.	II
Effect on people: Felt by most people indoors. Some can estimate duration of shaking but many may not recognize shaking of building as caused by an earthquake; the shaking is like that caused by the passing of light trucks.	III
Other effects: Hanging objects swing. Structural effects: Windows or doors rattle. Wooden walls and frames creak.	IV
Effect on people: Felt by everyone indoors and by most people outdoors. Many now estimate not only the duration of shaking but also its direction and have no doubt as to its cause. Sleepers wakened. Other effects: Hanging objects swing. Standing autos rock. Crockery clashes, dishes rattle, or glasses clink. Structural effects: Doors close, open, or swing. Windows rattle.	V
Effect on people: Felt by everyone indoors and by most people outdoors. Many now estimate not only the duration of shaking but also its direction and have no doubt as to its cause. Sleepers wakened. Other effects: Hanging objects swing. Shutters or pictures move. Pendulum clocks stop, start, or change rate. Standing autos rock. Crockery clashes, dishes rattle, or glasses clink. Liquids disturbed, some spilled. Small unstable objects displaced or upset. Structural effects: Weak plaster and Masonry D* crack. Windows break. Doors close, open, or swing.	VI
Effect on people: Felt by everyone. Many are frightened and run outdoors. People walk unsteadily. Other effects: Small church or school bells ring. Pictures thrown off walls, knickknacks and books off shelves. Dishes or glasses broken. Furniture moved or overturned. Trees and bushes shaken visibly or heard to rustle. Structural effects: Masonry D* damaged; some cracks in Masonry C*. Weak chimneys break at roof line. Plaster, loose bricks, stones, tiles, cornices, unbraced parapets, and architectural ornaments fall. Concrete irrigation ditches damaged.	VII
Effect on people: Difficult to stand. Shaking noticed by auto drivers. Other effects: Waves on ponds; water turbid with mud. Small slides and caving in along sand or gravel banks. Large bells ring. Furniture broken. Hanging objects quiver. Structural effects: Masonry D* heavily damaged; Masonry C* damaged, partially collapses in some cases; some damage to Masonry B*; none to Masonry A*. Stucco and some masonry walls fall. Chimneys, factory stacks, monuments, towers, and elevated tanks twist or fall. Frame houses move on foundation if not bolted down; loose panel walls thrown out. Decayed piling broken off.	VIII

If most of these effects are observed	Then the intensity is
Effect on people: General fright. People thrown to ground. Other effects: Changes in flow or temperature of springs and wells. Cracks in wet ground and on steep slopes. Steering of autos affected. Branches broken from trees. Structural effects: Masonry D* destroyed; Masonry C* heavily damaged, sometimes with complete collapse; Masonry B* is seriously damaged. General damage to foundations. Frame structures, if not bolted, shifted off foundations. Frames cracked. Reservoirs seriously damaged. Underground pipes broken.	IX
Effect on people: General panic. Other effects: Conspicuous cracks in ground. In areas of soft ground, sand is ejected through holes and piles up into a small crate, and in muddy areas, water fountains are formed. Structural effects: Mast masonry and frame structures destroyed along with their foundations. Some well-built wooden structures and bridges destroyed. Serious damage to dams, dikes, and embankments. Railroads bent slightly.	X
Effect on people: General panic. Other effects: Large landslides. Water thrown on banks of canals, rivers, lakes, etc. Sand and mud shifted horizontally on beaches and flat land. Structural effects: General destruction of buildings. Underground pipelines completely out of service. Railroads bent greatly.	XI
Effect on people: General panic. Other effects: Same as for Intensity X. Structural effects: Damage nearly total, the ultimate catastrophe. Other effects: Large rock masses displaced. Lines of sight and level distorted. Objects thrown into air.	XII

Notes:

* Masonry A: Good workmanship and mortar, reinforced, designed to resist lateral forces.

* Masonry B: Good workmanship and mortar, reinforced.

* Masonry C: Good workmanship and mortar, unreinforced.

* Masonry D: Poor workmanship and mortar and weak materials, like adobe.

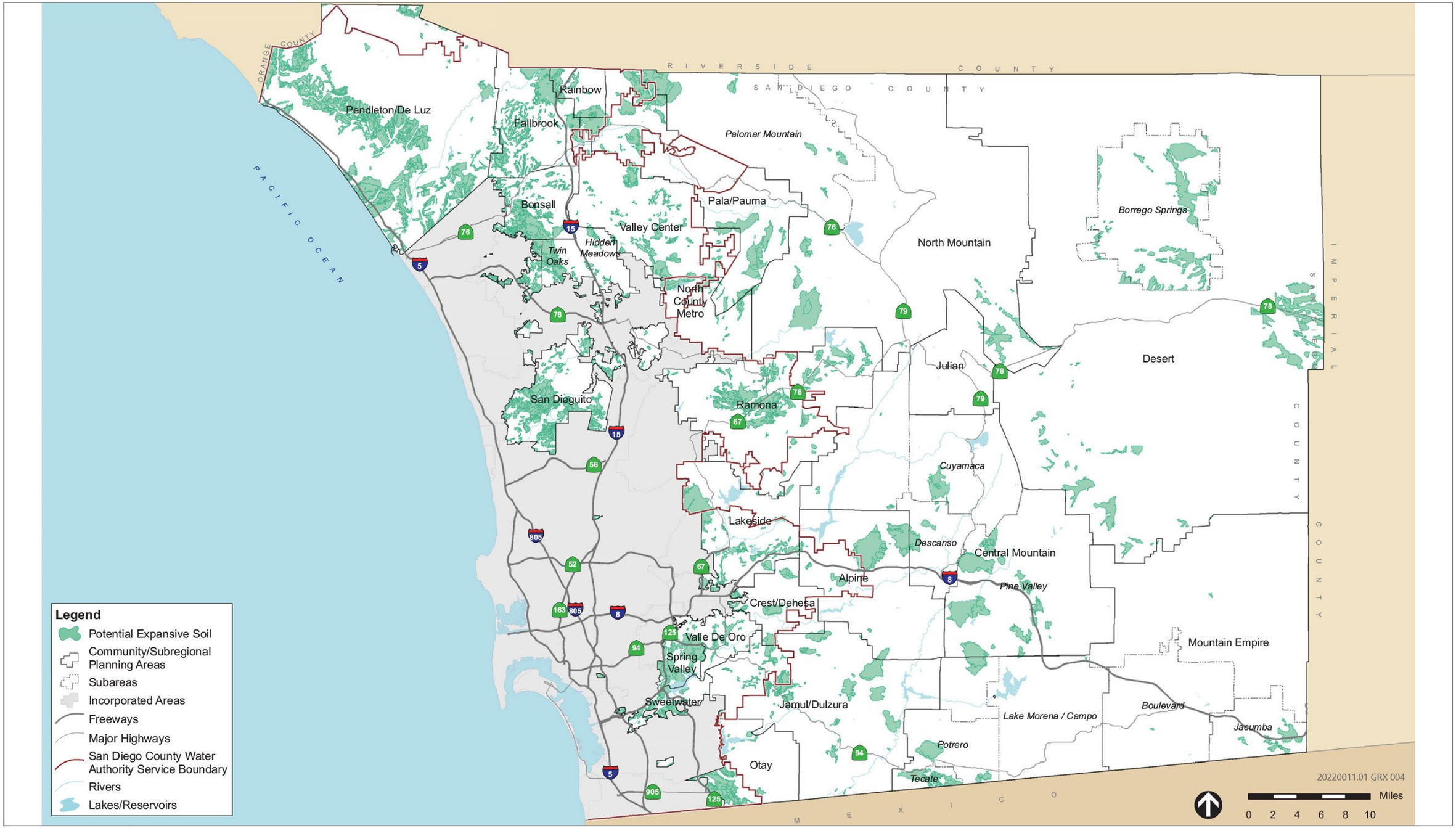
Source: US Geological Survey 2024.

Table 2.8.4 Unique Geologic Features in San Diego County

Geologic Feature	Reason for Uniqueness	Locality
Borrego Badlands (Borrego Formation)	Exposures of wind and water erosion features that are unusual in San Diego County.	Imperial Valley, Anza-Borrego State Park east of Borrego Springs, Ocotillo Wells south of State Route 78 near the Imperial County border
Ocotillo conglomerate in the Northern Borrego Badlands	Exposures of wind and water erosion features that are unusual in San Diego County.	Near Ocotillo Wells
San Onofre breccia	The only exposure of these rocks in San Diego County. During the middle Miocene, from Oceanside north to the Orange County line, exotic breccia was deposited along an ancient beach. These rocks, the San Onofre breccia, had their origin in the west, from an unknown island in the Pacific Ocean. The unit contains clasts of metamorphic rocks, predominantly blue-gray glaucophane schist that is relatively rare in southern California. Layering of the clasts indicates they came from the west, fossils indicate they came from shallow marine waters, and angularity indicates they came from nearby. Deposited 100 million years ago.	San Onofre Hills
Monterey shale	Only place this rock is exposed.	Along sea cliffs southeast of San Onofre
Petrified forest with logs in place. Exposures of the prebatholithic volcanics and sedimentary rocks containing leaf imprints	Petrified wood is extremely rare in the county.	Lusardi Canyon near Rancho Santa Fe, near junction with San Dieguito River
Folded slates—steep dips and primary structures.	Probably the county's best location for viewing these types of features.	Lusardi Canyon near Rancho Santa Fe, near junction with San Dieguito River
Unusual occurrence of orbicular gabbro, where the orbicles are the result of banding around xenoliths in the original rock	An unusual occurrence of orbicular gabbro.	Dehesa Road, west of the Harbison Canyon Road intersection
Stonewall quartz diorite	Oldest igneous rock in the county.	Stonewall Peak; Cuyamaca Region
A major bend in the Elsinore fault that includes augen gneiss	Unusual occurrence. Augen gneiss is a coarsegrained gneiss, interpreted as resulting from metamorphism of granite, which contains characteristic elliptic or lenticular shear bound feldspar porphyroclasts, normally microcline, within the layering of the quartz, biotite and magnetite bands	Overland Stage Route west of Vallecito

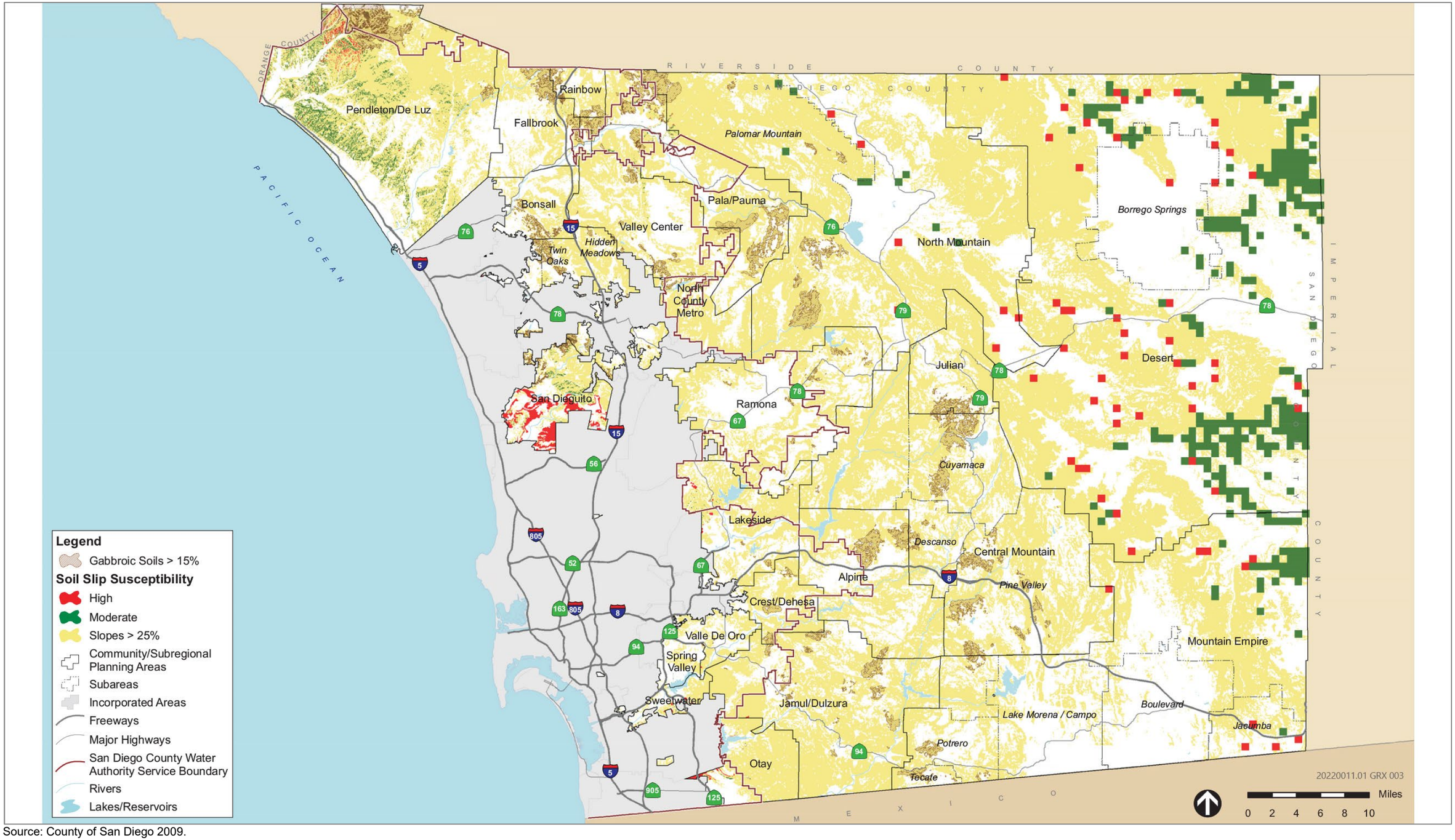
Geologic Feature	Reason for Uniqueness	Locality
Dos Cabazas marble	Unusual tight folding in marble, alternating bands of calcite, finely disseminated graphite, and garnet. Some schist and green diopside. Only place in the county to find Wollastonite.	Vicinity San Diego and Arizona Eastern Railroad to west of the Imperial County Line
Stratigraphic relationship between Jacumba volcanic rocks (Alverson andesite) and "Table Mountain gravels;" reworked younger gravels well exposed	Indications of volcanism and rifting from 18 million years ago.	Table Mountain, north of Jacumba
Los Pinos Mountain	Only accessible gabbro pluton. Has unique comb layers and orbicular structures.	Los Pinos Mountain, approximately two miles northwest of Morena Reservoir
A combination of gembearing dikes and geologic features, such as migmatites, folds, and metamorphic rocks intruded by granite	Educational field trips visit this location.	Sacatone Springs, Mount Tule
Contact zone in road cuts	Major divide between rocks that are older than 105 million years and those that are younger than 95 million years. Educational field trips visit this location.	State Route 80 and Interstate 8 just west of the intersection with Kitchen Creek Road
Andalusite-bearing schis	Only occurrence in San Diego County.	Sunrise Highway (State Route 1) east of Lake Cuyamaca
Ridge between Blair and Little Blair Valleys	Intermontane basins, exposures of pegmatite dikes, prebatholithic rocks, and La Posta granites.	Blair Valley and Little Blair Valley east of State Route 2 in Anza-Borrego State Park
Potrero Peak gabbro	Contains orbicular structures.	Potrero Peak located east of Stat Route 94 in the unincorporated community of Potrero
Orbicular diorite and abandoned W-bearing rocks	Contains orbicular structures. Orbicular structures are unusual to find.	Northeast of the intersection of Buckman Springs Road and Interstate 8
Piñon Mountains	Only exposures of a detachment fault and associated alteration in San Diego County.	Anza-Borrego State Park

Source: County of San Diego 2009.



Source: County of San Diego 2009.

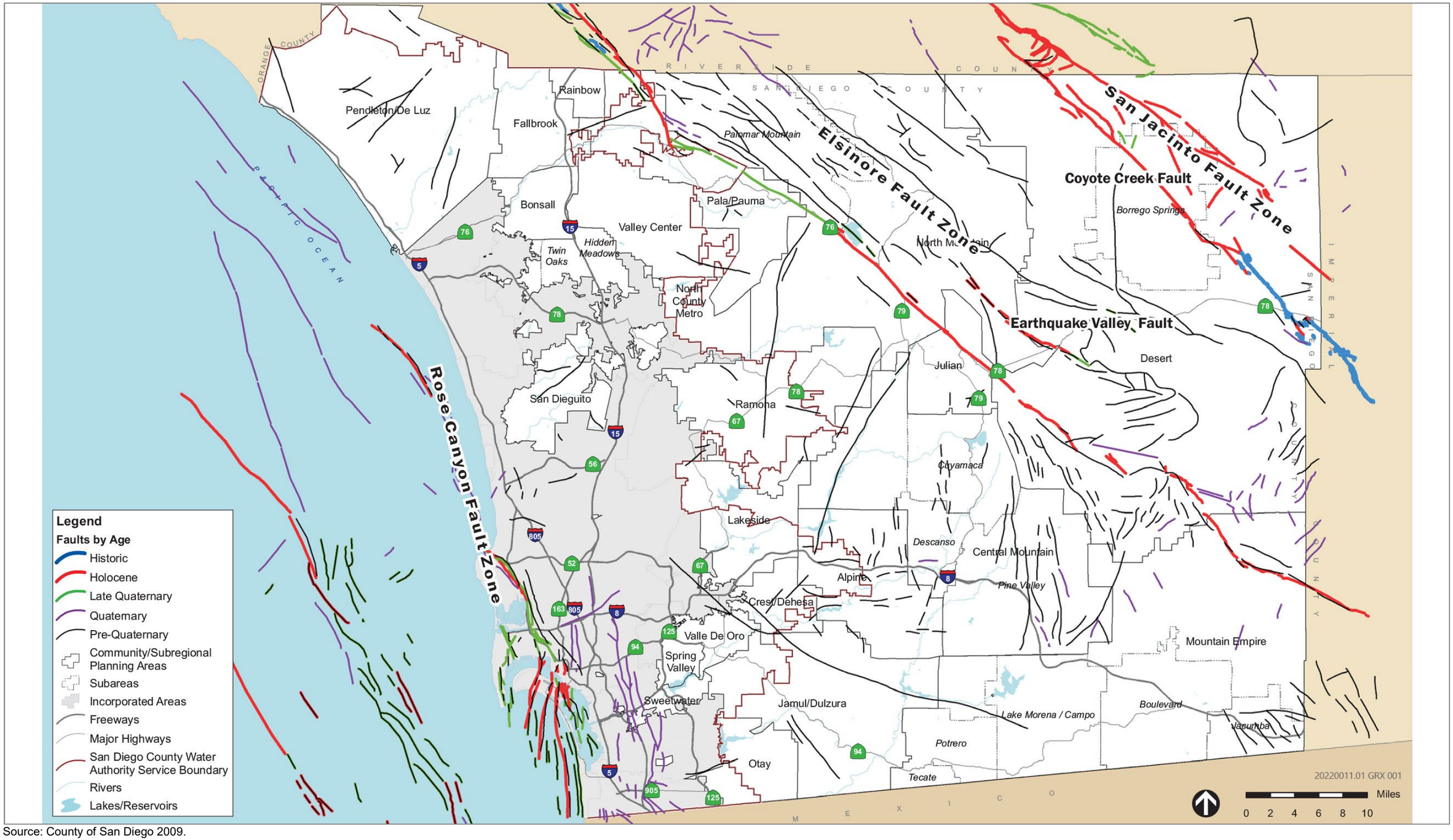
Figure 2.8.1 **Potential Expansive Soils in San Diego County**



Source: County of San Diego 2009.

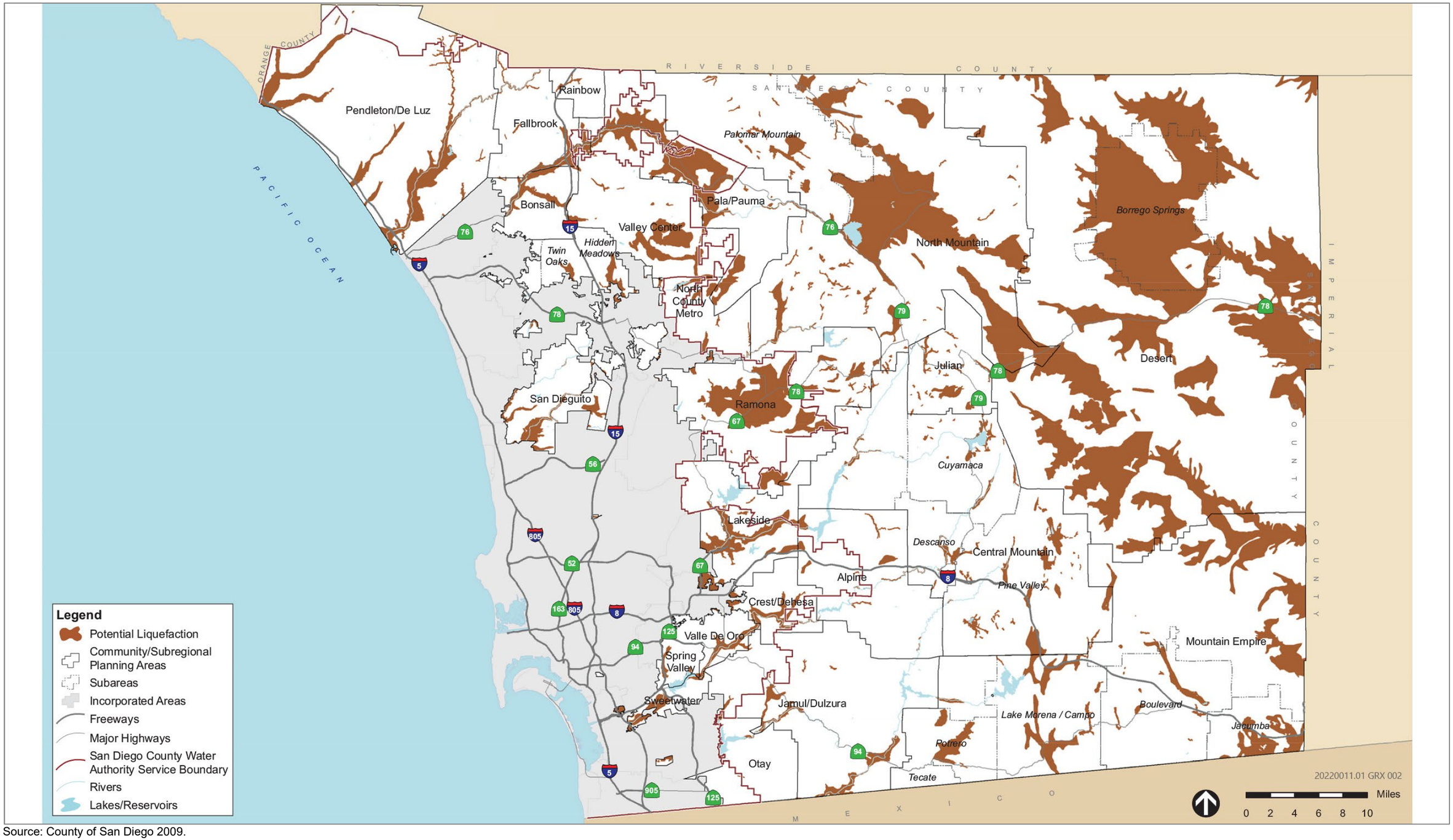
Figure 2.8.2

Areas Susceptible to Landslides in San Diego County



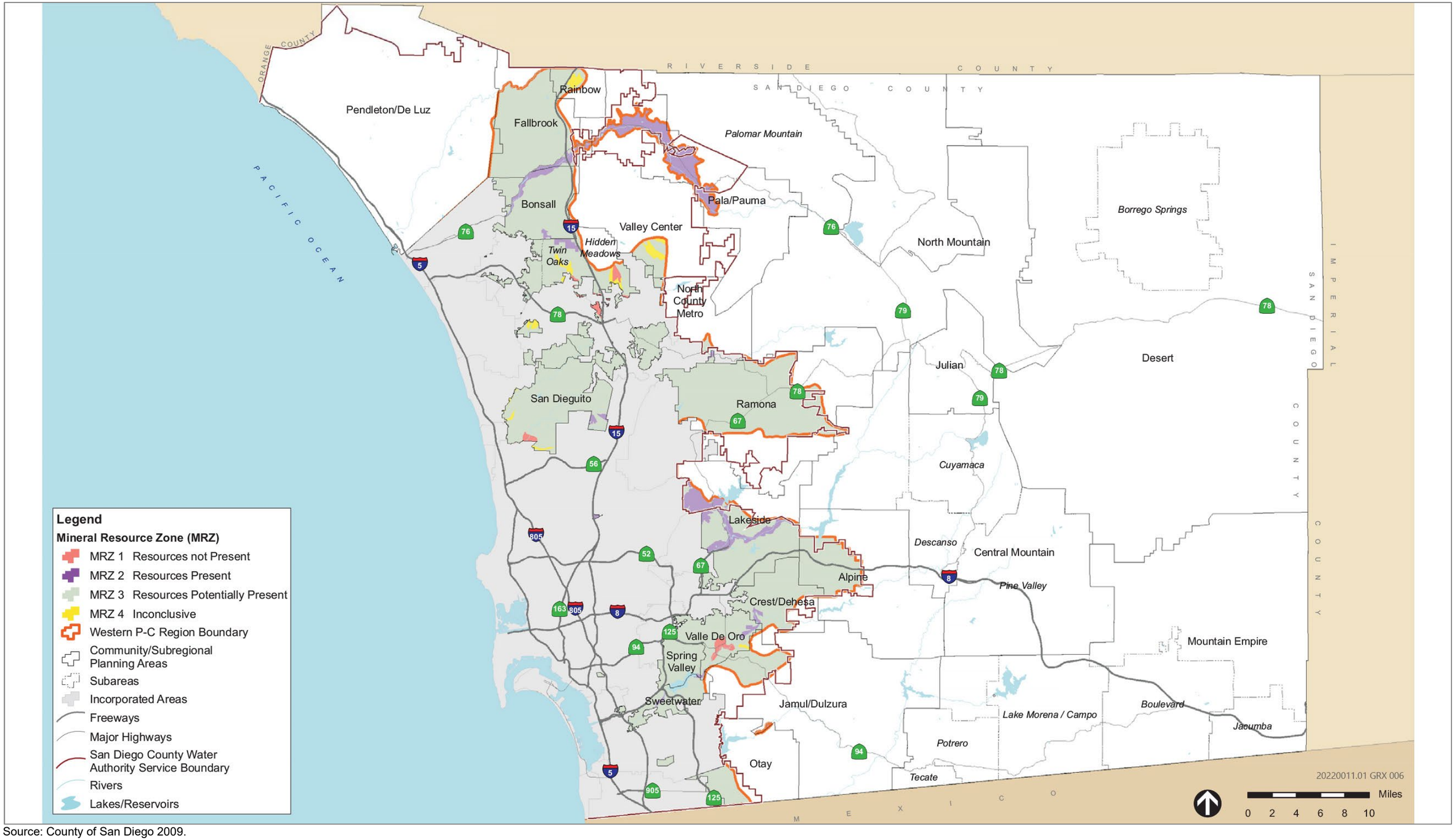
Source: County of San Diego 2009.

Figure 2.8.3 **Mapped Faults in San Diego County**



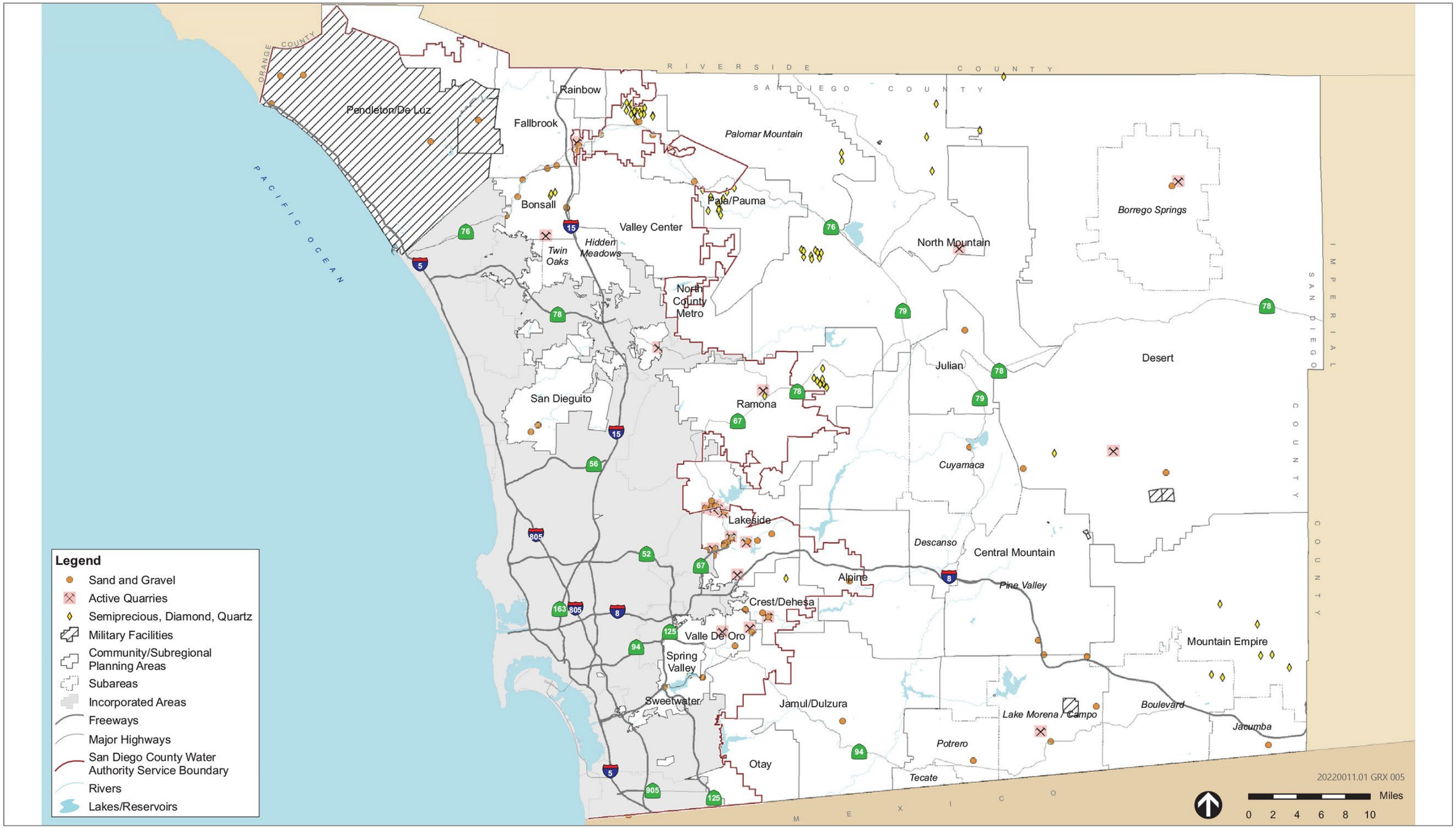
Source: County of San Diego 2009.

Figure 2.8.4 **Potential Liquefaction Zones in San Diego County**



Source: County of San Diego 2009.

Figure 2.8.5 **Mineral Resource Zones in San Diego County**



Source: County of San Diego 2009.

Figure 2.8.6 **Mineral Resources in San Diego County**

2.9 Greenhouse Gas Emissions and Climate Change

This section presents a summary of regulations applicable to greenhouse gas (GHG) emissions, a summary of climate change science and GHG sources in California, quantification of project-generated GHGs and discussion about their contribution to global climate change, and analysis of the project's resiliency to climate change–related risks. In addition, a mitigation measure is recommended to reduce the Cannabis Program's contribution to climate change.

Comments were received in response to the notice of preparation (NOP) pertaining to greenhouse gas emissions and climate change impacts. These issues are addressed in the impact analysis below. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.9.1.

Table 2.9.1 Greenhouse Gas Emissions and Climate Change Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Conflict with the San Diego County Climate Action Plan	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternatives 1–5: Less than Significant

2.9.1 Existing Conditions

2.9.1.1 *Greenhouse Gas Emissions and Climate Change*

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space. A portion of the radiation is absorbed by the earth's surface, and a smaller portion of this radiation is reflected toward space. The absorbed radiation is then emitted from the earth as low-frequency infrared radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of these GHGs in excess of natural ambient concentrations are found to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. It is "extremely likely" that more than half of the observed increase in global average surface temperature from 1951 to 2010 was caused by the anthropogenic increase in GHG concentrations and other anthropogenic forcing (IPCC 2014).

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas most pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years). GHGs persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any GHG molecule depends on multiple variables and cannot be determined with any certainty, it is understood that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. Of the total annual human-caused CO_2 emissions, approximately 55 percent is estimated to be sequestered through ocean and land uptake every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere (IPCC 2013).

The quantity of GHGs in the atmosphere responsible for climate change is not precisely known, but it is considered to be enormous. No single project alone would measurably contribute to an incremental change in the global average temperature or to global or local climates or microclimates. From the standpoint of CEQA, GHG impacts relative to global climate change are inherently cumulative.

2.9.1.2 *Greenhouse Gas Emission Sources*

Emissions of CO_2 are byproducts of fossil fuel combustion. Methane, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Nitrous oxide is also largely attributable to agricultural practices and soil management. CO_2 sinks, or reservoirs, include vegetation and the ocean, which absorb CO_2 through sequestration and dissolution (CO_2 dissolving into the water), respectively, 2 of the most common processes for removing CO_2 from the atmosphere.

As discussed previously, GHG emissions are attributable in large part to human activities. The total GHG inventory for California in 2021 was 381 million metric tons of carbon dioxide equivalent ($MMTCO_2e$) (CARB 2022a). This is less than the 2020 target of 431 $MMTCO_2e$ established by Assembly Bill (AB) 32 (discussed below).

Table 2.9.2, presented at the end of this section, shows that in 2019, a total of 2,984,000 $MMTCO_2e$ were generated by activities in the unincorporated county and from County government operations. The largest contributor of GHG emissions was on-road transportation, which includes emissions from gasoline and diesel fuel use from vehicles operating on roadways. The second largest contributor was electricity consumption, which accounts for electricity generated from nonrenewable sources and consumed at buildings and facilities.

2.9.1.3 *Effects of Climate Change on the Environment*

According to the Intergovernmental Panel on Climate Change, which was established in 1988 by the World Meteorological Organization and the United Nations Environment Programme, the global average temperature will increase by 3.7 degrees Celsius (°C) to 4.8°C (6.7 degrees Fahrenheit [°F] to 8.6°F) by the end of the century unless additional efforts to reduce GHG emissions are made (IPCC 2014: 10). According to California's Fourth Climate Change Assessment, if global GHG emissions reduce at a moderate rate, California will experience

average daily high temperatures that are warmer than the historical average by 2.5°F from 2006 to 2039, by 4.4°F from 2040 to 2069, and by 5.6°F from 2070 to 2100. However, if GHG emissions continue at current rates, then California will experience average daily high temperatures that are warmer than the historic average by 2.7°F from 2006 to 2039, by 5.8°F from 2040 to 2069, and by 8.8°F from 2070 to 2100 (OPR et al. 2018).

Since its previous climate change assessment in 2012, California has experienced several of the most extreme natural events in its recorded history: a severe drought from 2012 through 2016; an almost nonexistent Sierra Nevada winter snowpack in 2014-2015; increasingly large and severe wildfires; and back-to-back years of the warmest average temperatures (OPR et al. 2018). According to the California Natural Resources Agency's *Safeguarding California Plan: 2018 Update*, California experienced the driest 4-year statewide precipitation on record from 2012 through 2015; the warmest years on average in 2014, 2015, and 2016; and the smallest and second-smallest Sierra Nevada snowpack on record in 2014 and 2015 (CNRA 2018). According to the National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration, 2016, 2017, and 2018 were the hottest recorded years in history (NOAA 2019). In contrast, the northern Sierra Nevada experienced one of its wettest years on record during the 2016-2017 water year (CNRA 2018). The changes in precipitation exacerbate wildfires throughout California through a cycle of high vegetative growth coupled with dry, hot periods, which lowers the moisture content of fuel loads. As a result, the frequency, size, and devastation of forest fires have increased. In November 2018, the Camp Fire completely destroyed the town of Paradise in Butte County and caused 85 fatalities, becoming the state's deadliest fire in recorded history. The largest fires in the state's history have occurred between 2018 and 2020. Moreover, changes in the intensity of precipitation events following wildfires can also result in devastating mudslides and landslides. In January 2018, following the Thomas Fire, the city of Santa Barbara received 0.5 inches of rain in just 5 minutes, causing destructive mudslides formed from the debris and loose soil left behind by the fire. These mudslides resulted in 21 deaths.

As temperatures increase, the amount of precipitation falling as rain rather than snow also increases, which could lead to increased flooding because water that would normally be held in the snowpack of the Sierra Nevada and Cascade Range until spring would flow into the Central Valley during winter rainstorm events. This scenario would place more pressure on California's levee/flood control system (CNRA 2018). Furthermore, in the extreme scenario involving the rapid loss of the Antarctic ice sheet and the glaciers atop Greenland, the sea level along California's coastline is expected to rise 54 inches by 2100 if GHG emissions continue at current rates (OPR et al. 2018).

Temperature increases and changes to historical precipitation patterns will likely affect ecological productivity and stability. Existing habitats may migrate due to climatic changes where possible, but habitats and species that lack the ability to retreat will be severely threatened. Altered climate conditions will also facilitate the movement of invasive species to new habitats where they would outcompete native species. Altered climatic conditions dramatically endanger the survival of arthropods (e.g., insects, spiders), which could have cascading effects throughout ecosystems (Lister and Garcia 2018). Conversely, a warming climate may support the populations of other insects, such as ticks and mosquitos, which transmit diseases harmful to human health, such as the Zika virus, the West Nile virus, and Lyme disease (European Commission Joint Research Centre 2018).

Changes in temperature, precipitation patterns, extreme weather events, wildfires, and sea-level rise have the potential to threaten transportation and energy infrastructure, crop production, forests and rangelands, and public health (CNRA 2018; OPR et al. 2018). The effects of climate change will also have an indirect adverse impact on the economy as more severe natural disasters cause expensive physical damage to communities and the state.

In addition, adjusting to the physical changes associated with climate change can produce mental health impacts, such as depression and anxiety.

2.9.2 Regulatory Framework

2.9.2.1 *Federal*

Energy Policy and Conservation Act

In 1975, Congress enacted the federal Energy Policy and Conservation Act, which established fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the National Highway Traffic Safety Administration is responsible for establishing additional vehicle standards. As of 2022, the Corporate Average Fuel Economy standards require an industry-wide fleet average of approximately 49 miles per gallon for passenger cars and light-duty trucks in model year 2026. The new standards will increase fuel efficiency 8 percent annually for model years 2024–2025 and 10 percent annually for model year 2026. They will also increase the estimated fleetwide average by nearly 10 miles per gallon for model year 2026, relative to model year 2021 (DOT 2022).

Massachusetts v. EPA

On April 2, 2007, in *Massachusetts v. EPA*, the Supreme Court directed the US Environmental Protection Agency (EPA) administrator to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare or whether the science is too uncertain to make a reasoned decision. In making these decisions, the EPA administrator was required to follow the language of Section 202(a) of the federal Clean Air Act (CAA). On December 7, 2009, the administrator signed a final rule with 2 distinct findings regarding GHGs under Section 202(a) of the CAA:

- The administrator found that elevated concentrations of GHGs—CO_2, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the “endangerment finding.”
- The administrator further found the combined emissions of GHGs—CO_2, methane, nitrous oxide, and hydrofluorocarbons—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the “cause or contribute finding.”

These 2 findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the CAA.

2.9.2.2 *State*

Statewide GHG Emission Targets and Climate Change Scoping Plan

Reducing GHG emissions in California has been the focus of the state government for approximately 2 decades. GHG emission targets established by the state legislature include reducing statewide GHG emissions to 1990 levels by 2020 (AB 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (Senate Bill [SB] 32 of 2016). Executive Order (EO) S-3-05 calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. This target was superseded by AB 1279, which codifies a goal for carbon neutrality and reduced emissions to 85 percent below 1990 levels by no later than 2045. These targets are in line with the scientifically established levels needed in the United States to limit the rise in global temperature to no more than 2°C, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also pursue efforts to limit the temperature increase even further to 1.5°C (United Nations 2015).

On September 16, 2022, Governor Newsom signed AB 1279, which codified stringent emissions targets for the state of achieving carbon neutrality and an 85 percent reduction in 1990 emissions levels by 2045. The California Air Resources Board (CARB) released the Final 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) on November 16, 2022, as also directed by AB 1279 (CARB 2022b). The 2022 Scoping Plan traces the pathway for the state to achieve its carbon neutrality goal and a goal of 85 percent reduction below 1990 emissions levels by 2045 using several scenarios that utilized different suites of technologies and deployment of various regulations. CARB adopted the 2022 Scoping Plan on December 16, 2022.

Senate Bill 375 of 2008

In September 2008, SB 375 was signed into law and aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation policies. SB 375 requires metropolitan planning organizations (MPOs) to adopt a sustainable communities strategy (SCS) or alternative planning strategy, showing prescribed land use allocation in each MPO's regional transportation plan. CARB provides each affected region with reduction targets for GHGs emitted by passenger cars and light trucks for 2020 and 2035. The San Diego Association of Governments' (SANDAG's) San Diego Forward: The Regional Plan (2021 Regional Plan) is a regional transportation plan/sustainable communities strategy (RTP/SCS) that combines and updates 2 previous plans (the Regional Comprehensive Plan and the RTP/SCS) into 1 document that looks toward 2050. The 2021 Regional Plan reduces per capita GHG emissions from cars and light-duty trucks to 20 percent below 2005 levels by 2035, exceeding the region's state-mandated target of 19 percent. The 2021 Regional Plan also meets federal air quality conformity requirements. SANDAG submitted the final 2021 RTP/SCS to CARB on December 17, 2021, as required by California Government Code Section 65080(b)(2)(J)(ii) and completed its submittal of supporting information on March 16, 2022. CARB staff performed an evaluation of the 2021 RTP/SCS's quantification of the GHG emissions reduction strategies outlined in the 2021 Regional Plan. The technical analysis performed by CARB concluded that the 2021 Regional Plan would achieve the applicable GHG emissions reduction target for automobiles and light trucks of 19 percent per capita reduction by 2035, relative to 2005 levels, as established by CARB for the region (CARB 2022c). The final determination to approve the 2021 Regional Plan was made by CARB on August 26, 2022.

Advanced Clean Cars Program

In January 2012, CARB approved the Advanced Clean Cars program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles (ZEVs), into a single package of regulatory standards for vehicle model years 2017–2025. The new regulations strengthened the GHG standards for 2017 models and beyond. In addition, the program's ZEV regulation requires battery, fuel cell, and plug-in hybrid electric vehicles (EVs) to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the Advanced Clean Cars II program, which sets sales requirements to ultimately reach the goal of 100 percent ZEV sales in the state by 2035.

California Renewables Portfolio Standard

SB X1-2 of 2011 requires all California utilities to generate 33 percent of their electricity from renewables by 2020. SB 100 of 2018 sets a 3-stage compliance period requiring all California utilities, including independently owned utilities, energy service providers, and community choice aggregators, to generate 52 percent of their electricity from renewables by December 31, 2027; 60 percent by December 31, 2030; and 100 percent carbon-free electricity by December 31, 2045. On September 16, 2022, the state passed SB 1020, the Clean Energy, Jobs, and Affordability Act of 2022, which revised state policy and requires that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California and 100 percent of electricity procured to serve all state agencies by December 31, 2045.

Building Energy Efficiency Standards

Title 24, Part 6

The energy consumption of new residential and nonresidential buildings in California is regulated by the state's Title 24, Part 6, Building Energy Efficiency Standards (California Energy Code). The California Energy Commission updates the California Energy Code every 3 years with more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions. The current California Energy Code requires builders to use more energy-efficient building technologies for compliance with increased restrictions on allowable energy use. The core focus of the building standards has been efficiency, but the 2019 Energy Code ventured into on-site generation by requiring photovoltaics (PV) on new homes, providing significant GHG savings. The most recent is the 2022 California Energy Code, which advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, establishing electric-ready requirements when natural gas is installed, expanding PV system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. The California Energy Commission estimates that the 2022 California Energy Code will save consumers $1.5 billion and reduce GHG emissions by 10 $MMTCO_2e$ over the next 30 years (CEC 2021).

Title 24, Part 11

The California Green Building Standards Code, referred to as the CALGreen Code, was added to Title 24 as Part 11, first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 California Building Standards Code). The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened requirements pertaining to

EV and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by state agencies for meeting the requirements of EO B-18-12.

Low Carbon Fuel Standard

In January 2007, EO S-1-07 established a Low Carbon Fuel Standard (LCFS). The EO calls for a statewide goal to be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020 and for an LCFS for transportation fuels to be established for California. The LCFS applies to all refiners, blenders, producers, and importers (providers) of transportation fuels in California, including fuels used by off-road construction equipment (Wade, pers. comm., 2017). The LCFS is measured on the total fuel cycle and may be met through market-based methods. For example, providers exceeding the performance required by an LCFS receive credits that may be applied to future obligations or traded to providers not meeting the LCFS.

In June 2007, CARB adopted the LCFS as a discrete early action item under AB 32 pursuant to Health and Safety Code Section 38560.5, and in April 2009, CARB approved the new rules and carbon-intensity reference values with new regulatory requirements taking effect in January 2011. The standards require providers of transportation fuels to report on the mix of fuels they provide and demonstrate they meet the LCFS-intensity standards annually. This is accomplished by ensuring that the number of "credits" earned by providing fuels with a lower-carbon intensity than the established baseline (or obtained from another party) is equal to or greater than the "deficits" earned from selling higher-intensity fuels. After some disputes in the courts, CARB readopted the LCFS regulation in September 2015, and the LCFS went into effect on January 1, 2016. CARB is currently amending the LCFS regulation with intent to adopt the amendments in 2023.

EO B-48-18: Zero-Emission Vehicles

In January 2018, EO B-48-18 was signed into law and requires all state entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as install 200 hydrogen fueling stations and 250,000 EV charging stations by 2025. It specifies that 10,000 of the EV-charging stations should be direct current fast chargers. This EO also requires all state entities to continue to partner with local and regional governments to streamline the installation of ZEV infrastructure. The Governor's Office of Business and Economic Development is required to publish a *Plug-In Charging Station Design Guidebook* and update the *Hydrogen Station Permitting Guidebook* to aid in these efforts (Eckerle and Jones 2020). All state entities are required to participate in updating the *2018 Zero-Emissions Vehicle Action Plan* intended to provide direction to state agencies on the most important actions to be executed in 2018 to enable progress toward the 2025 targets and 2030 vision, give stakeholders transparency into the actions state agencies plan to take (or are taking) to further the ZEV market, and create a platform for stakeholder engagement, feedback, and collaboration. In addition, all state entities are to support and recommend policies and actions to expand ZEV infrastructure at residential land uses through the LCFS program and to recommend how to ensure affordability and accessibility for all drivers.

Cannabis State Regulations

California Code of Regulations (CCR), Title 4, Division 19 includes the following requirements regarding greenhouse gases for cannabis uses.

Section 16305: Renewable Energy Requirements

(a) Beginning January 1, 2023, all holders of indoor, tier 2 mixed-light license types of any size, and all holders of nursery licenses using indoor or tier 2 mixed-light techniques shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program in division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

(b) If a licensed cultivator's average weighted greenhouse gas emission intensity, as calculated and reported upon license renewal pursuant to section 15020, is greater than the local utility provider's greenhouse gas emission intensity, the licensee shall obtain carbon offsets to cover the excess in carbon emissions from the previous annual licensed period. The carbon offsets shall be purchased from one or more of the following recognized voluntary carbon registries:

(1) American Carbon Registry,

(2) Climate Action Reserve, or

(3) Verified Carbon Standard.

2.9.2.3 *Local*

San Diego County Climate Action Plan

The County of San Diego 2024 Climate Action Plan (CAP) includes GHG-reduction measures to achieve a 43.6 percent and 85.4 percent reduction in community-wide GHG emissions from a 2019 inventory level by 2030 and 2045, respectively. The CAP also includes an aspirational goal to achieve net zero emissions by 2045. The CAP includes GHG-reduction measures that target the transportation, energy, water and wastewater, solid waste, and agricultural sectors. The Final CAP was adopted by the Board of Supervisors on September 11, 2024.

San Diego County Air Pollution Control District

The San Diego County Air Pollution Control District (SDAPCD) has jurisdiction over air quality programs in the county. SDAPCD regulates most air pollutant sources, except mobile sources, which are regulated by CARB or EPA. State and local government projects, as well as projects proposed by the private sector, are subject to SDAPCD requirements if the sources are regulated by SDAPCD. The 2022 Scoping Plan does not provide an explicit role for local air districts in implementing AB 32, but it does state that CARB will work actively with air districts in coordinating emissions reporting, encouraging and coordinating GHG reductions, and providing technical assistance in quantifying reductions. The ability of air districts to control emissions (both criteria pollutants and GHGs) is provided primarily through permitting, as well as through their role as a CEQA lead or responsible agency, the establishment of CEQA thresholds, and the development of analytical requirements for CEQA documents. SDAPCD is responsible for air

quality planning in San Diego County. To date, SDAPCD has not developed specific thresholds of significance with regard to the evaluation of GHG emissions in CEQA documents.

San Diego Association of Governments' San Diego Forward: The Regional Plan 2021

The 2021 Regional Plan covers a broad range of topics, including air quality, borders and tribal nations, climate change, economic prosperity, emerging technologies, transit and automobile energy efficiency, and fuels, habitat preservation, community health, public facilities, shoreline preservation, transportation, and water quality. The 2021 Regional Plan emphasizes the importance of multimodal transportation and places special emphasis on active transportation, such as walking and biking, and reducing car use to minimize GHG emissions, diminish air pollution, and maximize public health. The 2021 Regional Plan also includes an SCS, which identifies 5 main strategies to complement the goal of sustainability. These strategies focus on job growth and housing in urbanized areas with existing public transportation options, addressing housing needs for all economic segments of the population, the preservation of open space, investment in an accessible transit network, and reduced GHG emissions through the implementation of actions such as increasing public transportation infrastructure and access, encouraging active transportation through upgrades to pedestrian and bike facilities, and incentivizing EV use and providing additional EV infrastructure. The 2021 Regional Plan is designed to be updated every 4 years in accordance with federal law in collaboration with the 18 cities and San Diego County along with regional, state, and federal partners. The 2021 Regional Plan focuses on regional targets through 2050. The 2021 Regional Plan is projected to reduce per capita GHG emissions from cars and light-duty trucks to 20 percent below 2005 levels by 2035, exceeding the region's state-mandated target of 19 percent. The 2021 Regional Plan also meets federal air quality conformity requirements. The goals outlined in the 2021 Regional Plan are as follows:

- the efficient movement of people and goods;
- access to affordable, reliable, and safe mobility; and
- healthier air and reduced GHG emissions.

2011 San Diego County General Plan

The General Plan policies related to GHG emissions that could be applicable to the Cannabis Program include the following:

- **Policy COS-14.7: Alternative Energy Sources for Development Projects.** Encourage development projects that use energy recovery, photovoltaic, and wind energy.
- **Policy COS-14.9: Significant Producers of Air Pollutants.** Require projects that generate potentially significant levels of air pollutants and/or GHGs such as quarries, landfill operations, or large land development projects to incorporate renewable energy, and the best available control technologies and practices into the project design.
- **Policy COS-14.10: Low-Emission Construction Vehicles and Equipment.** Require County contractors and encourage other developers to use low-emission construction vehicles and equipment to improve air quality and reduce GHG emissions.

- **Policy COS-15.1: Design and Construction of New Buildings.** Require that new buildings be designed and constructed in accordance with "green building" programs that incorporate techniques and materials that maximize energy efficiency, incorporate the use of sustainable resources and recycled materials, and reduce emissions of GHGs and toxic air contaminants.
- **Policy COS-15.3: Green Building Programs.** Require all new County facilities and the renovation and expansion of existing County buildings to meet identified "green building" programs that demonstrate energy efficiency, energy conservation, and
- **Policy COS-15.4: Title 24 Energy Standards.** Require development to minimize energy impacts from new buildings in accordance with or exceeding Title 24 energy standards.
- **Policy COS-15.6: Design and Construction Methods.** Require development design and construction methods to minimize impacts to air quality.
- **Policy COS-16.2: Single-Occupancy Vehicles.** Support transportation management programs that reduce the use of single-occupancy vehicles.
- **Policy COS-16.3: Low-Emissions Vehicles and Equipment.** Require County operations and encourage private development to provide incentives (such as priority parking) for the use of low- and zero-emission vehicles and equipment to improve air quality and reduce GHG emissions. [Refer also to Policy M-9.3 (Preferred Parking) in the Mobility Element.]

Green Building Incentive Program

The County of San Diego's Green Building Incentive Program is designed to promote the use of resource-efficient construction materials, water conservation, and energy efficiency in new and remodeled residential and commercial buildings. The program offers incentives of reduced plan-check turnaround time and a 7.5 percent reduction in plan-check and building permit fees for projects meeting program requirements.

Construction and Demolition Recycling Ordinance

The Construction and Demolition Debris Ordinance is designed to divert construction and demolition project debris from landfill disposal in the unincorporated county. The ordinance requires that 90 percent of inserts (i.e., asphalt, concrete, brick, masonry, tile, and dirt) and 70 percent of all other construction materials from a project be recycled. To comply with the ordinance, a construction and demolition debris management plan must be submitted, and a fully refundable performance guarantee must be paid prior to building permit issuance.

Strategic Plan to Reduce Waste

The County of San Diego Strategic Plan to Reduce Waste is designed to reduce waste sent to landfills. The plan includes 15 programs and policies that focus on different waste types and sources, such as reducing food and other organic waste generated from residential and commercial uses, and sets a 75 percent waste diversion target by 2025.

Landscape Ordinance

The County of San Diego's Landscaping Ordinance was adopted in accordance with the state's Model Water Efficient Landscape Ordinance, which establishes water efficiency standards for new and existing landscapes. The County's ordinance applies to new construction for which the County issues a building permit or a discretionary review where the aggregate landscaped area is 500 square feet or more to obtain outdoor water use authorization. For projects between 500 and 2,500 square feet, the County has a more streamlined process called the Prescriptive Compliance Option. All landscape areas are subject to a maximum applied water allowance, which sets an upper limit of allowable water use per landscape area.

County Operations Strategic Sustainability Plan

The County's 2020–2030 County Operations Strategic Sustainability Plan (Strategic Plan) supersedes the previously implemented 2015 Strategic Energy Plan. The Strategic Plan sets goals to promote sustainability in 4 key sectors of County operations: energy, water, waste, and transportation. The goals outlined in the Strategic Plan relating to GHG emissions are as follows:

- reduce energy use and GHG emissions,
- promote clean energy production,
- provide sound facility energy management,
- achieve cost savings,
- reduce fleet vehicle miles traveled (VMT),
- eliminate underutilized vehicles to decrease size of fleet,
- electrify the fleet where possible, and
- expand EV charging infrastructure on County sites for both public and fleet.

The Strategic Plan is intended to consolidate the sustainability planning efforts of other County planning documents under a single County operations purpose (i.e., mission statement).

2.9.3 Analysis of Project Impacts and Determination of Significance

2.9.3.1 *Thresholds of Significance*

The issue of global climate change is inherently a cumulative issue because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Thus, the project's impact on climate change is addressed only as a cumulative impact.

State CEQA Guidelines Section 15064 and relevant portions of Appendix G recommend that a lead agency consider a project's consistency with relevant, adopted plans and discuss any inconsistencies with applicable regional plans, including plans to reduce GHG emissions. According to Appendix G of the State CEQA Guidelines, implementing a project would result in a cumulatively considerable contribution to climate change if it would:

- generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or

- conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

The County of San Diego has adopted a CAP for the purpose of reducing GHG emissions in the county. As indicated in the CAP, most reductions will be achieved through measures that apply to all sources, both existing and new. The CAP establishes reduction targets for the years 2030 and 2045 and shows that the GHG-reduction measures of the CAP are sufficient to reduce countywide emissions to demonstrate that, through the CAP, the County is doing its "fair share" in assisting the state in meeting its long-term GHG reductions goals (i.e., AB 1279). Notably, the CAP's 2030 target exceeds the 2030 goals of SB 32 (i.e., a 40 percent reduction from statewide 1990 GHG levels by 2030) to better align with the trajectory identified by CARB in the 2022 Scoping Plan to meet the ambitious targets of AB 1279 (i.e., carbon neutrality and an 85 percent reduction from statewide 1990 GHG levels by no later than 2045).

Projects that are subject to CEQA and do not include a general plan amendment that induces more growth than what was assumed in the CAP are required to demonstrate consistency with the CAP to enable the County to meet its GHG-reduction targets. According to the CAP, proposed development projects that are consistent with the emission-reduction and adaptation measures included in the CAP and the programs that are developed as a result of the CAP would be considered to have a less-than-significant cumulative impact on climate change and emissions consistent with State CEQA Guidelines Section 15064(h)(3). The CAP and its consistency checklist are intended to provide a way for project applicants to streamline the CEQA process by showing project consistency with the CAP and can be used to determine GHG-related impacts for new development projects consistent with the General Plan (County of San Diego 2024). Because the Cannabis Program could introduce new development in the form of commercial cannabis uses (cultivation and noncultivation), it could be considered a development program that could be subject to the CAP.

The CAP is CEQA qualified and allows for CEQA streamlining of GHG analysis. Appendix 8, "2024 Climate Action Plan Consistency Review Checklist" (CAP Checklist), of the Final Draft CAP may be used to determine whether future cannabis cultivation sites and noncultivation uses would be consistent with the goals of AB 1279.

The CAP Checklist includes 2 steps: Step 1 entails evaluating whether a project would introduce growth outside of the growth projections used in the CAP to estimate future GHG emissions for activities occurring in the county; step 2 provides "consistency requirements" that project proponents are required to incorporate into their project to demonstrate compliance with the CAP. Projects requiring general plan or zoning amendments that would increase the development capacity assumed in the CAP cannot use the CAP Checklist.

The Cannabis Program would entail amendments to the County's Regulatory Code and Zoning Ordinance, but no amendments to the General Plan and its land use designations. The GHG-reduction measures of the CAP may be used to determine whether the project would conflict with a local plan to reduce GHG emissions.

State CEQA Guidelines Appendix G is a sample initial study checklist that includes a number of factual inquiries related to the subject of climate change, as it does on a whole series of environmental topics. Notably, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on these subjects or indeed on any subject addressed in the checklist (*Save Cuyama Valley v. County of Santa Barbara* [2013] 213 Cal.App.4th 1059,

1068). Rather, with few exceptions, “CEQA grants agencies discretion to develop their own thresholds of significance” (*Save Cuyama Valley v. County of Santa Barbara* 2013). Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds. The 2 inquiries of Appendix G that pertain to GHG emissions ask whether a project’s direct or indirect GHG emissions would have a significant impact on the environment or if a project’s GHG emissions would conflict with an applicable plan for reducing GHG emissions. These questions can reasonably be combined to assess a project’s cumulative contribution of GHG emissions to the global phenomenon of anthropogenic climate change. The County has done so here.

Therefore, the Cannabis Program would have a significant impact if it were to:

- conflict with the San Diego County Climate Action Plan.

2.9.3.2 *Approach to Analysis*

GHG emissions associated with the project would be generated during project construction and during operation after the project is built. Estimated levels of construction- and operation-related GHGs are presented below and provided for informational purposes. The project is evaluated for its consistency with adopted regulations, plans, and policies aimed at reducing GHG emissions (i.e., the County’s CAP).

Potential new commercial cannabis facilities could result in an increase in GHG emissions from short-term construction-related activities and their long-term operation. As recommended by SDAPCD, both construction- and operation-related emissions of GHGs were calculated using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.26 computer program for the types and sizes of indoor, outdoor, and mixed-light commercial cannabis cultivation uses that could be licensed in the future, as well as noncultivation uses using the projected acreages, square footage, and number of new licenses for each alternative summarized in Table 1.4.

Operational emissions were also estimated. CalEEMod was used to estimate on-site operational emissions, including emissions generated by off-road equipment, maintenance activity, energy use, and water and solid waste generation. CalEEMod energy consumption rates were adjusted to account for energy efficiency improvements from the 2019 California Energy Code as a conservative assumption. Default energy consumption for electricity was used based on CalEEMod data for San Diego Gas and Electric. Off-road equipment assumed includes a utility vehicle (e.g., John Deere Gator) for commercial cannabis cultivation operations. Mobile source emissions were estimated using default trip lengths provided in CalEEMod for the assumed land use type of Research and Development, meant to represent cannabis cultivation. Research and Development was chosen as a representative land use in CalEEMod to account for high electricity consumption that would be typical of mixed-light and indoor cultivation operations. Emissions from wastewater and solid waste generation were also estimated using default values in CalEEMod.

Detailed model assumptions and inputs for these calculations are presented in Appendix C.

2.9.3.3 *Approach to Analysis*

2.9.3.4 *Issue 1: Conflict with the San Diego County Climate Action Plan*

Guidelines for Determination of Significance

According to Section 15064 and Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a significant impact if would generate direct or indirect GHG emissions that could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions (i.e., the County's CAP).

Impact Analysis

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis uses would be allowed. These expansions would not generate significant construction or operational emissions based on typical screening criteria for expansion of existing development.

While some expansion could occur under Alternative 1 resulting in some level of GHG emissions, climate impacts would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 square feet (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 square feet (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 square feet (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 square feet (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 square feet) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Construction and operation of new commercial cannabis operations would generate GHG emissions. During construction of new commercial cannabis sites, GHGs would be emitted by construction equipment, haul trips transporting equipment and materials, and commute trips by construction workers if a new building is required to support cannabis cultivation. Notably, future cannabis cultivation and noncultivation activities could be located in existing buildings requiring minimal renovations and would not require the use of heavy-duty equipment. The total amount of emissions generated by the construction of 1 outdoor, 1 mixed-light, and 1

indoor commercial cannabis cultivation site and 1 example noncultivation use would total 533 $MTCO_2e$ (see Appendix C for additional details).

Operation of commercial cannabis facilities would generate GHG emissions associated with worker commute trips, haul truck trips transporting cannabis and cannabis products, landscaping and fertilizer use, water consumption, waste and wastewater generation, waste generation, and electricity use. Electricity would be consumed to power well pumps that supply irrigation water to outdoor, indoor, and mixed-light commercial cannabis cultivation operations, as well as grow lights and other equipment at indoor and mixed-light commercial cannabis cultivation sites. Use of on-site off-road equipment, such as a utility vehicle (e.g., John Deere Gator), would also generate GHG emissions. Table 2.9.3, presented at the end of this section, summarizes the emissions associated with operation of individual outdoor, indoor, and mixed-light commercial cannabis cultivation sites and an example noncultivation use (see Appendix C for additional details).

New commercial cannabis facilities under Cannabis Program would not involve amendments to the General Plan and could be subject to the CAP. The following measures of the CAP may apply to future commercial cannabis site under the Cannabis Program:

- **Measure T-2: Increase the use of low-carbon and zero-emission landscaping and off-road construction equipment in the unincorporated area.** This measure directs the County to develop a program by 2026 to provide residents and businesses with incentives to purchase alternative fuel and/or zero-emissions construction and landscaping equipment as well as a landscaping ordinance to require zero emission landscaping equipment by 2040 and zero emission construction equipment by 2045.
- **Measure T-3: Install electric vehicle charging stations and provide incentives for zero-emissions vehicles in the unincorporated area.** This measure entails requirements for zero emissions vehicle infrastructure for existing and planned residential and nonresidential development.
- **Measure T-6: Support transit and transportation demand management to reduce single occupancy vehicle trips in the unincorporated area.** This measure directs the County to develop a Transportation Demand Management (TDM) program to implement TDM strategies to reduce countywide VMT.
- **Measure E-2: Develop policies and programs to increase energy efficiency and electrification in the unincorporated area.** This measure directs the County to amend the County's Code of Regulatory Ordinances to develop a reach code (i.e., a building code that exceeds the mandatory requirements of the California Building Code) by 2025 to require all-electric equipment in new residential, commercial, and industrial construction to reduce energy emissions from new development. At the time of drafting this EIR, there is inherent uncertainty as to what exact project types (e.g., restaurants, cultivation) would be required to comply with or be exempt from the reach code.
- **Measure E-3: Develop policies and programs to increase renewable energy use, generation, and storage in the unincorporated area.** This measure entails amending the County's Code of Regulatory Ordinances by 2026 to require (Tier 2) CALGreen or similar renewable energy requirements for new residential and nonresidential construction.

- **Measure SW-2: Achieve zero waste within the unincorporated area.** This measure directs the County to update its Strategic Plan to Reduce Waste by 2028 to include strategies to achieve an 80 percent diversion rate by 2030 and zero waste (90 percent diversion) by 2045.

The CAP Checklist translates these overarching measures to project-level analyses and includes requirements for EV-charging infrastructure, solar photovoltaic systems, and water efficiency requirements meeting the Tier 2 voluntary requirements of the most current version of the CALGreen Code; all-electric development; compliance with the County's TDM strategy; and use of electric or zero-emission construction equipment for heavy-duty equipment exceeding 50 horsepower.

Alternative 2 does not include any regulatory provisions directing future cannabis cultivation and noncultivation uses to comply with the measures of the CAP. For this reason, this impact would be potentially significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Under Alternative 3, the definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. The required sensitive use buffer would be 1,000 feet. In addition, advertising of cannabis on a billboard would be prohibited within 1,000 feet of the expanded sensitive uses. The development potential for this alternative is provided in Table 1.4 and is the same as Alternative 2 described above.

As discussed above under Alternative 2, the extent of construction and operational activity for new cannabis sites would vary depending on the location and existing site conditions, such as the existence of on-site buildings that could be used to support the commercial cannabis facility. The development potential under Alternative 3 is identical to Alternative 2. Neither the change in what is considered a sensitive use under Alternative 3 nor the more conservative buffer distance would alter the increased energy demand projected for Alternative 2.

Therefore, this impact would be potentially significant for Alternative 3 regarding compliance with the CAP.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

Under Alternative 4, all commercial outdoor cannabis cultivation within the unincorporated county would be prohibited and mixed-light and indoor cultivation would be allowed only within a building or greenhouse. This alternative would result in 2,002,524 square feet of cannabis building area and 479 acres of land area dedicated to cannabis cultivation activity as compared to Alternatives 2, 3, and 5 (2,680,304 square feet of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). This alternative would also require a 1,000-foot buffer from expanded sensitive uses, as defined by Alternative 3, and prohibit cannabis advertising on a billboard within 1,000 feet of the expanded sensitive uses. The development potential for this alternative is provided in Table 1.4.

It is foreseeable, in a cumulative context, that the allowance of additional licenses for mixed-light and indoor cultivation under Alternative 4 would result in an increase in total electrical demand to grow cannabis under cumulative conditions.

Therefore, this impact would be potentially significant for Alternative 4 regarding compliance with the CAP.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

Under Alternative 5, outdoor commercial cannabis cultivation would be limited to 1 acre of total canopy area. This alternative would also require a 1,000-foot buffer from expanded sensitive uses, as defined by Alternative 3, and prohibit cannabis advertising on a billboard within 1,000 feet of the expanded sensitive uses. The development potential for this alternative is provided in Table 1.4 and is the same as Alternative 2 described above.

As discussed above under Alternative 2, the extent of construction and operational activity for new cannabis sites would vary depending on the location and existing site conditions, such as the existence of on-site buildings that could be used to support the commercial cannabis facility. The development potential under Alternative 5 is identical to Alternative 2. Neither the change in what is considered a sensitive use under Alternative 3 nor the more conservative buffer distance would alter the increased energy demand projected for Alternative 2.

Therefore, this impact would be potentially significant for Alternative 5 regarding compliance with the CAP.

2.9.4 Cumulative Impacts

The geographic scope of the cumulative impact analysis for GHG emissions and climate change is global. Climate change is an inherently cumulative issue and relates to development in the region, California, and, most of all, the world. Whereas most pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years). GHGs persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any GHG molecule depends on multiple variables and cannot be determined with any certainty, it is understood that more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. The combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts. Therefore, the impacts discussed above in Section 2.9.3 are also the cumulative effects of the project.

2.9.4.1 *Issue 1: Conflict with the San Diego County Climate Action Plan*

The San Diego County General Plan Update EIR identified less than cumulatively considerable impacts associated with GHG emissions and global climate change from implementation of the General Plan (County of San Diego 2011). The San Diego County CAP Final Supplemental EIR identified less than cumulatively considerable impacts to GHG emissions and conflicts with applicable plans reducing the emissions of GHG (County of San Diego 2024).

The Cannabis Program would have less-than-significant impacts associated with GHG under Alternative 1.

With respect to the cumulative nature of climate change, the County's CAP Checklist is designed to demonstrate that future projects are contributing their "fair share" in assisting the state in meeting its long-term GHG reduction targets, as codified in AB 1279 (i.e., carbon neutrality by no later than 2045). Existing development would not have been subject to the provisions of the CAP; therefore, the efficiency of an existing project's emissions may be less than planned future projects. The CAP Checklist includes requirements for EV-charging infrastructure, solar photovoltaic systems, and water efficiency requirements meeting the Tier 2 voluntary requirements of the most current version of the CALGreen Code; all-electric development; compliance with the County's TDM strategy; and use of electric or zero-emission construction equipment for heavy-duty equipment exceeding 50 horsepower. As noted above, there is inherent uncertainty at the programmatic level as to whether future cannabis cultivation sites and noncultivation uses could comply with all provisions of the CAP as detailed in the CAP Checklist. For example, it is not known if fully electric development (CAP Measure E-2) may be feasible for future cannabis cultivation and noncultivation sites based on the need for the use of natural gas in certain operations or propane for sites with limited or no access to other energy sources in rural areas of the county. Therefore, this cumulative impact would be significant under Alternatives 2, 3, 4, and 5.

2.9.5 Significance of Impacts Prior to Mitigation

2.9.5.1 *Issue 1: Conflict with the San Diego County Climate Action Plan*

The Cannabis Program would have less-than-significant impacts associated with increased GHG emissions or conflicts with applicable plans reducing the emissions of GHG under Alternative 1. Alternatives 2 through 5 of the Cannabis Program would result in potentially significant impacts due to conflicts with the County's CAP. These alternatives could also result in cumulatively considerable contributions to significant cumulative impacts.

2.9.6 Mitigation

2.9.6.1 *Issue 1: Conflict with the San Diego County Climate Action Plan*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-GC.1-1: Implement the requirements of the County's Climate Action Checklist

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

2.9.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after the mitigation measure is implemented.

2.9.7.1 *Issue 1: Conflict with the San Diego County Climate Action Plan*

The Cannabis Program would have less-than-significant impacts associated with increased GHG emissions or conflicts with applicable plans reducing the emissions of GHG under Alternative 1.

Alternatives 2 through 5 of the Cannabis Program would result in potentially significant impacts due to conflicts with the County's CAP. These alternatives could also result in cumulatively considerable contributions to significant cumulative impacts. Implementation of Mitigation Measure M-GC.1-1 would require compliance with the CAP and would address this impact.

While there is inherent uncertainty at the programmatic level as to whether future cannabis cultivation sites and noncultivation uses could comply with all provisions of the CAP as detailed in the CAP Checklist, a project may not be required to comply with all measures of CAP if it is not a land use subject to the CALGreen Code or the County's Code of Regulatory Ordinances or if necessary infrastructure and equipment are not available at the location of a future project. For example, it is not known if fully electric development (CAP Measure E-2) may be feasible for future cannabis cultivation and noncultivation sites based on the need for the use of natural gas in certain operations or propane for sites with limited or no access to other energy sources in rural areas of the county.

Moreover, because future cannabis cultivation and noncultivation sites could be located within existing buildings, thus not requiring substantial physical alterations, implementation of the measures of the CAP may not be applicable or required. It is also foreseeable that future cannabis cultivation sites may be capable of reducing operational emissions through other GHG-reducing avenues to demonstrate consistency with the CAP. Furthermore, the CAP is not designed to limit future development within the county, but is intended to streamline the CEQA process with respect to GHG emissions. It has also been determined that future cannabis cultivation and noncultivation sites could likely comply with all Tier 2 provisions of the CAP Checklist (Zarabi, pers. comm., 2024). Therefore, for the reasons provided above, implementation of Mitigation Measure M-GC.1-1 would be sufficient to reduce this impact to a less-than-significant level under project and cumulative conditions.

Table 2.9.2 County Greenhouse Gas Emissions Inventory by Sector in 2019

Sector	Emissions ($MTCO_2e$)	Percent
On-road transportation	1,331,000	45
Electricity	599,000	20
Natural gas	478,000	16
Waste	193,000	6
Agriculture	134,000	4
Propane	121,000	4
Off-road transportation	71,000	2
Water	39,000	1
Wastewater	18,000	1
Total	2,984,000	100

Notes: $MTCO_2e$ = million metric tons of carbon dioxide. Totals may not sum due to rounding.

$MTCO_2e$ = metric tons of carbon dioxide equivalent.

Source: County of San Diego 2024.

Table 2.9.3 Greenhouse Gas Emissions Associated with Operation of Individual New Commercial Cannabis Cultivation Site Types and Noncultivation Sites

License Type	$MTCO_2e$/year
Outdoor	1,188
Mixed-light	488
Indoor	216
Noncultivation	935

Note: $MTCO_2e$/year = metric tons of carbon dioxide equivalent per year.

Source: Modeling conducted by Ascent in 2024.

2.10 Hazards and Hazardous Materials

This section describes the potential impacts of the Cannabis Program related to hazardous materials and public health. The analysis includes a description of the existing environmental conditions, the applicable regulations, the methods used for assessment, and the potential direct and indirect impacts of project implementation. Hazards related to wildfire are addressed in Section 2.19, "Wildfire."

Comments were received in response to the notice of preparation (NOP) pertaining to pesticide and hazardous chemical use. These issues are addressed in the impact analysis below. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.10.1.

Table 2.10.1 Hazards and Hazardous Materials Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
2	Airports	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
3	Emergency Response and Evacuation Plans	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant
4	Vectors	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant

2.10.1 Existing Conditions

For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined in the Code of Federal Regulations (CFR) as "a substance or material that…is capable of posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

> "Hazardous material" means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

"Hazardous wastes" are defined in California Health and Safety Code Section 25141(b) as wastes that:

> …because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

2.10.1.1 *Hazardous Materials Sites*

Hazardous materials are routinely used, stored, and transported by businesses (including industrial and commercial/retail businesses), public and private institutions (such as educational facilities and hospitals), and households. Because of lack of awareness with regard to handling and disposal, accidents, intentional actions, and historical business practices that predate current regulatory standards, sites are located in the county where hazardous wastes were released to soil or groundwater during storage, use, transfer, and disposal. These include sites that were historically contaminated but have been remediated and sites that are known, or believed, to be contaminated that are currently being characterized or undergoing remediation. Hazardous waste releases may be localized to the originating parcel or may migrate and contaminate nearby areas.

Sites with Known Hazardous Material and Contaminations

Several government databases identify sites that may have been subject to a release of hazardous substances or that may have supported a use that could have resulted in a hazardous condition on-site. Described in further detail below are databases that identify potential environmental conditions and historical uses that may represent a hazardous condition on specific properties located in the unincorporated county.

Department of Toxic Substances Control EnviroStor Database

The California Department of Toxic Substances Control (DTSC) EnviroStor database contains the following site types: Federal Superfund Sites (National Priorities List); State Response, including Military Facilities and State Superfund; Voluntary Cleanup; School Cleanup; and Corrective Action sites. Information includes site name, site type, status, address, any restricted use (recorded deed restrictions), past use(s) that caused contamination, potential contaminants of concern, potential environmental media affected, site history, and planned and completed activities.

In San Diego County, 251 sites are listed in the EnviroStor database. Of these, 20 sites are located in the unincorporated communities of Alpine, Borrego Springs, Boulevard, Camp Pendleton, Campo, Fallbrook, Lakeside, Otay Mesa, Ramona, Rancho Santa Fe, and Spring Valley, and are listed in Table 2.10.2, which is presented at the end of this section. The remaining 231 sites are located within the incorporated areas of the county (DTSC 2024).

GeoTracker Database

The GeoTracker database is a geographic information system that provides online access to environmental data, including underground fuel tanks, fuel pipelines, and public drinking water supplies. GeoTracker contains information about leaking underground storage tanks (LUSTs)

and can identify and display LUST sites within various distances of wells. This provides users with the ability to assess potential threats to their drinking water sources. GeoTracker also has information about cleanup program sites, which includes all nonfederally owned sites and military cleanup sites.

In San Diego County, 5,840 LUSTs, cleanup program, and military cleanup sites are listed in the GeoTracker database. Of these, 5,520 sites are listed as "Completed – Case Closed," with the remaining 327 sites listed as "Open." Of these 327 "Open" sites, 24 are located in the unincorporated communities of Camp Pendleton, Campo, Fallbrook, Julian, Jamul, Lakeside, Pauma Valley, Pala, Ramona, Rancho Santa Fe, Valley Center, and Warner Springs, and are listed in Table 2.10.3, presented at the end of this section (SWRCB 2024).

Active Cease and Desist Orders and Cleanup and Abatement Orders List

The list of active cease and desist orders (CDO) and cleanup and abatement orders (CAO) from the State Water Resources Control Board (SWRCB) is a compilation of "all cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13004 of the Water Code, that concern the discharge of wastes that are hazardous materials." The orders that are "active," meaning the necessary actions have not yet been completed, are on this list. SWRCB updates this list by deleting sites when there is no longer any discharge of wastes or where the necessary cleanup or abatement actions were taken.

In San Diego County, 47 "active" CDO and CAO sites are listed. Of these, 10 sites are located in the unincorporated communities of Bonsall, Borrego Springs, Julian, Lakeside, Rancho Santa Fe, Ramona, Poway, Spring Valley, and Valley Center and are listed in Table 2.10.4, presented at the end of this section (CalEPA 2024).

County of San Diego Site Assessment and Mitigation Program Case List

The primary purpose of the San Diego County Site Assessment and Mitigation (SAM) Program, within the Land and Water Quality Division of the Department of Environmental Health and Quality (DEHQ), is to protect human health, water resources, and the environment within San Diego County by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the California Code of Regulations (CCR). SAM's Voluntary Assistance Program also provides staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances. The DEHQ SAM Program maintains the SAM list of contaminated sites that have previously or are currently undergoing environmental investigations or remedial actions.

The SAM Program covers all of San Diego County and includes remediation sites of all sizes. The SAM case list is revised and updated regularly, and the number of sites on the list is continually changing but may contain upward of 5,000 cases at one time. There is some overlap with the information in other regulatory databases; however, the list also contains sites that often are not covered by some of the larger regulatory databases. If a project is submitted to the County for discretionary review and is located on a site found on the SAM list, the project's status must be determined, and any ongoing remediation requirements are coordinated with the DEHQ SAM project manager (County of San Diego 2011).

2.10.1.2 *Schools*

Children are particularly susceptible to long-term effects from emissions of hazardous materials. Therefore, locations where children spend extended periods, such as schools, are particularly sensitive to hazardous air emissions and accidental release associated with the handling of extremely hazardous materials, substances, or wastes. There are 44 public school districts in San Diego County that serve approximately 480,000 students (San Diego County Office of Education 2024).

2.10.1.3 *Airport Hazards*

San Diego County is served by 8 publicly owned airports. Agua Caliente Airstrip, Borrego Valley Airport, Fallbrook Community Airpark, Jacumba Airport, Ocotillo Airstrip, and Ramona Airport are located within unincorporated areas of the county. The Gillespie Field and McClellan-Palomar Airports are located in incorporated areas. Residents in the unincorporated area are also served by a number of airports located in incorporated cities, including San Diego International Airport (Lindbergh Field), Montgomery Field, Brown Field Municipal Airport, and Oceanside Municipal Airport. In addition, there are 4 military airports located in San Diego County: United States Marine Corps (USMC) Camp Pendleton, Naval Outlying Field Imperial Beach, Marine Corps Air Station (MCAS) Miramar, and Naval Air Station North Island. Only USMC Camp Pendleton is located fully in the unincorporated area of the county. A portion of the MCAS Miramar airport influence area is located in the unincorporated area near Interstate (I)-15 and Pomerado Road. Airport Land Use Compatibility Plans (ALUCPs) are adopted for all of these airports.

ALUCPs are plans that guide property owners and local jurisdictions in determining what types of proposed new land uses are appropriate around airports. They are intended to protect the safety of people, property, and aircraft on the ground and in the air in the vicinity of the airport. They also protect airports from encroachment by new incompatible land uses that could restrict their operations. ALUCPs are based on a defined area around an airport known as the airport influence area (AIA). AIAs are established by factors including airport size, operations, configuration, as well as the safety, airspace protection, noise, and overflight impacts on the land surrounding an airport. Guidelines set forth by the US Department of Defense as part of its Air Installation Compatible Use Zone Program address land use compatibility and safety policies for military airport runways (County of San Diego 2011).

2.10.1.4 *Wildland Fire Hazards*

A vast amount of the undeveloped lands in the county support natural habitats, such as grasslands, sage scrub, chaparral, and some coniferous forest. The California Department of Forestry and Fire Protection (CAL FIRE) has mapped areas of significant fire hazards in the county through their Fire and Resource Assessment Program. These maps place areas of the county into different fire hazard severity zones (FHSZs) based on fuels, terrain, weather, and other relevant factors. The FHSZs are divided into 3 levels of fire hazard severity: Moderate, High, and Very High. The majority of the county is in the High and Very High FHSZs, except for the Desert and eastern Mountain Empire Subregions, which are in the Moderate FHRZ. There are also areas of moderate FHSZ and unzoned areas in the more densely populated communities around the county.

San Diego County has a long history of wildland fires. In San Diego County, fire season is typically from May through November, depending on variations in weather conditions. However, the threat of a wildland fire is always present and is influenced by weather conditions throughout the year.

Further discussion related to wildfire is located in Section 2.19, “Wildfire.”

2.10.1.5 *Vectors*

A vector is any insect, arthropod, rodent, or other animal of public health significance that can cause human discomfort or injury or is capable of harboring or transmitting the causative agents of human disease. In the county, the most significant vector populations consist of mosquitoes, rodents, flies, and fleas, and sources are standing water and composting and manure facilities. Diseases that can be transmitted include arboviruses, Zika, dengue, yellow fever, and chikungunya viruses (via mosquitos); plague and hantavirus (via rodents); dysentery, salmonella, e-coli infection, and cholera (via flies); and plague, tapeworm, and typhus (via fleas).

Vector sources occur where site conditions provide habitat suitable for breeding. Any source of standing water, including ponds, reservoirs, natural and constructed wetlands, irrigation ponds, detention basins, percolation and infiltration basins, and other stormwater conveyance and treatment systems that hold standing water can be breeding grounds for mosquitoes and other vectors. Best management practices (BMPs) for managing stormwater runoff often provide aquatic habitats suitable for mosquitos and other vectors, and the presence of large quantities of manure can increase vector related problems, particularly from the breeding of flies (County of San Diego 2011).

2.10.1.6 *Emergency Response and Evacuation Plans*

Potential hazards or events that may trigger an emergency response action in the county include earthquakes, tsunamis, floods, wildland fires, landslides, droughts, hurricanes, tropical storms, and freezes. Emergency response actions could also be triggered from a hazardous material incident; water or air pollution; a major transportation accident; a water, gas, or energy shortage; an epidemic; a nuclear accident; or terrorism.

To address disasters and emergency situations at the local level, the Unified Disaster Council (UDC) is the governing body of the Unified San Diego County Emergency Services Organization. The UDC is chaired by a member of the San Diego County Board of Supervisors and comprised of representatives from the 18 incorporated cities. The County of San Diego Office of Emergency Services (OES) serves as staff of the UDC. In San Diego County, there is a comprehensive emergency plan known as the Operational Area Emergency Plan. The following stand-alone emergency plans exist in the operational area:

- San Diego County Nuclear Power Plant Emergency Response Plan,
- San Diego County Operational Area Oil Spill Contingency Element of the Area Hazardous Materials Plan,
- San Diego County Operational Area Emergency Water Contingencies Plan,
- Unified San Diego County Emergency Services Organization Operational Area Energy Shortage Response Plan,

- Unified San Diego County Emergency Services Organization Recovery Plan,
- San Diego County Multi-Jurisdictional Hazard Mitigation Plan,
- San Diego Urban Area Tactical Interoperable Communications Plan, and
- San Diego County Draft Terrorist Incident Emergency Response Protocol.

In addition to the above plans, OES maintains Dam Evacuation Plans for the operational area. Dam inundation is further discussed in Section 2.11, "Hydrology and Water Quality."

The Multi-Jurisdiction Hazard Mitigation Plan was developed with the participation of all jurisdictions in the county along with every incorporated city and the unincorporated county. The plan provides an overview of the risk assessment process, identifies hazards present in the jurisdiction, includes hazard profiles, and provides vulnerability assessments. The plan also identifies goals, objectives, and actions for each jurisdiction in the county. Hazards profiled in the plan consist of wildfire, structure fire, flood, coastal storms, erosion, tsunami, earthquakes, liquefaction, rain-induced landslide, dam failure, hazardous materials incidents, nuclear materials release, and terrorism (County of San Diego 2023).

Helicopters and small planes are used in a variety of emergency response actions, such as search and rescue operations and retrieving water to extinguish wildfires. During an emergency response, aircraft tend to fly low to the ground thus increasing the potential hazards to other aircraft and objects within the airspace. CAL FIRE and the San Diego County Sheriff's Office Aerial Support Detail, Air Support to Regional Enforcement Agencies (ASTREA) base carry out emergency response actions. The San Diego County Sheriff's Office ASTREA operates aircraft throughout San Diego County on a daily basis. These aircraft are involved in law enforcement, search and rescue, and fire-related missions (County of San Diego 2011).

2.10.1.7 *Hazardous Materials Associated with Agriculture*

As discussed in Section 2.3, "Agricultural and Forest Resources," commercial cannabis is defined by the state as an agricultural product (Business and Professions Code Section 26060(a)). The commercial cannabis cultivation process involves the same practices as other agricultural products generated currently in the county. Agricultural enterprises have historically stored, handled, and applied pesticides and herbicides throughout San Diego County. Agricultural chemicals used before the 1970s often included highly persistent compounds, such as dichlorodiphenyltrichloroethane (DDT). Inorganic compounds containing heavy metals, such as arsenic, lead, and mercury, were commonly used before the 1950s. Chemicals commonly used in the past have the potential to leave residual inorganic or organic components in shallow soils that could persist for decades. If present in elevated concentrations, these residues could pose a health risk to persons who come in direct contact with surface soils.

Modern agricultural chemicals are generally less persistent organic compounds. Typical concerns are pesticide-handling areas that lack concrete pads, berms, or cribs to contain spills or leaks during handling and storage, and rinse water from washout facilities for pesticide-application equipment that has not been properly collected and treated before discharge. Equipment repair and petroleum storage areas might also be of concern. Further information on the use of pesticides associated with commercial cannabis cultivation is addressed below.

2.10.2 Regulatory Framework

2.10.2.1 *Federal*

Management of Hazardous Materials

Various federal laws address the proper handling, use, storage, and disposal of hazardous materials, as well as require measures to prevent or mitigate injury to health or the environment if such materials are accidentally released. The US Environmental Protection Agency (EPA) is the agency primarily responsible for enforcement and implementation of federal laws and regulations pertaining to hazardous materials. Applicable federal regulations pertaining to hazardous materials are primarily contained in CFR Titles 29, 40, and 49. Hazardous materials, as defined in the code, are listed in 49 CFR 172.101. Management of hazardous materials is governed by the following laws.

- The Toxic Substances Control Act of 1976 (15 US Code [USC] Section 2601 et seq.) regulates the manufacturing, inventory, and disposition of industrial chemicals, including hazardous materials. Section 403 of the Toxic Substances Control Act establishes standards for lead-based paint hazards in paint, dust, and soil.
- The Resource Conservation and Recovery Act of 1976 (42 USC Section 6901 et seq.) is the law under which EPA regulates hazardous waste from the time the waste is generated until its final disposal (“cradle to grave”).
- The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (also called the Superfund Act or CERCLA) (42 USC Section 9601 et seq.) gives EPA authority to seek out parties responsible for releases of hazardous substances and ensure their cooperation in site remediation.
- The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499; USC Title 42, Chapter 116), also known as SARA Title III or the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), imposes hazardous materials planning requirements to help protect local communities in the event of accidental release.
- The Spill Prevention, Control, and Countermeasure (SPCC) rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC plans. The SPCC rule is part of the Oil Pollution Prevention regulation, which also includes the Facility Response Plan rule.

Transport of Hazardous Materials

The US Department of Transportation (DOT) regulates transport of hazardous materials between states and is responsible for protecting the public from dangers associated with such transport. The federal Hazardous Materials Transportation Law, 49 USC Section 5101 et seq. (formerly the Hazardous Materials Transportation Act, 49 USC Section 1801 et seq.) is the basic statute regulating transport of hazardous materials in the United States. Hazardous materials transport regulations are enforced by the Federal Highway Administration, the US Coast Guard, the Federal Railroad Administration, and the Federal Aviation Administration.

Comprehensive Environmental Response, Compensation, and Liability Act

CERCLA was established to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. It created a tax on the chemical petroleum industries to generate funds to clean up abandoned or uncontrolled hazardous waste sites for which no responsible party could be identified. CERCLA also granted authority to EPA to respond directly to hazardous waste spills and required those responsible for a spill or accidental release of hazardous materials to report the release to EPA. SARA (Public Law 99-499) amended some provisions of CERCLA. It increased the focus on human health problems posed by hazardous waste releases, stressed the importance of permanent remedies and innovative treatment technologies in cleaning up hazardous waste sites, and encouraged greater citizen participation in making decisions on how sites should be cleaned up.

Resource Conservation and Recovery Act

The Resource Conversation and Recovery Act (RCRA) sets national goals for protecting human health and the environment from the potential hazards of waste disposal, conserving energy and natural resources, reducing the amount of waste generated, and ensuring that wastes are managed in an environmentally sound manner. To achieve these goals, RCRA established 3 interrelated programs: the solid waste program, the hazardous waste program, and the underground storage tank (UST) program.

The hazardous waste program established a system for controlling hazardous wastes from the time they are generated to the time they are disposed of (“cradle-to-grave” management). Under RCRA, owners and operators of hazardous waste treatment, storage, and disposal facilities must follow a set of standards (e.g., facility design and operations, contingency planning and emergency preparedness, and recordkeeping) to minimize risk and impacts on human health and the environment, codified in 40 CFR Part 264.

Federal Insecticide, Fungicide, and Rodenticide Act

Pesticides are regulated under the Federal Insecticide, Fungicide, and Rodenticide Act by EPA. This includes labeling and registration of pesticides as to how they may be used. EPA delegates pesticide enforcement activities in California to the California Department of Pesticide Regulation (CDPR), under Title 3 of the CCR and the California Food and Agricultural Code. CDPR registers pesticides for use in California and licenses pesticide applicators and pilots, advisors, dealers, brokers, and businesses.

Currently, no pesticides are registered for use on commercial cannabis. Therefore, commercial cultivators are limited to using only those pesticides that are exempt from residue-tolerance requirements and that are either (1) registered and labeled for a use that is broad enough to include use on commercial cannabis (e.g., unspecified green plants) or (2) exempt from registration requirements as a minimum-risk pesticide under Section 25(b) of the Federal Insecticide, Fungicide, and Rodenticide Act.

Hazardous Materials Transportation Act

DOT has developed regulations in Titles 10 and 49 of the CFR pertaining to the transport of hazardous substances and hazardous wastes. The Hazardous Materials Transportation Act is administered by the Research and Special Programs Administration of DOT. The act provides

DOT with a broad mandate to regulate the transport of hazardous materials with the purpose of adequately protecting the nation against risk to life and property that is inherent in the commercial transportation of hazardous materials. DOT regulations that govern the transportation of hazardous materials are applicable to any person who transports, ships, or causes to be transported or shipped or who is involved in any way with the manufacture or testing of hazardous materials packaging or containers.

Occupational Safety and Health Administration Worker Safety Requirements

The federal Occupational Safety and Health Administration (OSHA) is the agency responsible for assuring worker safety in the handling and use of chemicals identified in the Occupational Safety and Health Act of 1970 (Public Law 91-596, 9 USC Section 651 et seq.). OSHA has adopted numerous regulations pertaining to worker safety, contained in CFR Title 29. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for handling hazardous substances and addressing other potential industrial hazards. OSHA also establishes criteria by which each state can implement its own health and safety program. The Hazard Communication Standard (29 CFR Part 1910) requires that workers be informed of the hazards associated with the materials they handle. These standards include exposure limits for a wide range of specific hazardous materials, including pesticides, as well as requirements that employers provide personal protective equipment (i.e., protective equipment for eyes, face, or extremities; protective clothing; respiratory devices) to their employees wherever it is necessary (i.e., when required by the label instructions) (29 CFR 1910.132). Workers must be trained in safe handling of hazardous materials, use of emergency response equipment, and building emergency response plans and procedures. Containers must be labeled appropriately, and material safety data sheets must be available in the workplace.

Emergency Planning and Community Right-to-Know Act—Toxic Release Inventory

Section 313 of the Emergency Planning and Community Right-to-Know Act established the Toxic Release Inventory (TRI). TRI is a publicly available database containing information on disposal and other releases of toxic chemicals from industrial facilities. As stipulated in 40 CFR Part 372, owners or operators of facilities that release toxic chemicals above a certain threshold (25,000 pounds or more per year) are required to submit information about (1) on-site releases and other disposals of toxic chemicals; (2) on-site recycling, treatment, and energy recovery associated with TRI chemicals; (3) off-site transfers of toxic chemicals from TRI facilities to other locations; and (4) pollution prevention activities at facilities.

2.10.2.2 *State*

Management of Hazardous Materials

In California, both federal and state community right-to-know laws are coordinated through the Governor's Office of Emergency Services. The federal law, SARA Title III or EPCRA, described above, encourages and supports emergency planning efforts at the state and local levels and provides local governments and the public with information about potential chemical hazards in their communities. Because of the community right-to-know laws, information is collected from facilities that handle (e.g., produce, use, store) hazardous materials above certain quantities. The provisions of EPCRA apply to 4 major categories:

- emergency planning,
- emergency release notification,
- reporting of hazardous chemical storage, and
- inventory of toxic chemical releases.

The corresponding state law is Chapter 6.95 of the California Health and Safety Code (Hazardous Materials Release Response Plans and Inventory). Under this law, qualifying businesses are required to prepare a Hazardous Materials Business Plan, which would include hazardous materials and hazardous waste management procedures and emergency response procedures, including emergency spill cleanup supplies and equipment. At such time as the applicant begins to use hazardous materials at levels that reach applicable state or federal thresholds, the plan is submitted to the administering agency.

DTSC, which is a division of the California Environmental Protection Agency (CalEPA), has primary regulatory responsibility over hazardous materials in California, working in conjunction with EPA to enforce and implement hazardous materials laws and regulations. As required by Section 65962.5 of the California Government Code, DTSC maintains a hazardous waste and substances site list for the state, known as the Cortese List. Individual regional water quality control boards (RWQCBs) are the lead agencies responsible for identifying, monitoring, and cleaning up LUSTs.

California Environmental Protection Agency

CalEPA implements and enforces environmental laws that regulate air, water, and soil quality; pesticide use; and waste recycling and reduction. CalEPA consists of the California Air Resources Board, CDPR, the California Department of Resources Recycling and Recovery, DTSC, the Office of Environmental Health Hazard Assessment, and SWRCB.

Transport of Hazardous Materials and Hazardous Materials Emergency Response Plan

The State of California has adopted DOT regulations for the movement of hazardous materials originating in the state and passing through the state; state regulations are contained in Title 26 of the CCR. State agencies with primary responsibility for enforcing state regulations and responding to hazardous materials transportation emergencies are the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans). Together, these agencies determine container types used and license hazardous waste haulers to transport hazardous waste on public roads. However, transportation of hazardous materials is also restricted to certain routes in California as identified by the Federal Motor Carrer Safety Administration (FMCSA 2020).

California has developed an emergency response plan to coordinate emergency services provided by federal, state, and local governments and private agencies. Response to hazardous materials incidents is one part of the plan. The plan is managed by the Governor's Office of Emergency Services, which coordinates the responses of other agencies in the project area.

Management of Construction Activities

Through the Porter-Cologne Water Quality Act and the National Pollution Discharge Elimination System (NPDES) program, the RWQCBs have the authority to require proper management of hazardous materials during project construction. For a detailed description of the Porter-Cologne Water Quality Act, the NPDES program, and the role of the San Diego RWQCB, see Section 2.11, “Hydrology and Water Quality.”

SWRCB adopted the statewide NPDES General Permit (Order WQ 2022-0057-DWQ). The State of California requires that projects disturbing more than 1 acre of land during construction file a Notice of Intent with the RWQCB to be covered under this permit. Construction activities subject to the General Permit are clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. A stormwater pollution prevention plan (SWPPP) must be developed and implemented for each site covered by the permit. The SWPPP must include BMPs designed to prevent construction pollutants from contacting stormwater and keep products of erosion from moving off-site into receiving waters throughout the construction and life of the project; the BMPs must address source control and, if necessary, pollutant control.

Worker Safety

The California Occupational Safety and Health Administration (Cal/OSHA) assumes primary responsibility for developing and enforcing workplace safety regulations within the state. Cal/OSHA standards are typically more stringent than federal OSHA regulations and are presented in Title 8 of the CCR. Cal/OSHA conducts on-site evaluations and issues notices of violation to enforce necessary improvements to health and safety practices.

Title 8 of the CCR also includes regulations that provide for worker safety when blasting and explosives are utilized during construction activities. These regulations identify licensing, safety, storage, and transportation requirements related to the use of explosives in construction.

California Accidental Release Prevention Program

The goal of the California Accidental Release Prevention Program (19 CCR Chapter 4.5) is to reduce the likelihood and severity of consequences of any releases of extremely hazardous materials. Any business that handles regulated substances (chemicals that pose a major threat to public health and safety or the environment because they are highly toxic, flammable, or explosive, including ammonia, chlorine gas, hydrogen, nitric acid, and propane) must prepare a risk management plan. The risk management plan is a detailed engineering analysis of the potential accident factors present at a business and the measures that can be implemented to reduce this accident potential. The plan must provide safety information, hazard data, operating procedures, and training and maintenance requirements. The list of regulated substances is found in Section 2770.5 of the program regulations.

Hazardous Waste Control Law and Universal Waste Rule

Under Title 22 of the CCR and the California Hazardous Waste Control Law, DTSC regulates the generation, transportation, treatment, storage, and disposal of hazardous waste. California’s Universal Waste Rule allows individuals and businesses to transport, handle, and

recycle certain common hazardous wastes, termed “universal wastes,” in a manner that differs from the requirements regarding most hazardous wastes. Universal wastes include televisions, computers, and other electronic devices, as well as batteries, fluorescent lamps, mercury thermostats, and other mercury-containing equipment. The hazardous waste regulations (22 CCR Division 4.5, Chapter 11) identify 7 categories of hazardous wastes that can be managed as universal wastes. Any unwanted item that falls within one of these waste streams can be handled, transported, and recycled following the simple requirements set forth in the universal waste regulations.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) (27 CCR) was mandated by the State of California in 1993. The Unified Program was created to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities for 6 hazardous materials programs. The program has the following 6 elements:

- Hazardous Waste Generators and Hazardous Waste On-Site Treatment
- Underground Storage Tanks
- Aboveground Petroleum Storage Act
- Hazardous Materials Release Response Plans and Inventories
- California Accidental Release Prevention
- Uniform Fire Code Hazardous Materials Management Plans and Hazardous Materials Inventory Statements

At the local level, implementation of a Unified Program is accomplished by identifying a Certified Unified Program Agency (CUPA) that coordinates all of these activities to streamline the process for local businesses. The Hazardous Materials Division is approved by Cal/EPA as the CUPA for San Diego County.

Construction General Permit for Stormwater Discharges Associated with Construction Activity

As described above, the state requires that projects disturbing more than 1 acre of land during construction file a Notice of Intent with the RWQCB to be covered under the statewide General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities. Construction activities subject to the Construction General Permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. A SWPPP must be developed and implemented for each site covered by the permit. The SWPPP must include BMPs designed to prevent construction pollutants from contacting stormwater.

Government Code Section 65962.5: Cortese List

Government Code Section 65962.5 requires that DTSC compile and update a list of hazardous waste facilities; land designated as hazardous waste property; hazardous waste disposals on public land; sites that contain potential hazards to public health and safety or the environment, the risk of fire or explosion, and toxic hazards; and all sites included in the Abandoned Site

Assessment Program. This law is commonly referred to as the "Cortese List" (after the legislator who authored the legislation that enacted it). The list, or a site's presence on the list, has bearing on the local permitting process, as well as on compliance with CEQA. Because this statute was enacted more than 20 years ago, some of the provisions refer to agency activities that are no longer being implemented, and in some cases, the information to be included in the Cortese List does not exist.

California Department of Transportation

Caltrans is the state agency responsible for design, construction, maintenance, and operation of the California State Highway System, as well as the segments of the Interstate Highway System that lie within California. Caltrans District 11 is responsible for the operation and maintenance of I-5, I-8, I-15, I-805, State Route (SR) 11, SR 52, SR 54, SR 56, SR 75, SR 76, SR 78, SR 94, SR 125, SR 163, SR 282, SR 905, US Highway 80, US Highway 101, and US Highway 395 in the project area. Caltrans requires a transportation permit for any transport of heavy construction equipment or materials that necessitates the use of oversized vehicles on state highways.

California Highway Patrol

CHP is the state agency responsible for providing uniform traffic law enforcement throughout the state by assuring the safe, convenient, and efficient transportation of people and goods on the state highways system. Drivers who haul hazardous agricultural materials must obtain a Hazardous Agricultural Materials (HAM) certificate, per application CHP 516, which is required to be filled out and submitted in order to receive a HAM certificate. However, Section 12804.2 of the California Vehicle Code (CVC) exempts a person from the requirement to obtain a hazardous materials or tank endorsement on their driver license, provided the person:

- is employed in agricultural operation;
- is driving a vehicle that does not require a commercial driver license and is controlled by a farmer;
- is transporting agricultural products or machinery to or from a farm;
- has completed training meeting the requirements outlined in Section 172.704(a) of Title 49 of the CFR;
- possesses a verification of training document, commonly known as a HAM Certificate, when operating a vehicle requiring the display of placards pursuant to Section 27903 of the CVC;
- is operating the vehicle at a distance of not more than 50 miles from farm to farm or from point of distribution to point of application; or
- is in possession of a CHP 344, Hazardous Materials Transportation Basic Incident Safety Procedures.

California Department of Pesticide Regulation Guidance

Detailed implementation regulations for the CDPR pesticide regulatory program are codified in CCR, Title 3, Division 6. CDPR oversees state pesticide laws, including pesticide labeling, and is vested by EPA to enforce federal pesticide laws in California. CDPR also oversees the

activities of the county agricultural commissioners related to enforcement of pesticide regulations and related environmental laws and regulations locally.

As identified in CCR, Title 3, Division 6, CDPR evaluates proposed pesticide products and registers those pesticides that it determines can be used safely. In addition, CDPR oversight consists of:

- licensing of pesticide professionals,
- site-specific permits required before restricted-use pesticides may be used in agriculture,
- strict rules to protect workers and consumers,
- mandatory reporting of pesticide use by agricultural and pest control businesses,
- environmental monitoring of water and air, and
- testing of fresh produce for pesticide residues.

The regulations require employers of pesticide workers to provide protective clothing, eyewear, gloves, respirators, and any other required protection and require employers to ensure that protective wear is worn according to product labels during application. The regulations also require employers to provide field workers with adequate training in pesticide application and safety, communicate pesticide-related hazards to field workers, ensure that emergency medical services are available to field workers, and ensure adherence to restricted-entry intervals between pesticide treatments (3 CCR Section 6764). CDPR requires that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of commercial cannabis complies with Division 6 of the Food and Agricultural Code (commencing with Section 11401) and its implementing regulations (3 CCR Section 6000 et seq.).

Pesticide Use in Commercial Cannabis Cultivation

Commercial cannabis pests vary according to cultivar (variety), whether the plants are grown indoors or outdoors, and where the plants are grown geographically. Pesticides legal for use on commercial cannabis must have active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on cannabis. Residue tolerance requirements are set by EPA for each pesticide on each food crop and are the amount of pesticide residue allowed to remain in or on each treated crop with “reasonable certainty of no harm.” Some pesticides found to be safe are exempt from the tolerance requirements. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil or rosemary oil (CDPR 2015).

CDPR designates certain pesticide active ingredients as California “Restricted Materials” when it determines that those pesticides are especially hazardous to human health or the environment and require permitting. Such permits will not be issued for commercial cannabis cultivation sites.

California Code of Regulations: Testing Standards for Commercial Cannabis Goods

As required under CCR, Title 4, Section 15719, licensed commercial cannabis laboratories shall analyze representative samples of cannabis and cannabis products to determine whether residual pesticides are present. A list of pesticides is divided into 2 categories and provided along with their action levels. The sample shall be deemed to have passed the residual pesticides testing if both or the following conditions are met: (1) the presence of any residual pesticide listed in Category I identified in Section 15719 is not detected, and (2) the presence of any residual pesticide listed in in Category II in Section 15719 does not exceed the identified action levels. In addition to residual pesticides testing, cannabis and cannabis products must also be sampled for the following constituents:

- cannabinoids;
- foreign material;
- heavy metals;
- microbial impurities;
- mycotoxins;
- moisture content and water activity;
- residual solvents and processing chemicals;
- terpenoids, if applicable; and
- homogeneity, if applicable.

Pesticide Contamination Prevention Act

The Pesticide Contamination Prevention Act (Sections 13145–13152 of the Food and Agricultural Code) requires CDPR to:

- obtain environmental fate and chemistry data for agricultural pesticides before they can be registered for use in California;
- identify agricultural pesticides with the potential to pollute groundwater;
- sample wells to determine the presence of agricultural pesticides in groundwater;
- obtain, report, and analyze the results of well sampling for pesticides by public agencies;
- formally review any detected pesticide to determine whether its use can be allowed; and
- adopt use modifications to protect groundwater from pollution if formal review indicates that continued use can be allowed.

The act requires CDPR to develop numerical values for water solubility, soil adsorption coefficient, hydrolysis, aerobic and anaerobic soil metabolism, and field dissipation of pesticides to protect groundwater, based in part on data submitted by pesticide registrants. The act also states that CDPR shall establish a list of pesticides that have the potential to pollute groundwater, called the Groundwater Protection List. Any person who uses a pesticide listed on the Groundwater Protection List is required to file a report with the county agricultural

commissioner, and pesticide dealers are required to make quarterly reports to CDPR of all sales of pesticides on the list to persons not otherwise required to file a report. The Pesticide Contamination Prevention Act ensures that pesticides allowed for use in California, including those that may be used in commercial cannabis cultivation, will have been studied by CDPR for their potential to contaminate groundwater and the environment.

California Code of Regulations: Cannabis Cultivation Regulations

CCR, Title 4, Division 19 includes following requirements regarding the handling of pesticides:

- **Section 16307(a):** Licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide Regulation.
- **Section 16307(b):** For all pesticides that are exempt from registration requirements, licensees shall comply with all pesticide laws and regulations enforced by the Department of Pesticide regulation and with 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.

Cannabis State Regulations: Department of Cannabis Control

The State Department of Cannabis Control (DCC) Regulations (4 CCR Division 9) include the following requirements regarding public services for commercial cannabis uses.

- **Section 15011(a):** A commercial cannabis business applying for a license to cultivate cannabis shall provide the following information:
  - 4) Evidence that the commercial cannabis business has conducted a hazardous materials record search of the EnviroStor database for the proposed premises. If hazardous sites were encountered, the applicant shall provide documentation of protocols implemented to protect employee health and safety.
- **Section 16309(a):** Licensed cultivators shall establish and maintain a cultivation plan that includes all of the following:
  - 3) A pest management plan developed in accordance with section 16310.

- **Section 16310(a):** The licensed cultivator shall develop a pest management plan that includes:
  1) The product name and active ingredient(s) of all pesticides to be applied to cannabis; and
  2) Any integrated pest management protocols, including chemical, biological, and cultural methods, will be used to prevent and control pests on the cultivation site.
- **Section 170202.1(a):** A licensed manufacturer that uses a volatile solvent, a flammable liquid, or a solvent that creates an asphyxiant gas shall ensure that the solvent is used in accordance with the requirements of:
  1) Chapter 39 of the California Fire Code;
  2) Title 8, California Code of Regulations, sections 5416–5420, which includes ensuring adequate ventilation and controlling sources of ignition;
  3) All Division of Occupational Safety and Health (Cal/OSHA) regulations related to the processing, handling, and storage of the applicable solvent; and
  4) All fire, safety, and building code requirements related to the processing, handling, and storage of the applicable solvent or gas.
- **Section 170202.1(b):** No volatile solvent extraction or post-extraction processing operations or other closed-loop system operations shall occur in an area zoned as residential.
- **Section 17209(a):** Exterior facility and grounds. A licensed manufacturer shall ensure the facility exterior and grounds under the licensed manufacturer's control meet the following minimum standards:
  1) Grounds shall be equipped with draining areas in order to prevent pooled or standing water;
  2) Weeds, grass, and vegetation shall be cut within the immediate vicinity of the cannabis manufacturing premises, litter and waste shall be removed, and equipment shall be stored in order to minimize the potential for the grounds to constitute an attractant, breeding place, or harborage for pests;
  3) Roads, yards, and parking lots shall be maintained so that these areas do not constitute a source of contamination in areas where cannabis products are handled or transported;
  4) Openings into the building (such as windows, exhaust fans, ventilation ducts, or plumbing vent pipes) shall be screened, sealed, or otherwise protected to minimize potential for pests to enter the building;
  5) Waste treatment and disposal systems shall be provided and maintained so as to prevent contamination in areas where cannabis products may be exposed to such a system's waste or waste by-products;
  6) A licensed manufacturer shall implement precautions within the premises, such as inspection or extermination, if the premises is bordered by grounds outside the licensed manufacturer's control that are not maintained in the manner described in subsections (1) through (5), in order to eliminate any pests, dirt, and filth that pose a source of cannabis product contamination. Any use of insecticide, rodenticide, or

other pesticide within the premises shall meet the requirements of Health and Safety Code section 114254.

- **Section 17209(5)(C):** Poisonous or toxic materials such as cleaning compounds, sanitizing agents, and pesticide chemicals that are necessary for premises and equipment maintenance and operation shall be handled and stored in a manner that meets the requirements of Health and Safety Code sections 114254.1, 114254.2 and 114254.3.
- **Section 17211.1(a):** A manufacturing licensee shall establish and implement a training program to ensure that all personnel present at the premises are provided information and training that, at minimum, covers the following topics:
  1) Within 30 days of the start of employment:
     a. Health and safety hazards;
     b. Hazards presented by all solvents or chemicals used at the licensed premises as described in the safety data sheet for each solvent or chemical;
     c. Emergency response procedures.
- **Section 17214(a):** A licensed manufacturer shall establish and implement a written product quality plan for each type of product manufactured at the premises. The product quality plan shall address the hazards associated with the premises or the manufacturing process that, if not properly mitigated, may cause the product to be adulterated or misbranded, or may cause the product to fail laboratory testing or quality assurance review.
- **Section 17214(c):** The licensed manufacturer shall evaluate the following potential risks to cannabis product quality that could be introduced during manufacturing operations:
  1) Biological hazards, including microbiological hazards;
  2) Chemical hazards, including radiological hazards, pesticide contamination, solvent or other residue, natural toxins, decomposition, or allergens;
  3) Physical hazards, such as stone, glass, metal fragments, hair, or insects.

2.10.2.3 *Local*

Hazardous Material Release

Hazardous materials are commonly stored and used by a variety of businesses within the county and could be released into the environment through improper handling or accident conditions. The following business plans and response systems are in place to help prevent hazardous material release threats.

Hazardous Materials Business Plans

Any business that handles, stores, or disposes of a hazardous substance above a given threshold quantity must prepare a Hazardous Materials Business Plan (HMBP). HMBPs intend to minimize hazards to human health and the environment from fires, explosions, and unplanned releases of hazardous substances into air, soil, or surface water. The HMBP must be carried out immediately whenever a fire, explosion, or unplanned chemical release occurs. An HMBP includes 3 sections: (1) an inventory of hazardous materials, including a site map,

which details their locations; (2) an emergency response plan; and (3) an employee-training program. HMBPs serve as an aid to employers and employees in managing emergencies at a given facility. They also help better prepare emergency response personnel for handling a wide range of emergencies that might occur at the facility.

The Hazardous Materials Division of the DEHQ conducts routine inspections at businesses required to submit hazardous materials business plans. These inspections have 3 purposes: (1) to ensure compliance with existing laws and regulations concerning HMBP requirements, (2) to identify existing safety hazards that could cause or contribute to an accidental spill or release, and (3) to suggest preventative measures to minimize the risk of a spill or release of hazardous materials. After the initial submission of an HMBP, the business must review and recertify the HMBP every year (County of San Diego 2011).

Risk Management Plans

Article 2 of Chapter 6.95 of the California Health and Safety Code (Sections 25531–25543.3) requires the owner or operator of a stationary source with more than a threshold quantity of a regulated substance to prepare a Risk Management Plan. The state statutes and regulations combine federal and state program requirements for the prevention of accidental releases of listed substances into the atmosphere. The incorporation of the federal and state requirements has been designated the California Accidental Release Prevention (CalARP) Program. CalARP requires that a Risk Management Plan include a hazard assessment program, an accidental release prevention program, and an emergency response plan. The Risk Management Plan must be revised every 5 years or as necessary. The majority of facilities and businesses in San Diego County that have prepared Risk Management Plans are ammonia refrigeration facilities and water treatment and wastewater treatment plants that handle chlorine gas (County of San Diego 2011).

Hazardous Materials Emergency Response

The DEHQ Hazardous Incident Response Team (HIRT) consists of 10 state-certified hazardous materials specialists. The team was founded in 1981 by the Unified Disaster Council and is funded by a joint powers agreement. This team services all unincorporated San Diego County areas, 18 municipalities, 2 military bases, and 5 Tribal Nation reservations. There are over 400 responses a year in the HIRT operational area. HIRT responds jointly with the City of San Diego Fire-Rescue Department Hazardous Incident Response Team to investigate and mitigate chemically related emergencies or complaints. Emergency response activities include mitigation, containment, control actions, hazard identification, and threat evaluation to the local population and the environment. HIRT is also responsible for handling all after normal business hours complaints for the DEHQ (County of San Diego 2024).

San Diego County, SAM Program

The County of San Diego DEHQ maintains the SAM list of contaminated sites that have previously or are currently undergoing environmental investigations or remedial actions. The San Diego County SAM Program, within the Land and Water Quality Division of the DEHQ, has a primary purpose to protect human health, water resources, and the environment within San Diego County by providing oversight of assessments and cleanups in accordance with the California Health and Safety Code and the CCR. SAM's Voluntary Assistance Program also provides staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances.

San Diego County Airport Land Use Commission

The San Diego County Regional Airport Authority protects the safety and welfare of the general public by serving as the Airport Land Use Commission for San Diego County. By adopting airport land use compatibility plans (ALUCPs) per state law, Airport Land Use Commission provides guidance on compatible land uses around regional airports to local permitting agencies to incorporate into their land use decisions. The ALUCPs help protect the public against the noise and risks of airport proximity and establish standards for disclosure of airport proximity and aircraft overflight to residential properties. As mentioned above, all airports located within San Diego County have an adopted ALUCP.

San Diego County General Plan

The General Plan (adopted in 2011) policies related to hazards and hazardous materials that are applicable to the Cannabis Program include the following:

- **Policy LU-10.2: Development—Environmental Resource Relationship**. Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.
- **Policy S-2.2: Evacuation Impediments**. Advise, and where appropriate, require all new developments to help eliminate impediments to evacuation within existing community plan areas, where limited ingress/egress conditions could impede evacuation events.
- **Policy S-2.5: Existing Development within Hazard Zones**. Implement warning systems and evacuation plans for developed areas located within known hazard areas (i.e., flood, wildfire, earthquake, other hazards).
- **Policy S-2.7: Evacuation Access**. All development proposals are required to identify evacuation routes at the Community Plan level and identify and facilitate the establishment of new routes needed to ensure effective evacuation. Evacuation routes should be incorporated into existing Community Wildfire Protection Plans where available.
- **Policy S-13.1: Land Use Location**. Require that land uses involving the storage, transfer, or processing of hazardous materials be located and designed to minimize risk and comply with all applicable hazardous materials regulations.
- **Policy S-13.3: Hazards-Sensitive Uses**. Require that land uses using hazardous materials be located and designed to ensure sensitive uses, such as schools, hospitals, daycare centers, and residential neighborhoods, are protected. Similarly, avoid locating sensitive uses near established hazardous materials users or High Impact Industrial areas where incompatibilities would result.
- **Policy S-13.4: Contaminated Lands**. Require areas of known or suspected contamination to be assessed prior to reuse. The reuse shall be in a manner that is compatible with the nature of the contamination and subsequent remediation efforts.
- **Policy S-13.5: Development Adjacent to Agricultural Operations**. Require development adjacent to existing agricultural operations in Semi-Rural and Rural Lands to adequately buffer agricultural areas and ensure compliance with relevant safety codes where pesticides or other hazardous materials are used.

- **Policy S-17.2: Land Use Compatibility**. Require land uses surrounding airports to be compatible with the operation of each airport.
- **Policy S-17.4: Hazardous Obstructions within Airport Approach and Departure**. Restrict development of potentially hazardous obstructions or other hazards to flight located within airport approach and departure areas or known flight patterns and discourage uses that may impact airport operations or do not meet Federal or State aviation standards.

San Diego County Regulatory Code of Ordinances

The Regulatory Code contains the following requirements related to hazards and hazardous materials:

Section 64.204: Right to Inspect Property

Subject to the limitations of the United States Constitution and the California Constitution, the Director may enter any property in San Diego County or property outside San Diego County from which disease bearing vectors may enter San Diego County, without interference or hindrance for the following purposes:

a. Inspect the property to determine the presence of vectors or other public nuisance that is likely to create a breeding ground or harborage for vectors.
b. Abate a public nuisance pursuant to this chapter, either directly or to give notice to the property owner to abate the public nuisance.
c. Determine if a notice to abate a public nuisance has been complied with.
d. Control vectors and treat property with appropriate physical, chemical or biological control measures.

Section 68.505: Hazardous and Medical Wastes

a. No person shall transport or collect hazardous wastes or medical wastes without complying with all applicable laws or regulations.
b. No person shall deposit, dump, spill, place, or otherwise allow to be disposed of, in or on a solid waste facility not designated as a hazardous waste disposal facility, any waste classified as hazardous waste pursuant to State, federal or County law or regulation. No person shall deposit, dump, spill, place, or otherwise allow untreated medical waste to be disposed of in, or on, a solid waste facility.
c. The Director of the Department of Environmental Health and Quality shall have enforcement authority for this section.

Section 68.506: Transportation of Solid Waste and Other Discarded Materials

a. No person shall convey or transport solid waste and other discarded materials on or along any public highway in the County unless the material is contained and covered to prevent it from leaving the vehicle in which it is being conveyed or transported. A person engaged in the collection of discarded materials, however, may allow a collection vehicle transporting such material to be uncovered while picking up such material where the collection stops are separated by less than one mile. When traveling between pick-up stops and a transfer or disposal area, all loads of discarded materials shall be completely covered.

b. All vehicles and equipment used in the collection and transport of any form of discarded materials shall be kept clean. No person shall allow liquid to drain from any vehicle that transports any form of discarded materials on any road, highway, or on any other land in a manner as to create an unsanitary condition. Persons hauling discarded materials on the public highways shall completely empty the discarded materials from all vehicles and containers at transfer, processing, or disposal sites in order to prevent litter from residue from scattering on the return trip.

c. The Director shall have enforcement authority for this section.

2.10.3 Analysis of Project Impacts and Determination of Significance

2.10.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, an impact related to hazards and hazardous materials is considered significant if implementation of the Cannabis Program would do any of the following:

- create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment;
- emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- 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;
- 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; or
- impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

In addition, according to the *County of San Diego Guidelines for Determining Significance: Vectors*, an impact related to hazards and hazardous materials is considered significant if implementation of the Cannabis Program would substantially increase human exposure to vectors capable of spreading disease by:

- proposing a vector breeding source including, but not limited to, sources of standing water for more than 72 hours (e.g., ponds, stormwater management facilities, constructed wetlands); or
- proposing a vector breeding source including, but not limited to, composting or manure management facilities, confined animal facilities, or animal boarding/breeding/training operations.

2.10.3.2 *Issues Not Discussed Further*

All the issues identified in the thresholds of significance are addressed in the following analysis. Impacts related to wildfire are addressed in Section 2.19, “Wildfire.”

2.10.3.3 *Approach to Analysis*

The impact analysis below evaluates to what extent adoption and implementation of the Cannabis Program may result in significant impacts as a result of exposure of people or structures to hazardous conditions and hazardous materials or the creation of hazardous conditions. This program-level analysis is based on current information available in databases of DTSC (EnviroStor) and SWRCB (GeoTracker), as well as other sources cited in Section 2.10.1, “Existing Conditions.” The analysis also focuses on the potential for the construction and operation of commercial cannabis facilities to create hazards to humans through the transport, use, exposure, or accidental release of hazardous materials and exposure to other hazards. These hazards were analyzed in the context of existing laws and regulations and the extent to which existing regulations and regulations adequately address and minimize the potential impacts of the hazards associated with the project. Cannabis facilities must include cultivation and operational plans that contain information showing that the activities meet or exceed minimum legal standards for proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel.

Because the location of new sites for potential commercial cannabis facilities are unknown at this time, physical surveys of the sites could not be conducted. Rather, this program-level analysis is based on hazards typically associated with certain land uses and an overall understanding of the key safety concerns that could result from commercial cannabis facilities.

2.10.3.4 *Issue 1: Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

A significant impact would occur if the Cannabis Program proposed businesses, operations, or facilities that handle hazardous substances in excess of the threshold quantities listed in Chapter 6.95 of the Health and Safety Code, generate hazardous waste regulated under Chapter 6.5 of the Health and Safety Code, or store hazardous substances in underground storage tanks regulated under Chapter 6.7 of the Health and Safety Code and would not be able to comply with applicable hazardous substance regulations.

In addition, the proposed Cannabis Program would have a significant impact if it would 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; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school; or be located on a site that is

included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

Impact Analysis

The Cannabis Program would establish a licensing and permitting system for new commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, consumption lounges, and temporary cannabis events. The Cannabis Program does not propose new physical development; however, implementation of the Cannabis Program would allow for new commercial cannabis-related development that may involve the use, storage, disposal, and transport of hazardous materials. However, cannabis facilities under the Cannabis Program would be required to comply with multiple regulations regarding the safe use, transportation, and disposal of hazardous materials.

As described in Section 2.3, “Agricultural and Forest Resources,” pesticides used on cannabis cultivation sites must have active ingredients that are exempt from residue tolerance requirements and that are either exempt from registration requirements or are registered for a use that is broad enough to include use on cannabis. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil or rosemary oil. The use of restricted pesticides on cannabis cultivation is prohibited. Harvested cannabis is required to pass laboratory tests for the following constituents as required under CCR Title 4, Division 9, Section 15719. Cannabis must be sampled for the following constituents and pass the testing levels, which are based on protection of public health and the environment:

- cannabinoids;
- foreign material;
- heavy metals;
- microbial impurities;
- mycotoxins;
- moisture content and water activity;
- residual pesticides;
- residual solvents and processing chemicals;
- if applicable, terpenoids; and
- if applicable, homogeneity.

If the tested cannabis batch fails these tests, the cannabis batch will not be released for retail sale. As a result of these testing requirements, licensed cannabis cultivation sites limit the use of pesticides that could create conflicts with adjoining land uses and agricultural activities. CCR Section 16307(b) includes pesticide storage requirements (leak containment) and restrictions on application methods to prevent off-site drift to avoid public health impacts and off-site contamination, as well as to protect water quality.

CCR, Title 4, Division 9 includes the following requirements for cannabis manufacturing operations that ensure protection of public health and safety:

- CCR, Title 4, Section 17202.1: General Requirements for Extraction and Post-Extraction Processing

  (a) A licensed manufacturer that uses a volatile solvent, a flammable liquid, or a solvent that creates an asphyxiant gas shall ensure that the solvent is used in accordance with the requirements of:

  (1) Chapter 39 of the California Fire Code;

  (2) Title 8, California Code of Regulations, sections 5416-5420, which includes ensuring adequate ventilation and controlling sources of ignition;

  (3) All Division of Occupational Safety and Health (Cal/OSHA) regulations related to the processing, handling, and storage of the applicable solvent; and

  (4) All fire, safety, and building code requirements related to the processing, handling, and storage of the applicable solvent or gas.

  (b) No volatile solvent extraction or post-extraction processing operations or other closed-loop system operations shall occur in an area zoned as residential.

- CCR, Title 4, Section 17205: Additional Requirements for Ethanol Operations. A licensed manufacturer that uses ethanol in manufacturing operations for extractions or post-extraction processing shall receive approval for the facility and equipment from the local fire code official prior to commencing operations, if required by local ordinance.

Section 2.10.2, “Regulatory Framework,” identifies the hazardous programs administered under the CUPA. These programs protect public health and the environment from hazardous material usage through storage requirements and measures to contain accidental releases, proper handling and disposal requirements, and disclosure of operations involving hazardous materials to the County and fire protection agencies to ensure proper response if accidents occur (e.g., spills and fires). The Cannabis Program would be consistent with General Plan Policies S-13.1, S-13.3, S-13.4, and S-13.5 regarding compliance with hazardous material requirements and minimizing risks.

Cannabis facilities permitted and licensed through the Cannabis Program would be required to prepare an HMBP and Risk Management Plan per Chapter 6.95 of the Health and Safety Code; CCR, Title 4, Division 9, Sections 16307(a) and 16307(b); CCR, Title 4, Section 15719; CCR, Title 4, Division 9, Sections 16310(a), 170202.1(a), 17209(a), 17209(5)(C), 17211.1(a), 17214(a), 17214(c); San Diego County General Plan Policies S-13.3 and S-13.5; and San Diego County Regulatory Code of Ordinances Sections 68.505 and 68.506. Compliance with these regulations would require cannabis facilities to comply with pesticide regulations; create a pest management plan; comply with state regulatory requirements related to volatile solvents; maintain waste treatment and disposal systems to prevent contamination; handle and store poisonous or toxic materials pursuant to Health and Safety Code Sections 114254.1, 114252.2, and 114254.3; establish and implement a training program that discusses health and safety hazards; establish and implement a product quality plan that addresses hazards associated with the premises, evaluate biological hazards, chemical hazards, and physical hazards to cannabis product quality; ensure the protection of sensitive uses from sites using hazardous materials; require adjacent development to buffer agricultural areas and ensure compliance with relevant safety codes where hazardous materials are used; comply with all applicable laws and regulations regarding the transport and disposal of hazardous materials; and properly contain discarded materials during conveyance or transportation. These

regulations would aid in reducing the exposure of hazards to the public and environment through the routine transport, use, or disposal, or accidental release of hazardous materials.

Cannabis facilities have the potential to be located within 0.25 miles of an existing or proposed school. As described above, cannabis facilities may involve the transport, use, or disposal of hazardous materials, which could expose the public or environment to hazards. However, cannabis facilities would be required to comply with the regulations stated above to reduce the potential of exposure or accidental release within 0.25 miles of an existing or proposed school.

As described above in Section 2.10.1, "Existing Conditions," known sites in the county are identified on government databases as hazardous material sites under Government Code Section 65962.5, and an additional unknown number of contamination sites also are likely present. New cannabis facilities may include construction of new structures, on-site grading activities, or other ground-disturbing activities that could encounter contamination from past practices, placement of undocumented fill, or even authorized disposal of hazardous wastes from prior uses. Encountering these materials could expose workers, the public, or the environment to adverse effects. Cannabis facilities, under the Cannabis Program, located on a hazardous materials site would be required to comply with the Government Code Section 65962.5, Unified Program, San Diego County SAM Program, San Diego County Board Policy I-132 Valley Center Mitigation Policy, and San Diego County General Plan Policy S-13.4 to ensure that cannabis sites have not been previously contaminated in such a way that could expose humans to on-site hazardous materials. General Plan Policy S-13.4 would require areas of known or suspected contamination to be assessed prior to reuse, reducing potential exposure of hazards from a suspected or known hazardous contamination site.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Changes to these cannabis facilities would be required to comply with the regulations described above to reduce potential exposure of on-site hazardous materials consistent with General Plan Policies LU-10.2, S-13.1, and S-13.4.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Cannabis facilities under the Cannabis Program may involve the use, storage, disposal, and transport of hazardous materials. All commercial cannabis facilities under the Cannabis Program would be required to comply with all the applicable regulations and policies described above regarding the safe handling of transport, use, and disposal of hazardous materials. Compliance with these regulations would reduce the exposure of hazards to the public and environment.

New cannabis facilities have the potential to be located within 0.25 miles of an existing or proposed school. As described above, cannabis facilities may involve the transport, use, or disposal of hazardous materials, which could expose the public or environment to hazards. However, cannabis facilities would be required to comply with the regulations stated above to reduce potential hazards near schools. Furthermore, proposed amendments to the Zoning Ordinance under this alternative would require that cannabis facilities be sited outside of a 600-foot buffer from cannabis sensitive uses, including schools serving K-12 and transitional kindergarten, daycares, and youth centers.

New cannabis facilities have the potential to be located on a hazardous materials site, which could pose a threat to the public and environment. However, the cannabis facilities under the Cannabis Program would be required to comply with the regulations described above to reduce potential exposure of on-site hazardous materials consistent with General Plan Policies LU-10.2, S-13.1, and S-13.4. Compliance with these regulations would require site assessments to be conducted on a known or suspected contaminated area, as well as implementation of remediation efforts prior to development or reuse of land, reducing impacts of on-site hazardous materials, if a facility is located on a hazardous materials site.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

New cannabis facilities under Alternative 3 would be required to comply with the same regulations and policies related to the safe handling of transport, use, and disposal of hazardous materials, as described above under Alternative 2. Compliance with the above-described regulations regarding hazardous materials would reduce the exposure of hazards to the public and environment through the routine transport, use, or disposal, or accidental release, of hazardous materials consistent with General Plan Policies LU-10.2, S-13.1, and S-13.4. In addition, buffer requirements under this alternative would provide additional protection for sensitive uses from hazardous materials located within commercial cannabis facilities.

New cannabis facilities have the potential to be located within 0.25 miles of an existing or proposed school. As described above, cannabis facilities may involve the transport, use, or disposal of hazardous materials, which could expose the public or environment to hazards. However, cannabis facilities would be required to comply with the regulations stated above to reduce potential hazards near schools. In addition, buffer requirements under this alternative would require a 1,000-foot buffer between cannabis facilities and schools and other sensitive uses (which is greater than the 600-foot buffer required under Alternative 2).

New cannabis facilities have the potential to be located on hazardous materials sites, which could pose a threat to the public and environment. However, the cannabis facilities under Alternative 3 would be required to comply with the regulations described under Alternative 2. Compliance with these regulations would require site assessments to be conducted on a

known or suspected contaminated area, as well as the implementation of remediation efforts prior to development or reuse of land, reducing impacts of on-site hazardous materials, if a facility is located on a hazardous materials site.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

New cannabis facilities under Alternative 4 would be required to comply with the same regulations and policies related to the safe handling of transport, use, and disposal of hazardous materials, as described above under Alternative 2. Compliance with the above-described regulations regarding hazardous materials would reduce the exposure of hazards to the public and environment through the routine transport, use, or disposal, or accidental release of hazardous materials consistent with General Plan Policies LU-10.2, S-13.1, and S-13.4. In addition, buffer requirements under this alternative would provide additional protection for sensitive uses from hazardous materials located within cannabis facilities.

New cannabis facilities have the potential to be located within 0.25 miles of an existing or proposed school. As described above, cannabis facilities may involve the transport, use, or disposal of hazardous materials, which could expose the public and environment to hazards. However, cannabis facilities would be required to comply with the regulations stated above to reduce potential hazards near schools. In addition, buffer requirements under this alternative would require a 1,000-foot buffer between cannabis facilities and schools and other sensitive uses (which is greater than the 600-foot buffer required under Alternative 2).

New cannabis facilities have the potential to be located on hazardous materials sites, which could pose a threat to the public and environment. However, the cannabis facilities under Alternative 4 would be required to comply with the regulations described under Alternative 2. Compliance with these regulations would require site assessments to be conducted on a known or suspected contaminated area, as well as implementation of remediation efforts prior to development or reuse of land, reducing impacts of on-site hazardous materials, if a facility is located on a hazardous materials site.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within

1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Cannabis facilities under Alternative 5 would be required to comply with the same regulations and policies related to the safe handling of transport, use, and disposal of hazardous materials, as described above consistent with General Plan Policies LU-10.2, S-13.1, and S-13.4. Compliance with the above-described regulations regarding hazardous materials would reduce the exposure of hazards to the public and environment under Alternative 5.

New cannabis facilities have the potential to be located within 0.25 miles of an existing or proposed school. As described above, cannabis facilities may involve the transport, use, or disposal of hazardous materials, which could expose the public or environment to hazards. However, cannabis facilities would be required to comply with the regulations stated above to reduce potential hazards near schools. In addition, buffer requirements under this alternative would require a 1,000-foot buffer between cannabis facilities and schools and other sensitive uses (which is greater than the 600-foot buffer required under Alternative 2).

New cannabis facilities have the potential to be located on a hazardous materials site, which could pose a threat to the public and environment. However, the cannabis facilities under Alternative 5 would be required to comply with the regulations described under Alternative 2. Compliance with these regulations would require site assessments to be conducted on a known or suspected contaminated area, as well as implementation of remediation efforts prior to development or reuse of land, reducing impacts of on-site hazardous materials, if a facility is located on a hazardous materials site.

This impact would be less than significant under Alternative 5.

2.10.3.5 *Issue 2: Airports*

Guidelines for Determination of Significance

According to Appendix G of the CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance;:, Airport Hazards*, the proposed Cannabis Program would have a significant impact if it would locate development within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport, public use airport, or private airstrip and would result in a safety hazard for people residing or working in the project area.

Impact Analysis

As discussed above in Section 2.10.1, “Existing Conditions,” the unincorporated county is serviced by 6 public airports. The Cannabis Program establishes a licensing and permitting system for new commercial cannabis activities and does not itself propose new physical development. However, implementation of the Cannabis Program may allow cannabis-related development to be within the vicinity of public use airports and would thus be subject to criteria and policies set forth in the applicable ALUCP when assessing land use compatibility. These criteria outline the types, densities, and heights of land uses permitted within each airport land use compatibility zone to provide for both safe airport operation and airport land use compatibility.

New cannabis facilities permitted and licensed through the Cannabis Program would be required to comply with San Diego County General Plan Policies S-17.2 and S-17.4. These policies would require commercial cannabis sites to be compatible with the operation of the nearby airport, as well as restrict development of any potentially hazardous obstruction or other hazard to flight located within an airport approach and departure areas or known flight pattern.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Because there would be no new cannabis facility sites, this alternative would not create a significant safety hazard for people residing or working in close proximity to an airport.

There would be no impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

The Cannabis Program under Alternative 2 would provide a framework for the permitting and licensing of new cannabis activities within the county, including areas within the vicinity of a public or private airport. Under the Cannabis Program, as described in Section 1.6.1, “Project Components,” cannabis sites must be compliant with the noise, odor, landscaping, signage, water usage, fencing, and other regulations outlined in the respective sections of the Zoning Ordinance and Regulatory Code. In addition, all cannabis facilities under the Cannabis Program would be required to comply with the land use compatibility policies stated within an airport’s ALUCP, if the facility is in the vicinity of an airport’s AIA, as to not cause safety hazards or excessive noise. Along with ALUCP compliance, cannabis facilities would be required to comply with the General Plan policies stated above to be consistent with airport operations and to restrict development that may cause hazards to flight. Through compliance with the Zoning Ordinance and Regulatory Code amendments of the Cannabis Program, applicable ALUCPs, and General Plan Policies S-17.2 and S-17.4, the potential for Alternative 2 to result in safety hazards or excessive noise would be reduced.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

New cannabis facilities under Alternative 3 would be required to comply with the same regulations and policies related to noise and safety hazards within the vicinity of a public or private airport described above under Alternative 2. Land use compliance and airport safety would be addressed through compliance with applicable airport ALUCPs and San Diego County General Plan Policies S-17.2 and S-17.4. Cannabis facilities would be required to demonstrate compliance with the stated regulations and policies to reduce and avoid safety hazards or excessive noise within the vicinity of an airport.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

New cannabis facilities under Alternative 4 would be required to comply with the same regulations and policies related to noise and safety hazards within the vicinity of a public or private airport described above under Alternative 2. Land use compliance and airport safety would be addressed through compliance with applicable airport ALUCPs and San Diego County General Plan Policies S-17.2 and S-17.4. Cannabis facilities would be required to demonstrate compliance with the stated regulations and policies reduce and avoid safety hazards or excessive noise within the vicinity of an airport.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

New cannabis facilities under Alternative 5 would be required to comply with the same regulations and policies related to noise and safety hazards within the vicinity of a public or private airport described above under Alternative 2. Land use compliance and airport safety would be addressed through compliance with applicable airport ALUCPs and San Diego County General Plan Policies S-17.2 and S-17.4. Cannabis facilities would be required to demonstrate compliance with the stated regulations and policies to reduce and avoid safety hazards or excessive noise within the vicinity of an airport.

This impact would be less than significant under Alternative 5.

2.10.3.6 *Issue 3: Emergency Response and Evacuation Plans*

Guidelines for Determination of Significance

According to Appendix G of the CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Emergency Response Plans*, the proposed Cannabis Program would have a significant impact if it would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Impact Analysis

Although the Cannabis Program does not propose new physical development and it is not known where future cannabis uses would locate, new commercial cannabis facilities may include construction of new structures, new or improved access roads or crossings to facilities, and on-site grading, which could interfere with emergency response and evacuation plans. As described above in Section 2.10.1, "Existing Conditions," the County's Multi-Jurisdiction Hazard Mitigation Plan addresses emergency response and evacuation plans for a variety of emergency events that may require communication to the public and evacuation action.

Commercial cannabis facilities permitted and licensed through the Cannabis Program would be required to comply with San Diego County General Plan Policies S-2.2 and S-2.7, which would require cannabis facilities to eliminate impediments to evacuation and identify evacuation routes.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new commercial cannabis facility sites would be allowed. Thus, this alternative would not impair implementation of or interfere with an adopted emergency response plan or emergency evacuation plan.

There would be no impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

New cannabis facilities may include construction of new structures, new or improved access roads or crossings to facilities, and on-site grading. All cannabis facilities under the Cannabis Program would be required to comply with the County's Multi-Jurisdiction Hazard Mitigation Plan, as well as General Plan Policies S-2.2 and S-2.7, to help eliminate impediments to evacuation and identify evacuation routes. Compliance with the Multi-Jurisdiction Hazard Mitigation Plan and General Plan policies would reduce and avoid potential interference between cannabis facilities and an emergency response or evacuation plan.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

New cannabis facilities under Alternative 3 would be required to comply with the same regulations and policies related to emergency response and evacuation plans, as described above under Alternative 2. All cannabis facilities under the Cannabis Program would be required to comply with the County's Multi-Jurisdiction Hazard Mitigation Plan, as well as General Plan Policies S-2.2 and S-2.7, to reduce and avoid potential interference between cannabis facilities and an emergency response or evacuation plan.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Cannabis facilities under Alternative 4 would be required to comply with the same regulations and policies related to emergency response and evacuation plans, as described above under Alternative 2. All cannabis facilities under the Cannabis Program would be required to comply with the County's Multi-Jurisdiction Hazard Mitigation Plan, as well as General Plan Policies S-2.2 and S-2.7, to reduce and avoid potential interference between cannabis facilities and an emergency response or evacuation plan.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Cannabis facilities under Alternative 5 would be required to comply with the same regulations and policies related to emergency response and evacuation plans, as described above under Alternative 2. All cannabis facilities under the Cannabis Program would be required to comply with the County's Multi-Jurisdiction Hazard Mitigation Plan, as well as General Plan Policies S-2.2 and S-2.7, to reduce and avoid potential interference between cannabis facilities and an emergency response or evacuation plan.

This impact would be less than significant under Alternative 5.

2.10.3.7 *Issue 4: Vectors*

Guidelines for Determination of Significance

According to the *County of San Diego Guidelines for Determining Significance: Vectors*, the proposed Cannabis Program would have a significant impact if it would substantially increase human exposure to vectors capable of spreading disease by:

a. Proposing a vector breeding source including, but not limited to, sources of standing water for more than 72 hours (e.g., ponds, stormwater management facilities, constructed wetlands); or
b. Proposing a vector breeding source including, but not limited to, composting or manure management facilities, confined animal facilities, or animal boarding/breeding/training operations.

Impact Analysis

Although the Cannabis Program does not propose new physical development, it would provide a framework for the licensing and permitting of new commercial cannabis facilities throughout the county. As described in Section 1.5, "Cannabis Overview," in Chapter 1, "Project Description, Location, and Environmental Setting," commercial cannabis activities are similar to those of typical agricultural activities and consist of activities that may provide a breeding source for vectors, which would increase the exposure of humans to vectors.

As described above in Section 2.10.2, "Regulatory Framework," DCC regulations outline specific requirements for commercial cannabis facilities to reduce the attraction of vectors in CCR, Title 4, Division 9, Sections 16309(a)(3), 16310(a), 17209(a)(1),17209(a)(2), 17209(a)(4), and 17209(a)(6), which would require licensed cultivators to develop a pest management plan; equip drainage areas to prevent pooled or standing water; remove vegetation, litter and waste, and equipment to minimize the potential of attractant, breeding, or harborage for pests; and require openings to buildings to be screened, sealed, or otherwise protected to discourage pests from entering buildings. In addition, Section 64.204 of the Regulatory Code allows inspection of a property to determine the presence of vectors or other nuisance that may create a breeding ground or harborage of vectors and allows appropriate physical, chemical, or biological control measures to be used to control vectors and treat property.

New cannabis facilities permitted and licensed through the Cannabis Program would be required to comply with CCR, Title 4, Division 9, Sections 16309(a)(3), 16310(a), 17209(a)(1),17209(a)(2), 17209(a)(4), and 17209(a)(6), as well as Section 64.204 of the Regulatory Code regarding the minimization of vectors. Compliance with these regulatory

requirements would reduce potential attractants and breeding environments suitable for vectors and other pests to reduce and avoid potential human exposure to vectors.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new commercial cannabis facility sites would be allowed. Thus, this alternative would not increase human exposure to vectors.

There would be no impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Cannabis facilities may introduce new environments that attract vectors and create breeding grounds for vectors. All cannabis facilities under the Cannabis Program would be required to comply with DCC regulations within CCR, Title 4, Division 9, Sections 16309(a)(3), 16310(a), 17209(a)(1),17209(a)(2), 17209(a)(4), and 17209(a)(6), as well as Section 64.204 of the Regulatory Code to reduce attractants and suitable environments for vectors within the county. Compliance with these regulations would ensure that new commercial cannabis facilities under the Cannabis Program would comply with all regulations that avert attractants and breeding environments suitable for vectors and other pests, thus reducing the potential for exposure of humans to vectors.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Cannabis facilities under Alternative 3 would be required to comply with the same regulations and policies related to vector attractants and breeding environments as described above under Alternative 2. All cannabis facilities under the Cannabis Program would be required to comply with the DCC regulations within CCR, Title 4, Division 9, Sections 16309(a)(3), 16310(a), 17209(a)(1),17209(a)(2), 17209(a)(4), and 17209(a)(6), as well as Section 64.204 of the Regulatory Code to reduce attractants and suitable environments that would increase human exposure to vectors.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Cannabis facilities under Alternative 4 would be required to comply with the same regulations and policies related to vector attractants and breeding environments as described above under Alternative 2. All cannabis facilities under the Cannabis Program would be required to comply with the DCC regulations within CCR, Title 4, Division 9, Sections 16309(a)(3), 16310(a), 17209(a)(1),17209(a)(2), 17209(a)(4), and 17209(a)(6), as well as Section 64.204 of the Regulatory Code, to reduce attractants and suitable environments that would increase human exposure to vectors.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Cannabis facilities under Alternative 5 would be required to comply with the same regulations and policies related to vector attractants and breeding environments as described above under Alternative 2. All cannabis facilities under the Cannabis Program would be required to comply with the DCC regulations in CCR, Title 4, Division 9, Sections 16309(a)(3), 16310(a), 17209(a)(1),17209(a)(2), 17209(a)(4), and 17209(a)(6), as well as Section 64.204 of the Regulatory Code, to reduce attractants and suitable environments that would increase human exposure to vectors.

This impact would be less than significant under Alternative 5.

2.10.4 Cumulative Impacts

Typically, the geographic scope of the cumulative impact analysis for hazardous materials consists of the area immediately surrounding the affected hazardous materials location. However, the Cannabis Program includes the entire unincorporated county. Therefore, for the purposes of this analysis, the geographic scope of cumulative impact analysis is the unincorporated county and immediately surrounding areas.

2.10.4.1 *Issue 1: Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with hazardous materials from implementation of the General Plan (County of San Diego 2009).

As discussed under Section 2.10.3.4, "Issue 1: Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites," new cannabis facilities allowed under the Cannabis Program would not result in the creation of a significant hazard through the transport, use, or disposal of hazardous materials; accidental release of hazardous materials; exposure of hazardous materials within the close proximity of an existing or proposed school; or exposure of hazardous materials to the public or environment due to a hazardous materials site, which could cause a significant environmental impact. This is because commercial cannabis facilities under the Cannabis Program would be required to comply with established hazardous materials and hazardous sites regulations in Chapter 6.95 of the Health and Safety Code; CCR, Title 4, Division 19, Sections 16307(a) and 16307(b); CCR, Title 4, Section 15719; CCR, Title 4, Division 9, Sections 16310(a), 170202.1(a), 17209(a), 17209(5)(C), 17211.1(a), 17214(a), and 17214(c); Government Code Section 65962.5; Unified Program; San Diego County SAM Program; San Diego County Board Policy I-132 Valley Center Mitigation Policy; San Diego County General Plan Policies S-13.3, S-13.4, and S-13.5; and Regulatory Code Sections 68.505 and 68.506. Compliance with these regulations and General Plan policies would ensure that hazardous materials are safely handled to avoid exposing the public and environment, as well as reducing the potential for accidental release, and to reduce the potential for a facility to be located on a hazardous materials site and of the presence of on-site hazardous materials, if located on a hazardous materials site.

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there would be no contribution to cumulative impacts. Similar to the Cannabis Program, on a case-by-case basis, cumulative projects would also be required to comply with these established regulations and General Plan policies to reduce the potential of hazards from the transport, use, disposal, or accidental release of hazardous materials and reduce and avoid significant impacts from being located on a hazardous materials site. Therefore, the incremental effects of the Cannabis Program related to hazardous materials would not combine with the effects of cumulative projects to create significant cumulative impacts. The Cannabis Program's incremental effects would not be cumulatively significant and would not be cumulatively considerable such that a new cumulatively significant impact would occur under Alternative 2, 3, 4, or 5.

2.10.4.2 *Issue 2: Airports*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with airport hazards from implementation of the General Plan (County of San Diego 2009).

As described above in Section 2.10.3.5, "Issue 2: Airports," cannabis facilities allowed under the Cannabis Program would not result in airport safety hazards or excessive noise if located within an airport's AIA. This is because cannabis facilities under the Cannabis Program would

be required to comply with the established land use compatibilities of an airport's ALUCP in the applicable ALUCPs and General Plan Policies S-17.2 and S-17.4. Compliance with these plans and General Plan policies would ensure that commercial cannabis facilities are consistent with the applicable airport's ALUCP and land use compatibilities, to reduce and avoid potential airport safety hazards or excessive noise.

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there would be no contribution to cumulative impacts. Similar to the Cannabis Program, on a case-by-case basis, cumulative projects would also be required to comply with these established regulations, General Plan policies, and ALUCPs to reduce the potential for airport safety hazards and excessive noise if located within an airport's AIA. Therefore, the incremental effects of the Cannabis Program related to airport safety hazards and excessive noise would not combine with the effects of cumulative projects to create significant cumulative impacts. The Cannabis Program's incremental effects would not be cumulatively significant and would not be cumulatively considerable such that a new cumulatively significant impact would occur under Alternative 2, 3, 4, or 5.

2.10.4.3 *Issue 3: Emergency Response and Evacuation Plans*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with emergency response and evacuation plans from implementation of the General Plan (County of San Diego 2009).

As described above in Section 2.10.3.6, "Issue 3: Emergency Response and Evacuation Plans," commercial cannabis facilities allowed under the Cannabis Program would not result in interference with emergency response or evacuation plans. This is because cannabis facilities under the Cannabis Program would be required to comply with the established emergency and evacuation regulations in the County's Multi-Jurisdiction Hazard Mitigation Plan and General Plan Policies S-2.2 and S-2.7. Compliance with the plans and General Plan policies would reduce and avoid potential interference between cannabis facilities and an emergency response or evacuation plan.

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there would be no contribution to cumulative impacts. Similar to the Cannabis Program, on a case-by-case basis, cumulative projects would also be required to comply with these established regulations and General Plan policies to reduce potential interference with an emergency response or evacuation plan that would offset contributions to this impact. Therefore, the incremental effects of the Cannabis Program related to emergency response and evacuation plans would not combine with the effects of cumulative projects to create significant cumulative impacts. The Cannabis Program's incremental effects would not be cumulatively significant and would not be cumulatively considerable such that a new cumulatively significant impact would occur under Alternative 2, 3, 4, or 5.

2.10.4.4 *Issue 4: Vectors*

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with vectors from implementation of the General Plan (County of San Diego 2009).

As described above in Section 2.10.3.7, “Issue 4: Vectors,” cannabis facilities allowed under the Cannabis Program would not result in significant exposure to vectors. This is because cannabis facilities under the Cannabis Program would be required to comply with the established vector control regulations in CCR, Title 4, Division 9, Sections 16309(a)(3), 16310(a), 17209(a)(1),17209(a)(2), 17209(a)(4), and 17209(a)(6) and Section 64.204 of the Regulatory Code. Compliance with these regulations would require that vector control measures are followed and potential attractants or breeding environments that may increase human exposure to vectors are not created.

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there would be no contribution to cumulative impacts. Similar to the Cannabis Program, on a case-by-case basis, cumulative projects would also be required to comply with these established regulations and General Plan policies to reduce the potential of human exposure to vectors that would offset contributions to this impact. Therefore, the incremental effects of the Cannabis Program related to vectors would not combine with the effects of cumulative projects to create significant cumulative impacts. The Cannabis Program’s incremental effects would not be cumulatively significant and would not be cumulatively considerable such that a new cumulatively significant impact would occur under Alternative 2, 3, 4, or 5.

2.10.5 Significance of Impacts Prior to Mitigation

2.10.5.1 *Issue 1: Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites*

The Cannabis Program would have less-than-significant impacts related to hazards or hazardous materials under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts related to hazards or hazardous materials under Alternatives 2 through 5. It would not contribute to significant cumulative impacts associated with hazards or hazardous materials.

2.10.5.2 *Issue 2: Airports*

The Cannabis Program would have no direct impacts related to airport hazards under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts related to hazards or hazardous materials under Alternatives 2 through 5. It would not contribute to significant cumulative impacts associated with airport hazards.

2.10.5.3 *Issue 3: Emergency Response and Evacuation Plans*

The Cannabis Program would have no direct impacts related to emergency response and evacuation plans under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts related to hazards or hazardous materials under Alternatives 2 through 5. It would not contribute to significant cumulative impacts associated with emergency response and evacuation plans.

2.10.5.4 *Issue 4: Vectors*

The Cannabis Program would have no direct impacts related to vectors under Alternative 1. The proposed Cannabis Program would result in less-than-significant direct impacts related to

hazards or hazardous materials under Alternatives 2 through 5. It would not contribute to significant cumulative impacts associated with vectors.

2.10.6 Mitigation

2.10.6.1 *Issue 1: Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites*

No mitigation is required.

2.10.6.2 *Issue 2: Airports*

No mitigation is required.

2.10.6.3 *Issue 3: Emergency Response and Evacuation Plans*

No mitigation is required.

2.10.6.4 *Issue 4: Vectors*

No mitigation is required.

2.10.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

2.10.7.1 *Issue 1: Transport, Use, Disposal, or Accidental Release of Hazardous Materials; Hazards to Schools; and Existing Hazardous Materials Sites*

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there impacts would be less than significant and would not contribute to a significant cumulative impact.

New cannabis facilities would be required to comply with state and local regulations, standards, and General Plan policies related to hazardous materials that would reduce and avoid the potential exposure to and accidental release of hazardous materials. For these reasons, the Cannabis Program's implementation would not result in potential exposure or release of hazardous materials. Cannabis Program implementation would have a less-than-significant impact for Alternatives 2 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.10.7.2 *Issue 2: Airports*

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there would be no impacts.

New cannabis facilities would be required to comply with state and local regulations, standards, and General Plan policies related to land use compatibility within an airport's AIA, which would reduce and avoid the creation of airport safety hazards and excessive noise. For these reasons, the project's implementation would not result in potential safety hazards or excessive noise within an airport's AIA. Cannabis Program implementation would have a less-than-significant impact for Alternatives 2 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.10.7.3 *Issue 3: Emergency Response and Evacuation Plans*

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there would be no impacts.

New cannabis facilities would be required to comply with state and local regulations, standards, and General Plan policies related to emergency response and evacuation, which would reduce and avoid potential interference with emergency response and evacuation plans. For these reasons, the project's implementation would not result in potential interference with emergency response and evacuation plans. Cannabis Program implementation would have a less-than-significant impact for Alternatives 2 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.10.7.4 *Issue 4: Vectors*

Alternative 1 would be limited to on-site expansion of up to 10,000 square feet for each site; thus, there would be no impacts.

New cannabis facilities would be required to comply with state and local regulations, standards, and General Plan policies related to vector control, which would reduce and avoid the creation of attractants and breeding grounds for vectors. For these reasons, the project's implementation would not result in a significant increase in attractants and breeding grounds that would increase vector exposure to humans, such that significant hazards are created. Cannabis Program implementation would have a less-than-significant impact for Alternatives 2 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Table 2.10.2 DTSC Hazardous Materials and Contamination Sites

Facility	Address	City	Program Type
Grossmont Union High School	1100 Murray Drive	Alpine	School cleanup
Borrego Sites	Anza-Borrego Desert State Park	Borrego Springs	State response
Carrizo Impact Area	Anza-Borrego Desert State Park	Borrego Springs	State response
La Posta Recycling Center, Inc.	Reservation La Posta Mission Indians	Boulevard	Hazardous waste facility
Camp Lockett	Campo	Campo	State response
US Marine Corps-Camp Pendleton	Camp Pendleton	Camp Pendleton	Corrective action
MCB Camp Pendleton	22165 Camp Pendleton	Camp Pendleton	Hazardous waste facility
MCB Camp Pendleton	Camp Pendleton Building # 22165	Camp Pendleton	Inspection
Dennery Ranch	Otay Valley Road & I-805	Fallbrook	School cleanup
Palm Enterprises Treating	Naval Weapon Station	Fallbrook	Hazardous waste facility
Palm Enterprises Treatment Facility	Naval Weapons Station Seal Beach, Detachment Fallbrook, 700 Ammunition Road	Fallbrook	Corrective action
El Capitan High School	10410 Ashwood Street	Lakeside	Hazardous waste facility
Britannia Boulevard Property	2133, 2155, 2177, 2189, 2195, 2199, 2201 Britannia Boulevard & 7577 Airway Road	Otay Mesa	Voluntary cleanup
County of San Diego Ramona PHHWCF	324 Maple Street	Ramona	Inspection
Ramona Bombing Target	36 Miles Northeast of San Diego	Ramona	State response
Slaten Corporation DBA United Environmental	26178 Matlin Road	Ramona	Inspection
Rancho Santa Fe Expansion Properties	Mimosa Place/La Granada/ El Fuego	Rancho Santa Fe	School cleanup
Casper Company	3825 Bancroft Avenue	Spring Valley	Inspection
San Diego E-Waste	9364 Jamacha Road Suite F	Spring Valley	Inspection
Superior Abatement Services Inc	9168 Birch Street	Spring Valley	Inspection

Notes: MCB = Marine Corps Base; DBA = doing business as; PHHWCF = permanent household hazardous waste collection facility; I = interstate.

Source: DTSC 2024.

Table 2.10.3 GeoTracker Database Hazardous Materials and Contamination Sites

Facility	Address	City	Facility Site
31 Area, ACU 5 Fuel Storage Area	ACU 5 Fuel Storage Area	Camp Pendleton	Cleanup program
Camp Pendleton Marine Corps Base	PO Box 555008, Building 22165	Camp Pendleton	Military cleanup
Camp Pendleton Marine Corps Base, UST Site 23185	23185 Vandegrift Boulevard	Camp Pendleton	Cleanup program
San Onofre Nuclear Generating Station Related Lands on Camp Pendleton	El Camino Real	Camp Pendleton	Cleanup program
Stuart Mesa Agricultural Fields West	Cockleburr Road	Camp Pendleton	Military cleanup
Fallbrook Naval Weapons Station	700 Ammunition Road	Fallbrook	Military cleanup
Manor Cleaners	125 East Mission Road	Fallbrook	Cleanup program
Otay Water District 1485-2 Pump Station	14303 Lyons Valley Road	Jamul	Cleanup program
Julian Chevron	2712 Washington Street	Julian	LUST cleanup
Julian Cider Mill	2103 Main Street	Julian	LUST cleanup
NH Cozens, Inc	1913 Main Street	Julian	LUST cleanup
Roberta H Green	2126 Main Street	Julian	LUST cleanup
East County Sand Mine	12101 Highway 67	Lakeside	Cleanup program
Lakeside Special Care	11962 Woodside Avenue	Lakeside	Cleanup program
Lakeside Texaco	12106 Woodside Avenue	Lakeside	LUST cleanup
Beemer Ranch	0 Highway 76	Pala	Cleanup program
Robert's Ranch	15450 Highway 76	Pauma Valley	Cleanup program
Gasoline Alley	2525 Main Street	Ramona	LUST cleanup
Ramona Health and Human Services Annex	203 12th Street	Ramona	Cleanup program
Stars Petroleum	1910 Main Street	Ramona	LUST cleanup
Former Rancho Santa Fe Mobile	6089 La Flecha	Rancho Santa Fe	LUST cleanup
Pala Vista Gas Station	29200 Valley Center Road	Valley Center	LUST cleanup
Warner Springs Sere Camp	Lost Valley Road	Warner Springs	Military cleanup

Notes: UST = underground storage tank; LUST = leaking underground storage tank.

Source: SWRCB 2024.

Table 2.10.4 CDO and CAO Hazardous Materials and Contamination Sites

Facility	Address	City	Site Type
Bonsall Landfill	29370 Twin Oaks Valley Road	Bonsall	CAO
Borrego Springs Class III Landfill	2449 Palm Canyon Road	Borrego Springs	CAO
Chevron Service Station – 2712 Washington et al on Main Street Julian	2712 Washington Street	Julian	CAO
Manning Stripping & Sealing	12030 Short Street	Lakeside	CAO
Moritz Residence	14272 Jerome Drive	Poway	CAO
Barbour Residence	17215 Iron Mountain Road	Poway	CAO
Ramona Sanitary Landfill	20630 Pamo Road	Ramona	CAO
Fairbanks Ranch Country Club	15150 San Dieguito	Rancho Santa Fe	CAO
Jamacha Sanitary Landfill	1190 Singer Lane	Spring Valley	CAO
Valley Center Landfill	Aerie Road 1.6 miles west of Valley Center Road	Valley Center	CAO

Notes: CDO = cease and desist orders; CAO = cleanup and abatement orders.

Source: CalEPA 2024.

2.11 Hydrology and Water Quality

This section identifies the regulatory context and policies related to hydrology and water quality, describes the existing hydrologic conditions in San Diego County, and evaluates potential hydrology and receiving water-quality impacts of the proposed Cannabis Program. Potential effects on the capacity of municipal water supply, sewer/wastewater, and drainage/stormwater facilities are addressed in Section 2.18, "Utilities and Service Systems."

Comments regarding hydrology and water quality submitted in response to the notice of preparation (NOP) were received from the San Diego Regional Water Quality Control Board, the California Department of Fish and Wildlife, as well as organizations and individuals. Comments pertained to impacts on water supply, groundwater management, and water quality degradation. These issues are addressed in the impact analysis below. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.11.1.

Table 2.11.1 Hydrology and Water Quality Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Water Quality Standards and Requirements and Consistency with Water Quality Control Plans	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
2	Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
3	Consistency with Sustainable Groundwater Management Plans	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant

2.11.1 Existing Conditions

The following section examines existing groundwater resources, surface water resources, stormwater drainage systems, groundwater quality, surface water quality, and flooding and dam inundation areas within the unincorporated county.

2.11.1.1 *Groundwater Hydrology*

San Diego County overlies a complex groundwater resource that varies greatly throughout the county. Within unincorporated San Diego County, several hydrogeologic environments exist. These different environments can be grouped into 2 generalized categories: fractured-rock aquifers and alluvial and sedimentary aquifers.

The western portion of San Diego County is mostly supplied with imported water from member agencies of the San Diego County Water Authority (SDCWA). The remaining portion of the county (approximately 65 percent in area) is completely dependent on groundwater resources.

Within the county, 3 groundwater basins have been designated as medium- and high-priority basins by the state under the Sustainable Groundwater Management Act (SGMA) (see Section 2.11.2, "Regulatory Framework"). Figure 2.11.1 depicts the type of underlying groundwater aquifer across the county (i.e., fractured crystalline rock, desert basin, coastal marine and nonmarine granular formations, alluvial river valleys and basins). Figure 2.11.2 depicts groundwater basins and the associated priority rating under SGMA. Figures are presented at the end of this section.

Aquifer Characteristics

Fractured-Rock Aquifers

Fractured rock underlies approximately 73 percent of the unincorporated area of the county and is generally found within the foothills and mountains. Because these areas generally receive more precipitation than the lower elevations, the recharge rates are relatively high. However, the storage capacity of fractured-rock aquifers is low; thus, pumping from wells can cause the water table to decline much more quickly than alluvial or sedimentary aquifers. In addition, drought conditions contribute to less reliable recharge conditions. Wells drilled in a fractured-rock aquifer typically yield relatively low volumes of water. General Plan Update Final EIR Figure 2.8-2 identifies areas of potential groundwater yield in fractured rock conditions (County of San Diego 2011). In some instances, wells may derive water from only a few water-bearing fractures. In addition, it is difficult to estimate potential production rates for any new wells drilled in fractured-rock aquifers, and wells drilled close together may have significantly different water production rates. This is because water-producing fracture locations are difficult to identify and predict, and fractures intersected by one well may not be intersected by nearby wells (County of San Diego 2010).

Alluvial and Sedimentary Aquifers

Alluvial and sedimentary aquifers are found in approximately 27 percent of the unincorporated area of the county. Alluvial and sedimentary aquifers are typically found in river and stream valleys, around lagoons, near the coastline, and in the intermountain valleys. Sediments in these aquifers are composed of mostly consolidated (defined as sedimentary rock) or unconsolidated (defined as alluvium or colluvium) gravel, sand, silt, and clay. Because of the high hydraulic conductivity, porosity, and storage, alluvial and sedimentary aquifers are considered good aquifers. However, while alluvial and sedimentary aquifers usually have greater storage than fractured-rock aquifers, they sometimes have low recharge rates because they are located in areas of the county that receive less precipitation, such as the eastern desert region. Many alluvial basins occur in low-lying areas of a watershed; thus, surface water runoff accumulates in streams, lakes, or other surface depressions within alluvial basins and provides additional recharge sources. Wells in an alluvial or sedimentary aquifer typically yield relatively high volumes of water. Coarse-grained sediments, such as sand or gravel, typically produce higher volumes of water than finer-grained sediments, such as silts or clays. In coarse-grained sediments, well yields may be hundreds of gallons per minute and limited by inefficiencies in the well itself, rather than by limitations in the aquifer's ability to produce water. Overall, alluvial and sedimentary aquifers are more reliable and desirable as a groundwater source compared to fractured-rock aquifers (County of San Diego 2010).

Groundwater Hydrology Issues

The following section summarizes the existing groundwater hydrology issues facing the groundwater dependent portion of the unincorporated county by examining 3 categories: (1) well yield, (2) large quantity/clustered groundwater users, and (3) groundwater sustainability for designated SGMA Basins (County of San Diego 2010).

Well Yield

Wells in a fractured-rock aquifer typically yield relatively low volumes of water. In some instances, wells may derive water from only a few water-bearing fractures. In addition, it is difficult to estimate production rates for any new wells drilled in fractured-rock aquifers, and wells drilled close together may have significantly different water production rates due to underlying bedrock and fracture conditions. In addition, although low well yields are possible anywhere within fractured-rock aquifer areas, steep slope areas above the valley floor are particularly prone to having lower well yield. Notable areas within the county that have low well yields include areas in Lakeside and Morena Village. In addition, according to the General Plan Update Groundwater Study (Appendix D to the General Plan Update Draft EIR), of the 750 well logs reviewed in fractured-rock aquifers for the study, approximately 11 percent reported well yields of less than 3 gallons per minute (gpm), a rate that may not be sufficient to meet the demand of a single-family residence (i.e., 0.5 acre-feet per year, less than the annual quantity of a typical cannabis cultivation site). However, wells were also reported to have well yields greater than 100 gpm (County of San Diego 2010).

In contrast, wells in an alluvial or sedimentary aquifer typically yield high volumes of water. Coarse-grained sediments, such as sand or gravel, typically produce higher volumes of water than finer-grained sediments, such as silts or clays. In coarse-grained sediments, well yields may be hundreds of gpm (County of San Diego 2010).

In desert basins with lower precipitation, there is potential to pump more water from the basin than will be naturally recharged. Excessive pumping that exceeds the rate of recharge results in a groundwater overdraft situation, which is not sustainable for long-term groundwater use. Such a condition currently exists in the Borrego Valley area of the county (County of San Diego 2010).

Large Quantity/Clustered Groundwater Users

Areas of the county that are underlain by fractured-rock aquifers that have large groundwater users (e.g., agricultural or other large operations) may experience localized groundwater supply problems. Water demand from a single large groundwater use can cause impacts to neighboring wells. Some areas of the groundwater-dependent portion of the county contain dense residential development, which has resulted in clustering groundwater demand that makes these areas susceptible to decreased levels of localized groundwater and associated interference with nearby well yields (County of San Diego 2010).

Sustainable Groundwater Management Act Basins

Of the 33 basins or subbasins in San Diego County identified in California Department of Water Resources' (DWR's) *California's Groundwater* (Bulletin 118), the state has designated 3 as medium- or high-priority and subject to the SGMA: Borrego Valley (Borrego Springs Subbasin), San Luis Rey Valley (Upper San Luis Rey Valley Subbasin), and San Pasqual Valley. The state

designated the rest of the basins and subbasins as very low to low priority and are not currently being managed under the SGMA. Figure 2.11.2, presented at the end of this section, depicts the groundwater basins in the county. A summary of sustainability groundwater management plans associated with medium- and high-priority areas is provided below.

Borrego Valley (Borrego Springs Subbasin)

The Borrego Valley Groundwater Basin (Borrego Basin) underlies Borrego Valley in eastern San Diego County and western Imperial County. The portion of the Borrego Basin in San Diego County extends southwest from the San Ysidro Mountains to the eastern boundary with Imperial County. The Borrego Basin is divided into 2 subbasins: Borrego Springs and Ocotillo Wells (County of San Diego 2024). The Borrego Springs Subbasin is designated by DWR as high priority and critically overdrafted, whereas the Ocotillo Wells Subbasin is designated as very low priority and not critically overdrafted (Borrego Valley Groundwater Sustainability Agency 2019).

The Borrego Springs Subbasin, located entirely in San Diego County, is bounded by the Santa Rosa Mountains to the north and the San Ysidro Mountains on the west. The eastern boundary is represented by the Coyote Creek and Superstition Mountain Faults. The southern border of the subbasin is characterized by the San Felipe/Yaqui Ridge anticline and San Felipe Fault. These geologic structures compartmentalize the deep alluvial sediments in Borrego Springs from the alluvial sediments to the southeast of the San Felipe Wash, which provides a physical barrier to groundwater and stifles flow between the subbasins. This barrier reduces the effect of groundwater pumping in Borrego Springs Subbasin on groundwater storage in the Ocotillo Wells Subbasin (Borrego Valley Groundwater Sustainability Agency 2019).

Groundwater Sustainability Plan and Adjudication

The Borrego Springs Subbasin was designated by the state as a critically overdrafted high-priority basin under the SGMA. Consistent with requirements under the SGMA, the County and the Borrego Water District, acting together as the groundwater sustainability agency (GSA) for the Borrego Springs Subbasin, developed a draft final groundwater sustainability plan (GSP). The GSP noted that approximately 75 percent of the maximum baseline pumping in the subbasin will need to be reduced to bring the conditions to balance (i.e., recharge equals extraction). The County withdrew from the Borrego Valley GSA effective December 31, 2019, while groundwater pumpers within the community of Borrego Springs sought adjudication. The adjudication of groundwater pumping rights in the Borrego Springs Subbasin was approved by the Superior Court of California on April 8, 2021 (Case No. 37-2020-00005776) [2021 Judgment]). The 2021 Judgment provided for holders of groundwater rights in Borrego Springs to work together alongside the County and the Borrego Water District to manage the Borrego Basin through a court-approved process. To accomplish this, the 2021 Judgment established the Borrego Springs Watermaster (Watermaster) as the entity responsible for managing groundwater resources in the Borrego Basin. On June 25, 2021, the Watermaster submitted the 2021 Judgment to the DWR that included a groundwater management plan (GMP), constituting a “physical solution” for DWR’s review and approval to serve as an alternative to a GSP for the subbasin in compliance with the SGMA. The 2021 Judgment established an initial sustainable yield (i.e., the amount of water that may be produced), as well as Watermaster rules and regulations (initially 5,700 acre-feet per year [afy]) by 2040. The pumping reduction program associated with the judgment capped the pumping allowance to 22,600 afy in 2020 and required a gradual reduction of the cap to a level that matches the sustainable yield of the subbasin (Borrego Valley Groundwater Sustainability Agency 2019).

The Watermaster most recently updated baseline pumping allocations on October 1, 2023. The pumping allocations provide specific quantities available to specific landowners (Borrego Springs Watermaster 2023). The most recent annual report for the Borrego Springs Subbasin was published in March 2024 and addressed water year 2023. This report, prepared to satisfy requirements of the 2021 Judgment described above, provides a summary of Watermaster activities, water right accounting, hydrologic conditions, and the status of the progress associated with the implementation of the groundwater monitoring plan. As discussed in this report, annual pumping has been less than the annual allocation for each year since the start of GMP implementation. In Water Year 2023, total pumping of 10,430 acre-feet (af) was approximately 50 percent less than the annual allocation of 20,694 af. (West Yost 2024).

San Luis Rey Valley (Upper San Luis Rey Valley Subbasin)

San Luis Rey Valley Groundwater Basin, located in San Diego County, extends from the confluence of the San Luis Rey River and Paradise Creek, continuing downstream through 4 valleys (Pauma, Pala, Bonsall, and Mission) and ending at the Pacific Ocean in the city of Oceanside. The Upper San Luis Rey (USLR) Valley Groundwater Subbasin can be further subdivided into 2 subbasins: the Pauma Subbasin and the Pala Subbasin. The Pauma Subbasin extends from the confluence of the San Luis Rey River and Paradise Creek to the Agua Tibia Narrows near the confluence of the San Luis Rey River and Frey Creek. The Pala Subbasin extends from the Agua Tibia Narrows to Monserate Narrows. According to prior decisions by the State of California, groundwater in Pala Subbasin, located downstream of Frey Creek, has been determined to be a subterranean stream flowing through known and definite channels. While subterranean streams are generally excluded from the SGMA, Assembly Bill (AB) 1944 was put forth to include the area of the subbasin downstream from Frey Creek (i.e., Pala Subbasin) as part of the SGMA for the purposes of groundwater sustainability. Therefore, the GSP components address both the Pauma and Pala Subbasins.

The USLR Valley Groundwater Subbasin is a medium-priority basin. As a result, the Pauma Valley GSA was formed and consists of Yuima Municipal Water District, Pauma Municipal Water District, Pauma Valley Community Services District, San Luis Rey Municipal Water District, and the Upper San Luis Rey Resource Conservation District. The GSA was created to guide effective use of groundwater for achieving long-term groundwater sustainability in the basin. The goal of the GSP is to ensure that groundwater continues to be available to everyone who uses it far into the future. The plan considers the best available scientific data and local knowledge of the basin to describe basin conditions, including the geology of the basin and groundwater levels within it. The plan also establishes sustainability goals for the basin, outlines steps and potential management actions to ensure sustainability, and identifies a sustainable annual yield of 13,600 afy. The USLR Sustainable Groundwater Management Plan (SGMP) was approved on January 18, 2024 (DWR 2024a).

The *Water Year 2023* (October 2022 through September 2023) report indicates that a total of 9,424 af of groundwater was extracted from the Upper San Luis Rey Valley Groundwater Basin, of which 2,269 af were produced for urban uses, 5,029 af were used for agricultural uses, and 2,126 af were used for native vegetation (DWR 2024b). Using the provided information, DWR determined that the San Luis Rey Valley Groundwater Basin was operating in a sustainable manner (Gosselin 2024a).

San Pasqual Valley

The San Pasqual Valley Groundwater Basin is located approximately 25 miles northeast of downtown San Diego within the San Pasqual Valley. Approximately 90 percent of the San Pasqual Valley Basin is city-owned and designated and managed as an agricultural preserve (as documented in City of San Diego Council Policy 600-45). The basin underlies portions of Cloverdale Canyon, Rockwood Canyon, and Bandy Canyon along State Route 78. The San Pasqual Valley is sparsely populated and includes row crop, orchard, nursery, and dairy operations. Guejito Creek flows into Santa Ysabel Creek, and Santa Maria and Ysabel Creeks coincide with the start of the San Dieguito River, which flows southwest into Hodges Reservoir.

DWR has identified the San Pasqual Valley Groundwater Basin as a medium-priority basin. The GSA consists of the City of San Diego, which has land use and water supply authority, and owns the land within its jurisdiction, and the County, which has land use responsibilities and implements the County's Groundwater Ordinance outside of the city's jurisdiction in the basin. While the city will implement the GSP within city jurisdiction (90 percent of the basin) and the County will implement the GSP within county-only areas (10 percent of the basin), the city and County remain committed to collaboratively implementing a single GSP for the entire basin. A "core team" comprised of GSA staff is responsible for developing and implementing the GSP for the basin. As identified in the San Pasqual Valley GSP, the sustainable yield for the San Pasqual Valley Groundwater Basin ranges from 5,199–6,428 afy, depending on the type of water year (e.g., dry, average, wet) (Woodard & Curran 2021). The San Pasqual Valley GSP was approved on October 26, 2023 (DWR 2023).

The Water Year 2023 (October 2022 through September 2023) report indicates that a total of 4,928 af of groundwater was extracted from the San Pasqual Valley Groundwater Basin, of which 3 af were produced for urban uses, and 4,925 af were used for agricultural uses (DWR 2024c). Using the provided information, DWR confirmed that the San Pasqual Valley Groundwater Basin was operating in a sustainable manner (Gosselin 2024b).

2.11.1.2 *Surface Water Hydrology*

San Diego County's surface waters are characterized by estuaries, lagoons, bays, lakes, reservoirs, rivers, and creeks. These water bodies capture the flow of the region's surface water runoff and become a blend of natural runoff and imported water. Many of these water bodies support natural habitat and recreational areas in addition to acting as storage reservoirs for the county's water supply. An inventory of these surface water resources is provided below.

The Laguna Mountains divide San Diego County into 2 hydrologic regions that can be used to further evaluate surface water characteristics in the county: (1) Colorado Hydrologic Region and (2) San Diego Hydrologic Region. The Colorado Hydrologic Region has small portions of 5 hydrologic units located within the east county. These units are collectively referred to as desert units and contained within the Salton Sea Transboundary Watershed Management Area, which is discussed further below. The San Diego Hydrologic Region contains 11 hydrologic units within the unincorporated county: San Juan, Santa Margarita, San Luis Rey, Carlsbad, San Dieguito, Peñasquitos, San Diego, Pueblo San Diego, Sweetwater, Otay, and Tijuana. Figure 2.11.3, presented at the end of this section, shows the boundaries of the hydrologic units within the county.

For the purpose of this section, the hydrologic units in the county are discussed in terms of watershed management areas (WMAs). A watershed is an area of land that drains to a common waterway, such as a stream, lake, estuary, wetland, aquifer, or ocean. WMAs are grouped according to hydrologic units and have been developed to implement federal and state statutes for the management of water quality in the region. There is a total of 10 WMAs in the unincorporated county. All WMAs in the unincorporated county, with 2 exceptions, include only 1 hydrologic unit and are named accordingly. One exception includes the San Diego Bay WMA, which includes the Pueblo San Diego, Sweetwater, and Otay hydrologic units. The other exception is the Salton Sea Transboundary WMA, which includes 5 hydrologic units located in portions of San Diego and Imperial Counties. The WMAs are discussed below.

San Juan WMA

The San Juan WMA covers 317,440 acres in San Diego, Orange, and Riverside counties. Approximately 96,000 acres of this area are located in northwestern San Diego County, almost entirely within the Camp Pendleton military base. This WMA includes the San Juan hydrologic unit and 5 hydrologic areas but only 2, San Onofre and San Mateo, are located within San Diego County. Major stream systems from these 2 hydrologic areas include San Mateo Creek, San Onofre Creek, and Las Flores Creek. The topography of these areas is varied, ranging from coastal plains in the western portion to the Santa Margarita Mountains in the east, which rise over 2,000 feet above mean sea level. The mouth of San Mateo Creek forms a saltwater tidal marsh that is entirely within the Camp Pendleton Marine Corps Base. The land uses within the San Onofre and San Mateo hydrologic areas include open space, military base operation areas, and agriculture. In addition, there is a state beach along the Interstate-5 corridor near the northern boundary of Camp Pendleton and a golf course near the southern boundary. Nearby jurisdictions include the city of Oceanside to the south, the city of San Clemente to the north, and the unincorporated community of Fallbrook to the east.

Santa Margarita River WMA

The Santa Margarita River WMA is the second largest in the San Diego Hydrologic Region. It covers over 473,971 acres, with about three quarters of the watershed located in Riverside County and about one quarter located in San Diego County. It includes portions of Camp Pendleton, as well as the unincorporated communities of Fallbrook, Palomar/North Mountain, Pala-Pauma, Pendleton/De Luz, and Rainbow. The watershed includes the Santa Margarita hydrologic unit and 9 hydrologic areas: Ysidora, De Luz, Murrieta, Auld, Pechanga, Wilson, Cave Rocks, Aguanga, and Oak Grove. The Ysidora hydrologic area is located entirely within San Diego County, whereas De Luz, Pechanga, Aguanga, and Oak Grove cover portions of both San Diego and Riverside counties. The remainder of the hydrologic areas in the Santa Margarita WMA are located entirely in Riverside County.

The WMA contains the Santa Margarita River, Temecula Creek, Murrieta Creek, Rainbow Creek, De Luz Creek, Sandia Creek, Santa Margarita Lagoon, Vail Lake, Skinner Reservoir, and Diamond Valley Lake Reservoir. There are 9 dams located in the watershed with 92 percent of the river miles categorized as free flowing. Annual precipitation for the portion of the watershed in San Diego County ranges from 10.5 inches in the coastal areas to more than 16.5 inches in the eastern portion of the watershed. The southwestern portion of the watershed is dominated by the Camp Pendleton military base. About 66 percent is undeveloped. Other land uses include agriculture (18 percent), military uses (8 percent), residential uses (4 percent), and parks (4 percent).

San Luis Rey WMA

The San Luis Rey WMA, at 359,887 acres, is the third largest of the watersheds entirely or partially within the San Diego County. It is located along the northern border of the county and includes the unincorporated areas of Bonsall, Desert, Fallbrook, North County Metro, Palomar/North Mountain, Pala-Pauma, Pendleton/De Luz, Rainbow, and Valley Center. In addition, there are several Indian reservations in the WMA. This WMA consists of the San Luis Rey hydrologic unit and 3 hydrologic areas: Lower San Luis Rey, Monserate, and Warner Valley. The watershed contains 2 major water bodies. Lake Henshaw is the main reservoir for the San Luis Rey WMA and is the third largest in San Diego County. The San Luis Rey River is the major stream system. Annual precipitation in this WMA is heavier than in other areas, ranging from less than 12 inches near the ocean to 45 inches near Palomar Mountain. Approximately 95 percent of the WMA consists of lands within the County's jurisdiction. The city of Oceanside comprises about 4 percent of the watershed and small portions of the cities of Escondido and Vista, and Riverside County makes up the remainder of the WMA. Land use within the watershed is classified primarily as undeveloped (54 percent). Other land uses include agriculture (15 percent), residential (15 percent), parks (9 percent), military (3 percent), transportation (2 percent), and commercial recreation (1 percent). Commercial, industrial, and public facilities land uses make up less than 1 percent of the land use acreage.

Carlsbad WMA

The Carlsbad WMA encompasses 135,322 acres and extends from Lake Wohlford on the east to the Pacific Ocean on the west and from the cities of Vista and Oceanside on the north to Cardiff-by-the-Sea on the south. The Carlsbad WMA is primarily located in the jurisdictional boundaries of incorporated cities, including the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, San Marcos, Vista, and Escondido. However, approximately 31 percent of the WMA is located in unincorporated areas under the jurisdiction of the County, including the North County Metro, Valley Center, and San Dieguito Community Planning Areas. It includes the Carlsbad hydrologic unit and 6 hydrologic areas: Loma Alta, Buena Vista Creek, Agua Hedionda, Encinas, San Marcos, and Escondido Creek. The watershed contains 5 coastal lagoons: Loma Alta Slough, Buena Vista Lagoon, Agua Hedionda Lagoon, Batiquitos Lagoon, and San Elijo Lagoon. The WMA also includes 2 small reservoirs: Dixon Lake, and Lake Wohlford. The San Marcos Dam controls approximately 53 percent of the San Marcos hydrologic area. The area is drained by Buena Vista, Agua Hedionda, San Marcos, and Escondido Creeks. Annual rainfall over the watershed varies from 10.5 inches near the coast to 19.5 inches in the inland areas. The most common land use in the watershed management area is residential (35 percent), followed by undeveloped land (21 percent), parks (14 percent), transportation (12 percent), and agriculture (7 percent). Industrial, commercial, public facilities, commercial recreation, water, and lands under construction make up the remaining 11 percent of land uses in the watershed. The Carlsbad WMA contains the largest percentage of privately owned land in San Diego County—approximately 75 percent. The remainder of the WMA is owned by local and state governments. The Carlsbad WMA is the second most densely populated WMA in the San Diego Region.

San Dieguito River WMA

The San Dieguito River WMA covers 221,307 acres and includes portions of the cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach, as well as the unincorporated communities of Julian, North County Metro, North Mountain, Pala-Pauma, Ramona, San

Dieguito, and Valley Center. The WMA consists of the San Dieguito hydrologic unit and 5 hydrologic areas: Solana Beach, Hodges, San Pasqual, Santa Maria Valley, and Santa Ysabel. The watershed contains the San Dieguito River and its tributaries, along with Santa Ysabel and Santa Maria Creeks. It also contains the following reservoirs: Lake Hodges, Lake Ramona, Lake Poway, Sutherland Reservoir, Olivenhain Reservoir, and the San Dieguito Reservoir. There are several important natural areas in the WMA that sustain a number of threatened and endangered species. Annual precipitation ranges from 13.5 inches near the coast to nearly 35 inches in the eastern portion of the watershed. The San Dieguito River WMA is largely located within the unincorporated area (79.8 percent). Land use in the watershed is primarily undeveloped land (42 percent). Other major uses are residential (19 percent), parks (17 percent), and agriculture (15 percent). Transportation, commercial, industrial, public facilities, and water comprise the remaining 7 percent of the watershed. Over 60 percent of the watershed is privately owned land. The remaining portions are mostly federally or locally owned with a small percentage of land being state owned.

Los Peñasquitos Creek WMA

The Los Peñasquitos Creek WMA includes 60,418 acres of land that extends easterly to Iron Mountain and westerly to Los Peñasquitos Lagoon. This WMA includes portions of the cities of Del Mar, Poway, and San Diego, as well as the unincorporated areas of Lakeside, Ramona, and the Miramar County Island. This WMA contains the Peñasquitos hydrologic unit and 5 hydrologic areas: Miramar Reservoir, Poway, Scripps, Miramar, and Tecolote. The major receiving waters for the Los Peñasquitos Creek WMA are the Los Peñasquitos Lagoon and Mission Bay. Los Peñasquitos Creek WMA is drained by Los Peñasquitos Creek, which flows into Los Peñasquitos Lagoon near the northern border of the city of San Diego in the Torrey Pines State Reserve. Los Peñasquitos Lagoon also receives inputs from Carroll Canyon, just south of Los Peñasquitos Creek, and McGonigle Canyon to the north. This Lagoon is a 630-acre wetland that lies near the mouth of the Los Peñasquitos Creek and provides coastal wetland habitat. Rose Creek and Tecolote Creek are the main tributaries to Mission Bay. Mission Bay is the largest human-made aquatic park in the country, consisting of 4,235 acres, approximately 46 percent land and 54 percent water. Mission Bay was converted into an aquatic park from a coastal marshland in the 1940s after the completion of a large dredging project. There are no major streams in this WMA although it is drained by numerous creeks. Annual precipitation ranges from 10.5 inches near the coast to 16.5 inches in the eastern portion of the watershed. Approximately 83 percent of the Los Peñasquitos Creek WMA is located in the city of San Diego. Land uses in the watershed include parks and recreation (30 percent), residential (27 percent), and vacant/undeveloped land (15 percent). Other uses are comprised of transportation (12 percent), industrial (7 percent), public facilities/utilities (3 percent), commercial (3 percent), and agriculture (2 percent). Over 60 percent of the watershed is privately owned land. The remaining portions are locally owned or state and federally owned.

San Diego River WMA

The San Diego River WMA covers 277,543 acres and includes portions of the Cities of El Cajon, La Mesa, Poway, San Diego, and Santee. The watershed also covers portions of the unincorporated areas of Alpine, Central Mountain, Crest/Dehesa, Harbison Canyon/Granite Hills, Julian, Lakeside/Pepper Drive-Bostonia, North Mountain, Ramona, Valle de Oro, and the Barona Indian Reservation. The watershed contains the San Diego River, Boulder Creek, El Capitan Reservoir, San Vicente Reservoir, Lake Jennings, Lake Cuyamaca, and Lake Murray.

Much of the impounded water in the reservoirs is used to serve major population centers in the county. The watershed is drained by the San Diego River, which discharges into the Pacific Ocean between Mission Beach and Ocean Beach in the city of San Diego. Annual precipitation ranges from 10.5 inches near the coast to nearly 35 inches in the eastern portion of the watershed. Approximately 74 percent of the San Diego River WMA is located in the unincorporated area of the county. Land uses in the watershed include undeveloped land (48 percent), parks and recreation (22 percent), and residential (18 percent). Other uses include transportation (6 percent), agriculture (2 percent), commercial (2 percent), and industrial (2 percent). Approximately half of the watershed is privately owned land. The remaining portions are federally, state, or locally owned.

San Diego Bay WMA

The San Diego Bay WMA covers 282,580 acres and consists of 3 major watersheds: Pueblo San Diego, Sweetwater, and Otay, which are described as follows.

Pueblo San Diego Watershed

The Pueblo San Diego Watershed covers nearly 36,000 acres. It is comprised of the Pueblo hydrologic unit and 3 hydrologic areas: Point Loma, San Diego Mesa, and National City. Major water bodies in the watershed are Chollas Creek, Paleta Creek, and San Diego Bay. Rainfall for the watershed averages 10.5 inches in coastal areas and 13.5 inches in the eastern areas. The Pueblo San Diego Watershed is the most developed and most densely populated watershed in the San Diego Bay WMA. Land use in the watershed includes residential (40 percent), transportation (28 percent), parks (7 percent), public facilities (6 percent), commercial (5 percent), undeveloped land (5 percent), military (4 percent), industrial (3 percent), and commercial recreation (2 percent). Most of the watershed (84 percent) falls under the jurisdiction of the City of San Diego. Other jurisdictions include the cities of La Mesa, Lemon Grove, and National City; the Port of San Diego; the US Navy; and unincorporated land.

Sweetwater Watershed

The Sweetwater Watershed encompasses over 148,000 acres and includes the Sweetwater hydrologic unit and 3 hydrologic areas: Lower Sweetwater, Middle Sweetwater, and Upper Sweetwater. Major water bodies are the Sweetwater River, Sweetwater Reservoir, Loveland Reservoir, and San Diego Bay. Rainfall in the watershed widely varies from 10.5 inches near the coast to approximately 35 inches in the far inland areas. Much of the Sweetwater Watershed is occupied by the undeveloped lands in the Cleveland National Forest, Cuyamaca Rancho State Park, and the unincorporated communities of Pine Valley, Descanso, Alpine, and the Viejas Indian Reservation. Land uses in the watershed include undeveloped land (36 percent), parks (25 percent), residential (25 percent), and transportation (6 percent). Other land uses are comprised of agriculture (2 percent), public facilities (1 percent), commercial recreation (1 percent), water (1 percent), commercial (1 percent), industrial (1 percent), and land under construction (1 percent). Land ownership is mostly private with the remaining areas controlled by local, state, and federal governments and Native American Indian Tribes. The upper watershed contains large undeveloped areas in the Cleveland National Forest and Cuyamaca Rancho State Park.

Otay Watershed

The Otay Watershed is nearly 98,500 acres in size and consists of the Otay hydrologic unit and 3 hydrologic areas: Coronado, Otay Valley, and Dulzura. Major water bodies are the Upper and Lower Otay Reservoirs, Otay River, and San Diego Bay. The 2 major reservoirs in the watershed supply water, important wildlife habitat, and recreational opportunities. The Lower Otay Reservoir lies at the end of the San Diego Aqueduct. Annual rainfall varies from 8.3 inches at the coast to 19.5 inches in the inland areas. Over 69 percent of the Otay Watershed is located in the unincorporated area with the remaining portions located in the following jurisdictions: Port of San Diego and cities of Chula Vista, Coronado, Imperial Beach, and San Diego. Land uses in the watershed include parks (38 percent), undeveloped land (32 percent), residential (14 percent), transportation (5 percent), industrial (3 percent), public facilities (2 percent), military (2 percent), agriculture (1 percent), commercial recreation (1 percent), water (1 percent), and commercial (1 percent). Land ownership is predominantly private with a small percentage of local, state, and federally owned lands. The Otay Watershed includes the San Diego National Wildlife Refuge, the Rancho Jamul Ecological Reserve, and approximately 23,000 acres that provide habitat for endangered plant and animal species as part of the Multiple Species Conservation Program (MSCP).

Tijuana River WMA

The Tijuana River WMA is the largest of the San Diego watersheds and covers over 1.1 million acres. The Tijuana River is formed by 2 drainage networks that merge in the city of Tijuana, and then flow across the US-Mexico international border into the Tijuana River Estuary in Imperial Beach and ultimately to the Pacific Ocean. The watershed is divided by the US-Mexico international border with just over 27 percent lying in the San Diego region. The watershed is comprised of the Tijuana hydrologic unit and the following hydrologic areas: Tijuana Valley, Potrero, Barrett Lake, Monument, Morena, Cottonwood, Cameron, and Campo. Major water bodies in this WMA are the Tijuana River, Cottonwood Creek, and the Tijuana River Estuary. Annual precipitation varies from less than 10.5 inches near the coast to more than 22.5 inches in the inland areas. Mexico governs 73 percent of the Tijuana River WMA. The remaining areas fall within the jurisdiction of the United States. Dominant land uses in the US portion of the watershed are undeveloped/vacant areas (61 percent) and parks (26 percent). Other land uses include residential (7 percent), agriculture (3 percent), and transportation (3 percent). The combination of commercial, recreation, industrial, military, public facilities, land under construction, and water land uses equals less than 2 percent of the land area in the US portion of the watershed. Mexico's land uses in the WMA are predominately undeveloped/vacant uses (82 percent). It should be noted that much of Mexico's land that is classified as undeveloped is used for low-intensity cattle and goat grazing. The Tijuana River Watershed also includes the Tijuana River Estuary, which is a National Estuarine Sanctuary.

Salton Sea Transboundary WMA

The Salton Sea Transboundary WMA includes hydrologic units located in the Colorado Hydrologic Region. The Salton Sea Transboundary WMA contains parts of 5 hydrologic units located in the eastern desert portion of the county: Anza- Borrego, Clark, Whitewater, West Salton, and Imperial Watersheds. The Anza-Borrego Watershed is the largest hydrologic unit, covering about 80 percent of the desert portion of San Diego County and extending into Imperial and Riverside Counties. Portions of the Clark, Whitewater, and West Salton

Watersheds are located at the extreme northeast corner of the county. The Imperial Watershed is located at the southeast edge of San Diego County and extends into Imperial County. Water is limited in all of these areas. The surface water that intermittently exists flows toward the Salton Sea and the Colorado River. Average annual precipitation for this WMA ranges from less than 3 inches along the eastern boundary, near Imperial Valley, to 25 inches in the mountain divide between the Salton Sea and Pacific Ocean drainages. Runoff occurs from winter precipitation especially in the higher elevations and from summer thunderstorms. Approximately 98 percent of the land uses located in the San Diego County portion of the Salton Sea Transboundary WMA is parkland, undeveloped land, and agriculture. The remaining portions are sparsely populated with single-family residential units and a small number of other uses.

2.11.1.3 *Water Quality*

Surface Water Quality

As discussed in more detail below, in Section 2.11.2, "Regulatory Framework," agencies that administer the Clean Water Act (CWA) must submit the CWA Section 303(d) list of impaired waters to the US Environmental Protection Agency (EPA). CWA Section 305(b) requires each state to report biennially to EPA on the condition of its surface water quality. EPA guidance to the states recommends the 2 reports be integrated. For California, this integrated report is called the *California Integrated Report* and combines the State Water Resources Control Board (SWRCB) Sections 303(d) and 305(b) reporting requirements.

The California Integrated Report is developed in "listing cycles." Each listing cycle consists primarily of assessments from the 3 Regional Water Quality Control Boards (RWQCBs) that are "on-cycle." The other 6 RWQCBs that are "off-cycle" may also assess high-priority data and make new listing or delisting recommendations or changes to the Section 305(b) categories. The RWQCBs rotate cycles, and every region is fully assessed once every 6 years. Each listing cycle builds on assessments from the previous listing cycle. The listing decisions and 305(b) waterbody category assignments from the prior cycle for all waterbodies in the state are first carried over into the current cycle. All readily available data and information received during the data solicitation period for the current listing cycle are assessed and the listings and categories are revised, as appropriate. Thus the *2020-2022 California Integrated Report* is a revised version of the *2018 California Integrated Report* and contains all prior assessments, as well as any new or revised assessments based on the data received prior to the end of the data solicitation period for the 2020–2022 listing cycle.

San Diego County overlaps with both the San Diego and Colorado River RWQCB. As part of the *2022 California Integrated Report*, waterbodies in San Diego County were listed as impaired under CWA Section 303(d) due to the presence of metals, nuisance, nutrients, pathogens, pesticides, salinity/total dissolved solids/chlorides/sulfates, sediment, total toxics, toxic organics, trash, and other causes. These types of impairments are described in more detail below (DWR 2022). Table 2.11.2, presented at the end of this section, provides an overview of the types of impairments associated with waterbodies in the county.

Table 2.11.2, presented at the end of this section, shows the most recent list of impaired waterways (Section 303(d)) in San Diego County. Listing is primarily associated with metals, nuisance, nutrients, pathogens, pesticides, salinity/total dissolved solids/chlorides/sulfates,

sediment, total toxics, toxic organics, trash, and other causes. These pollutants are attributed to various sources, including agriculture storm runoff, hazardous waste, industrial point sources, wastewater, and urban runoff.

Cannabis Priority Watersheds

SWRCB, in coordination with CDFW, has identified "Cannabis Priority Watersheds" throughout the state. All Cannabis Priority Watersheds contain a high concentration of commercial cannabis cultivation; noncompliant commercial cannabis cultivation in these high-value areas has the potential to cause severe environmental impacts. Pursuant to Business and Professions Code Section 26060(a)(1), if SWRCB or CDFW notifies the Department of Cannabis Control (DCC) in writing that commercial cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, DCC shall not issue new licenses or increase the total number of plant identifiers in that watershed or area while the moratorium is in effect. Cannabis Priority Watersheds are designated by the RWQCB on an annual basis in San Diego County.

Groundwater Quality

Traditionally, groundwater supplies in the county have produced high-quality drinking water. However, naturally occurring and, more recently, anthropogenic sources of contamination have caused the quality of groundwater to be adversely affected in localized areas. The most common anthropogenic sources of groundwater contamination include leaking underground fuel tanks, sewer and septic systems, agricultural applications, and facilities producing animal wastes (County of San Diego 2009).

Small parcels with septic systems in areas of shallow groundwater, agricultural applications, and feed lots are the most common sources of nitrate impacts in the county. Naturally occurring radionuclides (atoms with unstable nuclei and which may emit gamma rays or subatomic particles during the process of decay) are present to some extent in nearly all rocks and soil throughout the world and leach into groundwater from natural mineral deposits. Total dissolved solids (TDS) originate naturally from the dissolution of rocks and minerals and also can be from septic systems, agricultural runoff, and stormwater runoff. Elevated bacteria levels in groundwater occur primarily from human and animal wastes. Old wells with large openings and wells with inadequate seals are most susceptible to bacteriological contamination from insects, rodents, or animals entering the wells. Groundwater contaminants of concern that may result from agricultural operations, including cannabis cultivation, could include herbicides, pesticides, and other complex organics; petroleum products, volatile organic compounds, and metals.

Flooding

Flood Mapping

The Federal Insurance Rate Map (FIRM) is the official map created and distributed by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP) that delineates the Special Flood Hazard Areas (SFHAs), which are the areas subject to inundation by the base flood (1 percent annual chance, or a 100-year flood) for every county and community that participates in the NFIP. FIRMs contain flood risk information based on historic, meteorological, hydrologic, and hydraulic data, as well as open-space conditions, flood control works, and development. It should be noted that alluvial fans are designated as SFHAs

on FIRMs. In addition to the FEMA FIRMs, the County of San Diego has developed its own flood maps that account for additional areas of known risk. The county flood maps delineate 1 percent annual chance (100-year) riverine flood boundaries and elevations for areas not studied by FEMA.

Flood Prone Areas

The potential for flooding in San Diego County is generally considered to be high. The climate is semiarid, and the seasonal precipitation is highly variable in frequency, magnitude, and location. Infrequent large bursts of rain can rush down steep canyons and flood areas unexpectedly. Flooding in San Diego County and the rest of southern California most frequently occurs during winter storm events between the months of November and April and occasionally during the summer when a tropical storm makes landfall in the region. Most flooding events occur over several days but can also develop within a matter of hours, particularly in narrow valleys or in desert alluvial fans that are prone to sheet flow (flooding of a depth of 1 to 3 feet that occurs on sloping land).

Tsunamis

Tsunamis are long-wavelength, long-period sea waves generated by an abrupt movement of large volumes of water. These waves can be caused by underwater earthquakes, landslides, volcanic eruptions, meteoric impacts, and onshore slope failures. In San Diego County, wave heights and run-up elevations from tsunami have historically fallen within the normal range of tides. At the most risk for tsunamis is the coast of San Diego, all of which is incorporated or federal land (Camp Pendleton). The historic record and the location of unincorporated lands away from the coastline indicate that no projects in the unincorporated county have probable potential to be inundated by a tsunami (County of San Diego 2009).

Seiches

A seiche is a standing wave in a completely or partially enclosed body of water. Areas located along the shoreline of a lake or reservoir are susceptible to inundation by a seiche. High winds, seismic activity, and changes in atmospheric pressure are typical causes of seiches. The size of a seiche and the affected inundation area are dependent on different factors, including size and depth of the water body, elevation, source, and if human-made, the structural condition of the body of water in which the seiche occurs.

In San Diego's semiarid climate, naturally occurring enclosed water bodies are not common. Instead, most enclosed water bodies are reservoirs built by local municipalities and water districts to provide water service to local residents and businesses. Typically, all land around the reservoirs' shorelines are in public holdings, such as the city of San Diego or Helix Water District, which restrict private land development and minimize risk of inundation from seiches. Moreover, the public land holdings are not within the jurisdiction of the unincorporated county (County of San Diego 2009).

2.11.2 Regulatory Framework

2.11.2.1 *Federal*

Clean Water Act

EPA is the lead federal agency responsible for water quality management. The CWA (33 US Code Section 1251 et seq.) is the primary federal law that governs and authorizes water quality control activities by EPA, as well as the states. Various elements of the CWA address water quality. These are discussed below.

CWA Water Quality Criteria/Standards

Pursuant to federal law, EPA has published water quality regulations under the Code of Federal Regulations (CFR) Title 40. Section 303 of the CWA requires states to adopt water quality standards for all surface waters of the United States. As defined by the act, water quality standards consist of designated beneficial uses of the water body in question and criteria that protect the designated uses. Section 304(a) of the CWA requires EPA to publish advisory water quality criteria that accurately reflect the latest scientific knowledge on the kind and extent of all effects on health and welfare that may be expected from the presence of pollutants in water. Where multiple uses exist, water quality standards must protect the most sensitive use. As described in the discussion of state regulations below, SWRCB and its 9 RWQCBs have designated authority in California to identify beneficial uses and adopt applicable water quality objectives.

CWA Section 303(d) Impaired Waters List

Under Section 303(d) of the CWA, states are required to develop lists of water bodies that do not attain water quality objectives after implementation of required levels of treatment by point source dischargers (municipalities and industries). Section 303(d) of the CWA requires that the state develop a total maximum daily load (TMDL) for each of the listed pollutants. The TMDL is the amount of the pollutant that the water body can receive and still comply with water quality objectives. The TMDL is also a plan to reduce loading of a specific pollutant from various sources to achieve compliance with water quality objectives. In California, implementation of TMDLs is achieved through water quality control plans, known as Basin Plans, of the RWQCBs. See the “State” section, below.

CWA Section 404

In accordance with Section 404 of the CWA, the US Army Corps of Engineers (USACE) regulates discharge of dredged or fill material into waters of the United States. Waters of the United States and their lateral limits are defined in CFR Title 33, Part 328.3(a) to include navigable waters of the United States, interstate waters, and all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, or wetlands that meet any of these criteria or that are adjacent to any of these waters or their tributaries. Any activity resulting in the placement of dredged or fill material within waters of the United States requires a permit from USACE. In accordance with Section 401 of the CWA, projects that apply for a USACE permit for discharge of dredged or fill material must obtain water quality certification from the appropriate RWQCB indicating that the project will uphold water quality standards. Waters of the United States and wetland protection

requirements of the CWA administered by USACE are further discussed in Section 2.5, "Biological Resources."

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) permit program was established in the CWA to regulate municipal and industrial discharges to surface waters of the United States. NPDES permit regulations have been established for broad categories of discharges, including point source waste discharges and nonpoint source stormwater runoff. Each NPDES permit identifies limits of allowable concentrations and mass emissions of pollutants contained in the discharge. Sections 401 and 402 of the CWA contain general requirements regarding NPDES permits.

"Nonpoint source" pollution originates over a wide area rather than from a definable point. Nonpoint source pollution often enters receiving water in the form of surface runoff and is not conveyed by way of pipelines or discrete conveyances. Two types of nonpoint source discharges are controlled by the NPDES program: discharges caused by general construction activities and the general quality of stormwater in municipal stormwater systems. The goal of the NPDES nonpoint source regulations is to improve the quality of stormwater discharged to receiving waters to the maximum extent practicable. The RWQCBs in California are responsible for implementing the NPDES permit system (see the "State" section, below).

Federal Antidegradation Policy

The federal antidegradation policy, established in 1968, is designed to protect existing uses of waters, water quality, and national water resources. The policy directs states to adopt a statewide policy that includes the following primary provisions:

- existing instream uses and the water quality necessary to protect those uses shall be maintained and protected;
- where existing water quality is better than necessary to support fishing and swimming conditions, that quality shall be maintained and protected unless the state finds that allowing lower water quality is necessary for important local economic or social development; and
- where high-quality waters constitute an outstanding national resource, such as waters of national and state parks, wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

National Flood Insurance Act

FEMA is tasked with responding to, planning for, recovering from, and mitigating against disasters. The Federal Insurance and Mitigation Administration within FEMA is responsible for administering the NFIP and administering programs that aid with mitigating future damages from natural hazards.

FEMA prepares FIRMs that delineate the regulatory floodplain to assist local governments with the land use planning and floodplain management decisions needed to meet the requirements of the NFIP. Floodplains are divided into flood hazard areas, which are areas designated according to their potential for flooding, as delineated on FIRMs. Special Flood Hazard Areas are the areas identified as having a 1-percent chance of flooding each year (otherwise known

as the 100-year flood). In general, the NFIP mandates that development is not to proceed within the regulatory 100-year floodplain if the development is expected to increase flood elevation by 1 foot or more.

Safe Drinking Water Act

As mandated by the Safe Drinking Water Act (Public Law 93-523), passed in 1974, EPA regulates contaminants of concern to domestic water supply. Such contaminants are defined as those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are regulated by EPA's primary and secondary maximum contaminant levels (MCLs). MCLs and the process for setting these standards are reviewed triennially. Amendments to the Safe Drinking Water Act enacted in 1986 established an accelerated schedule for setting drinking water MCLs. EPA has delegated responsibility for California's drinking water program to the California Department of Health Services, which is accountable to EPA for program implementation and for adoption of standards and regulations that are at least as stringent as those developed by EPA.

2.11.2.2 *State*

Porter-Cologne Water Quality Control Act

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Porter-Cologne Act) (Water Code Section 13000 et seq.). The Porter-Cologne Act grants SWRCB and each of the 9 RWQCBs power to protect water quality and is the primary vehicle for implementation of California's responsibilities under the CWA. San Diego County overlies the San Diego RWQCB and the Colorado River RWQCB. SWRCB and the RWQCBs have the authority and responsibility to adopt plans and policies, regulate discharges to surface water and groundwater, regulate waste disposal sites, and require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substances, sewage, or oil or petroleum products.

Each RWQCB must formulate and adopt a Basin Plan for its region. The Basin Plans must conform to the policies set forth in the Porter-Cologne Act and established by SWRCB in its state water policy. The Porter-Cologne Act also provides that an RWQCB may include within its Basin Plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

NPDES Construction General Permit for Stormwater Discharges Associated with Construction Activity

SWRCB adopted the statewide NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit Order WQ 2022-0057-DWQ) in August 1999, and it has been subsequently updated. The state requires that projects disturbing more than 1 acre of land during construction file a Notice of Intent with the RWQCB to be covered under this permit. Construction activities subject to the General Construction Permit include clearing, grading, stockpiling, and excavation. Dischargers are required to eliminate or reduce non-stormwater discharges to storm sewer systems and other waters. A stormwater pollution prevention plan (SWPPP) must be developed and implemented

for each site covered by the permit. The SWPPP must include best management practices (BMPs) designed to prevent construction pollutants from contacting stormwater and keep products of erosion from moving off-site into receiving waters throughout the construction and life of the project; the BMPs must address source control and, if necessary, pollutant control.

State Drinking Water Standards

Title 22, Division 4, Chapter 15 of the CCR establishes parameters for safe drinking water throughout the state. These drinking water standards are similar to, but in many cases, more stringent than, federal standards. Title 22 contains both primary standards and secondary standards related to aesthetics (taste and odor). These standards include limits for water quality parameters that may be found in runoff from permitted or unpermitted commercial cannabis cultivation sites, such as heavy metals, pesticides, petroleum hydrocarbons, color, foaming agents, turbidity, and total dissolved solids/specific conductance.

Policy for Implementation of Toxics Standards in Inland Surface Waters, Enclosed Bays, and Estuaries of California

In 1994, SWRCB and EPA agreed to a coordinated approach for addressing priority toxic pollutants in inland surface waters, enclosed bays, and estuaries of California. In March 2000, SWRCB adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California, commonly referred to as the State Implementation Policy. This policy implements the National Toxics Rule and California Toxics Rule criteria and applicable Basin Plan objectives for toxic pollutants. When an RWQCB issues any permit allowing the discharge of any toxic pollutant(s) in accordance with the CWA or the Porter-Cologne Act, the permit's promulgation and implementation must be consistent with the State Implementation Policy's substantive or procedural requirements. Any deviation from the State Implementation Policy requires the concurrence of EPA if the RWQCB is issuing any permit under the CWA. Consistency with the State Implementation Policy would occur when water permits are issued for proposed program activities.

California Pesticide Management Plan for Water Quality

The California Pesticide Management Plan for Water Quality is a joint effort between the California Department of Pesticide Regulation (CDPR), county agricultural commissioners, SWRCB, and the RWQCBs to protect water quality from pesticide pollution. To reduce the possibility of pesticides entering groundwater or surface water, a 4-stage approach was designed by CDPR and SWRCB. Stage 1 involves educational outreach to the community to prevent pesticide contamination in water supplies. Stage 2 occurs after pesticides are detected in a water supply and an appropriate response is selected that is safe and site-specific. If Stage 2 is not effective, then Stage 3 tactics are employed, which include implementing restricted material use permit requirements, regulations, and other regulatory authority by CDPR and the county agricultural commissioners. In addition, SWRCB and the RWQCBs can employ Stage 4 and a variety of water quality control planning programs and other regulatory measures to protect water quality, as necessary.

Surface Water Protection Program

CDPR implements the California Pesticide Management Plan for surface water protection through its Surface Water Protection Program, under a Management Agency Agreement with

SWRCB. The Surface Water Protection Program is designed to characterize pesticide residues, identify contamination sources, determine the flow of pesticides to surface water, and prepare site-specific mitigation measures. The program addresses both agricultural and nonagricultural sources of pesticide residues in surface waters. It has preventive and response components that reduce the presence of pesticides in surface waters. The preventive component includes local outreach to promote management practices that reduce pesticide runoff. Prevention also relies on CDPR's registration process, in which potential adverse effects on surface water quality, and particularly those in high-risk situations, are evaluated. The response component includes mitigation options to meet water quality goals, recognizing the value of self-regulating efforts to reduce pesticides in surface water, as well as regulatory authorities of CDPR, SWRCB, and the RWQCBs.

Pesticide Contamination Prevention Act

The Pesticide Contamination Prevention Act (Food and Agricultural Code Sections 13145–13152) requires CDPR to:

- obtain environmental fate and chemistry data for agricultural pesticides before they can be registered for use in California;
- identify agricultural pesticides with the potential to pollute groundwater;
- sample wells to determine the presence of agricultural pesticides in groundwater;
- obtain, report, and analyze the results of well sampling for pesticides by public agencies;
- formally review any detected pesticide to determine whether its use can be allowed; and
- adopt use modifications to protect groundwater from pollution if formal review indicates that continued use can be allowed.

The act requires CDPR to develop numerical values for water solubility, soil adsorption coefficient, hydrolysis, aerobic and anaerobic soil metabolism, and field dissipation of pesticides to protect groundwater based in part on data submitted by pesticide registrants.

The act also states that CDPR shall establish a list of pesticides that have the potential to pollute groundwater, called the Groundwater Protection List. Any person who uses a pesticide that is listed on the Groundwater Protection List is required to file a report with the county agricultural commissioner, and pesticide dealers are required to make quarterly reports to CDPR of all sales of pesticides on the list to persons not otherwise required to file a report. The Pesticide Contamination Prevention Act ensures that pesticides allowed for use in California, including those that may be used in commercial cannabis cultivation, will have been studied by CDPR for their potential to contaminate groundwater and the environment.

Groundwater Protection Program

CDPR implements the Pesticide Contamination Prevention Act through its Groundwater Protection Program, which is coordinated with SWRCB under the California Pesticide Management Plan. The Groundwater Protection Program evaluates and samples pesticides to determine whether they may contaminate groundwater, identifies areas sensitive to pesticide contamination, and develops mitigation measures to prevent the movement of pesticides. CDPR may adopt regulations to carry out these mitigation measures. CDPR conducts 4

groundwater monitoring programs. The first monitors whether pesticides on the Groundwater Protection List with the potential to pollute have been found in groundwater. The second type is 4-section monitoring, which monitors wells near a contaminated well. The third monitoring type is sensitive-area monitoring, which identifies areas sensitive to pesticide pollution. The fourth type is investigative monitoring, which is used to identify and understand the factors that affect pesticide movement into groundwater.

State Surface Water Rights System

SWRCB administers a water rights system for the diversion of surface waters (springs, streams, and rivers), including diversion of water from subterranean streams flowing in known and definite channels. The granting of a water right provides permission to withdraw water from a river, stream, or groundwater source for a "reasonable" and "beneficial" use. Water right permits and licenses identify the amounts, conditions, and construction timetables for a proposed diversion. Before issuing the permit, SWRCB must consider all prior rights and the availability of water in the basin, as well as the flows needed to preserve instream uses, such as recreation, and fish and wildlife habitat. Water rights are administered using a seniority system based on the date of the application for the water right—commonly referred to as "first in time, first in right." Junior water rights holders may not divert water in a manner that would reduce the ability of senior water rights holders to exercise their water right.

All surface water used for commercial cannabis cultivation must be associated with a valid water right whether the cultivator personally holds such a water right or it is held by the water purveyor supplying the commercial cannabis cultivation operation (e.g., a municipal water system or a water delivery service).

California Water Code

The California Water Code is enforced by DWR. The mission of DWR is "to manage the water resources of California in cooperation with other agencies, to benefit the State's people, and to protect, restore, and enhance the natural and human environments." DWR is responsible for promoting California's general welfare by ensuring beneficial water use and development statewide.

Diversion Water Use

California Water Code Section 5101 requires each person or organization that uses diverted surface water or pumped groundwater from a known subterranean stream after December 31, 1965, to file with SWRCB an initial Statement of Water Diversion and Use. Supplemental statements are required at 3-year intervals following the filing of an initial statement if there is continued diversion of water.

The main purpose of the Statement Program is to create a central repository for records of diversions of water. This repository differs from the records of appropriated water rights that are registered, permitted, and licensed. A statement is not a confirmed water right; it is only a statement of diversion and use.

In addition, SWRCB regulates the state's Cannabis Cultivation Program's Water Rights, including a Cannabis Small Irrigation Use Registration (Cannabis SIUR), which is a streamlined option to obtain a small appropriative water right to divert and store surface water

for commercial cannabis. Furthermore, the Cannabis SIUR prohibits cannabis cultivators from diverting surface water during the dry season forbearance period, from April 1 through October 31 of each calendar year. This means that water used for cannabis cultivation activities must be diverted to off-stream storage during the wet season to be used during the dry season.

Groundwater Management

Groundwater management is outlined in the Water Code Sections 10750–10755.4. The Groundwater Management Act was first introduced in 1992 as AB 3030 (Chapter 947, Statutes of 1992) and has since been modified by Senate Bill (SB) 1938 (Chapter 983, Statutes of 2002), AB 359 (Chapter 572, Statutes of 2011), the SGMA (SB 1168) (Chapter 346, Statutes of 2014), SB 1319 (Chapter 348, Statutes of 2014), and AB 1739 (Chapter 347, Statutes of 2014). The intent of the act is to encourage local agencies to work cooperatively to manage groundwater resources within their jurisdictions and to provide a methodology for developing a groundwater management plan.

Sustainable Groundwater Management Act of 2014

The SGMA became effective on January 1, 2015 (Water Code Section 10720.3). By enacting the SGMA, the legislature intended to provide local agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater within their jurisdiction (Water Code Section 10720.1).

The SGMA requires DWR to categorize each groundwater basin in the state, identified in *California's Groundwater* (Bulletin 118), as high-, medium-, low-, or very low-priority (Water Code Sections 10720.7, 10722.4). All basins designated as high- or medium-priority basins must be managed by a GSA under a GSP that complies with Water Code Section 10727 et seq. As discussed above, Borrego Valley, San Luis Rey Valley, and San Pasqual Valley have prepared a GSP or Alternative Submittal (Water Code Section 10733.6) in compliance with the SGMA.

California Nondegradation Policy

In 1968, as required under the federal antidegradation policy described previously, SWRCB adopted a nondegradation policy aimed at maintaining high quality waters in California. The nondegradation policy states that the disposal of wastes into state waters shall be regulated to achieve the highest water quality consistent with maximum benefit to the people of the state and to promote the peace, health, safety, and welfare of the people of the state. The policy provides as follows:

a) Where the existing quality of water is better than required under existing water quality control plans, such quality would be maintained until it has been demonstrated that any change would be consistent with maximum benefit to the people of the state and would not unreasonably affect present and anticipated beneficial uses of such water.

b) Any activity which produces waste or increases the volume or concentration of waste and which discharges to existing high-quality waters would be required to meet waste discharge requirements.

California Administrative Code

The Administrative Code (CCR, Title 24, Part 1) defines secondary drinking water standards, which are established primarily for reasons of consumer acceptance (i.e., taste) rather than for health issues (CCR, Title 24, Section 64449).

California Well Standards

DWR Bulletins 74-81 and 74-90 authorized the establishment of well standards and regulations pertaining to the construction, alteration, and destruction of wells. California Water Code Section 13750.5 requires that those responsible for the construction, alteration, or destruction of water wells, cathodic protection wells, groundwater monitoring wells, or geothermal heat exchange wells possess a C-57 Water Well Contractor's License. The Contractors State License Board issues this license. California Water Code Section 13751 requires that anyone who constructs, alters, or destroys a water well, cathodic protection well, groundwater monitoring well, or geothermal heat exchange well must file with DWR a report of completion within 60 days of the completion of the work.

State Water Resources Control Board Regulations for Cannabis Cultivation

Discharges related to cannabis cultivation must be covered under the SWRCB Cannabis Policy under Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities.

SWRCB Order WQ 2023-0102-DWQ provides a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities. The tier structure consists of 2 tiers:

- Tier 1 outdoor commercial cultivation activities disturb an area equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet).
- Tier 2 outdoor commercial cultivation activities disturb an area equal to or greater than 1 acre.

Tier 1 and Tier 2 enrollees must characterize the risk designation based on the slope of disturbed areas and the proximity to a water body. Applicants must comply with the riparian setback and slope limits and are classified as low, moderate, or high risk, as described below:

- Low risk: A cannabis cultivation site is classified as low risk if no part of the disturbed area is located on a slope of 30 percent or greater. Such cannabis cultivators shall register as low risk and submit a Site Management Plan.
- Moderate risk: A cannabis cultivation site is classified as moderate risk if any part of the disturbed area is located on a slope greater than 30 percent and less than 50 percent. Such cannabis cultivators shall register as moderate risk and submit a Site Erosion and Sediment Control Plan.
- High risk: A cannabis cultivation site is classified as high risk if any part of the disturbed area exists within the riparian setback limits. Such cannabis cultivators shall register as high risk, submit a Disturbed Area Stabilization Plan, and shall address the compliance issue as described below. Because such cannabis cultivators pose a higher risk to

water quality and will require a higher level of RWQCB oversight, they are subject to a higher application and annual fee. When the cannabis cultivation site is reconfigured to comply with the riparian setbacks, the cannabis cultivator can request the RWQCB reclassify the site to a lower risk level and allow a lower annual fee to be assessed.

To obtain coverage under the waiver or enroll under the general order, the discharger is required to submit an online application and application fee and relevant technical reports. Technical report requirements are based on tier and risk level and are summarized in Table 2.11.3, presented at the end of this section.

A summary of the types of information included in the technical reports is provided as follows.

Site Management Plan

A Site Management Plan describes how the commercial cannabis cultivator is complying with the requirements listed in Attachment A of SWRCB Order WQ 2023-0102-DWQ. These requirements include a description of how the requirements are implemented property-wide, including requirements implemented to address discharges from legacy activities and water diversions, as well as waste discharge requirements related to commercial cannabis cultivation. Dischargers must also indicate how the best practical treatment or control measures included in SWRCB Order WQ 2023-0102-DWQ will be implemented. The Site Management Plan may include a schedule to achieve compliance, but all work must be completed by the onset of the winter period each year.

Best Practical Treatment or Control Categories

The requirements related to water diversion and waste discharge for commercial cannabis cultivation cover the following 10 best practical treatment or control categories:

1. riparian and wetland protection and management
2. water diversion, storage, and use
3. irrigation runoff
4. land development and maintenance, erosion control, and drainage features
5. soil disposal
6. stream crossing installation and maintenance
7. fertilizer and soil use and storage
8. cultivation-related waste disposal
9. refuse and human waste disposal
10. winterization

Site Erosion and Sediment Control Plan

A site erosion and sediment control plan describes how the cannabis cultivator will implement the site erosion and sediment control requirements listed in Attachment A of SWRCB Order WQ 2023-0102-DWQ. The report must include an analysis of slope stability and is subject to approval by the RWQCB. When required, the site erosion and sediment control plan is to be prepared by a qualified individual (i.e., a registered professional per SWRCB Order WQ 2023-0102-DWQ requirements).

Disturbed Area Stabilization Plan

A disturbed area stabilization plan describes how the best practical treatment or control measures will be implemented to achieve the goal of stabilizing the disturbed area to minimize the discharge of sediment off-site and complying with the riparian setback requirements. The report must be approved by the RWQCB executive officer before implementation. When required, the disturbed area stabilization plan shall be prepared by a qualified professional.

Nitrogen Management Plan

A nitrogen management plan is required for commercial cannabis cultivation sites. The plan provides calculations of all the nitrogen applied to the commercial cannabis cultivation area (dissolved in irrigation water, originating in soil amendments, and applied fertilizers) and describes procedures to limit excessive fertilizer application.

Site Closure Report

A site closure report describes how the site will be decommissioned to prevent sediment and turbidity discharges that degrade water quality. If construction activities are proposed in the site closure report, a project implementation schedule shall be included in the report. A Notice of Termination must be submitted (Attachment C of SWRCB Order WQ 2023-0102-DWQ) with the site closure report.

Monitoring and Reporting Program

The monitoring and reporting program describes requirements for monitoring a commercial cannabis cultivation site and its associated facilities. Tier 1 and Tier 2 facilities must report on issues pertaining to facility status, site maintenance status, and stormwater runoff monitoring. Tables 2.11.4, 2.11.5, and 2.11.6, presented at the end of this section, provide an overview of these requirements.

Annual reports are required to be submitted to the San Diego RWQCB. SWRCB Order WQ 2023-0102-DWQ includes informal and formal enforcement actions to address a violation or threatened violation of water rights or water quality law, regulations, policies, plans, or orders. These actions include a notice of violation, cleanup and abatement orders, cease and desist order, revocation of water rights permits, and modifications or rescission of waste discharge requirement permits.

Numeric and Instream Flow Requirements

Attachment A of SWRCB Order WQ 2023-0102-DWQ establishes principles and guidelines (Requirements) for commercial cannabis cultivation activities to protect water quality and instream flows, in consultation with California Department of Fish and Wildlife (CDFW) and DCC. The Requirements are divided into 5 main categories:

- Section 1: General Requirements and Prohibitions, and Cannabis General Water Quality Certification
- Section 2: Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation
- Section 3: Numeric and Narrative Instream Flow Requirements (including Gauging)
- Section 4: Watershed Compliance Gauge Assignments

- Section 5: Planning and Reporting

Instream flow requirements were established by SWRCB in consultation with CDFW for the protection of aquatic species life history needs, including endangered anadromous salmonids. Numeric instream flow requirements (minimum instream flows required to protect aquatic species) are established for each region in the state in Attachment A of SWRCB Order WQ 2023-0102-DWQ. Aquatic base flows have also been established to address instream flow impacts from groundwater diversions (further discussed below). SWRCB's flow standards and diversion requirements were developed to protect fish spawning, migration, and rearing for endangered anadromous salmonids, and flows needed to maintain natural flow variability within each watershed. The diversion requirements would ensure that the individual and cumulative effects of water diversions and discharges associated with commercial cannabis cultivation do not affect instream flows necessary for fish spawning, migration, and rearing for endangered anadromous salmonids, and flows needed to maintain natural flow variability (SWRCB 2017a). The policy was scientifically peer-reviewed by four experts. The peer review determined that water quality, instream flow, and diversion requirements of the policy were based on sound scientific knowledge, methods, and data (SWRCB 2017b).

General Requirements and Prohibitions in Attachment A of SWRCB Order WQ 2023-0102-DWQ implement existing SWRCB authorities and address issues, such as compliance with state and local permits, discharge prohibitions, riparian setbacks, protection of tribal cultural resources, and SWRCB's right to access properties for inspections.

Detailed information related to the requirements that pertain to hydrology and water quality is provided below.

Instream Flow Requirements

Flow and Gauging Requirements

The instream flow requirements apply to cannabis cultivators throughout the state. The numeric instream flow requirements are developed at compliance gauges statewide. The instream flow requirements may be updated over time, as reasonably necessary. Interested parties may submit scientifically defensible information (e.g., instream flow studies) that supports modification to the instream flow requirements to the deputy director of SWRCB for consideration during updates to the Cannabis Policy under SWRCB Order WQ 2023-0102-DWQ. The gauges associated with San Diego County include San Luis Rey River, San Mateo Creek, Cristianitos Creek, Fallbrook Creek, Santa Ysabel Creek, Guejito Creek, Santa Maria Creek, Los Peñasquitos, Los Coches, Jamul Creek, and Sweetwater River.

Surface Water Diversion Forbearance Period

Absent restrictions on water diversion, the individual and cumulative effects of water diversions for commercial cannabis cultivation during the dry season are likely to significantly decrease instream flow and, in some instances, reduce hydrologic connectivity or completely dewater the stream.

Minimum flows that provide habitat connectivity are needed to maintain juvenile salmonid passage conditions in late spring and early summer. Instream flows are also needed to maintain habitat conditions necessary for juvenile salmonid viability throughout the dry season, including adequate dissolved oxygen concentrations, low stream temperatures, and high rates of invertebrate drift from riffles to pools. Furthermore, many species depend on spring recession

flows as migratory or breeding cues. SWRCB has established a surface water diversion forbearance period (April 1 to October 31 each year) to ensure adequate flows are maintained throughout the dry season and protect aquatic species, aquatic habitat, and water quality.

Wet Season Surface Water Instream Flow Requirements

Minimum instream flow requirements during the wet season are needed for the protection of aquatic species life history needs. For threatened and endangered anadromous salmonids, minimum flows are needed to address life history needs, such as:

- maintaining natural abundance and availability of spawning habitat;
- minimizing unnatural adult exposure, stress, predation, and delay during adult spawning migration; and
- sustaining high-quality and abundant juvenile salmonid winter rearing habitat.

To meet the timeline, scale, and purpose of SWRCB Order WQ 2023-00102-DWQ, SWRCB, in consultation with CDFW, has determined that the Tessmann Method is the best methodology to develop interim instream flow requirements. The Tessmann Method develops instream flow requirements by using percentages of historical mean annual and mean monthly natural streamflow. For the development of long-term instream flow requirements, SWRCB, in consultation with CDFW, will evaluate other scientifically robust methods that are more reflective of regional variability and the needs of target species. SWRCB applied the Tessmann Method to a predicted historical flow data set sourced from a flow modeling effort conducted by the US Geological Survey (USGS) in cooperation with The Nature Conservancy and Trout Unlimited (USGS flow modeling data). The interim instream flow requirements were calculated for compliance gauges throughout the state. The Tessmann Method and the USGS flow modeling data allow for instream flow requirements to be calculated at additional compliance points throughout the state. This allows SWRCB to use the Tessmann Method and the USGS flow modeling data to calculate or adjust a flow requirement, as needed, throughout the state.

Maintain High-Flow Events

To preserve the annual first flush flow event, the surface water diversion period for commercial cannabis cultivation will not occur until the real-time daily average flow is greater than the minimum monthly instream flow requirement at a compliance gauge for 7 consecutive days or after December 15 when flows are greater than the numeric flow requirement, whichever occurs first. Surface water diversions must bypass a minimum of 50 percent of the streamflow past the point of diversion. SWRCB will monitor other high-flow events that occur throughout the wet season to evaluate whether additional requirements are needed to maintain high-flow variability during other periods of the wet season.

Groundwater Requirements

To address potential impacts of groundwater diversions on surface flow, SWRCB's deputy director for water rights may require a forbearance period or other measures for cannabis groundwater diversions in areas where such restrictions are necessary to protect instream flows. Such areas may include watersheds with high surface water–groundwater connectivity, large numbers of cannabis groundwater diversions, or groundwater diversions in close proximity to streams. An aquatic base flow was developed at each compliance gauge during the surface water forbearance period (dry season) to inform the need for additional actions to address impacts associated with cannabis groundwater diversions. The aquatic base flow was

established in consultation with CDFW. The aquatic base flow is established using USGS flow modeling data to calculate mean monthly flows and applying the New England Aquatic Base Flow Standard methodology at the compliance gauges in the 9 priority regions. The aquatic base flow is the set of chemical, physical, and biological conditions that represent limiting conditions for aquatic life in stream environments. This allows SWRCB to apply the standard to the USGS flow modeling data to calculate an aquatic base flow requirement at additional compliance points, as needed, throughout the state. SWRCB will monitor instream flows during the dry season and evaluate the number and location of cannabis groundwater diversions to determine whether imposition of a groundwater forbearance period or other measures are necessary to address potential localized effects of groundwater diversions.

Compliance Gauges and Requirements

Compliance gauge assignments have been developed for all watershed areas throughout the state. Numeric instream flow requirements are applied at a subset of existing gauges reported on 2 websites: (1) the USGS National Water Information System and (2) DWR's California Data Exchange Center.

Watershed areas that do not have existing gauges are assigned a compliance gauge for a different location in the same watershed or for a nearby watershed with similar flow characteristics. Cannabis cultivators in ungauged watersheds and in watersheds without an assigned gauge may be required to install a gauge if information indicates that use of the assigned gauge does not adequately protect instream flows. SWRCB will monitor commercial cannabis cultivation diversions to track areas where locally concentrated commercial cannabis cultivation water diversions within a watershed may adversely affect instream flows.

Many dams in California have existing instream flow requirements through the Federal Energy Regulatory Commission licensing program or through Biological Opinions, which issued by the National Marine Fisheries Service, the US Fish and Wildlife Service, or through water right decisions. Cannabis cultivators shall comply with either existing instream flow requirements (e.g., SWRCB Orders, Biological Opinions, Federal Energy Regulatory Commission Licensing Program) or the Tessmann instream flow requirements, whichever is greater.

The instream flow requirement compliance gauges are located in areas that are generally representative of the water availability and total demand occurring upstream of the gauging location or in a similar watershed. However, impacts may still occur in areas where there is significant localized commercial cannabis cultivation compared to water availability or where the compliance gauge does not accurately reflect the demand in a paired watershed. To help ensure diversion of water for commercial cannabis cultivation does not negatively affect the flows needed for fish spawning, migration, and rearing or the flows needed to maintain natural flow variability, the cannabis cultivator shall maintain a minimum bypass of at least 50 percent of the streamflow past the cannabis cultivator's point of diversion, in addition to the applicable numeric instream flow requirements.

Land Development and Maintenance, Erosion Control, and Drainage Features

Section 2 of the requirements in Attachment A of SWRCB Order WQ 2023-0102-DWQ addresses land development and maintenance, erosion control, and drainage features. These requirements place limitations on earth-moving, including prohibition of grading on slopes that exceed 50 percent; dust control measures; methods to limit the potential for leaks of hazardous or toxic materials into soils and waterways; erosion prevention and sediment

capture measures; and standards for drainages associated with access roads, culverts, and land development.

Stream Crossing Installation and Maintenance

The requirements in Attachment A of SWRCB Order WQ 2023-0102-DWQ place limitations of work in watercourses and permanently ponded areas. Standard practices are provided to address the design of watercourse crossings and necessary maintenance activities. Guidance is also provided to address temporary watercourse diversion and dewatering.

Soil Disposal and Spoils Management

The requirements address the storage of soil, construction, and waste materials associated with cannabis cultivation.

Exemptions

SWRCB Order WQ 2023-0102-DWQ includes an exemption for activities that are considered to pose a low threat to water quality: personal use cannabis cultivators, indoor commercial cultivation activities, and outdoor commercial cultivation activities that disturb less than 2,000 square feet. Personal use cannabis cultivators are generally not subject to commercial cultivation regulations; indoor and operations that disturb less than 2,000 square feet are considered to be conditional exemptions but are still subject to compliance with the regulations.

Commercial cannabis cultivation activities that disturb an area (in aggregate) less than 2,000 square feet on 1 parcel or on contiguous parcels managed as a single operation may be conditionally exempt from enrolling under the order but are required to obtain coverage under the waiver of waste discharge requirements. This exemption does not limit SWRCB's authority to inspect the site, evaluate the exemption status, or evaluate other water quality or water right regulatory requirements.

California Forest Practice Rules of 2017

The California Forest Practice Rules of 2017 (CCR; Title 14; Chapters 4, 4.5, and 10) implements the provision of the Z'berg-Nejedly Forest Practice Act of 1973. The Cannabis Policy requires access roads to be constructed consistent with the requirements in CCR, Title 14, Chapter 4. *The Handbook for Forest Ranch and Rural Roads* (Road Handbook) describes how to implement these regulations and provides a guide for planning, designing, constructing, reconstructing, upgrading, maintaining, and closing wildland roads. Development of the Road Handbook was funded in part by SWRCB, EPA, and the California Department of Forestry and Fire Protection.

The Road Handbook recommends limited road slopes for safety, maintenance, and drainage issues. Road alignments should be designed with gentle to moderate slopes to minimize damage to the roadbed, allow for frequent and effective road surface drainage, and for safety. Roads with a slope of less than 1 percent can be difficult to drain and may develop potholes and other signs of impaired drainage. Steep roads are more likely to suffer from erosion and road surface damage, especially if they are used when wet. Steep roads can be more difficult to drain because surface runoff may flow down the road in wheel ruts rather than off the outside edge where it can be discharged and dissipated. In snow zones, steep roads may represent a safety hazard if they are used during cold weather periods. New road alignments

should be constructed with slopes of 3–8 percent or less wherever possible. Forest roads should generally be kept below 12 percent except for short pitches of 500 feet or less where road slopes may go up to 20 percent. These steeper road slopes should be paved or rock surfaced and equipped with adequate drainage. Existing roads that do not comply with these limits require additional inspection by a qualified professional, as defined in the policy, to determine if improvements are needed.

California Code of Regulations

Cannabis Cultivation Licensing Requirements

CCR, Title 4, Section 15011(a), "Additional Information," states:

(11) If applicable, the applicant shall provide evidence that the proposed premises is not located in whole or in part in a watershed or other geographic area that the State Water Resources Control Board or the Department of Fish and Wildlife has determined to be significantly adversely impacted by cannabis cultivation pursuant to section 26060(a)(2) of the Business and Professions Code.

CCR, Title 4, Section 16307, "Pesticide Use Requirements," states:

(a) Licensed cultivators shall comply with all applicable pesticide statutes 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.

CCR, Title 4, Section 16311, "Supplemental Water Source Information," states:

The following information shall be provided for each water source identified by the applicant:

(a) Retail water supply sources:

(1) If the water source is a retail water supplier, as defined in section 13575 of the Water Code, such as a municipal provider, provide the following:

(A) Name of the retail water supplier; and

(B) A copy of the most recent water service bill or written documentation from the water supplier stating that service will be provided at the premises address.

(2) If the water source is a small retail water supplier, such as a delivery service, and is subject to section 26060.1(a)(1)(B) of the Business and Professions Code and

the retail water supplier contract is for delivery or pickup of water from a surface water body or an underground stream flowing in a known and definite channel, provide all of the following:

(A) The name of the retail water supplier under the contract;

(B) The water source and geographic location coordinates, in either latitude and longitude or the California Coordinate System, of any point of diversion used by the retail water supplier to divert water delivered to the commercial cannabis business under the contract;

(C) The authorized place of use of any water right used by the retail water supplier to divert water delivered to the commercial cannabis business under the contract;

(D) The maximum amount of water delivered to the commercial cannabis business for cannabis cultivation in any year; and

(E) A copy of the most recent water service bill.

(3) If the water source is a small retail water supplier, such as a delivery service, and is subject to section 26060.1(a)(1)(B) of the Business and Professions Code and the retail water supplier contract is for delivery or pickup of water from a groundwater well, provide all of the following:

(A) The name of the retail water supplier under the contract;

(B) The geographic location coordinates for any groundwater well used to supply water delivered to the commercial cannabis business, in either latitude and longitude or the California Coordinate System;

(C) The maximum amount of water delivered to the commercial cannabis business for cannabis cultivation in any year;

(D) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code for each percolating groundwater well used to divert water delivered to the commercial cannabis business. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. When no well completion report is available, the State Water Resources Control Board may request additional information about the well; and

(E) A copy of the most recent water service bill.

(b) If the water source is a groundwater well, provide the following:

(1) The groundwater well's geographic location coordinates, in either latitude and longitude or the California Coordinate System; and

(2) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. If no well completion report is available, the State Water Resources Control Board may request additional information about the well.

(c) If the water source is a rainwater catchment system, provide the following:

(1) The total square footage of the catchment footprint area(s).

(2) The total storage capacity, in gallons, of the catchment system(s).

(3) A detailed description and photographs of the rainwater catchment system infrastructure, including the location, size, and type of all surface areas that collect rainwater. Examples of rainwater collection surface areas include a rooftop and greenhouse.

(4) Geographic location coordinates of the rainwater catchment infrastructure in either latitude and longitude or the California Coordinate System.

(d) If the water source is a diversion from a waterbody (such as a river, stream, creek, pond, lake, etc.), provide any applicable water right statement, application, permit, license, or small irrigation use registration identification number(s), and a copy of any applicable statement, registration certificate, permit, license, or proof of a pending application issued under part 2 (commencing with section 1200) of division 2 of the California Water Code as evidence of approval of a water diversion by the State Water Resources Control Board.

2.11.2.3 *Local*

To protect, preserve, and maintain groundwater resources in the county, the San Diego County Groundwater Ordinance was enacted in 1991 to ensure that development would not occur in groundwater-dependent areas of the county unless adequate groundwater resources are available to serve both the existing users and the proposed development. In addition to the Groundwater Ordinance, CEQA requires that certain findings be made in order for a proposed project to be approved. *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Groundwater Resources* provides guidance for evaluating potential environmental effects that a proposed project may have on groundwater resources in the unincorporated county.

San Diego Basin Water Quality Control Plan

The Basin Plan for the San Diego Basin, most recently amended in 2021, is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specifically, the Basin Plan (1) designates beneficial uses for surface and ground waters, (2) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the state's antidegradation policy, (3) describes implementation programs to protect the beneficial uses of all waters in the region, and (4) describes surveillance and monitoring activities to evaluate the effectiveness of the Basin Plan. The Basin Plan incorporates by reference all applicable SWRCB and RWQCB plans and policies (CA RWQCB 2021).

Rainbow Creek Total Maximum Daily Loads

The San Diego RWQCB adopted Resolution Number R9-2005-0036, A Resolution Adopting an Amendment to the Water Quality Control Plan for the San Diego Region (9) to Incorporate Total Maximum Daily Loads (TMDLs) for Total Nitrogen and Total Phosphorus in the Rainbow Creek Watershed, San Diego County (Rainbow Creek TMDL) on February 9, 2005. The Rainbow Creek TMDL was approved by SWRCB on November 16, 2005; the Office of

Administrative Law (OAL) on February 1, 2006; and EPA on March 22, 2006. The Rainbow Creek TMDL became effective on February 1, 2006, and is described as follows:

a. Nitrate and phosphorus concentrations in the Rainbow Creek Watershed exceed the water quality objective for some municipal supply beneficial uses and threaten several additional beneficial uses. Runoff from agriculture, nursery, and residential land uses contribute to increased nitrate and phosphorus in Rainbow Creek as a result of storm water runoff, irrigation return flows, and groundwater contributions to the creek.

b. The objectives of the Rainbow Creek TMDL Implementation Plan requires the use of effective management practices and best management practices to reduce the loading of nitrogen and phosphorus to attain numeric targets for total nitrogen (1.0 mg/L) and total phosphorus of (0.1 mg/L).

The best practical treatment or control measures included in SWRCB Order WQ 2023-0102-DWQ represent effective management practices limiting nitrogen and phosphorus discharges.

Revised Total Maximum Daily Loads for Indicator Bacteria

The San Diego RWQCB adopted Resolution Number R9-2010-0001, A Resolution Amending the Water Quality Control Plan for the San Diego Basin (9) to Incorporate Revised Total Maximum Daily Loads for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region (including Tecolote Creek) (Bacteria TMDL) on February 10, 2010. The Bacteria TMDL was approved by SWRCB on December 14, 2010; OAL on April 4, 2011; and EPA on June 22, 2011. The Bacteria TMDL became effective on April 4, 2011, and is described as follows:

a. Bacteria in the waters of the beaches and creeks addressed by this TMDL have exceeded numeric water quality objective for total, fecal, and/or enterococci bacteria (collectively referred to as indicator bacteria). Beaches have been posted with health advisories and/or closed threatening and impairing beneficial uses.

b. Watersheds with agricultural operations (Lower San Juan hydrologic sub area, San Luis Rey hydrologic unit, San Marcos hydrologic area, and San Dieguito hydrologic unit) are required to reduce their wet weather and dry weather bacteria loading. The objectives of the Bacteria TMDL Implementation Plan requires the use of effective management practices and best management practices to reduce the loading of bacteria containing discharges to achieve the load allocations and waste loads specified in the Bacteria TMDL.

The best practical treatment or control measures included in SWRCB Order WQ 2023-0102-DWQ represent effective management practices limiting bacteria-containing discharges to waters covered by the Bacterial TMDL (SWRCB 2023).

Colorado River Basin Plan

Similar to the San Diego Basin Plan, the Colorado River Basin Plan (most recently amended in March 2023) sets forth water quality objectives for constituents that could potentially cause an adverse effect or impact on the beneficial uses of water. Specifically, the Colorado River Basin Plan lists and defines the various beneficial water uses of water bodies within its boundaries; describes the water quality that must be maintained to support such uses; describes the

necessary programs, projects and other actions to achieve the standards established in the plan; and summarizes the various plans and policies that protect water quality (CA RWQCB 2023).

San Diego County Stormwater Resource Plan

The San Diego Stormwater Resource Plan is a regional stormwater planning document prepared in accordance with SWRCB's Stormwater Resource Plan Guidelines to encourage multi-benefit stormwater, water quality, and beneficial use project development and to meet the requirements for application of projects in San Diego County for state grant funding under Proposition 1 and other future funding opportunities. The County of San Diego and the San Diego Municipal Separate Storm Sewer Systems (MS4) co-permittees prepared the Stormwater Resource Plan, which includes 9 of the WMAs in the county (described above in Section 2.11.1, "Existing Conditions").

Water Quality Improvement Plans

There are 10 watershed Water Quality Improvement Plans in the San Diego Region. These plans include descriptions of the highest priority pollutants or conditions in a specific watershed, goals and strategies to address those pollutants or conditions, and time schedules associated with those goals and strategies. The watersheds subject to Water Quality Improvement Plans consist of the following watershed management areas in San Diego County:

- Carlsbad
- Los Peñasquitos
- Mission Bay
- San Diego Bay
- San Diego River
- San Dieguito River
- San Luis Rey River
- Santa Margarita River
- Tijuana River

San Diego Integrated Regional Water Management Plan

The San Diego Integrated Regional Water Management (IRWM) Region extends east from the Pacific Ocean, through one of the most populous areas in the nation, to the ridgeline of a forested mountain range. The IRWM Plan was most recently updated in 2019 and addresses sustainable water development, valuing stormwater as a resource, investing in marginalized communities' water systems, and optimizing regional and local infrastructure. The IRWM Program in the San Diego Region is now well established, and its processes and procedures are formalized in the *2019 IRWM Plan Update* to reflect the evolution of the IRWM Program. The *2019 IRWM Plan Update* further strengthens the region's commitment to comprehensive regional water resource planning.

County of San Diego Watershed Protection, Stormwater Management, and Discharge Ordinance

The San Diego County Code of Regulatory Ordinances (Regulatory Code) Section 67.801 et seq. provides requirements to protect water resources and to improve water quality by controlling the stormwater conveyance system and receiving waters; to cause the use of management practices by the county and its citizens that reduce the adverse effects of non-stormwater and polluted stormwater discharges to the stormwater conveyance system and receiving waters; to secure benefits from the use of stormwater as a resources; and to ensure the county is compliant with state requirements.

The 1987 amendments to the Federal Water Pollution Control Act (also known as the CWA) established a framework for regulating MS4 discharges under the NPDES. In 1990, the San Diego RWQCB issued Order No. 90-42, a regional NPDES permit for urban stormwater discharges from the jurisdictions in the urbanized portions of San Diego County. The MS4 Permit was revised in February 2001, January 2007, and May 2013. The 2013 MS4 Permit requires each co-permittee to develop a Jurisdictional Runoff Management Program and model best management practices (BMPs). Consistent with the County's Watershed Protection, Stormwater Management, and Discharge Ordinance, as districted by federal and state requirements, the County has prepared a Jurisdictional Runoff Management Program (JRMP) in compliance with 2013 MS4 Permit. The JRMP, approved in 2015, includes management measures to prevent discharges to the stormwater system and receiving waters (County of San Diego 2015). The *County of San Diego BMP Design Manual* (updated in 2020) provides guidance for land development and public improvement projects to comply with the MS4 Permit through project design requirements and related post-construction requirements (County of San Diego 2020).

County of San Diego Well Ordinance

Wells are addressed in County Regulatory Code Section 67.401 et seq. This chapter of the code includes standards for well construction, repair, reconstruction, and destruction. The requirements include the permit conditions, inspection requirements, and permits terms.

County of San Diego Flood Hazard Reduction Ordinance

Flood hazard reduction standards are provided in Regulatory Code Section 811.501 et seq. This chapter contains standards for construction and development in flood hazard areas. Section 811.506 limits encroachments, structures, fill, new construction, substantial improvements, additions, development, storage or placement of vehicles, debris or other materials or other uses that may increase flood levels during a base flood discharge.

County of San Diego Resource Protection Ordinance

San Diego County's Resource Protection Ordinance is provided in Regulatory Code Section 86.601 et seq. Generally, under these ordinances, a development permit and other approval mechanisms may not be granted if development is of permanent structures for human habitation or as a place of work in a floodway. Uses permitted in a floodway pursuant to Section 86.604(c) of this ordinance include agricultural, recreational, and other such low-intensity uses provided that no use shall be permitted that will substantially harm the environmental values of a particular

floodway area. In addition, uses in the floodplain fringe are allowed if they are permitted by zoning and are allowable in the floodway as long as specific criteria are met.

County of San Diego Grading, Clearing, and Watercourses Ordinance

The San Diego County Grading, Clearing, and Watercourses Ordinance (Grading Ordinance) is contained Section 87.101 et seq. of the Regulatory Code. Under these ordnances, no grading is allowed in the county without issuance of a grading permit, except under certain conditions, including if an excavation or fill is less than 8 feet in vertical height, requires less than 200 cubic yards of materials movement, and activities occur within an existing roadway. Standards for issuance of a grading permit include compliance with the County's Watershed Protection, Stormwater Management, and Discharge Control Ordinances, described above, for activities that do not decrease groundwater supply; cause insufficient water supply; or involve unreasonable geological, flood, or other hazards. In addition to permit requirements, the Grading Ordinance contains design standards and performance requirements to prevent erosion and ensure appropriately designed drainage systems.

County of San Diego Groundwater Ordinance

The San Diego County Groundwater Ordinance is contained in Section 67.701 et seq. of the Regulatory Code. This ordinance contains regulations for the protection, preservation, and maintenance of groundwater resources. It provides standards for implementation and review of groundwater studies, as well as countywide studies, assessments, and monitoring of groundwater resources in the county. The purpose of this ordinance is not to limit or restrict agricultural activities but to ensure that development will not occur in groundwater-dependent areas of the county unless adequate groundwater supplies are available to serve both the existing uses in the affected groundwater basin and the proposed uses. The economic, social, and environmental benefits of maintaining viable agriculture in San Diego County are expressly recognized in the adoption of this ordinance. Also, the Groundwater Ordinance does not apply to by-right agricultural uses or operations.

This ordinance does not limit the number of wells or the amount of groundwater extraction from existing landowners. However, the ordinance does identify specific measures to mitigate potential groundwater impacts of projects requiring specified discretionary permits. Administrative permits, which would be required for certain proposed cannabis activities, would not be subject to the Groundwater Ordinance.

San Diego County General Plan

The following General Plan Update policies are applicable to the proposed Cannabis Program.

- **Policy COS-4.1: Water Conservation.** Require development to reduce the waste of potable water through use of efficient technologies and conservation efforts that minimize the County's dependence on imported water and conserve groundwater resources.
- **COS-5.1: Impact to Floodways and Floodplains**. Restrict development in floodways and floodplains in accordance with policies in the Flood Hazards section of the Safety Element.

- **COS-5.2: Impervious Surfaces**. Require development to minimize the use of directly connected impervious surfaces and to retain stormwater run-off caused from the development footprint at or near the site of generation.
- **COS-5.3: Downslope Protection**. Require development to be appropriately sited and to incorporate measures to retain natural flow regimes, thereby protecting downslope areas from erosion, capturing runoff to adequately allow for filtration and/or infiltration, and protecting downstream biological resources.
- **COS-5.5: Impacts of Development to Water Quality**. Require development projects to avoid impacts to the water quality in local reservoirs, groundwater resources, and recharge areas, watersheds, and other local water sources.
- **Policy LU-8.1: Density Relationship to Groundwater Sustainability.** Require land use densities in groundwater dependent areas to be consistent with the long-term sustainability of groundwater supplies, except in the Borrego Valley.
- **Policy LU-8.2: Groundwater Resources.** Require development to identify adequate groundwater resources in groundwater dependent areas, as follows:
  - In areas dependent on currently identified groundwater overdrafted basins, prohibit new development from exacerbating overdraft conditions. Encourage programs to alleviate overdraft conditions in Borrego Valley.
  - In areas without current overdraft groundwater conditions, evaluate new groundwater-dependent development to assure a sustainable long-term supply of groundwater is available that will not adversely impact existing groundwater users.
- **Policy LU-13.1: Adequacy of Water Supply.** Coordinate water infrastructure planning with land use planning to maintain an acceptable availability of a high quality sustainable water supply. Ensure that new development includes both indoor and outdoor water conservation measures to reduce demand.
- **Policy LU-13.2: Commitment of Water Supply.** Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.
- **Policy S-9.2: Development in Floodplains.** Limit development in designated floodplains to decrease the potential for property damage and loss of life from flooding and to avoid the need for engineered channels, channel improvements, and other flood control facilities. Require development to conform to federal flood proofing standards and siting criteria to prevent flow obstruction.
- **Policy S-10.4: Stormwater Management.** Require development to incorporate low impact design, hydromodification management, and other measures to minimize stormwater impacts on drainage and flood control facilities.
- **Policy S-10.6: Stormwater Hydrology.** Ensure development avoids diverting drainages, increasing velocities, and altering flow rates to off-site areas to minimize adverse impacts to the area's existing hydrology.

2.11.3 Analysis of Project Impacts and Determination of Significance

2.11.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, an impact on hydrology or water quality is considered significant if implementation of the Cannabis Program would do any of the following:

- violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would:
    - result in substantial erosion or siltation on- or off-site;
    - result in flooding on-site or off-site;
    - create or contribute runoff water that would exceed the capacity of existing or planned stormwater- drainage systems or provide substantial additional sources of polluted runoff;
    - impede or redirect flood flows;
- in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

2.11.3.2 *Issues Not Discussed Further*

Release of Pollutants in Flood Hazard Zone

Regulatory Code Section 811.501 et seq. contains standards for construction and development in flood hazard areas. Section 811.506 limits encroachments, structures, fill, new construction, substantial improvements, additions, development, storage or placement of vehicles, debris or other materials, or other uses that may increase flood levels during a base flood discharge. In addition, the San Diego County Grading Ordinance, contained Section 87.101 et seq. of the Regulatory Code, requires issuance of a grading permit, except under certain conditions. Standards for issuance of a grading permit include compliance with the County's Watershed Protection, Stormwater Management, and Discharge Control Ordinances, described above, for activities that do not decrease groundwater supply; cause insufficient water supply; or involve unreasonable geological, flood, or other hazards. Thus, no significant impacts associated with flooding hazards or alteration of drainage conditions or associated water quality would occur. These issues are not further discussed below.

Release of Pollutants in Tsunamis and Seiches

Environmental impact analyses under CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents, but when a proposed project risks exacerbating environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment and not the environment's impact on the project that compels an evaluation of how future residents or users could be affected by exacerbated conditions (*California Building Industry Association v. Bay Area Air Quality Management District* [2015] 62 Cal.4th 369). Implementation of the Cannabis Program in the county would not exacerbate any existing conditions related to the potential for tsunami or seiche. This issue is not further discussed below.

2.11.3.3 *Approach to Analysis*

This analysis evaluates the effect of cannabis cultivation operations countywide based on the information provided in Chapter 1, "Project Description, Location, and Environmental Setting," as well as Figure 1.2, on the potential locations of future cannabis uses. Evaluation of potential hydrologic and water quality impacts is based on a review of existing documents and studies that address water resources. Information obtained from these sources was reviewed and summarized to describe existing conditions and to identify potential environmental effects based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that the project would comply with relevant federal, state, and local laws, ordinances, and regulations.

The estimated water demands identified in Table 2.11.7, presented below, were used in the groundwater impact discussions below for future new licensed commercial cannabis uses by type for each alternative evaluated. According to the demand ratios presented in Table 2.11.7, future new cannabis uses in the county would demand a total of approximately 667 afy of water (323 afy for outdoor, mixed-light, and indoor cultivation facilities and 613 afy for noncultivation facilities), a portion of which would be derived from groundwater sources. Water demand factors are presented in Table 2.11.7.

This PEIR relies on Northern California data, included in the Yolo County Cannabis Ordinance PEIR, to estimate water needs for outdoor cultivation. However, San Diego County's warmer, drier climate and lower annual precipitation likely increase water demand. The absence of peer-reviewed studies on cannabis water use underscores the need for ongoing research. Site-specific evaluation during discretionary permit reviews for cannabis cultivation applications are needed to refine water demand estimates based on updated research and regional conditions.

2.11.3.4 *Issue 1: Water Quality Standards and Requirements and Consistency with Water Quality Control Plans*

Guidelines for Determination of Significance

According to Appendix G of the CEQA State Guidelines, the Cannabis Program would have a significant impact if it would violate any water quality standards, otherwise degrade water quality or violate any water quality standards or waste discharge requirements; or substantially

alter the existing drainage pattern of the county, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that would result in substantial on- or off-site erosion or siltation or provide substantial additional sources of polluted runoff.

Impact Analysis

Construction and operation of cannabis cultivation and noncultivation uses have the potential to degrade water quality in various ways. Generally, cannabis cultivation-related discharges to water are associated with the following activities (SWRCB 2023):

- discharges of sediment from land disturbance activities (e.g., road construction, grading), improper construction or maintenance of road stream crossings and drainage culverts; or improper stabilization and maintenance of disturbed areas, unstable slopes, and construction material (e.g., spoil piles, excavated material);
- discharges from land disturbance and development within and adjacent to wetlands and riparian zones;
- discharges of fertilizers and pesticides;
- spills or leaks of fuels, lubricants, hydraulic oil, or other chemicals associated with water diversion pumps, construction equipment, or other equipment; and
- discharges of trash, household refuse, domestic wastewater, and cannabis wastewater.

Outdoor cannabis cultivation in California typically occurs on undeveloped parcels. In addition to the cannabis cultivation area, there is also typically a nursery and other support facilities (e.g., water supply and distribution, storage bays for soil amendments, generators for power supply, storage sheds, access roads). Site grading is often a necessary first step to construct these facilities, and the resultant disturbed area is vulnerable to increased erosion and sedimentation.

Within San Diego County, waterways are listed on the 303(d) list for pesticides, including bifenthrin, chlordane, diazinon, and malathion. In addition, waterbodies in San Diego County are on the 303(d) list for nutrients, including nitrate and nitrite, nitrogen, dissolved oxygen, phosphate, and phosphorus. These contaminants are generally related to pesticides and fertilizers and may be associated with past and ongoing agricultural operations.

As discussed above in Section 2.11.2, “Regulatory Framework,” SWRCB Order WQ 2023-0102-DWQ contains requirements for commercial cannabis cultivation. These requirements include plans that address site erosion and sediment control, disturbed areas stabilization, nitrogen management, implementation of best practical treatment or control measures, site closure procedures, and monitoring and reporting requirements. In addition, the order contains requirements for land development maintenance, erosion control, drainage features, stream-crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. Cannabis cultivation operations that cover less than 2,000 square feet are conditionally exempt, are required to obtain coverage under the waiver, and are still subject to standards in SWRCB Order WQ 2023-0102-DWQ. These requirements include implementation of the best practical treatment or control measures provided in Attachment A of SWRCB Order WQ 2023-0102-DWQ, which address:

- riparian and wetland protection and management;
- water diversion, storage, and use;
- irrigation runoff;
- land development and maintenance, erosion control, and drainage features;
- soil disposal;
- stream crossing installation and maintenance;
- fertilizer and soil use and storage;
- pesticide and herbicide application and storage;
- petroleum products and other chemical use and storage;
- cultivation-related waste disposal (including cannabis wastewater);
- refuse and human waste disposal; and
- winterization.

These required best practical treatment or control measures contain specific procedures, associated with the topics listed above, to prevent direct discharge of waste to surface waters and stormwater mobilization of constituents of concern (e.g., nitrogen, pathogens, phosphorus, salinity, and turbidity) to waters of the state, which includes groundwater and surface waterbodies.

Furthermore, the San Diego County Grading Ordinance requires issuance of a grading permit for earth-moving activities if excavation or fill is more than 8 feet in vertical height, for more than 200 cubic yards of materials movement, and outside an existing roadway. The Grading Ordinance also requires design standards and performance requirements to prevent erosion and ensure appropriately designed drainage systems.

As discussed above in Section 2.11.2.3, “Local,” there are 2 water quality control plans that overlap with San Diego County: the San Diego Basin Water Quality Control Plan and the Colorado River Basin Plan. Activities associated with the proposed Cannabis Program include irrigated agriculture and industrial uses, both of which are listed as major water quality concerns in the Basin Plans and have been noted as contributors to waterway impairments on the 303(d) list. However, because the above-listed requirements would prevent direct discharge of waste to surface waters and stormwater mobilization of constituents of concern (e.g., nitrogen, pathogens, phosphorus, salinity, and turbidity) to waters of the state, the Cannabis Program would not conflict with implementation of the San Diego Basin Water Quality Control Plan or the Colorado River Basin Plan.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Based on review satellite imagery, these 5 sites have been developed with buildings, parking areas, and infrastructure. Given the disturbed conditions of these sites, no significant impacts on water

resources are anticipated. Any on-site improvements would subject to compliance with County's Grading Ordinance regarding water quality control features during construction.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, required compliance with SWRCB Order WQ 2023-0102-DWQ (as described in detail in Section 2.11.2, "Regulatory Framework") would prevent direct discharge of cannabis cultivation waste to surface waters and stormwater mobilization of constituents of concern (e.g., nitrogen, pathogens, phosphorus, salinity, and turbidity) to waters of the state, which includes groundwater and surface waterbodies. In addition to the County's Grading Ordinance, cannabis facilities would be required to comply with NPDES permits for cannabis noncultivation projects covering an area greater than 1 acre. These requirements would mitigate potential polluted runoff into waterways from development and operations through implementation of a SWPPP, BMPs, and other drainage and design standards to prevent erosion and ensure appropriately designed drainage systems and permit conditions for larger operations (i.e., for excavation or fill of more than 8 feet in vertical heigh or more than 200 cubic yards of materials movements). These requirements would ensure that runoff from cannabis operations cannot reach waterways and thus would not contribute to or cause substantial water quality degradation. Moreover, County and state requirements ensure consistency with General Plan Policies COS-5.2, COS-5.3, COS-5.5, S-10.4, and S-10.6 because they require developed uses to avoid adverse impacts to stormwater quality.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As discussed above under Alternative 2, compliance with SWRCB Order 2023-0102-DWQ, the County's Grading Ordinance, and NPDES permits for cannabis noncultivation projects covering an area greater than 1 acre (as described in detail in Section 2.11.2, "Regulatory Framework,") would ensure that runoff from cannabis cultivation and noncultivation operations cannot reach waterways and thus would not contribute to or cause substantial water quality degradation. Moreover, County and state requirements ensure consistency with General Plan Policies COS-5.2, COS-5.3, COS-5.5, S-10.4, and S-10.6 because they require developed uses to avoid adverse impacts to stormwater quality.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Under Alternative 4, because no outdoor cannabis uses would be allowed, potential impacts would be limited to development of new permanent buildings to support indoor cannabis cultivation and noncultivation uses. While it is considered unlikely that new cannabis uses would involve development of new buildings, construction and development plans would be subject to the SWRCB Order 2023-0102-DWQ and the County's Grading Ordinance (as described in detail in Section 2.11.2, "Regulatory Framework") and would be required to comply with NPDES permits for projects covering an area greater than 1 acre. These requirements would ensure that waterways do not receive polluted runoff from development through implementation of a SWPPP, BMPs, and other drainage and design standards. Moreover, County and state requirements ensure consistency with General Plan Policies COS-5.2, COS-5.3, COS-5.5, S-10.4, and S-10.6 because they require developed uses to avoid adverse impacts to stormwater quality.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed above under Alternative 2, compliance with SWRCB Order 2023-0102-DWQ, the County's Grading Ordinance, and NPDES permits for cannabis noncultivation projects covering an area greater than 1 acre (as described in detail in Section 2.11.2, "Regulatory Framework") would ensure that runoff from cannabis operations cannot reach waterways and thus would not contribute to or cause substantial water quality degradation. Moreover, County and state requirements ensure consistency with General Plan Policies COS-5.2, COS-5.3, COS-5.5, S-10.4, and S-10.6 because they require developed uses to avoid adverse impacts to stormwater quality.

This impact would be less than significant under Alternative 5.

2.11.3.5 *Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge*

Guidelines for Determination of Significance

According to Appendix G of the CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

Impact Analysis

As discussed above in Section 2.11.1, "Existing Conditions," groundwater aquifers in San Diego County may be characterized as either fractured-rock aquifers or alluvial and sedimentary aquifers. Alluvial and sedimentary aquifers are found within approximately 27 percent of the of the county and are generally located in river and stream valleys, around lagoons, near the coastline, and in the intermountain valleys. Fractured-rock aquifers, found within the remaining 73 percent of the county, are generally located in the foothills and mountains. Generally, alluvial and sedimentary aquifers are considered to be more reliable groundwater sources than fractured-rock aquifers.

Under the proposed Cannabis Program, new cannabis uses could be developed throughout the county in areas zoned for agricultural, commercial, and industrial uses (see Table 1.1). While some of these areas may be served by imported water, particularly within the CWA service area, groundwater would be the only source for any cannabis use within the groundwater-dependent portion of the county. As depicted in Figure 2.11.1, presented at the end of this section, the majority of the program area is located within areas that contain fractured-rock aquifers. Fractured-rock aquifers generally have lower well yield and less reliability than wells drawing from alluvial aquifers. There are a number of factors that determine the long-term yield for a well in fractured-rock aquifers, including the number of fractures intersected; aperture (fracture-opening sizes), spacing, orientation, and interconnectivity of fractures; the amount of recharge; the amount of groundwater in storage in the surrounding aquifer; other nearby groundwater extraction; and the installation techniques of the well. In addition, while low well yields are possible anywhere within fractured-rock aquifer areas, steep slope areas above the valley floor are particularly prone to having lower well yield. This is largely due to storage values in steep slope areas often being substantially lower than valley areas and having a smaller tributary watershed than wells located in valley areas.

Excessive pumping that exceeds the rate of recharge results in a groundwater overdraft situation, which is not sustainable for long-term groundwater use[1]. In addition, because production wells for residential and agricultural water uses are typically not metered or regulated for water quantity by the County, future localized groundwater problems are possible anywhere in the county from large quantity groundwater users or in areas where there is clustering of groundwater demand from dense development. Furthermore, due to the low storage capacity of fractured-rock aquifers, excessive use of groundwater by a single user in a fractured-rock aquifer can cause localized impacts on neighboring property well yields. These areas are also potentially susceptible to localized groundwater problems, especially if underlain by fractured-rock aquifers with little to no residuum or alluvium.

[1] The groundwater impact analysis for this project reviewed the County Groundwater Ordinance in effect at the time of issuance of the NOP. Subsequent minor changes to the Groundwater Ordinance after the issuance of the NOP lessen impacts compared to the ordinance in effect at the time of the NOP due to a wider application of the ordinance to projects in review; however, the significance conclusions in this section remain the same and consistent with either version.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Assuming that these expansions involve new indoor cannabis cultivation uses, the potential expansion of the 5 sites could result as much as 5.6 acre-feet per year of total water demand (based on water demand ratios identified in Table 2.11.7). All of the existing sites are supplied water through municipal services districts; thus, there would not be site-specific wells used for these operations.

This impact would be less-than-significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers. The proposed zoning ordinance changes under the proposed Cannabis Program (see Appendix B) establish use types that would require issuance of a zoning verification that meet specified criteria. For zoning verification of use types that include distribution, manufacturing, testing laboratories and retail, this would require a letter report signed by a California Professional Geologist which concludes that extraction of groundwater is not likely to interfere with production and functioning of existing nearby wells and not likely to substantially decrease groundwater supplies.

According to the demand ratios presented in Table 2.11.7, included at the end of this section, future new cannabis uses in the county would demand approximately 668 afy of water, a portion of which would be derived from groundwater sources. Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. While it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because of the uncertainty of available groundwater resources in fractured-rock aquifer conditions, additional groundwater use associated with a project under the proposed Cannabis Program may result in potential impacts, including a groundwater overdraft condition, low well yield, or well interference. It cannot be known at this time where new wells may be constructed or where groundwater production may increase; thus, this impact would be potentially significant.

This impact would be potentially significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As identified in Table 2.11.7, presented at the end of this section, future new cannabis uses in the county would demand approximately 668 afy of water, a portion of which would be derived from groundwater sources. Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. Although it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because of the uncertainty of available groundwater resources in fractured-rock aquifer conditions, additional groundwater draw down associated with a project approved under the proposed Cannabis Program may result in a groundwater overdraft condition, low well yield, or well interference. It cannot be known at this time where new wells may be constructed or where groundwater production may increase; thus, this impact would be potentially significant.

This impact would be potentially significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As identified in Table 2.11.7, presented at the end of this section, future new cannabis uses in the county would demand approximately 613 afy of water, a portion of which would be derived from groundwater sources. Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. Although it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because of the uncertainty of available groundwater resources in fractured-rock aquifer conditions, additional groundwater draw down associated with a project approved under the proposed Cannabis Program may result in a groundwater overdraft condition, low well yield, or well interference. It cannot be known at this time where new wells may be constructed or where groundwater production may increase; thus, this impact would be potentially significant.

This impact would be potentially significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

According to the demand ratios presented in Table 2.11.7, future new cannabis uses in the county would demand approximately 668 afy of water, a portion of which would be derived from groundwater sources. Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. While it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because of the uncertainty of available groundwater resources in fractured-rock aquifer conditions, additional groundwater draw down associated with a project approved under the proposed Cannabis Program may result in a groundwater overdraft condition, low well yield, or well interference. It cannot be known at this time where new wells may be constructed or where groundwater production may increase; thus, this impact would be potentially significant.

This impact would be potentially significant under Alternative 5.

2.11.3.6 *Issue 3: Consistency with Sustainable Groundwater Management Plans*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would conflict with a sustainable groundwater management plan.

Impact Analysis

As previously described in Section 2.11.1, "Existing Conditions," the county contains fractured-rock and alluvial and sedimentary basins. Most of the alluvial basins have been identified by DWR as low- to very low-priority basins, as defined by SGMA. However, there are 3 groundwater basins within the county that are designated by DWR as a medium-priority basins. Two of these basins are subject to an approved GSP (San Luis Rey Valley and San Pasqual Valley), and one is adjudicated (Borrego Valley).

Under the proposed Cannabis Program, new cannabis uses could be developed in these 3 SGMA-designated medium- and high-priority groundwater basins in areas zoned for agricultural, commercial, and industrial uses. While San Luis Rey Valley and San Pasqual Valley have portions of land that may be served by imported water from CWA member

agencies, groundwater is the only source for cannabis use over most of these basins and all of Borrego Valley.

Each of the 3 SGMA-designated medium- and high-priority groundwater basins has a GSP or GMP that includes a technical analysis that includes an estimate of sustainable yield and a framework for how groundwater is to be sustainably managed. The implementing rules or requirements are different for each basin. In the case of San Luis Rey Valley and San Pasqual Valley basins, groundwater pumping was found to be just below the sustainable yield, and there may be the ability to support a modest amount of additional groundwater use without exceeding the sustainable yield. The Borrego Valley basin is critically overdrafted, requiring a 75 percent reduction in groundwater use by the year 2040.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area on each site. None of these 5 sites are located within the 3 SGMAs.

This impact would be no impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

It is currently not known under this alternative how many future cannabis uses under the Cannabis Program may be located in any one groundwater basin. Regardless of the conditions within the groundwater basins, new wells within the county are subject to the San Diego County Well Ordinance (Regulatory Code Section 67.401 et seq.), which includes standards for well construction, repair, reconstruction, and destruction. The proposed zoning ordinance changes under the proposed Cannabis Program (see Appendix B) establish use types that would require issuance of a zoning verification that meet specified criteria. For zoning verification of use types that include distribution, manufacturing, testing laboratories and retail, this would require a letter report signed by a California Professional Geologist which concludes that extraction of groundwater is not likely to interfere with production and functioning of existing nearby wells and not likely to substantially decrease groundwater supplies.

According to the demand ratios presented in Table 2.11.7, included at the end of this section, future new cannabis uses in the county would demand approximately 667 afy of water, a portion of which would be derived from groundwater sources. As discussed above in Section 2.11.1, “Existing Conditions,” San Diego County overlies the South Coast and Colorado River hydrologic regions. Groundwater users within the Borrego Valley Groundwater Basin would be subject to Watermaster approval, while San Pasqual Valley and San Luis Rey Valley Groundwater Basins are operating within their sustainable yield levels (Gosselin 2024a, 2024b). The remaining groundwater basins in the county were determined to have low- to very low-priority (see Figure 2.11.2 at the end of this section).

Because water rights must be obtained that are recognized by the Watermaster for groundwater production within the Borrego Valley Groundwater Basin and because the projected water demand for all future cannabis sites would be allowable within the remaining sustainable yield of San Pasqual Valley (1,500 afy remaining within its sustainable yield as of 2022) and San Luis Rey Valley Groundwater Basins (4,176 afy remaining within its sustainable yield as of 2022), there would be no conflicts with a sustainable GMP. Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. Although it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. Although it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because the potential demand for groundwater resources would require water rights in Borrego Valley and not exceed current sustainable yield in San Pasqual Valley and San Luis Rey Valley, and development would not substantially affect aquifer recharge, the Cannabis Program would be consistent with San Diego County General Plan Policies LU-8.1, LU 8.2, LU-13.1, LU-13.2, and COS 4.1.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

It is currently not known under this alternative how many future cannabis uses under the Cannabis Program may be located in any one groundwater basin. Regardless of the conditions within the groundwater basins, new wells within the county are subject to the San Diego County Well Ordinance (Regulatory Code Section 67.401 et seq.), which includes standards for well construction, repair, reconstruction, and destruction. The proposed zoning ordinance changes under the proposed Cannabis Program (see Appendix B) establish use types that would require issuance of a zoning verification that meet specified criteria. For zoning verification of use types that include distribution, manufacturing, testing laboratories and retail, this would require a letter report signed by a California Professional Geologist which concludes that extraction of groundwater is not likely to interfere with production and functioning of existing nearby wells and not likely to substantially decrease groundwater supplies.

It is currently not known under this alternative how many future cannabis uses under the Cannabis Program may be located in any one groundwater basin. As identified in Table 2.11.7, presented at the end of this section, future new cannabis uses in the county would demand approximately 667 afy of water, a portion of which would be derived from groundwater sources. Because water rights must be obtained that are recognized by the Watermaster for groundwater production within the Borrego Valley Groundwater Basin and because the projected water demand for all future cannabis cultivation sites would be allowable within the remaining sustainable yield of San Pasqual Valley (1,500 afy remaining within its sustainable yield as of 2022) and San Luis Rey Valley Groundwater Basins (4,176 afy remaining within its sustainable yield as of 2022), there would be no conflicts with a sustainable groundwater management plan.

Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. Although it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because the potential demand for groundwater resources would not exceed current sustainable yield levels and development would not substantially affect aquifer recharge, the Cannabis Program would be consistent with San Diego County General Plan Policies LU-8.1, LU 8.2, LU-13.1, LU-13.2, and COS 4.1.

Because the potential demand for groundwater resources would require water rights in Borrego Valley and not exceed current sustainable yield levels in San Pasqual Valley and San Luis Rey Valley and development would not substantially affect aquifer recharge, the Cannabis Program would be consistent with San Diego County General Plan Policies LU-8.1, LU 8.2, LU-13.1, LU-13.2, and COS 4.1.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

It is currently not known under this alternative how many future cannabis uses under the Cannabis Program may be located in any one groundwater basin. Regardless of the conditions within the groundwater basins, new wells within the county are subject to the San Diego County Well Ordinance (Regulatory Code Section 67.401 et seq.), which includes standards for well construction, repair, reconstruction, and destruction. The proposed zoning ordinance changes under the proposed Cannabis Program (see Appendix B) establish use types that would require issuance of a zoning verification that meet specified criteria. For zoning verification of use types that include distribution, manufacturing, testing laboratories and retail, this would

require a letter report signed by a California Professional Geologist which concludes that extraction of groundwater is not likely to interfere with production and functioning of existing nearby wells and not likely to substantially decrease groundwater supplies.

It is currently not known under this alternative how many future cannabis uses under the Cannabis Program may be located in any one groundwater basin. As identified in Table 2.11.7, presented at the end of this section, future new cannabis uses in the county would demand approximately 613 afy of water, a portion of which would be derived from groundwater sources. Because water rights must be obtained that are recognized by the Watermaster for groundwater production within the Borrego Valley Groundwater Basin and because the projected water demand for all future cannabis cultivation sites would be allowable within the remaining sustainable yield of San Pasqual Valley and San Luis Rey Vally Groundwater Basins, there would be no conflicts with a sustainable groundwater management plan.

Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. Although it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because the potential demand for groundwater resources would require water rights in Borrego Valley and not exceed current sustainable yield levels in San Pasqual Valley and San Luis Rey Valley and development would not substantially affect aquifer recharge, the Cannabis Program would be consistent with San Diego County General Plan Policies LU-8.1, LU 8.2, LU-13.1, LU-13.2, and COS 4.1.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Under Alternative 5, requirements set forth under by the county require compliance with the San Diego County Well Ordinance (Regulatory Code Section 67.401 et seq.), which includes standards for well construction, repair, reconstruction, and destruction.

It is currently not known under this alternative how many future cannabis uses under the Cannabis Program may be located in any one groundwater basin. As identified in Table 2.11.7, presented at the end of this section, future new cannabis uses in the county would demand approximately 667 acre-feet of water, a portion of which would be derived from groundwater sources. Because water rights must be obtained that are recognized by the Watermaster for groundwater production within the Borrego Valley Groundwater Basin and because the projected water demand for all future cannabis cultivation sites would be allowable within the

remaining sustainable yield of San Pasqual Valley (1,500 afy remaining within its sustainable yield) and San Luis Rey Valley Groundwater Basins (4,176 afy remaining within its sustainable yield), there would be no conflicts with a sustainable groundwater management plan.

Groundwater recharge may be affected by increased areas of impervious surfaces that would impede percolation of water into underlying basins. Although it is anticipated that noncultivation facilities would be located within existing buildings, this analysis assumes that new construction may occur to support indoor cultivation and noncultivation uses. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1.

Because the potential demand for groundwater resources would require water rights in Borrego Valley and not exceed current sustainable yield levels in San Pasqual Valley and San Luis Rey Valley and development would not substantially affect aquifer recharge, the Cannabis Program would be consistent with San Diego County General Plan Policies LU-8.1, LU 8.2, LU-13.1, LU-13.2, and COS 4.1.

This impact would be less than significant under Alternative 5.

2.11.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for hydrology and water quality consists of drainage basins, watersheds, water bodies, and groundwater basins, depending on the location of the potential impact and its tributary area.

2.11.4.1 *Issue 1: Water Quality Standards and Requirements and Consistency with Water Quality Control Plans*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts associated with water quality standards and requirements from implementation of the General Plan (County of San Diego 2009).

As described above, there are waterways in the county included on the 303(d) list, which have been reported to contain excessive levels of various metals, pesticides, and nutrients (see Table 2.11.2, presented at the end of this section). The county is also subject to the San Diego Basin Water Quality Control Plan and the Colorado River Basin Plan. Past and ongoing agricultural practices have likely contributed to this contamination. Future land use activities have the potential to contribute to this cumulative impact.

Alternatives 1, 2, 3, 4, and 5 could result in construction and operational water quality impacts that could contribute to cumulative water quality impacts in impaired waterways in the county. These potential impacts would be offset through compliance with the requirements of SWRCB Order WQ 2023-0102-DWQ and, as applicable, the County's Grading Ordinance and NPDES permits for cannabis noncultivation projects covering an area greater than 1 acre, which would ensure that runoff from cannabis operations cannot reach waterways, and thus would not contribute to or cause substantial water quality degradation or affect implementation of a water quality control plan. Thus, this impact would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.11.4.2 *Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts associated with groundwater supplies and recharge from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there would be no increase in groundwater use because the existing cannabis facilities are supplied water via water districts; thus, there would be no contribution to cumulative impacts on groundwater supplies. Locations of existing adverse groundwater resources conditions, such as declines in the groundwater table, low well yield, and poor groundwater quality, are described in the General Plan Update Groundwater Study (County of San Diego 2010). However, localized groundwater supply problems are not limited to these areas and are possible throughout the county where there is excessive groundwater use by a single user or due to the unique physical geologic properties affecting the groundwater storage for a particular site (e.g., fractured-rock aquifer conditions).Under Alternatives 2, 3, 4, and 5, the extent to which cannabis facilities approved under the proposed Cannabis Program would rely on groundwater as the primary water source is unknown; however, the Cannabis Program may cause or contribute to depletion of groundwater supplies where supplies are limited or yields of groundwater are low. Consequently, this impact would be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.11.4.3 *Issue 3: Consistency with Sustainable Groundwater Management Plans*

The San Diego County General Plan Update Draft EIR did not address consistency with sustainable groundwater managements plans; however, as noted above, the San Diego County General Plan Update Draft EIR indicated that there would be cumulatively considerable impacts associated with groundwater supplies and recharge from implementation of the General Plan (County of San Diego 2009).

Groundwater is produced within San Diego County as a water supply for urban, rural, and agricultural land uses. Within the county, 3 groundwater aquifers have been identified as medium- or high-priority basins under SGMA. Of these aquifers, Borrego Valley is adjudicated and requires groundwater producers to be identified by the Watermaster, and San Luis Rey Valley and San Pasqual Valley are subject to GSPs. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1. As discussed above under Issue 2, because the potential demand for groundwater resources would require water rights in Borrego Valley and not exceed current sustainable yield levels in San Pasqual Valley and San Luis Rey Valley and development would not substantially affect aquifer recharge, under Alternatives 2, 3, 4, and 5, there would not be conflicts with approved sustainable groundwater management plans. Thus, this impact would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.11.5 Significance of Impacts Prior to Mitigation

2.11.5.1 *Issue 1: Water Quality Standards and Requirements and Consistency with Water Quality Control Plans*

The proposed Cannabis Program would result in less than significant direct impacts to hydrology or water quality under Alternatives 1 through 5. It would not result in significant cumulative impacts associated with hydrology or water quality.

2.11.5.2 *Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge*

The proposed Cannabis Program would result in a less than significant impact to groundwater supplies under Alternative 1. The Cannabis Program would result in potentially significant direct impacts and significant cumulative impacts to groundwater supplies under Alternatives 2 through 5.

2.11.5.3 *Issue 3: Consistency with Sustainable Groundwater Management Plans*

The Cannabis Program would have no direct impacts to sustainable groundwater management plans under Alternative 1. The proposed Cannabis Program would result in less than significant direct impacts related to consistency with approved sustainable groundwater management plans under Alternatives 2 through 5. It would not result in significant cumulative impacts associated with consistency with approved sustainable groundwater management plans.

2.11.6 Mitigation

2.11.6.1 *Issue 1: Water Quality Standards and Requirements and Consistency with Water Quality Control Plans*

No mitigation measures are required.

2.11.6.2 *Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge*

M-HYD.2-1: Establish No Net Increase in Groundwater Use

If it can be demonstrated to the satisfaction of the County that the project would not have a net increase in groundwater production from existing baseline groundwater use in accordance with CEQA, no further action is needed. This documentation shall take the form of a groundwater analysis or memorandum prepared by a California Professional Geologist from the County of San Diego's CEQA Consultants List for Privately Initiated Projects.

M-HYD.2-2: Additional Groundwater Use

If a new or additional groundwater supplies are needed to support a project, a groundwater analysis shall be prepared by a California Professional Geologist on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects* and provided with the cannabis facility application that is consistent with the *County's Guidelines for Determining Significance and*

Report Format and Content Requirements: Groundwater Resources. The analysis shall identify whether groundwater use would be sustainable in accordance with County guidelines and if needed, provide mitigation measures to the extent feasible to reduce potential adverse effects on groundwater. This could include design modifications, such as limiting cultivation or using imported water if available. The groundwater analysis shall be submitted to the County for review and approval as part of the application process.

2.11.6.3 *Issue 3: Consistency with Sustainable Groundwater Management Plans*

No mitigation measures are required.

2.11.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after mitigation measures are implemented.

2.11.7.1 *Issue 1: Water Quality Standards and Requirements and Consistency with Water Quality Control Plans*

As described above, there are waterways in the county on the 303(d) list that are reported to contain excessive levels of various metals, pesticides, and nutrients (see Table 2.11.2, presented at the end of this section). The county is also subject to the San Diego Basin Water Quality Control Plan and the Colorado River Basin Plan. Past and on-going agricultural practices have likely contributed to this contamination. Future land use activities have the potential to contribute to this cumulative impact. Under Alternative 1, there would be no changes to the existing conditions; thus, there would be no program-level or cumulative impact on water quality. Alternatives 1, 2, 3, 4, and 5 would result in construction and operational water quality impacts that could contribute to cumulative water quality impacts in impaired waterways in the county. These potential impacts would be offset through compliance requirements of SWRCB Order WQ 2023-0102-DWQ, the County's Grading Ordinance, and NPDES permits for cannabis noncultivation projects covering an area greater than 1 acre, which would ensure that runoff from cannabis operations cannot reach waterways and therefore would not contribute to or cause substantial water quality degradation or affect implementation of a water quality control plan. Thus, direct and cumulative impacts would be less than significant for Alternatives 1, 2, 3, 4, and 5.

2.11.7.2 *Issue 2: Groundwater Resources*

Under Alternative 1, there would be no increase in groundwater use because the existing cannabis facilities are supplied water via water districts; thus, impacts on groundwater supplies would be less than significant. Development and operation of cannabis facilities under Alternatives 2 through 5 could require groundwater resources as a water supply. The use of groundwater resources could result in reduced groundwater storage, groundwater overdraft conditions, and well interference. These types of impacts are possible throughout the county where there is excessive groundwater use by a single user or due to the unique physical geologic properties affecting the groundwater storage for a particular site (e.g., fractured-rock aquifer conditions). Mitigation Measure M-HYD.2-2 would require applicants to provide a groundwater study or memorandum for review and approval by the County that would address

groundwater overdraft, low well yield, and well interference. As appropriate, recommendations to reduce potential adverse effects on groundwater would be implemented by the applicant to reduce impacts. However, establishing sufficient groundwater supplies in fractured-rock aquifer conditions is problematic because storage capacity is generally considered low (County of San Diego 2011). In some instances, wells may derive water from only a few water-bearing fractures. Furthermore, it is difficult to estimate potential production rates for any new wells drilled in fractured-rock aquifers, and wells drilled close together may have substantially different water production rates. This is because water-producing fracture locations are difficult to identify and predict, and fractures intersected by one well may not be intersected by nearby wells. For these reasons, it cannot be stated with certainty that a groundwater analysis could establish or provide sufficient project modifications to eliminate the potential for groundwater overdraft, low well yield, and well interference. Therefore, any use of groundwater resources in the county could contribute to depletion of groundwater supplies where supplies are already limited or yields of groundwater are low. Consequently, program and cumulative impacts would be significant and unavoidable under Alternatives 2 through 5.

2.11.7.3 *Issue 3: Consistency with Sustainable Groundwater Management Plans*

Under Alternative 1, there would be no changes to the existing conditions within areas subject to a sustainable groundwater management plan; thus, there would be no program or cumulative impacts related to consistency with sustainable groundwater management plans.

Alternatives 2, 3, 4, and 5 would result in construction and operation of cannabis facilities that may demand groundwater resources. New construction to accommodate cannabis facilities would be located within agricultural, commercial, and industrial zones within the county, as indicated in Table 1.1. Because the potential demand for groundwater resources would require water rights in Borrego Valley and not exceed current sustainable yield levels in San Pasqual Valley and San Luis Rey Valley and development would not substantially affect aquifer recharge, under Alternative 2, 3, 4, or 5, there would not be conflicts with approved sustainable groundwater management plans. Program and cumulative impacts would be less than significant under Alternatives 2, 3, 4, and 5.

Table 2.11.2 Impaired Waterbodies in San Diego County

Contaminant	Listed Waterbodies[1]	
Metals	Agua Hedionda Creek	Otay River
	Alvarado Creek	Paleta Creek
	Barrett Lake	Paradise Creek
	Buena Vista Creek	Poway Creek
	Chollas Creek	Rainbow Glen
	Cottonwood Creek	Rose Creek
	El Capitan Lake	San Diego Bay
	Encinitas Creek	San Diego Bay Shoreline
	Escondido Creek	San Marcos Creek
	Felicita Creek	San Marcos, Lake, drain to central
	Forester Creek	southwest fork of lake
	Green Valley Creek	Santa Ysabel Creek
	Keys Creek	Soledad Canyon
	Lake Hodges	Sutherland Reservoir
	Lake Jennings	Sweetwater River
	Lake San Marcos	Switzer Creek
	Loma Alta Creek	Tecate Creek
	Los Coches Creek	Tecolote Creek
	Loveland Reservoir	Telegraph Canyon Creek
	Mission Bay	Tijuana River
	Morena Reservoir	Tijuana River Estuary
	Oceanside Harbor	Via Milpas
	Otay Reservoir, Lower	
Nuisance	Barrett Lake	Otay Reservoir, Lower
	El Capitan Lake	San Diego River (Lower)
	Lake Hodges	San Vicente Reservoir
	Morena Reservoir	Sutherland Reservoir
		Tijuana River
Nutrients	Agua Hedionda Creek	Loma Alta Creek
	Alpine Creek	Loma Alta Slough
	Alvarado Creek	Los Coches Creek
	Barrett Lake	Los Peñasquitos Creek
	Buena Creek	Loveland Reservoir
	Buena Vista Creek	Lusardi Creek
	Buena Vista Lagoon	Margarita Glen
	Campo Creek	Mission Bay
	Carmel Valley Creek	Moosa Canyon Creek
	Chocolate Creek	Morena Reservoir
	Chollas Creek	Murphy Canyon
	Cloverdale Creek	Otay Reservoir
	Cottonwood Creek	Otay River
	El Capitan Lake	Paradise Creek
	Encinitas Creek	Poggi Canyon Creek
	Escondido Creek	Poway Creek
	Famosa Slough and Channel	Rainbow Glen
	Forester Creek	Reidy Canyon Creek
	Gomez Creek	Rose Creek
	Green Valley Creek	San Diego River
	Guajome Lake	San Dieguito River
	Keys Creek	San Elijo Lagoon
	Lake Hodges	San Luis Rey River
	Lake San Marcos	San Marcos Creek

Contaminant	Listed Waterbodies[1]	
	San Vicente	Sweetwater River
	San Vicente Reservoir	Sycamore Canyon
	Santa Margarita Lagoon	Tecate Creek
	Santa Margarita River	Tecolote Creek
	Santa Ysabel	Telegraph Canyon Creek
	Shepherd Canyon East	Tijuana River
	Soledad Canyon	Tijuana River Estuary
	Sutherland Reservoir	Via Milpas
	Sweetwater Reservoir	Willow Glen
Pathogens	Agua Hedionda Creek	Los Peñasquitos Creek
	Alpine Creek	Lusardi Creek
	Buena Creek	Mexican Canyon Creek
	Buena Vista Creek	Mission Bay Shoreline
	Buena Vista Lagoon	Moosa Canyon Creek
	Campo Creek	Moosa Canyon, South Fork
	Carmel Valley Creek	Otay River
	Chocolate Creek	Pacific Ocean Shoreline
	Chollas Creek	Pine Valley Creek (Lower)
	Cottonwood Creek above Morena Reservoir	Reidy Canyon Creek
	Couser Canyon Creek	Rose Creek
	East Channel Creek	San Diego Bay Shoreline
	Encinitas Creek	San Diego River
	Escondido Creek	San Dieguito River, unnamed tributary below Hodges Dam
	Eucalyptus Hills Creek	San Elijo Creek
	Felicita Creek	San Elijo Lagoon
	Forester Creek	San Luis Rey River, Upper
	Gopher Creek	San Marcos Creek, Upper
	Green Canyon Creek	San Marcos, Lake, drain to central southwest fork of lake
	Harbison Canyon	San Mateo Creek
	Jamacha Creek	San Vicente Creek
	Keys Creek	Santa Margarita River
	La Zanja Canyon	Steele Canyon
	Live Oak Creek (San Diego County)	Sweetwater River
	Loma Alta Creek	Tavern Road
	Loma Alta Slough	Tecolote Creek
	Long Canyon Creek (Lower Sweetwater Watershed)	Tijuana River
	Los Coches Creek	Tijuana River Estuary
Pesticides	Agua Hedionda Creek	Otay River
	Buena Creek	Rose Creek
	Buena Vista Creek	San Diego Bay Shoreline, near Switzer Creek
	Carmel Valley Creek	San Diego River
	Carroll Canyon	San Dieguito River
	Chollas Creek	San Luis Rey River
	Cottonwood Creek (San Marcos Creek watershed)	San Marcos Creek
	Escondido Creek	Santa Margarita River
	Eucalyptus Hills Creek	Sweetwater River
	Green Valley Creek	Tecolote Creek
	Loma Alta Creek	Tijuana River
	Los Peñasquitos Creek	Tijuana River Estuary

Contaminant	Listed Waterbodies[1]	
Salinity/Total dissolved solids/Chlorides/Sulfates	Agua Hedionda Creek Buena Vista Creek Campo Creek Carmel Valley Creek Chollas Creek Cloverdale Creek Escondido Creek Felicita Creek Green Valley Creek Kit Carson Creek Los Peñasquitos Creek Margarita Glen	Otay River Rainbow Glen Rose Creek San Diego River San Dieguito River San Luis Rey River San Marcos Creek San Vicente Reservoir Santa Ysabel Creek Sweetwater River Via Milpas Willow Glen
Sediment	Agua Hedionda Creek Buena Vista Lagoon Escondido Creek Forester Creek Lake Hodges Los Peñasquitos Lagoon Rainbow Glen	San Diego River San Elijo Lagoon Sweetwater River, Middle Tecolote Creek Tijuana River Tijuana River Estuary Via Milpas
Total Toxics	Agua Hedionda Creek Aqua Hedionda Lagoon Batiquitos Lagoon Buena Vista Creek Buena Vista Lagoon Carroll Canyon Chollas Creek Cottonwood Creek (San Marcos Creek watershed) Encinitas Creek Escondido Creek Green Valley Creek Jamul Creek Loma Alta Creek Los Peñasquitos Creek Los Peñasquitos Lagoon Oceanside Harbor Otay River Poggi Canyon Creek Poway Creek Rose Creek San Diego Bay Shoreline	San Dieguito River San Elijo Lagoon San Luis Rey River, Lower San Marcos Creek San Vicente Creek Santa Margarita River Santa Ysabel Creek Soledad Canyon Sweetwater River Tecolote Creek Tijuana River Tijuana River Estuary Toxic Inorganics: Buena Creek Escondido Creek Green Valley Creek Margarita Glen Rainbow Glen San Vicente Reservoir Via Milpas Willow Glen
Toxic Organics	Barrett Lake Felicita Creek Green Valley Creek Kit Carson Creek Mission Bay	Pacific Ocean Shoreline San Diego Bay San Diego Bay Shoreline Tijuana River
Trash	Chollas Creek Mission Bay Shoreline Pacific Ocean Shoreline	Tijuana River Tijuana River Estuary

Contaminant	Listed Waterbodies[1]	
Other Causes	Agua Hedionda Creek	Murphy Canyon
	Barrett Lake	Otay Reservoir, Lower
	Buena Creek	Otay River
	Buena Vista Creek	Rose Creek
	Carmel Valley Creek	San Diego Bay Shoreline
	Carroll Canyon	San Diego River
	Chollas Creek	San Dieguito River
	Cottonwood Creek (San Marcos Creek watershed)	San Luis Rey River
		San Marcos Creek
	Encinitas Creek	San Vicente Reservoir
	Escondido Creek	Santa Margarita River
	Forester Creek	Santa Ysabel Creek (below Sutherland Reservoir)
	Green Valley Creek	
	Lake Hodges	Soledad Canyon
	Loma Alta Creek	Sutherland Reservoir
	Los Peñasquitos Creek	Sweetwater River
	Loveland Reservoir	Loveland Reservoirs)
	Lusardi Creek	Tecolote Creek
	Moosa Canyon Creek	Tijuana River
	Morena Reservoir	

[1] More detailed information related to the specific segment of the impaired waterbodies is provided in the *2022 California Integrated Report* (DWR 2022).

Source: DWR 2022.

Table 2.11.3 Technical Report Requirements by Tier

Tier	Risk Level	Technical Reports
Conditionally Exempt	N/A	Site Closure Report
Tier 1	All	Site Management Plan Site Closure Report Site Management Plan
	Moderate	Site Erosion Sediment Control Plan
	High	Disturbed Area Stabilization Plan
Tier 2	All	Site Management Plan Nitrogen Management Plan Site Closure Report
	Moderate	Site Erosion Sediment Control Plan
	High	Disturbed Area Stabilization Plan

Source: SWRCB Order WQ 2023-0102-DWQ.

Table 2.11.4 Facility Status

Monitoring Requirement	Description
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in the tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Quality Control Board if a change in status is appropriate.)
Third-Party Identification	Report any change in third-party status as appropriate. Nitrogen Application Report generated monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as pounds/canopy acre/time (month or year) as described in Attachment D, Nitrogen Management Plan. If plant tissue was collected to determine limited nitrogen availability, the results shall be submitted.

Source: SWRCB 2018.

Table 2.11.5 Site Maintenance Status

Observations	Description	Monitoring Frequency
Surface Water Runoff	Report any conditions of surface water runoff, including location, duration, source of runoff (irrigation water, storm water, etc.).	Monthly
Soil Erosion Control	Report any indications of soil erosion (e.g., gullying, turbid water discharge, landslide, etc.). Monthly Sediment Capture Report on the status of sediment capture measures (e.g., silt fence, fiber rolls, settling basin, etc.).	Monthly
Erosion/Sediment Capture Maintenance	Report maintenance activities to maintain the effectiveness of erosion control and sediment capture measures (e.g., reinstallation of straw mulch, hydroseeding, tarp placement, removal or stabilization of sediment captured, removal of settled sediment in a basin, etc.).	Monthly
Stabilization of Disturbed Areas	Dischargers characterized as high risk (with any portion of the disturbed area within the setbacks) shall provide a status report describing activities performed to stabilize the disturbed area within the setback.	Monthly
Material(s) Storage Erosion/ Spills Prevention	Report materials delivered or stored at the site that could degrade water quality if discharged off-site (e.g., potting soil, manure, chemical fertilizer, gasoline, herbicides, pesticides, etc.).	Monthly
Holding Tank, Septic Tank, or Chemical Toilet Servicing	Report the dates, activity, and name of the servicing company for servicing holding tanks or chemical toilets.	Monthly

Source: SWRCB 2018.

Table 2.11.6 Stormwater Runoff Monitoring

Constituent	Frequency	Monitoring Frequency
Turbidity	Once per calendar month when precipitation exceeds 0.25 inches/day or when stormwater runoff from the site is generated.	All months until winterization procedures are completed.
pH	Once per calendar month when precipitation amount is forecast to exceed 0.25 inch/day.	All months until winterization procedures are completed.

Source: SWRCB 2018.

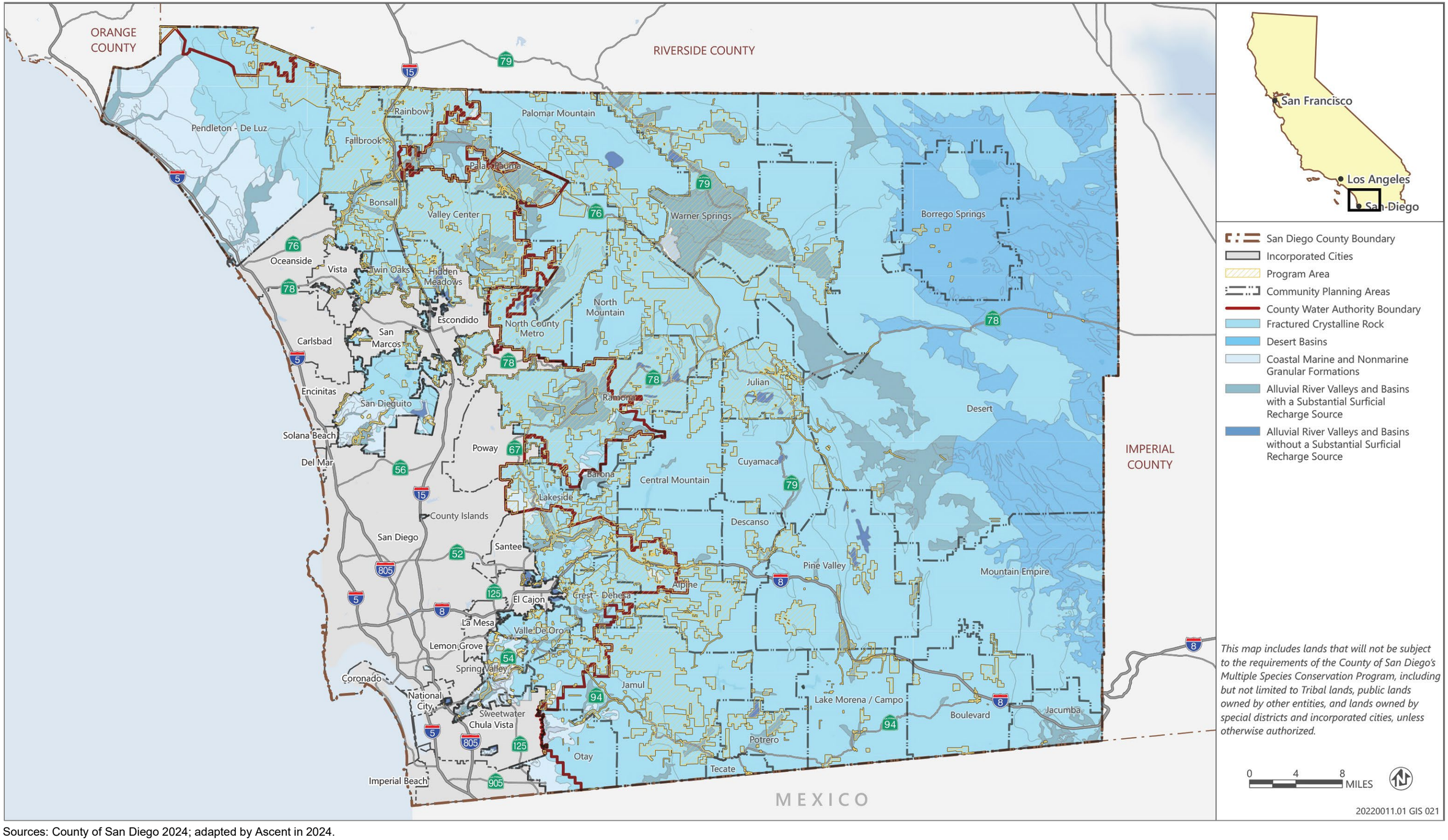
Table 2.11.7 Estimated Project Irrigation Water Demand for Future New Commercial Cannabis Cultivation, Processing, and Distribution Uses

Cannabis Facility Type	Demand Ratio	Estimated Demand for Alternatives 2, 3, and 5	Estimated Demand for Alternative 4
Outdoor	1.39 acre-feet per acre per year	181	0
Mixed-light	2.65 acre-feet per acre per year	122	186
Indoor	4.88 acre-feet per acre per year	20	83
Nursery	4.88 acre-feet per acre per year	188	188
Processing	0.35 acre-feet per site per year	2	2
Manufacturing	1.4 acre-feet per site per year	35	35
Testing	0.84 acre-feet per site per year	2	2
Distribution	0.18 acre-feet per site per year	9	9
Retail	1.44 acre-feet per site per year	89	89
Microbusiness	1.26 acre-feet per site per year	20	20
Total		**668**	**614**

Note: It is assumed that nursery water demands would be similar to indoor commercial cannabis cultivation water demands.

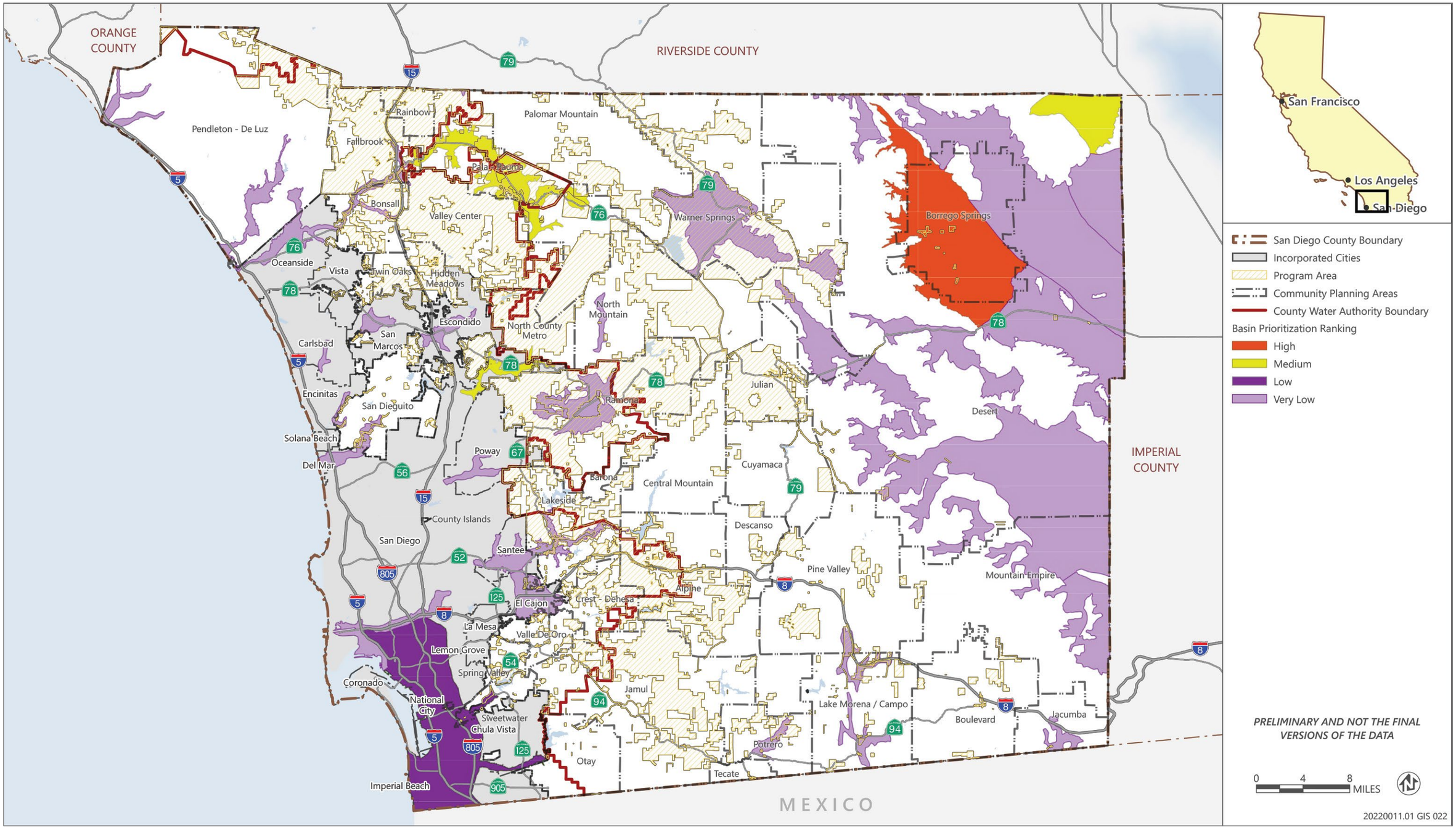
Sources: Compiled by Ascent in 2024. Acreages and associated square footages derived from Table 1.4. Demand ratio provided by Table 3.10-9 of the Yolo County Cannabis Land Use Ordinance Draft EIR (Yolo County 2019). These demands ratios were developed based on water demand factors were derived from information provided by existing cannabis cultivation operations in the in other counties in northern and central California (Yolo, Humboldt, Trinity, and Santa Cruz counties) and commercial and industrial water demand factors for noncultivation uses.

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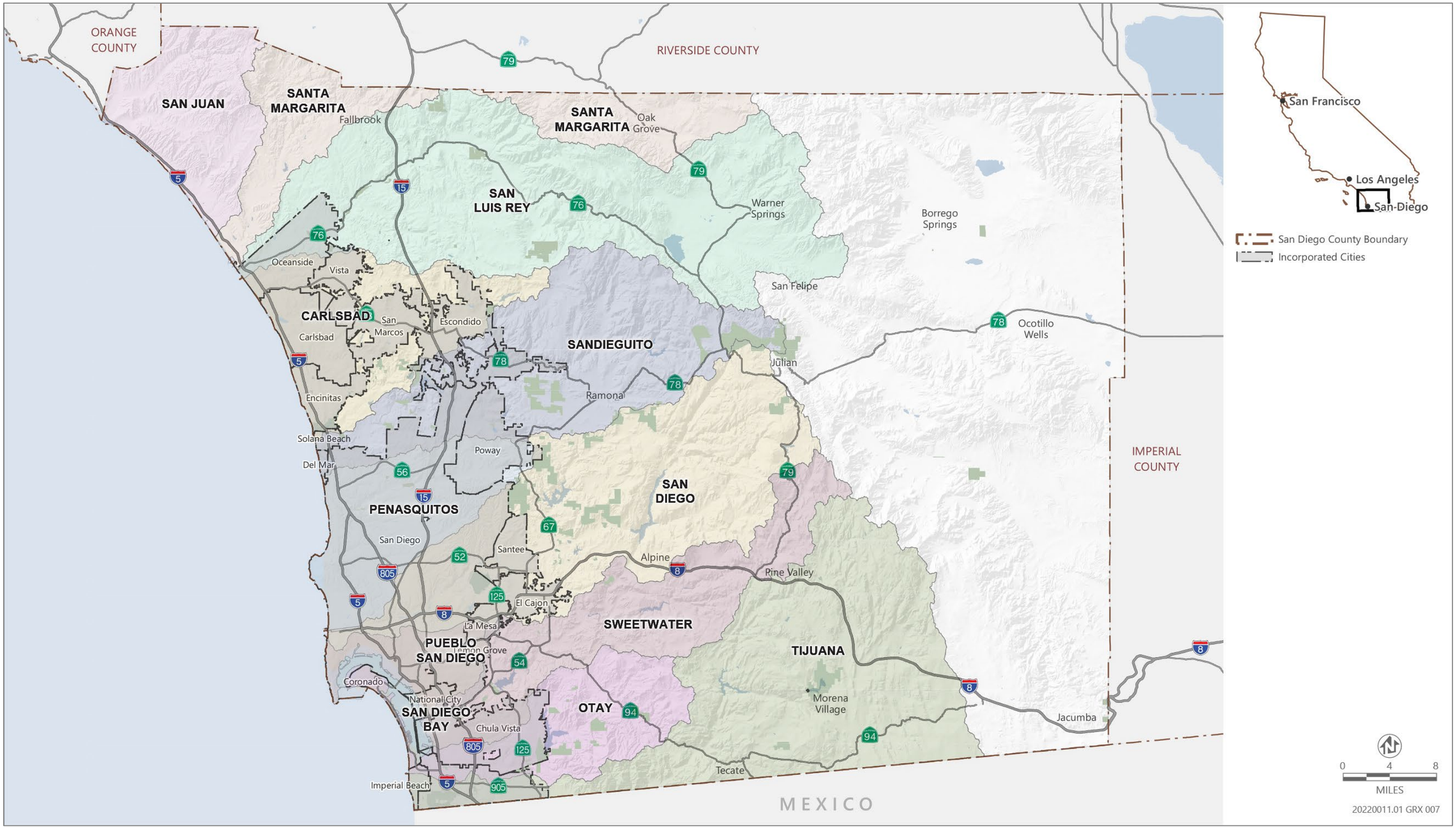
Sources: County of San Diego 2024; adapted by Ascent in 2024.

Figure 2.11.1 **Groundwater Aquifer Type**



Sources: Data downloaded from DWR in 2024, SanGIS in 2021 and San Diego County in 2023; adapted by Ascent in 2024.

Figure 2.11.2 **2019 SGMA Basin Prioritization**



Source: Data downloaded from SanGIS in 2021; adapted by Ascent in 2024.

Figure 2.11.3 **San Diego County Watersheds**

2.12 Land Use and Planning

This section identifies the regulatory context and policies related to land use and planning and evaluates whether adoption and implementation of the Cannabis Program would result in impacts to existing land use plans, policies, and regulations. As required by CEQA, this analysis focuses on consistency with policies adopted for the purpose of reducing environmental impacts. The analysis also evaluates whether implementation of the Cannabis Program would result in the physical division of an established community.

Comments on the notice of preparation (NOP) expressed concerns related to land use that pertain to quality-of-life effects associated with physical environmental impacts (including concerns about increased odors, noise, traffic, and light pollution). These impacts are considered throughout this PEIR in each relevant resource section. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.12.1.

Table 2.12.1 Land Use and Planning Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Conflict with Land Use Plans, Policies, or Regulations	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant	Alternative 1: No Impact Alternatives 2–5: Less than Significant

2.12.1 Existing Conditions

The unincorporated area of San Diego County is located in the southwestern corner of California and encompasses approximately 2.3 million acres. It is bordered by Riverside and Orange Counties to the north; Imperial County to the east; the country of Mexico to the south; and the Pacific Ocean to the west. The following incorporated cities are located in the county (listed from north to south): Oceanside, Vista, Carlsbad, San Marcos, Escondido, Encinitas, Solana Beach, Del Mar, Poway, Santee, El Cajon, La Mesa, Lemon Grove, National City, Chula Vista, Imperial Beach, Coronado, and San Diego. The unincorporated portion of the region is divided into 28 community planning areas, as shown in Figure 1.2.

The common characteristics of the land, from topography to public services, dictate what development patterns are most appropriate for particular portions of the unincorporated San Diego region. On average, the unincorporated areas of the county are more highly constrained, with more rugged terrain, more occurrences of sensitive species, and less opportunities to provide essential services. Because of these constraints, the unincorporated areas generally have a different ratio of land uses than the incorporated cities. A majority of the land in the unincorporated county is open space or undeveloped, whereas the majority of land in the incorporated cities is developed. Within the developed land areas of the unincorporated county, residential, agricultural, and transportation/circulation uses are the predominant land uses. In addition, several large federal, state, tribal, and regional parklands encompass much of the unincorporated county, especially the eastern portion.

The most developed communities in the unincorporated county are located along its western boundary and include the CPAs of Spring Valley, Valle de Oro, Lakeside, Ramona, and San Dieguito, as well as the North County Metro Subregion. These areas, located primarily within the San Diego County Water Authority boundary, have generally been provided with public facilities and services, such as water, sewer, roads, and schools, before other areas of the unincorporated county and, therefore, have been able to sustain growth at a more rapid rate. Because public facilities and services are more difficult and costly to construct and provide farther to the east, development has been sparse in that region.

2.12.2 Regulatory Framework

2.12.2.1 *Federal*

No federal plans, policies, regulations, or laws related to land use are applicable to the project.

2.12.2.2 *State*

State Planning and Zoning Laws

California Government Code Section 65300 et seq. establishes the obligation of cities and counties to adopt and implement general plans. The general plan is a comprehensive, long-term, and general document that describes plans for the physical development of city or county land outside its boundaries that, in the city's or county's judgment, bears relation to its planning. Cities typically identify a "sphere of influence" in their general plans; these are areas outside the city boundaries that comprise the probable future boundary and service area of the city. The general plan addresses a broad range of topics, including, at a minimum, land use, circulation, housing, conservation, open space, noise, and safety. In addressing these topics, the general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's or county's vision for the area.

The State Zoning Law (Government Code Section 65800 et seq.) establishes that zoning ordinances, which are laws that define allowable land uses within a specific zone district, are required to be consistent with the general plan.

Local general plan policies and zoning ordinances developed consistent with state planning and zoning laws are summarized below as they relate to the project.

2.12.2.3 *Local*

2011 San Diego County General Plan

San Diego County General Plan Policies

The General Plan goals and policies related to land use and planning that are applicable to the Cannabis Program are identified in the following sections.

- **Policy LU-7.1: Agricultural Land Development**. Protect agricultural lands with lower-density land use designations that support continued agricultural operations.

- **Policy LU-12.4: Planning for Compatibility**. Plan and site infrastructure for public utilities and public facilities in a manner compatible with community character, minimize visual and environmental impacts, and whenever feasible, locate any facilities and supporting infrastructure outside preserve areas. Require context sensitive Mobility Element road design that is compatible with community character and minimizes visual and environmental impacts: for Mobility Element roads identified in Table M-4, an LOS D or better may not be achieved.
- **Policy COS-6.2: Protection of Agricultural Operations**. Protect existing agricultural operations from encroachment of incompatible land uses by doing the following:
    - Limiting the ability of new development to take actions to limit existing agricultural uses by informing and educating new projects as to the potential impacts from agricultural operations.
    - Encouraging new or expanded agricultural land uses to provide a buffer of non-intensive agriculture or other appropriate uses (e.g., landscape screening) between intensive uses and adjacent non-agricultural land uses.
    - Allowing for agricultural uses in agricultural areas and designing development and lots in a manner that facilitates continued agricultural use within the development.
    - Requiring development to minimize potential conflicts with adjacent agricultural operations through the incorporation of adequate buffers, setbacks, and project design measures to protect surrounding agriculture.
    - Supporting local and state right-to-farm regulations.
    - Retain or facilitate large and contiguous agricultural operations by consolidation of development during the subdivision process.
- **Policy COS-6.4: Conservation Easements**. Support the acquisition or voluntary dedication of agriculture conservation easements and programs that preserve agricultural lands.

County of San Diego Community Plan and Subregional Plan Updates

Each Community Planning Area (CPA) has a community or subregional plan except Otay, Pendleton/De Luz, and County Islands, which are CPAs without organized planning or sponsor groups. Each community plan or subregional plan supplements the County's General Plan by focusing on a specific planning area. The County has regularly revised and amended various community plans and subregional plans since adoption of the General Plan to maintain consistency.

San Diego County Regulatory Ordinance

The San Diego County Code of Regulatory Ordinances (Regulatory Code) is a compilation and codification of most of the regulatory ordinances of the County of San Diego. The Regulatory Code contains provisions for licenses, business regulations, and business taxes; public safety, morals, and welfare; public property; regulation of buildings, mobile home and special occupancy parks, and trailer coaches; health and sanitation; highways and traffic; zoning and land use regulations; and construction codes and fire code.

Zoning Ordinance

The San Diego County Zoning Ordinance (Zoning Ordinance) is the primary way that the County administers the General Plan. The General Plan identifies general land use designations, whereas the Zoning Ordinance identifies specific uses and development standards within these land use designations. Development is required to comply with the Zoning Ordinance.

2.12.3 Analysis of Project Impacts and Determination of Significance

2.12.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, a land use impact is considered significant if implementation of the Cannabis Program would do any of the following:

- physically divide an established community; or
- 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.

2.12.3.2 *Issues Not Discussed Further*

Physically Divide an Established Community

Implementation of the project would not result in or require any change in land use designations. New licensed commercial cannabis facilities would be required to be located in zones where commercial cannabis cultivation sites are an allowable use, as identified in Table 1.1 and described in Chapter 1, “Project Description, Location, and Environmental Setting.” In addition, operation of commercial cannabis cultivation facilities within the unincorporated area would not introduce any major infrastructure (e.g., new freeways, bridges, train routes, etc.) or other uses that would result in the physical division of established communities. Therefore, this issue is not discussed further.

Implementation of the proposed Cannabis Program under each of the 5 alternatives, including construction of subsequent commercial cannabis uses, would introduce land disturbance and buildings; however, implementation of the Cannabis Program would require cannabis sites to meet County building and site design standards. Cannabis cultivation and noncultivation sites may include buildings that range in size from 1,000 square feet to over 140,000 square feet that are similar in scale to buildings commonly used in agricultural, commercial, and industrial activities (barns, equipment storage, greenhouses, processing facilities, and temporary agricultural shade or crop structures).

Cannabis cultivation uses would include fencing along the perimeter of the cultivation site that may be noticeable to the public (further analysis of the visual impacts of cannabis uses is located in Section 2.2, “Aesthetics”). These features would not create new barriers or physical features (e.g., new highways or land use types that would obstruct existing public access and movement) that could physically divide an established community because construction and operation would be contained on parcels permitted for cannabis uses. New licensed commercial cannabis facilities would be required to be located in zones where commercial cannabis cultivation sites are an allowable use, as identified in Table 1.1 and described in

Chapter 1, “Project Description, Location, and Environmental Setting.” Therefore, this issue is not discussed further.

2.12.3.3 *Approach to Analysis*

Evaluation of potential land use impacts of the project is based on review of the County’s planning documents in relation to the implementation of the proposed Cannabis Program.

2.12.3.4 *Issue 1: Conflict with Land Use Plans, Policies, and Regulations*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the Cannabis Program adopted for the purpose of avoiding or mitigating an environmental impact.

Impact Analysis

As described in Chapter 1, “Project Description, Location, and Environmental Setting,” the proposed Cannabis Program consists of 3 main components: (1) Social Equity Program, (2) cannabis ordinance amendments, and (3) a cannabis licensing and permitting system.

The proposed amendments to the Zoning Ordinance and Regulatory Code, provided in Appendix B, would expand the allowable cannabis uses in the county to include storefront retail, non-storefront retail, consumption lounges, cultivation, manufacturing, distribution, microbusiness, testing laboratory, and temporary events. These commercial cannabis uses, as well as associated performance standards, are summarized below. Cannabis facilities would be required to conform to the General Plan, any applicable specific plans, master plans, and design requirements, as well as comply with all applicable zoning and regulatory standards and state regulations. The proposed Zoning Ordinance amendments include performance standards that incorporate environmental protection measures that are based on General Plan policies and Regulatory Code requirements. These include the following referenced sections. Sections 2.1 through 2.19 of this PEIR contain further analysis of the proposed Cannabis Program’s consistency with County policies and regulations.

Section 6995(f) of the proposed Zoning Ordinance amendments provides performance standards for all cannabis facilities:

1. Exterior Lighting. Exterior lighting shall comply with Section 51.201 et seq. of the San Diego County Code of Regulatory Ordinances relating to light pollution. In addition, all exterior lighting shall be operational, full cut-off, shielded, and downward facing. Lighting shall not spill over onto other properties, structures, or the night sky. All lighting for indoor/enclosed spaces shall utilize LED bulbs, or equivalent or more efficient technology. Additionally, security lighting shall be motion sensor activated in agricultural zones. [Refer to Sections 2.2, “Aesthetics,” and 2.15, “Public Services,” for additional discussion.]
2. Fencing. All facilities shall comply with Sections 6700–6714 of the Fencing and Screening Regulations, except for Section 6708.b.2, and shall also comply with the additional cultivation specific requirements in Section 6995.q.1.iii. Where necessary,

fencing shall be designed to allow for the movement of wildlife. [Refer to Sections 2.2, "Aesthetics;" 2.5, "Biological Resources;" and 2.15, "Public Services," for additional discussion.]

3. Noise. All facilities shall comply with the Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control, and General Plan Noise Element Tables N-1 and N-2. [Refer to Section 2.13, "Noise," for additional discussion.]
4. Odor. All facilities shall comply with the provisions of Section 25.2501 et seq. of the San Diego County Code of Regulatory Ordinances relating to Odor Control. The standards of Section 6318 shall not apply. [Refer to Section 2.4, "Air Quality," for additional discussion.]
5. Water Source. Trucked water shall not be allowed except in case of emergency, as determined by the Director. [Refer to Section 2.11, "Hydrology and Water Quality," for additional discussion.]

In addition, Section 21.2510 (a) of the Regulatory Code would require all cannabis business applicants to provide the following information or documentation:

(1) Security. (Refer to Sections 2.2, "Aesthetics," and 2.15, "Public Services," for additional discussion.)

(2) Neighborhood Compatibility Plan. (Refer to Sections 2.2, "Aesthetics;" Section 2.4, "Air Quality;" 2.15, "Public Services;" and 2.17, "Transportation," for additional discussion)

(3) Odor Mitigation Plan. (Refer to Section 2.4, "Air Quality," for additional discussion.)

The preservation of agricultural lands is discussed in Section 2.3, "Agricultural and Forest Resources."

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, Alternative 1 would not result in any changes to existing land uses and would not conflict with land use plans, policies, or regulations.

There would be no land use impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers. As demonstrated above, adoption and implementation of the Cannabis Program would implement General Plan policy provisions that address environmental protection. Therefore, Alternative 2 would not conflict with land use plans, policies, or regulations. Sections 2.1 through 2.19 of this PEIR

provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. As demonstrated above, adoption and implementation of the Cannabis Program would implement General Plan policy provisions that address environmental protection. Therefore, Alternative 3 would not conflict with land use plans, policies, or regulations. Sections 2.1 through 2.19 of this PEIR provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. As demonstrated above, adoption and implementation of the Cannabis Program would implement General Plan policy provisions that address environmental protection. Therefore, Alternative 4 would not conflict with land use plans, policies, or regulations. Sections 2.1 through 2.19 of this PEIR provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre. As demonstrated above, adoption and implementation of the Cannabis Program would implement County General Plan policy provisions that address environmental protection. Therefore, Alternative 5 would not conflict with land use plans, policies, or regulations. Sections 2.1

through 2.19 of this PEIR provide further analysis of the proposed Cannabis Program's consistency with County policies and regulations.

This impact would be less than significant for Alternative 5.

2.12.4 Cumulative Impacts

The geographic scope of cumulative land use impacts consists of the unincorporated area of San Diego County.

2.12.4.1 *Issue 1: Conflict with Land Use Plans, Policies, and Regulations*

The San Diego County General Plan Update EIR identified no cumulatively considerable impacts associated with land use plan conflicts from implementation of the General Plan (County of San Diego 2009).

Alternative 1 would not result in any changes to existing conditions; thus, there would be no contribution to cumulative land use impacts.

As described above, the proposed Cannabis Program includes performance standards that incorporate environmental protection measures that are based on General Plan policies and San Diego County Code requirements. The Cannabis Program would have no direct or cumulative conflicts with land use plans, policies, or regulations under Alternative 2, 3, 4, or 5.

2.12.5 Significance of Impacts Prior to Mitigation

2.12.5.1 *Issue 1: Conflict with Land Use Plans, Policies, and Regulations*

Alternative 1 would not result in any new cannabis facilities or operations to be approved within the County, but would allow for expansion of existing facilities and operations to a total of 10,000 square feet of building area for each site. However, this would not result in substantial change to a land use; thus, there would be no land use impacts. The Cannabis Program would not result in potentially significant impacts to land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect under Alternatives 2 through 5. It would not result in significant cumulative impacts associated with land use plans, policies, and regulations.

2.12.6 Mitigation

2.12.6.1 *Issue 1: Conflict with Land Use Plans, Policies, and Regulations*

No mitigation measures are required.

2.12.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

2.12.7.1 *Issue 1: Conflict with Land Use Plans, Policies, and Regulations*

Under Alternative 1, the Cannabis Program would not be adopted; thus, there would be no conflicts with land use plans, policies, and regulations. The application requirements and performance standards of the Cannabis Program would apply equally to Alternatives 2, 3, 4, and 5. As demonstrated above, adoption and implementation of the Cannabis Program would implement County policy provisions for environmental issues and would not conflict with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. This impact would be less than significant impact under Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

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2.13 Noise

This section describes existing conditions for noise within the unincorporated county. It includes definitions of common noise descriptors; summaries of applicable noise and vibration regulations, acoustic fundamentals, and existing ambient-noise conditions; and an analysis of potential short- and long-term noise and vibration impacts associated with the Cannabis Program. Potential noise and vibration impacts are analyzed, and mitigation measures are recommended for those impacts determined to be significant. Additional data are provided in Appendix D, "Noise Measurement Data and Noise Modeling Calculations."

Comments received during the notice of preparation (NOP) identified concerns regarding the potential for the Cannabis Program to result in increased traffic noise and operational nighttime noise. These issues are addressed in this section, as appropriate. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of the impacts identified in this section is provided in Table 2.13.1.

Table 2.13.1 Noise Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Excessive Temporary (Construction-Related) Noise Levels	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternatives 1–5: Less than Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
2	Excessive Long-Term Stationary Noise Levels	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
3	Excessive Long-Term Traffic Noise Levels	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
4	Excessive Groundborne Vibration	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant

2.13.1 Existing Conditions

2.13.1.1 *Characteristics of Noise and Vibration*

Fundamentals of Noise

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a human ear. Noise is typically defined as unwanted sound. Sound pressure magnitude is measured and quantified using a logarithmic ratio of pressures, the scale of which gives the level of sound in decibels (dB). Sound pressures in the environment have a wide range of values, and the sound pressure level was developed as a convenience to describe this range as a logarithm of the sound pressure. To be consistent throughout the world, the sound pressure level is the logarithm of the ratio of the unknown sound pressure to an agreed-upon reference quantity of the same kind. To account for the pitch of sounds and the corresponding sensitivity of human

hearing, the raw sound pressure level is adjusted with an A-weighting scheme based on the frequency stated in units of decibels (dBA). Typical A-weighted noise levels are listed in Table 2.13.2, presented at the end of this section.

Frequency

Continuous sound can be described by frequency (pitch) and amplitude (loudness). A low-frequency sound is perceived as low in pitch. Frequency is expressed in terms of cycles per second or hertz (Hz) (e.g., a frequency of 250 cycles per second is referred to as 250 Hz). High frequencies are sometimes more conveniently expressed in kilohertz or thousands of hertz. Humans generally have an audible frequency range between 20 Hz and 20,000 Hz.

Sound Pressure Levels and Decibels

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.00000000001) of normal atmospheric pressure. Sound pressure amplitudes for different noise environments can range from less than 100 to 100,000,000 mPa. Because of this large range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in decibels (dB).

Addition of Decibels

Because decibels are logarithmic units, SPLs cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3-dB increase. In other words, when 2 identical sources produce sound of the same loudness at the same time, the resulting sound level at a given distance would be 3 dB higher than if only one of the sound sources was producing sound under the same conditions. For example, if 1 idling truck generates an SPL of 70 dB, 2 trucks idling simultaneously would not produce 140 dB; instead, they would combine to produce 73 dB. Under the decibel scale, 3 sources of equal loudness together produce a sound level approximately 5 dB louder than 1 source.

A-Weighted Decibels

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound substantially affect the human response to that sound. Although the intensity (energy per unit area) of the sound is a purely physical quantity, the loudness or human response is determined by the characteristics of the human ear.

Human hearing is limited in the range of audible frequencies and the way it perceives the SPL in that range. People are generally most sensitive to the frequency range of 1,000–8,000 Hz and perceive sounds within this range better than sounds of the same amplitude with frequencies outside this range. To approximate the response of the human ear, sound levels of individual frequency bands are weighted according to the human sensitivity to those frequencies. Then, an “A-weighted” sound level (expressed in units of A-weighted decibels) can be computed based on this information.

Human Response to Changes in Noise Levels

The doubling of sound energy results in a 3-dB increase in the sound level. However, given a sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different from what is measured.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In general, the healthy human ear is most sensitive to sounds between 1,000 and 5,000 Hz and perceives higher and lower frequency sounds of the same magnitude with less intensity (Caltrans 2013: 2-18). In typical noisy environments, changes in noise of 1–2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Furthermore, a 5-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness (Caltrans 2013: 2-10). Therefore, a doubling of sound energy (e.g., doubling the traffic volume on a highway) that would result in a 3-dB increase in sound would generally be perceived as barely detectable.

Common Noise Descriptors

Noise in our daily environment fluctuates over time. Various noise descriptors have been developed to describe time-varying noise levels. The following are the noise and vibration descriptors used throughout this section.

A-Weighted Decibels (dBA): Noise levels are commonly reported in decibels using the A-weighting decibel scale (dBA). The A-weighting network approximates the frequency response of the average young ear when listening to most ordinary sounds. When people make judgments of the relative loudness or annoyance of a sound, their judgment correlates well with the A-scale sound levels of those sounds.

Equivalent Continuous Sound Level (L_{eq}): L_{eq} represents an average sound energy occurring over a specified period. L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound level that occurs during the same period (Caltrans 2013: 2-48). For instance, the 1-hour equivalent sound level, also referred to as the hourly L_{eq}, is the energy average of sound levels occurring during a 1-hour period and is the basis for noise abatement criteria used by the California Department of Transportation (Caltrans) and the Federal Transit Administration (FTA) (Caltrans 2013: 2-47; FTA 2018: 197).

Maximum Sound Level (L_{max}): L_{max} is the highest instantaneous sound level measured during a specified period (Caltrans 2013: 2-48; FTA 2018: 197).

Day-Night Level (L_{dn}): L_{dn} is the energy average of A-weighted sound levels occurring over a 24-hour period, with a 10-dB "penalty" applied to sound levels occurring during nighttime hours between 10:00 p.m. and 7:00 a.m. (Caltrans 2013: 2-48; FTA 2018: 197).

Community Noise Equivalent Level (CNEL): CNEL is the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10-dB penalty applied to sound levels occurring during the nighttime hours between 10:00 p.m. and 7:00 a.m. and a 5-dB penalty applied to the sound levels occurring during evening hours between 7:00 p.m. and 10:00 p.m. (Caltrans 2013: 2-48).

Vibration Decibels (VdB): VdB is the vibration velocity level in the decibel scale (FTA 2018: Table 5-1).

Peak Particle Velocity (PPV): PPV is the peak signal value of an oscillating vibration waveform. Usually expressed in inches/second (FTA 2018: 197).

Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. How a noise level decreases with distance depends on the following factors:

Geometric Spreading

Sound from a localized source (i.e., a point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Roads and highways consist of several localized noise sources on a defined path. They hence can be treated as a line source, which approximates the effect of several point sources, thus propagating at a slower rate than a point source. Noise from a line source propagates outward in a cylindrical pattern, often called cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

Ground Absorption

The noise propagation path from a source to a receiver is usually close to the ground. Noise attenuation from ground absorption and reflective-wave canceling provide additional attenuation associated with geometric spreading. Traditionally, this additional attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 feet. No excess ground attenuation is assumed for acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water). For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver, such as soft dirt, grass or scattered bushes and trees), an additional ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the attenuation rate associated with cylindrical spreading, the additional ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance. This would hold true for point sources, resulting in an overall drop-off rate of up to 7.5 dB per doubling of distance.

Atmospheric Effects

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions. In contrast, locations upwind can have lowered noise levels because wind can carry sound. Sound levels can be increased over large distances (e.g., more than 500 feet) from the source because of atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors, such as air temperature, humidity, and turbulence, can also affect sound attenuation.

Shielding by Natural or Human-Made Features

A large object or barrier in the path between a noise source and a receiver attenuates noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Natural terrain features (e.g., hills

and dense woods) and human-made features (e.g., buildings and walls) can substantially reduce noise levels. A barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dBA of noise reduction (Caltrans 2013: 2-41; FTA 2018: 42). Barriers higher than the line of sight provide increased noise reduction (FTA 2018: 2-12). Vegetation between the source and receiver rarely reduces noise because it does not create a solid barrier unless there are multiple rows of vegetation (FTA 2018: 15, 104, 106).

Vibration

Vibration is the periodic oscillation of a medium or object for a given reference point. Vibration sources include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) and those introduced by human activity (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous (e.g., operating factory machinery) or transient (e.g., explosions). Vibration levels can be depicted in terms of amplitude and frequency, relative to displacement, velocity, or acceleration.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV and RMS vibration velocity are normally described in inches per second (in/sec) or millimeters per second. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is typically used in monitoring transient and impact vibration and has been found to correlate well with the stresses experienced by buildings (FTA 2018: 110; Caltrans 2013: 6).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a 1-second period. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2018: 185; Caltrans 2020: 7). This is based on a reference value of 1 micro inch per second.

The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2018: 120; Caltrans 2020: 27).

Typical outdoor sources of perceptible ground vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground vibration is rarely perceptible. The range of interest is from approximately 50 VdB, the typical background vibration-velocity level, to 100 VdB, the general threshold where minor damage can occur to fragile buildings. Construction activities can generate sufficient ground vibrations to pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA 2018).

Vibrations generated by construction activity can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Vibratory pile drivers, large pumps, and compressors generate continuous vibrations. Random vibration can result from jackhammers, pavement breakers, and heavy construction

equipment. Table 2.13.3, presented at the end of this section, summarizes the general human response to different ground vibration-velocity levels.

2.13.1.2 *Ambient Noise Setting*

Existing Noise- and Vibration-Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those where noise exposure could result in health-related risks to individuals and places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels and because of the potential for nighttime noise to result in sleep disruption. The County of San Diego General Plan considers primary noise-sensitive land uses to include residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, and passive recreational parks (County of San Diego 2011: 8-4). These land use types are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance.

The unincorporated county is home to 28 community planning areas that vary in land use and density. These communities generally include a core of local-serving commercial uses, services, schools, and public facilities surrounded by residential neighborhoods.

Existing Noise Sources and Ambient Levels

The county is characterized as a primarily rural environment with low-density development. However, higher-density communities, including Valle de Oro Community Planning Area (CPA), Spring Valley CPA, and Sweetwater CPA, are also located in the unincorporated county and are characterized as having a louder ambient noise environment. Major sources of noise include transportation and non-transportation-related activities, as discussed below.

Transportation Noise Generators

The most common source of noise in rural and semirural environments is related to transportation. Transportation noise generators within the unincorporated county include roadways, airports, and railroads. A discussion of each of these noise sources is provided below.

Roadways

Traffic on roadways is the most substantial and common source of noise in the unincorporated county. There are several key factors associated with roadway or traffic noise, including traffic volumes, the speed of the traffic; the type or “mix” of vehicles using a particular roadway, and pavement conditions. Roadway noise also varies by time of day. Certain roadways are heavily traveled by commuters during the morning and late afternoon peak hours but are relatively vacant during nonpeak commuting hours. The roadway network in the unincorporated county consists of state highways, interstate highways, regional arterials, local public roads, and private roads. Highways and arterials generally accommodate high-speed, high-volume traffic and are designed to provide for the movement of people and goods between and within communities in the county. The interstate (I) highways in the unincorporated county include I-15, I-5, and I-8. I-15 and I-5 traverse the western portion of the county from north to south, and I-8 crosses the southern portion of the county from west to east. Major state highways include State Route (SR)

94, SR 78, SR 79, and SR 76. SR 94 is located in the southwestern area of the unincorporated county, and SR 78, SR 79, and SR 76 all serve the eastern portion of the unincorporated county. Major arterials in the county include Jamacha Road in the Valle de Oro CPA, Sweetwater Road in the Spring Valley CPA, and Tecate Road in the Mountain Empire subregion.

Local roads serve lower-speed and lower-volume traffic and provide access to local residential neighborhoods and commercial and industrial areas within each of the unincorporated county's communities. Local roads also feed traffic onto larger highways and arterials. Private roads, such as private driveways or maintenance roads, are generally unavailable to the public and serve a limited number of travelers.

The number and type of roads vary across the unincorporated county. In the eastern backcountry communities, the roadway network is generally characterized by local roads and state highways that connect widely spaced development. The northwestern and southwestern communities are characterized by a denser roadway network consisting of major arterials and local roads, as well as interstate and state highways, to support the higher-density residential, commercial, and industrial development in these communities.

Airports

Noise generated from aviation operations is concentrated around airport buildings, around runways, and along approach and departure routes. Six public airports are located in the unincorporated county: Agua Caliente Airstrip, Borrego Valley Airport, Fallbrook Community Airpark, Jacumba Airport, Ocotillo Airstrip, and Ramona Airport. The County also owns Gillespie Field Airport in the City of El Cajon, which is located near the Lakeside CPA. There are 29 smaller private-use airports throughout the unincorporated county, including US Forest Service airstrips in the Pendleton/De Luz CPA and Alpine CPA, private or personal use airstrips in Bonsall CPA and Mountain Empire Subregion, Lake Wohlford airstrip in North County Metro Subregion, Pauma Valley Airpark in Pala/Pauma Valley Subregion, a State Parks airstrip in North Mountain Subregion, and Special Use Bureau of Land Management airstrips in the Desert Subregion. The United States Marine Corps operates an airstrip at Marine Corps Base Camp Pendleton in the Pendleton/De Luz CPA.

Railroads

Five railroad providers operate on 2 railroad corridors within the San Diego region: North County Transit District (NCTD), San Diego Metropolitan Transit System (Trolley light rail system), Burlington Northern Santa Fe Railroad, Carrizo Gorge Railway, and San Diego and Imperial Valley Railroad. In addition, some passenger rail services extend into areas of the unincorporated county. NCTD operates the Sprinter, a light-rail transit line that extends from Oceanside to Escondido and serves an area in the North County Metro Subregion. The Amtrak and Coaster passenger lines run along the coast through Camp Pendleton. All freight operations occur on tracks shared with passenger rail services (SANDAG 2024). The extent of the noise generated by passenger and freight trains depends on many factors, including the frequency of train operations, the number of railway cars, the type of engine, and the number of grade crossings that require warning bells or horns. In addition, train pass-by events cause adjacent land uses to be affected by groundborne vibration.

Non-Transportation Noise Generators

Industrial, Commercial, Extractive, and Agricultural Sources

Non-transportation-related noise sources are often referred to as “stationary,” “fixed,” “area,” or “point” sources of noise. Industrial processing, mechanical equipment, pump stations, and heating, ventilating, and air conditioning (HVAC) equipment are examples of non-transportation noise generators within the unincorporated county. In addition, some non-transportation sources, such as agricultural field machinery and truck deliveries, are not stationary but are typically assessed as such due to the limited area in which they operate.

Noise generated by industrial and commercial operations, maintenance, manufacturing, truck traffic (loading docks), and warehousing noise can affect surrounding noise-sensitive land uses. Noise perceived as disruptive by residents in proximity to existing agricultural operations has the potential to result from the operation of agricultural machinery in the evening or early morning hours when many residents desire a quiet environment. In addition, the operation of exterior exhaust and cooling system equipment typically used in greenhouse operations can be a source of noise that can potentially affect surrounding land uses.

Temporary and Nuisance Noise

Intermittent or temporary neighborhood noise from amplified music, public address systems, barking dogs, landscape maintenance, stand-by power generators, motorized recreation, and construction activities disturb residents but are difficult to attenuate and control. As of 2011, 74 percent of the noise complaints to the County’s Office of Noise Control in the unincorporated county are associated with barking dogs. Roosters and machinery are also common sources of noise complaints, each accounting for approximately 7 percent of complaints. The least common source of noise complaints is birds, accounting for approximately 2 percent of noise complaints.

2.13.1.3 *Existing Noise Survey*

No new ambient noise measurements were obtained as part of this analysis. Measured ambient noise levels, as well as baseline traffic noise levels, in the unincorporated county provided in the 2011 General Plan Update Draft EIR (GPU Draft EIR) are used in this analysis. Specifically, the GPU Draft EIR provided the following summary of community noise levels (L_{eq}) measured for the various land uses within the unincorporated county:

- freeways and highways: 70 dBA
- major arterials: 66–71 dBA
- passenger rail: 70 dBA
- airports: 56 dBA
- commercial: 65–69 dBA
- industrial: 61–62 dBA
- agricultural: 44–68 dBA
- other uses: 59–74 dBA
- noise-sensitive uses: 43–65 dBA

2.13.2 Regulatory Framework

2.13.2.1 *Federal*

US Environmental Protection Agency Office of Noise Abatement and Control

The US Environmental Protection Agency (EPA) Office of Noise Abatement and Control was originally established to coordinate federal noise control activities. In 1981, EPA administrators determined that subjective issues, such as noise, would be better addressed at more local levels of government. Consequently, in 1982, responsibilities for regulating noise control policies were transferred to state and local governments. However, documents and research completed by the EPA Office of Noise Abatement and Control continue to provide value in analyzing noise effects.

Federal Transit Administration

To address the human response to ground vibration, FTA has set guidelines for maximum-acceptable vibration criteria for different types of land uses and structural damage. These guidelines are provided in Table 2.13.4, presented at the end of this section.

In addition to vibration criteria, FTA has also established the following construction noise criteria based on the land use type affected by noise and depending on whether or not construction noise would occur during the daytime or nighttime (FTA 2018):

- residential: 90 dBA L_{eq} (day) and 80 dBA L_{eq} (night), and
- commercial/industrial: 100 dBA L_{eq} (day and night).

2.13.2.2 *State*

California Department of Transportation

In 2020, Caltrans published the *Transportation and Construction Vibration Manual* (Caltrans 2020). The manual provides general guidance on vibration issues associated with the construction and operation of projects in relation to human perception and structural damage. Table 2.13.5, presented at the end of this section, includes recommendations for levels of vibration that could result in damage to structures exposed to continuous vibration.

2.13.2.3 *Local*

San Diego County Regional Airport Authority

The San Diego County Regional Airport Authority (SDCRAA) serves as the Airport Land Use Commission. It is responsible for developing Airport Land Use Compatibility Plans (ALUCPs) for airports in the unincorporated county. ACLUPs have been prepared for 16 airports in the county and include noise contours and policies focused on safety, noise, airspace, and overflight.

Airport Land Use Compatibility Plans

ALUCPs are used to guide local jurisdictions in determining what types of land uses and development are appropriate in the vicinity of airports to protect the safety of people, property,

and aircrafts on the ground and in the air. ALUCPs are based on a defined area around an airport known as the Airport Influence Area. ALUCPs include policies that address noise compatibility issues associated with airports and their respective Airport Influence Areas. In December 2006, SDCRAA adopted new ALUCPs for 6 rural airports operated by the County (Agua Caliente, Borrego Valley, Fallbrook, Jacumba, Ocotillo, and Ramona).

San Diego County General Plan

The Noise Element of the County's General Plan sets goals and establishes policies that are intended to protect communities from the obtrusive impacts of noise and noise-generating uses, including construction, traffic, and airport operations (County of San Diego 2011). The following General Plan policies related to noise and vibration apply to the Cannabis Program:

- **Policy N-1.1: Noise Compatibility Guidelines**. Use the Noise Compatibility Guidelines (Table N-1) [presented as Table 2.13.6 at the end of this section] and the Noise Standards (Table N-2) [presented as Table 2.13.7 presented at the end of this section] as a guide in determining the acceptability of exterior and interior noise for proposed land uses.
- **Policy N-1.2: Noise Management Strategies.** Require the following strategies as higher priorities than construction of conventional noise barriers where noise abatement is necessary:
  - Avoid placement of noise sensitive uses within noise areas.
  - Increase setbacks between noise generators and noise sensitive uses.
  - Orient buildings such that the noise sensitive portions of a project are shielded from noise sources.
  - Use sound-attenuating architectural design and building features.
  - Employ technologies when appropriate that reduce noise generation (i.e., alternative pavement materials on roadways).
- **Policy N-2.1: Development Impacts to Noise Sensitive Land Use.** Require an acoustical study to identify inappropriate noise level where development may directly result in any existing or future noise sensitive land uses being subject to noise levels equal to or greater than 60 CNEL and require mitigation for sensitive uses in compliance with the noise standards listed in Table N-2 [presented as Table 2.13.7 at the end of this section].
- **Policy N-3.1: Groundborne Vibration.** Use the FTA and Federal Railroad Administration guidelines, where appropriate, to limit the extent of exposure that sensitive uses may have to groundborne vibration from trains, construction equipment, and other sources.
- **Policy N-4.1: Traffic Noise.** Require that projects proposing General Plan amendments that increase the average daily traffic beyond what is anticipated in this General Plan do not increase cumulative traffic noise to off-site noise sensitive land uses beyond acceptable levels.

- **Policy N-5.1: Truck Access.** Design development so that automobile and truck access to industrial and commercial properties abutting residential properties is located at the maximum practical distance from residential zones.
- **Policy N-5.2: Noise-Generating Industrial Facilities.** Locate noise-generating industrial facilities at the maximum practical distance from residential zones. Use setbacks between noise generating equipment and noise sensitive uses and limit the operation of noise generating activities to daytime hours as appropriate where such activities may affect residential uses.
- **Policy N-6.2: Recurring Intermittent Noise.** Minimize impacts from noise in areas where recurring intermittent noise may not exceed the noise standards listed in Table N-2 [presented as Table 2.13.7, at the end of this section], but can have other adverse effects.
- **Policy N-6.3: High-Noise Equipment.** Require development to limit the frequency of use of motorized landscaping equipment, parking lot sweepers, and other high-noise equipment if their activity will result in noise that affects residential zones.
- **Policy N-6.4: Hours of Construction.** Require development to limit the hours of operation as appropriate for non-emergency construction and maintenance, trash collection, and parking lot sweeper activity near noise sensitive land uses.
- **Policy LU-2.8: Mitigation of Development Impacts.** Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment and/or are detrimental to human health and safety.
- **Policy S-15.1: Land Use Compatibility.** Require land uses surrounding airports to be compatible with the operation of each airport.

San Diego County Code of Regulatory Ordinances

Section 36.401 et seq., Noise Abatement and Control Ordinance

Section 36.404(a) of the San Diego County Code of Regulatory Ordinances (Regulatory Code) establishes 1-hour average sound level limits for various land use zones. This section prohibits noise exceeding the applicable sound level limit when measured at the property line of the property on which the noise is produced or at any location on a property receiving the noise. The established sound level limits are listed in Table 2.13.8, presented at the end of this section.

Section 36.404(c) of the Regulatory Code establishes that the limits in Table 2.13.8, presented at the end of this section, apply in an S88 zone depending on the property land use. Specifically, the zone 1 limits apply to residential, agricultural, and civic property use. The limits in zone 3 apply to commercial property use, and the limits in zone 5 apply to industrial property use that would be allowed only in an M50, M52, or M54 zone.

The Noise Abatement and Control Ordinance establishes prohibitions for disturbing, excessive, or offensive noise, and provisions, such as sound level limits, to secure and promote the public health, comfort, safety, peace, and quiet for its citizens. Planned compliance with sound level limits and other specific parts of the ordinance allow the presumption that the noise is not disturbing, excessive, or offensive. Limits are specified depending on the zoning placed on a property (e.g., varying densities and intensities of residential, industrial, and commercial

zones). Where 2 adjacent properties have different zones, the sound level limit at a location on a boundary between 2 properties is the arithmetic mean of the respective limits for the 2 zones, except for extractive industries. The 1-hour average sound level limit applicable to extractive industries, including to borrow pits and mines, shall be 75 dB at the property line regardless of the zone in which the extractive industry is located.

It is unlawful for any person to cause or allow the creation of any noise that exceeds the applicable limits of the Noise Abatement and Control Ordinance at any point on or beyond the boundaries of the property on which the sound is produced. Table 2.13.8, presented at the end of this section, shows the allowable noise levels and corresponding times of day for each zoning designation. Furthermore, Section 36.423 of the ordinance allows the County to grant variances for specific situations involving temporary on-site noise sources, subject to terms and conditions intended, to achieve compliance or at least to reduce potential noise effects from the proposed activities.

Finally, Sections 36.408 through 36.411 of the Noise Abatement and Control Ordinance establish additional noise limitations for the operation of construction equipment. Section 36.408 prohibits the operation of construction equipment between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday and any time on Sundays, except for emergency work. Section 36.409 establishes sound level limitations on construction equipment, detailing that operation of construction equipment that exceeds an average sound level of 75 dB for an 8-hour period between 7:00 a.m. and 7:00 p.m. when measured at the boundary line of the property where the noise source is located or on any occupied property where the noise is being received shall be prohibited.

Section 36.417 details the scenarios exempt from the standards included in the chapter. Section 36.417(b)(2) establishes that Section 36.404 shall not apply to equipment associated with agricultural operations provided that each piece of equipment and machinery powered by an internal combustion engine is equipped with an appropriate muffler and air intake silencer that is in good working order and that operations either do not take place between 7:00 p.m. and 7:00 a.m.; operations and equipment are utilized for the preparation, planting, harvesting, protection, or salvage of crops during periods of potential or actual frost damage or other adverse weather conditions; or that operations and equipment are used for agricultural pest control per regulations and procedures administered by the County Department of Agriculture.

Sections 63.401–63.402, Agricultural Enterprises and Notice to Prospective Homeowners Ordinance

The Agricultural Enterprises and Notice to Prospective Homeowners Ordinance is used to define and limit the circumstances under which an agricultural enterprise is considered a nuisance. The ordinance establishes a procedure whereby prospective purchasers of property are notified of the inherent potential conditions associated with agricultural operations found throughout the unincorporated area. These conditions include noise, odors, dust, insects, rodents, and chemicals. In 2003, the ordinance was amended to require that a property owner who is selling real property intended for residential use in the unincorporated area of the county provide a written disclosure to a prospective purchaser that the property is likely to be located near a commercial agricultural enterprise and that “[o]ccupants of the property offered for sale may experience inconvenience, irritation or discomfort arising from the agricultural enterprise, including but not limited to noise, odors, fumes, dust, smoke, insects, rodents, the operation of machinery of any kind, including aircraft, during any 24 hour period, the storage

and disposal of manure, and agricultural chemicals, such as pesticides and fertilizers, that may be applied by spraying or other means."

2.13.3 Analysis of Project Impacts and Determination of Significance

2.13.3.1 *Thresholds of Significance*

According to guidance provided in Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance: Noise* (County of San Diego 2009) except as provided in Public Resources Code Section 21099, the Cannabis Program would result in a significant noise impact if it would:

- result in 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;
- result in generation of excessive groundborne vibration or groundborne noise levels; or
- for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

2.13.3.2 *Issues Not Discussed Further*

Operational Vibration

The Cannabis Program would not result in the operation of any type of development that would cause substantial ground vibration, such as commercial railways or passenger rail transit lines. Therefore, long-term operational activities associated with future development as part of the Cannabis Program would not be anticipated to result in permanent or substantial levels of ground vibration. This impact is not discussed further.

Airport Noise

Adoption and implementation of the Cannabis Program would not result in the development of new residential land uses or other types of noise-sensitive receptors. In addition, the Cannabis Program would not result in the development of new residential land uses near private air strips or public commercial airports in San Diego County. In addition, commercial cannabis facilities would be required by the County of San Diego to comply with ACLUP policies and criteria. Compliance with these regulations would ensure that people working within an ACLUP area would not be exposed to excessive airport noise. Thus, this impact is not discussed further.

2.13.3.3 *Approach to Analysis*

Impacts related to noise and vibration are analyzed based on a review of the Cannabis Program and its potential to result in physical changes to the environment if it is approved and implemented. Each issue area is analyzed in the context of existing laws and regulations, as well as policies adopted in the General Plan, and the extent to which these existing regulations and policies adequately address and minimize the potential for impacts associated with implementation of the Cannabis Program.

The environmental analysis in this PEIR is general in nature and does not evaluate noise impacts of specific commercial cannabis cultivation site construction and operation. Instead, the analysis focuses on the worst-case noise-related impacts that could occur from the implementation of the Cannabis Program, assuming 5 alternatives. Thus, attention is given to the limitations and restrictions imposed by the existing requirements outlined in local regulations regarding the types, locations, and intensity of noise-generating activity. The analysis considers the use of construction equipment; generators, air filtration, and ventilation equipment; transportation noise; temporary events; and loading activity.

While precise site impacts cannot be determined without specific project and property information, the analysis does assess the potential for impacts under various scenarios that are likely to represent actual conditions using the construction and operational assumptions for the 5 alternatives provided in Appendix D. Impacts were determined based on methods and reference noise levels from FTA's *Guide on Transit Noise and Vibration Impact Assessment* (FTA 2018) and FHWA's *Roadway Construction Noise Model User's Guide* (FHWA 2006).

Construction Noise

Construction source noise levels generated by the Cannabis Program were determined based on methodologies, reference emission levels, and usage factors from FTA's *Guide on Transit Noise and Vibration Impact Assessment* methodology (FTA 2018) and the FHWA's *Roadway Construction Noise Model User's Guide* (FHWA 2006). Reference levels for noise and vibration emissions for specific equipment and activity types are well documented, and the usage thereof is common practice in the field of acoustics.

Specific equipment, techniques, locations, timing, and other project-specific construction activity details associated with individual future commercial cannabis projects are unknown at this time. Construction equipment associated with cannabis cultivation facilities would typically include bulldozers, grading equipment, and hand tools used for fence installation. As detailed in Table 1.4, it is anticipated that the majority of noncultivation uses would locate into existing industrial and retail buildings in the unincorporated area and thus would not typically require the use of heavy construction equipment. Therefore, typical construction activities associated with noncultivation facilities are anticipated to be minor (e.g., remodeling) and would not require the use of heavy equipment. However, it remains reasonably foreseeable that a licensee could seek to develop new structures to support new commercial cannabis facilities; thus, this analysis assumes that the construction of new buildings would be required for new commercial cannabis facilities. To evaluate potential construction noise impacts, reference noise levels associated with common construction equipment are used to model the worst-case construction noise levels. Pursuant to Section 36.408 of the County Noise Abatement and Control Ordinance, except for emergency work, it is unlawful for any person to operate construction equipment between the hours of 7:00 p.m. and 7:00 a.m.; thus, only daytime construction is evaluated in this analysis. To remain conservative, construction noise was modeled for the construction phase that typically uses the loudest equipment (e.g., site preparation). The site preparation phase typically generates the most substantial noise levels because on-site equipment associated with grading, compacting, and excavation is the noisiest. Site preparation equipment and activities include backhoes, bulldozers, loaders, and excavation equipment (e.g., graders and scrapers). Modeling for on-site construction noise assumed the simultaneous operation of 3 pieces of heavy equipment (i.e., bulldozer, excavator, and grader) and does not account for any existing intervening topography; thus, it represents the worst-case noise level generation when all equipment at each location is in operation.

Noise levels for common construction equipment and activities at 50 feet are shown in Table 2.13.9, presented at the end of this section. Although a detailed construction equipment list for individual projects associated with the Cannabis Program is not currently available, according to the types of construction activities anticipated for the construction of new commercial cannabis facilities under the Cannabis Program (e.g., earthwork, grading), it is expected that the primary sources of noise would be a bulldozer, excavator, and grader. As detailed in Chapter 1, "Project Description, Location, and Environmental Setting," the building area for commercial cannabis facilities is assumed to average between approximately 6,300 square feet per site for outdoor cultivation and 20,000 square feet per site for indoor cultivation. To provide a conservative estimate of construction noise, it is assumed that these 3 pieces of construction equipment would be used at one time.

Construction Vibration

Construction activities could potentially expose nearby buildings to ground vibration levels that result in structural damage or negative human response. Construction activities that may expose people to excessive vibration, resulting in sleep disturbance or prolonged disruption to daily activities/work, are more likely to involve impact equipment (e.g., pile drivers, blasting). Blasting equipment is typically required to remove rock, and pile drivers are typically required for building large structures, such as bridges and multistory buildings. Therefore, the use of blasting and pile driving equipment is not anticipated under the Cannabis Program. Typical construction activities associated with the Cannabis Program would include the use of bulldozers, graders, and loaded trucks, which do not generate excessive levels of groundborne vibration except at extremely close distances (i.e., within 10 feet). As discussed above under subheading "Construction Noise," it is anticipated that the majority of noncultivation uses would be located in existing buildings and thus would not typically require the use of heavy construction equipment. However, for a conservative analysis, it is assumed that minor construction would be required for noncultivation facilities and that such construction could involve the use of a small bulldozer. Construction vibration levels were determined based on methodologies, reference emission levels, and usage factors from the methodology in FTA's *Guide on Transit Noise and Vibration Impact Assessment* (FTA 2018). Construction vibration levels and contour distances were calculated based on reference vibration levels for construction equipment that could be used and would generate the greatest levels of ground vibration (i.e., small bulldozer). Vibration levels for common construction equipment at 25 feet are shown in Table 2.13.10, presented at the end of this section. Reference levels for vibration emissions for specific equipment types are well documented, and the usage thereof is common practice in the field of acoustics.

Operational Noise

Stationary Noise

Concerning non-transportation noise sources (e.g., stationary noise sources) associated with the operation of new cannabis facilities, the assessment of long-term (operational-related) impacts was based on reference noise emission levels, measured noise levels for activities and equipment typically associated with the operation of commercial cannabis facilities (e.g., HVAC units, delivery activities for supplies) and temporary cannabis events, and standard attenuation rates and modeling techniques. Temporary cannabis events would likely include amplified music and raised speech—noise sources typically associated with special events. To evaluate the potential effects of temporary cannabis events, reference noise levels are used

and are shown in Table 2.13.11, presented at the end of this section. Reference noise levels are based on information collected for a vineyard project that proposed events similar to those anticipated under the Cannabis Program.

Transportation Noise

Operational vehicle traffic would vary depending on the site, and the various daily trip rates for each commercial cannabis license type. Vehicular trips would be attributed to licensed commercial cannabis facilities and associated activities, including retail, cultivation, manufacturing, distribution, testing, and microbusinesses, and have the potential to introduce new vehicle (e.g., automobile and light/medium trucks) trips to roadways in the county, which may result in increased noise levels associated with additional vehicle trips but only for relatively short periods, particularly during the harvesting and transport of commercial cannabis. The exact locations of individual future licensed cannabis facilities within the unincorporated county are currently unknown. Thus, the roadways upon which individual project-generated trips would travel cannot be known. To provide an estimate of total average daily vehicle trips (ADT) that could be generated by the Cannabis Program, trip generation rates were used to calculate the project components' ADT. The trip generation rates are shown in Table 2.13.13, presented at the end of this section.

2.13.3.4 *Issue 1: Excessive Temporary (Construction-Related) Noise Levels*

This section describes the potential for implementation of the Cannabis Program to result in temporary (construction-related) excessive noise levels.

Guidelines for Determination of Significance

Appendix G of the State CEQA Guidelines establishes the following guideline for determining the significance of effects related to excessive noise levels:

- Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The State CEQA thresholds provided by the *County of San Diego Guidelines for Determining Significance: Noise* (County of San Diego 2009) state that a significant impact would occur if implementation of the Cannabis Program would result in the exposure of any on- or off-site existing or reasonably foreseeable future noise-sensitive land use to exterior or interior noise in excess of any of the following levels:

- Construction (temporary or periodic) noise levels that exceed:
  - 75 dBA for an 8-hour period, between 7 a.m. and 7 p.m., when measured at the boundary line of the property where the noise source is located or on any occupied property where the noise is being received;
  - 82 dBA L_{max} at an occupied residential, village zoning, or civic use;
  - 85 dBA L_{max} at an occupied agricultural, commercial, or industrial use; or
  - If construction-related noise is generated between the hours of 7 p.m. and 7 a.m. on weekdays or any time on Sundays or holidays.

Impact Analysis

Construction associated with new commercial cannabis facilities (e.g., buildings, infrastructure, land clearing) could require earthwork and heavy equipment use, which could potentially result in a temporary increase in noise levels in the vicinity of future sites. Specifically, the establishment of new commercial cannabis sites could involve the use of off-road construction equipment for vegetation removal, breaking ground, initial plowing, grading to establish a foundation, and lifting supplies and building materials. Generally, the intensity of construction activity for new commercial cannabis sites would be similar to that of agricultural development, residential renovation, or a building addition project, although the extent of construction activity would vary depending on the site location and existing site conditions (e.g., if there are existing buildings on the site that can be used to support the commercial cannabis facility). As detailed in Table 1.4, "Alternative Development Assumptions," adequate building space is available for proposed commercial cannabis facilities, and it is anticipated that most commercial cannabis facilities would locate into existing industrial and retail buildings in the unincorporated area. However, for a conservative worst-case analysis, this analysis assumes that construction of new facilities would be required in agricultural, commercial, and industrial zones.

Construction of new commercial cannabis sites would be required to comply with the noise regulations outlined in the Zoning Ordinance and Regulatory Code, as discussed under Section 2.13.2, "Regulatory Framework," of this section. Section 36.409 of the County Noise Abatement and Control Ordinance limits the time of day during which construction operations may occur and requires that the average sound level for an 8-hour period not exceed 75 dBA between 7:00 a.m. and 7:00 p.m. when measured at the boundary line where the noise source is located or on any occupied property where the noise is being received.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new cultivation or noncultivation activities would occur.

Modeling for on-site construction noise conservatively assumed the simultaneous operation of 3 pieces of heavy equipment (i.e., bulldozer, excavator, and grader) and does not account for any existing intervening topography; thus, it represents the worst-case noise level generation when all equipment at each location is in operation. Simultaneous operation of the 3 pieces of equipment (bulldozer, excavator, and grader) would generate a combined hourly average noise level of 83.8 dBA L_{eq} at 50 feet and a maximum noise level of 87.8 dBA L_{max} at 50 feet. See Appendix D for construction noise modeling. Construction noise levels would exceed the County's construction average sound level standard of 75 dBA L_{eq} within 138 feet of construction activity and the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) within 97 feet and 69 feet, respectively. Of the 5 existing commercial cannabis sites, only 1 site (i.e., Releaf Meds in Ramona) is located within 138 feet of a sensitive receptor. Specifically, the facility is located approximately 100 feet east of an existing noise-sensitive residential receptor. At 100 feet, construction noise would attenuate to 77.8 dBA L_{eq} and 81.8 dBA L_{max}. However, there is an existing solid barrier that breaks the direct line of sight between the existing cannabis facility and residence. A noise barrier can offer between 3 dB and 15 dB of noise reduction (Caltrans 2013).

Conservatively assuming that the existing barrier would offer a 3 dB reduction, construction activity would attenuate to 74.8 dB at the nearby residence and thus would not exceed the County average sound level standard of 75 dBA L_{eq} at the nearest sensitive receptor.

In addition, existing facilities that would be expanded under Alternative 1 would be required to comply with existing noise policies and standards. In accordance with Section 36.408 of the Regulatory Code, construction activities would occur during daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) when receptors are less sensitive to increased noise levels. Therefore, construction would occur during the less-sensitive daytime hours and thus would not result in adverse health effects (i.e., sleep disruption) to nearby receptors.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers. In addition, cannabis activities would be limited to agricultural, commercial, and industrial zones as detailed in Section 1.6.1.4.

Modeling for on-site construction noise conservatively assumed the simultaneous operation of 3 pieces of heavy equipment (i.e., bulldozer, excavator, and grader) and does not account for any existing intervening topography; thus, it represents the worst-case noise level generation when all equipment at each location is in operation. Simultaneous operation of the 3 pieces of equipment (bulldozer, excavator, and grader) would generate a combined hourly average noise level of 83.8 dBA L_{eq} at 50 feet and a maximum noise level of 87.8 dBA L_{max} at 50 feet. See Appendix D for construction noise modeling. Construction noise levels would exceed the County's construction average sound level standard of 75 dBA L_{eq} within 138 feet of construction activity and the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) within 97 feet and 69 feet, respectively. Therefore, if construction activity were to take place within these distances, noise levels would exceed the applicable noise standards.

Proposed amendments to the Zoning Ordinance, as detailed in Section 1.6.1.4, require that outdoor and mixed-light cannabis cultivation facilities would be permitted only within agricultural zones and would be required to be setback a minimum of 100 feet from all lot lines and a minimum of 300 feet from all residences on adjoining parcels. At 300 feet, construction noise associated with outdoor and mixed-light cannabis cultivation facilities would attenuate to 68.2 dBA L_{eq} and 72.2 dBA L_{max}, and thus would not exceed the County's exterior noise standard of 75 dBA L_{eq} or the residential maximum noise level of 82 dBA L_{max}. At 100 feet (i.e., the lot line setback), construction noise would attenuate to 77.8 dBA L_{eq} and 81.8 dBA L_{max} at the nearest lot line. Therefore, even with adherence to the required setbacks, construction activity associated with future outdoor or mixed-light commercial cannabis facilities could still exceed the County's construction average sound level standard of 75 dBA L_{eq} at nonresidential uses.

The Cannabis Program does not require minimum setbacks for indoor cultivation or noncultivation facilities. As detailed above, if construction were to take place within 138 feet of a nearby structure, the County's construction average sound level standard of 75 dBA L_{eq} would be exceeded. In addition, the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) would be exceeded if construction activity were to take place within 97 feet of a residence or within 69 feet of an agricultural, commercial, or industrial land use. Because of the programmatic nature of this analysis, it cannot be guaranteed that construction related to indoor cultivation and noncultivation facilities would not occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land uses. Therefore, construction activity associated with future indoor cultivation or noncultivation facilities could exceed applicable County noise standards.

The Cannabis Program would require a 600-foot buffer from K-12 schools, daycare facilities, and youth centers. At 600 feet, construction activity would attenuate to 62.2 dBA L_{eq} and 66.2 dBA L_{max} and thus would not exceed the County's 75 dBA L_{eq} standard or maximum noise level standard of 82 dBA L_{max} for these land uses. The General Plan considers primary noise-sensitive land uses to include residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, and passive recreational parks (County of San Diego 2011: 8-4). Because of the programmatic nature of this analysis and because the Cannabis Program does not require a buffer from all sensitive land uses as defined under the General Plan, it cannot be guaranteed that construction would not occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land use.

Depending on the existing ambient noise levels of the proposed cannabis site, construction noise could result in a substantial temporary noise increase (i.e., +10 dBA) in in the project vicinity. In accordance with Section 36.408 of the Regulatory Code, construction activities would occur during daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) when receptors are less sensitive to increased noise levels; however, the County has not adopted daytime construction noise exemptions. Commercial cannabis sites constructed under the Cannabis Program would be required to comply with Sections 36.408 and 36.409 of the Regulatory Code, which regulates construction-related noise to ensure that the applicable sound level standards would not be exceeded. However, considering that specific details of individual future commercial cannabis sites associated with the Cannabis Program—such as locations of future sites and their distances to sensitive receptors—are currently unknown, it cannot be guaranteed that construction noise would not result in a substantial temporary increase in noise at existing sensitive receptors as defined by the county General Plan, which includes residential uses, either because the County's construction noise standard of 75 dBA L_{eq} would be exceeded or because construction activity would increase the ambient noise level at sensitive receptors beyond 10 dBA.

This impact would be significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond

schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. In addition, cannabis activities would be limited to agricultural, commercial, and industrial zones as detailed in Section 1.6.1.4.

As discussed above under Alternative 2, the extent of construction activity for new cannabis sites would vary depending on the location and existing site conditions, such as the existence of on-site buildings that could be used to support the commercial cannabis facility. As detailed above, simultaneous operation of the 3 pieces of equipment (bulldozer, excavator, and grader) would generate a combined hourly average noise level of 83.8 dBA L_{eq} at 50 feet and a maximum noise level of 87.8 dBA L_{max} at 50 feet. Construction noise levels would exceed the County's construction average sound level standard of 75 dBA L_{eq} within 138 feet of construction activity and the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) within 97 feet and 69 feet, respectively. The General Plan considers primary noise-sensitive land uses to include residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, and passive recreational parks (County of San Diego 2011: 8-4). Although specific details of individual future commercial cannabis sites associated with Alternative 3—such as locations of future sites and their distances to sensitive receptors—are currently unknown, new development would be restricted to agricultural, commercial, and industrial zones of the unincorporated county; no commercial cannabis facilities would be permitted in residential zones.

Proposed amendments to the Zoning Ordinance, as detailed in Section 1.6.1.4, require that outdoor and mixed-light cannabis cultivation facilities be setback a minimum of 100 feet from all lot lines and a minimum of 300 feet from all residences on adjoining parcels existing at the time of permit application submittal. The proposed 1,000-foot buffer under this alternative would not apply to all noise sensitive land uses (e.g., residential uses). At 300 feet, construction noise would attenuate to 68.2 dBA L_{eq} and 72.2 dBA L_{max} and thus would not exceed the County's exterior noise standard of 75 dBA L_{eq} or the residential maximum noise level of 82 dBA L_{max}. At 100 feet, construction noise would attenuate to 77.8 dBA L_{eq} and 81.8 dBA L_{max} at the nearest property. Therefore, even with adherence to the required setbacks, construction activity associated with future outdoor or mixed-light commercial cannabis facilities could exceed the County's construction average sound level standard of 75 dBA L_{eq} at nonresidential uses.

This alternative does not require minimum setbacks for indoor cultivation or noncultivation facilities. As detailed above, if construction were to take place within 138 feet of a nearby structure, the County's construction average sound level standard of 75 dBA L_{eq} would be exceeded. In addition, the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) would be exceeded if construction activity were to take place within 97 feet of a residence or within 69 feet of an agricultural, commercial, or industrial land use. Because of the programmatic nature of this analysis, it cannot be determined whether construction of indoor cultivation and noncultivation facilities would occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land use. Therefore, construction activity associated with future indoor cultivation or noncultivation facilities could exceed applicable County construction noise standards.

As detailed above, Alternative 3 prohibits the development of cannabis facilities within 1,000 feet of sensitive uses and expands the definition of "sensitive uses." At 1,000 feet, construction noise levels associated with construction of commercial cannabis facilities would attenuate to 57.8 dBA L_{eq} and 61.8 dBA L_{max} (see Appendix D for detailed modeling inputs). Therefore, construction activity associated with Alternative 3 would not exceed the County's construction average sound level standard of 75 dBA L_{eq} or 82 dBA L_{max} at any nearby noise-sensitive land uses, as defined under Alternative 3. As noted above, the 1,000-foot setback would not apply to all noise sensitive land uses (e.g., residential uses) as defined under the General Plan. Because of the programmatic nature of this analysis and because this alternative does not require a buffer from all sensitive land uses as defined under the General Plan, it cannot be guaranteed that construction would not occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land use.

Depending on the existing ambient noise levels of the proposed cannabis site, construction noise could result in a substantial temporary noise increase (i.e., +10 dBA) in the site vicinity. In accordance with Section 36.408 of the Regulatory Code, construction activities would occur during daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) when receptors are less sensitive to increased noise levels; however, the County has not adopted daytime construction noise exemptions. Commercial cannabis sites constructed under the Cannabis Program would be required to comply with Sections 36.408 and 36.409 of the Regulatory Code, which regulates construction-related noise to ensure that the applicable sound level standards would not be exceeded. However, considering that specific details of individual future commercial cannabis sites associated with the Cannabis Program—such as locations of future sites and their distances to sensitive receptors—are currently unknown, construction noise could result in a substantial temporary increase in noise at existing sensitive receptors as defined by the County General Plan, which includes residential uses, either because the County's construction noise standard of 75 dBA L_{eq} would be exceeded or because construction activity would increase the ambient noise level at sensitive receptors beyond 10 dBA.

This impact would be significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. In addition, cannabis activities would be limited to agricultural, commercial, and industrial zones as detailed in Section 1.6.1.4.

As detailed above, simultaneous operation of the 3 pieces of equipment (bulldozer, excavator, and grader) would generate a combined hourly average noise level of 83.8 dBA L_{eq} at 50 feet and a maximum noise level of 87.8 dBA L_{max} at 50 feet. Construction noise levels would exceed the County's construction average sound level standard of 75 dBA L_{eq} within 138 feet

of construction activity and the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) within 97 feet and 69 feet, respectively.

Under Alternative 4, no outdoor cannabis cultivation facilities would be permitted. Mixed-light cannabis cultivation would still be permitted within agricultural zones and would be required to be setback a minimum of 100 feet from all lot lines and a minimum of 300 feet from all residences on adjoining parcels as detailed in Section 1.6.1.4. At 300 feet, construction noise would attenuate to 68.2 dBA L_{eq} and 72.2 dBA L_{max} and thus would not exceed the County's exterior noise standard of 75 dBA L_{eq} or the residential maximum noise level of 82 dBA L_{max}. At 100 feet, construction noise would attenuate to 77.8 dBA L_{eq} and 81.8 dBA L_{max} at the nearest property. Therefore, even with adherence to the required setbacks, construction activity associated with mixed-light commercial cannabis facilities could exceed the County's construction average sound level standard of 75 dBA L_{eq} at nonresidential land uses.

If construction of such facilities were to take place within 138 feet of a nearby structure, the County's construction average sound level standard of 75 dBA L_{eq} would be exceeded. In addition, the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) would be exceeded if construction activity were to take place within 97 feet of a residence or within 69 feet of an agricultural, commercial, or industrial land use. Because of the programmatic nature of this analysis, it cannot be determined whether construction would occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land use. Therefore, construction activity associated with future indoor cultivation or noncultivation facilities could exceed applicable County construction noise standards.

As detailed above, Alternative 4 would require a 1,000-foot buffer from schools, daycares, youth centers, regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. At 1,000 feet, noise levels associated with construction of commercial cannabis facilities would attenuate to 57.8 dBA L_{eq} and 61.8 dBA L_{max} (see Appendix D for detailed modeling inputs). Therefore, construction activity associated with Alternative 4 would not exceed the County's construction average sound level standard of 75 dBA L_{eq} or maximum noise level of 82 dBA L_{max} at any nearby noise-sensitive land uses, as defined under Alternative 4. The General Plan considers primary noise-sensitive land uses to include residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, and passive recreational parks (County of San Diego 2011: 8-4). Because of the programmatic nature of this analysis and because this alternative does not require a buffer from all sensitive land uses as defined under the General Plan, it cannot be guaranteed that construction would not occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land use.

Depending on the existing ambient noise levels of the proposed cannabis site, construction noise could result in a substantial temporary noise increase (i.e., +10 dBA) in the site vicinity. In accordance with Section 36.408 of the Regulatory Code, construction activities would occur during daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) when receptors are less sensitive to increased noise levels; however, the County has not adopted daytime construction noise exemptions. Commercial cannabis sites constructed under Alternative 4 would be required to comply with Sections 36.408 and 36.409 of the Regulatory Code, which regulates construction-related noise to ensure that the applicable sound level standards would not be

exceeded. However, considering that specific details of individual future commercial cannabis sites associated with the Alternative 4, such as locations of future sites and their distances to sensitive receptors, are currently unknown, it is not possible to conclude that construction activity associated with Alternative 4 would not result in a substantial temporary noise increase at existing sensitive receptors as defined by the County General Plan, which includes residential uses, either because the County's construction noise standard of 75 dBA L_{eq} would be exceeded or because construction activity would increase the ambient noise level at sensitive receptors beyond 10 dBA.

This impact would be significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre. In addition, cannabis activities would be limited to agricultural, commercial, and industrial zones as detailed in Section 1.6.1.4.

As described under Alternative 2, simultaneous operation of the 3 pieces of equipment (bulldozer, excavator, and grader) would generate a combined hourly average noise level of 83.8 dBA L_{eq} at 50 feet and a maximum noise level of 87.8 dBA L_{max} at 50 feet. Construction noise levels would exceed the County's construction average sound level standard of 75 dBA L_{eq} within 138 feet of construction activity and the County's maximum noise level standard for residential uses (i.e., 82 dBA L_{max}) and agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) within 97 feet and 69 feet, respectively. The proposed 1,000-foot buffer under this alternative would not apply to all noise sensitive land uses (e.g., residential uses) as defined under the General Plan. Therefore, if construction activity were to take place within these distances, noise levels could exceed the applicable noise standards.

Proposed amendments to the Zoning Ordinance, as detailed in Section 1.6.1.4, require outdoor and mixed-light commercial cannabis uses to be setback a minimum of 100 feet from all lot lines and a minimum of 300 feet from all residences on adjoining parcels. At 300 feet, construction noise would attenuate to 68.2 dBA L_{eq} and 72.2 dBA L_{max} and thus would not exceed the County's exterior noise standard of 75 dBA L_{eq} or the residential maximum noise level of 82 dBA L_{max}. At 100 feet, construction noise would attenuate to 77.8 dBA L_{eq} and 81.8 dBA L_{max} at the nearest property. Therefore, even with adherence to the required setbacks, construction activity associated with future outdoor or mixed-light commercial cannabis facilities could still exceed the County's construction average sound level standard of 75 dBA L_{eq} at nonresidential uses.

As detailed above, if construction were to take place within 138 feet of a nearby structure, the County's construction average sound level standard of 75 dBA L_{eq} would be exceeded. In addition, the County's maximum noise level standard for agricultural, commercial, and industrial uses (i.e., 85 dBA L_{max}) would be exceeded if construction activity were to take place within 69 feet of agricultural, commercial, or industrial land uses. Because of the programmatic nature of this analysis, it cannot be guaranteed that construction related to indoor cultivation and noncultivation facilities would not occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land use. Therefore, construction activity associated with future indoor cultivation or noncultivation facilities could exceed applicable County noise standards. As detailed above, Alternative 5 would require a 1,000-foot buffer from schools, daycares, youth centers, regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. At 1,000 feet, construction noise levels associated with construction of commercial cannabis facilities would attenuate to 57.8 dBA L_{eq} and 61.8 dBA L_{max} (see Appendix D for detailed modeling inputs). Therefore, construction activity associated with Alternative 5 would not exceed the County's construction average sound level standard of 75 dBA L_{eq} or 82 dBA L_{max} at any nearby noise-sensitive land uses as defined under Alternative 5. The General Plan considers primary noise-sensitive land uses to include residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, and passive recreational parks (County of San Diego 2011: 8-4). The proposed 1,000-foot buffer would not apply to all noise-sensitive land uses as defined under the General Plan (e.g., residential uses). Therefore, due to the programmatic nature of this analysis, it cannot be determined whether construction would occur within 97 feet of a residence or 69 feet of an agricultural, commercial, or industrial land use.

Depending on the existing ambient noise levels of the proposed cannabis site, construction noise could result in a substantial temporary noise increase (i.e., +10 dBA) in in the site vicinity. In accordance with Section 36.408 of the Regulatory Code, construction activities would occur during daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) when receptors are less sensitive to increased noise levels; however, the County has not adopted daytime construction noise exemptions. Commercial cannabis sites constructed under Alternative 5 would be required to comply with Sections 36.408 and 36.409 of the Regulatory Code, which regulates construction-related noise to ensure that the applicable sound level standards would not be exceeded. However, considering that specific details of individual future commercial cannabis sites associated with Alternative 5—such as locations of future sites and their distances to sensitive receptors—are currently unknown, construction noise could result in a substantial temporary increase in noise at existing sensitive receptors as defined by the County General Plan, which includes residential uses, either because the County's construction noise standard of 75 dBA L_{eq} would be exceeded or because construction activity would increase the ambient noise level at sensitive receptors beyond 10 dBA.

This impact would be significant for Alternative 5.

2.13.3.5 *Issue 2: Excessive Long-Term Stationary Noise Levels*

This section describes the potential for implementation of the Cannabis Program to result in excessive long-term stationary noise levels.

Guidelines for Determination of Significance

Appendix G of the State CEQA Guidelines establishes the following guideline for determining the significance of effects related to excessive noise levels:

- Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The State CEQA thresholds provided by the *County of San Diego Guidelines for Determining Significance: Noise* (County of San Diego 2009) state that a significant impact would occur if implementation of the Cannabis Program would result in the exposure of any on- or off-site existing or reasonably foreseeable future noise-sensitive land use to exterior or interior noise in excess of the following standard:

- Result in a substantial permanent or temporary increase in ambient noise which would exceed the sound level limits specified in San Diego County Code Section 36.404, Sound Level Limits, at the property line of the property on which the noise is produced or at any location on a property that is receiving the noise. The sound level standards in Section 36.404 are listed in Table 2.13.8, presented at the end of this section.

Impact Analysis

The operation of commercial cannabis facilities could result in long-term increases in stationary noise from the use of mechanical trimmers, generators, refrigerated storage containers, greenhouse fans, and loading activities. The major stationary noise sources from cannabis uses consist of the maintenance and harvest of cannabis at outdoor or mixed-light cultivation sites. Indoor cultivation and noncultivation uses (e.g., nursery, processing, manufacturing) are operated within buildings that substantially attenuate noise levels. In addition, under all alternatives of the Cannabis Program, a generator would not be used as the sole source of power for a cannabis facility and would not be used for cultivation except for temporary use in case of emergency. Section 36.417 of the Noise Abatement and Control Ordinance exempts certain uses, including agricultural operations, emergency generators, and property maintenance from the ordinance. Thus, these types of noise sources are not discussed further.

In addition, the Cannabis Program proposes the following amendments to the San Diego County Zoning Ordinance and Regulatory Code:

- Zoning Ordinance Section 6995(f)(3): All facilities shall comply with the Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control, and General Plan Noise Element Tables N-1 and N-2 [presented as Tables 2.13.6 and 2.13.7, respectively, at the end of this section].
- Regulatory Code Section 21.2510(5)(A): A plan describing how the business will take proactive steps to avoid becoming a nuisance or having negative impacts on its neighbors or surrounding community. The neighborhood compatibility plan should describe how the business will react and respond to complaints specifically related to noise, light, public consumption, loitering, littering, and vehicle and pedestrian traffic, and any other activities that could become a nuisance or have impacts on the surrounding community.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new cultivation or noncultivation activities would occur.

Expanded facilities under Alternative 1 would include stationary noise sources similar to those used under existing conditions (e.g., mechanical equipment). According to the conservative assumption that expanded facilities would double the amount of on-site operational equipment and applying the acoustical principle that a doubling of sound energy corresponds to a 3 dB increase, stationary noise levels could increase up to 3 dB. Generally, a 3 dB increase in sound is perceived as barely detectable (Caltrans 2013). In addition, existing facilities would be required to comply with applicable County guidelines, standards, and specifications related to operational noise, such as Section 36.404(a) of the Regulatory Code. Adherence to these standards and policies would ensure that noise impacts related to additional stationary noise sources would be reduced such that they would not exceed County standards.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Noise sources associated with the operation of commercial cannabis facilities could include mechanical equipment (e.g., mechanized trimmers), dehumidifiers and refrigerated storage, loading activities, and temporary cannabis events. While these noise sources are associated with commercial cannabis facilities, Section 21.2510(5)(A) of the proposed Regulatory Code would require individual commercial cannabis applicants to prepare a neighborhood compatibility plan that would include a description of how the business would take proactive steps to avoid becoming a nuisance or having negative impacts on its neighbors and surrounding community, including how the business will react and respond to complaints specifically related to noise.

An analysis of noise impacts related to these stationary noise sources is provided below.

Mechanical Equipment Noise

Although it is anticipated that most trimming would be conducted by hand, motorized trimmers for trimming commercial cannabis plants could be used. For a conservative analysis, a reference noise level for a hedge trimmer, which generates 81 dB at 3 feet (Berger et al 2015) is used in this analysis. This noise is similar to that of landscape maintenance equipment typically used at residential land uses, such as a lawn mower. As detailed in Section 1.6.1.4, with the implementation of the Cannabis Program, all processing activities at cannabis cultivation sites—including trimming of cannabis—would be required to occur within an enclosed, permanent structure. A standard enclosed building would be expected to achieve at least a 20-dBA reduction in noise (Caltrans 2013: 7-17). Assuming a 20-dBA reduction in

noise, noise associated with a motorized trimmer would exceed the applicable sound level limits for residential uses (i.e., 50 dBA L_{eq}) and commercial or industrial uses (i.e., 60 dBA L_{eq}) within 11 feet and 6 feet, respectively. Under the Cannabis Program, outdoor and mixed-light cultivation facilities would be setback 100 feet from surrounding property lines and thus would not exceed applicable sound level limits. In addition, pursuant to Section 36.417.B(2) of the Noise Abatement and Control Ordinance, equipment associated with agricultural operations is exempt from the ordinance if operations would not take place between 7:00 p.m. and 7:00 a.m. Therefore, mechanical equipment associated with cannabis cultivation uses would not exceed the County's applicable sound level limits for residential uses (i.e., 50 dBA L_{eq}) and commercial or industrial uses (i.e., 60 dBA L_{eq}).

Dehumidifiers and Refrigerated Storage

Noise sources associated with the operation of commercial cannabis cultivation sites could include the use of refrigerated storage units with externally mounted air conditioning units and dehumidifiers to store fresh frozen commercial cannabis after harvest. These noise sources would generate similar noise levels to HVAC equipment. Noise levels from HVAC equipment vary substantially depending on unit efficiency, size, and location but generally range from 60 to 70 dBA L_{eq} at 3 feet (Carrier 2022). Conservatively assuming HVAC units operate at a reference level of 70 dBA L_{eq} at 3 feet, noise from HVAC units would exceed the daytime sound level limits for residential uses (i.e., 50 dBA L_{eq}) and the nighttime sound level limits for residential uses (i.e., 45 dBA L_{eq}) within 30 feet and 54 feet, respectively. HVAC equipment would exceed the County's sound level limits for commercial and industrial uses (i.e., 60 dB L_{eq}) within 10 feet. Proposed amendments to the Zoning Ordinance, as detailed in Section 1.6.1.4, require outdoor and mixed-light cannabis cultivation facilities to be setback a minimum of 100 feet from all lot lines and a minimum of 300 feet from all residences on adjoining parcels existing at the time of permit application submittal. Therefore, outdoor and mixed-light cannabis cultivation facility noise related to dehumidifiers and refrigerated storage would not result in an exceedance of residential, commercial, or industrial use noise limits.

Loading Activities

Delivery activities generate noise associated with truck arrivals and departures from unloading areas, truck backing, air brakes, and other truck loading-related noise. According to a noise measurement conducted by Ascent on April 20, 2023, at a loading and unloading dock at an Anheuser-Bush facility, noise from delivery truck activity can reach levels of 59 dB L_{eq} at 100 feet (Ascent 2023a). Commercial cannabis facilities requiring loading docks would generally be related to larger outdoor, mixed-light, and distribution facilities. Outdoor and mixed-light facilities would be located at least 300 feet from the nearest residence and 100 feet from all lot lines, in accordance with the performance standards proposed as part of the Cannabis Program. From distance alone, noise from loading dock activity would attenuate to 49.5 dBA L_{eq} and 59 dBA L_{eq} and thus would not exceed the applicable daytime sound level limits for residential uses (i.e., 50 dBA L_{eq}) and commercial or industrial uses (i.e., 60 dB L_{eq}). However, even with adherence to the required 300-foot setback, loading activities at outdoor and mixed-light facilities could exceed the nighttime sound level limits for residential uses (i.e., 45 dBA L_{eq}). Under the Cannabis Program, distribution facilities would be permitted in the M50, M52, M54, M56, and M58 zones. Applying the reference noise level of 59 dB L_{eq} at 100 feet, noise associated with loading activities would exceed the sound level limit for zones M50, M52, and M54 (i.e., 70 dB L_{eq}) within 30 feet and the sound level limit for zones M56 and M58 (i.e., 75 dB L_{eq}) within 16 feet. See Appendix D for noise modeling. Because of the programmatic

nature of this analysis, it cannot be determined whether distribution facilities would be located within 30 feet of adjacent land use. Therefore, loading dock activities at distribution facilities could result in an exceedance of applicable County noise standards at nearby land uses.

Temporary Cannabis Events

The Cannabis Program would allow for licensed temporary cannabis events to be held on private property in C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Temporary cannabis events are not allowed at cannabis facilities, except for storefront retail facilities. Noise associated with temporary cannabis events could include elevated voices, parking lot activity, and amplified music or sound. Potential noise levels associated with activities anticipated to occur at temporary cannabis events are provided in Table 2.13.11 and can range from 60–72 dB at 50 feet. Temporary cannabis events would be required to comply with Section 36.401 et seq. of the Regulatory Code, which establishes restrictions on devices used for the production or reproduction of sound, including that operation of such a device shall not be plainly audible at 50 feet or more from the building or structure in which it is located. Proposed amendments to the Zoning Ordinance under Section 6129, Temporary Cannabis Events, would require that temporary cannabis events be setback 600 feet from residential zones and other cannabis sensitive uses and that Temporary Cannabis Event licenses would only be issued for up to 4 consecutive days, consisting of no more than 2 days of operation and 2 days for setup and breakdown/cleanup, beginning no earlier than 10:00 a.m. and ending no later than 10:00 p.m. Temporary cannabis events would be required to adhere to these requirements and as a result, would not generate noise levels that would exceed County noise standards as specified in Section 36.401 et seq. of the Regulatory Code and General Plan Policy N-1.1 or result in a substantial noise increase during more sensitive times of day (i.e., between 10:00 p.m. and 7:00 a.m.). Furthermore, under the Cannabis Program, cannabis facilities would be required to establish a neighborhood compatibility plan that describes noise complaint response. Compliance with these policies and regulations would ensure that noise related to temporary cannabis events would not expose sensitive receptors to noise that would exceed County noise standards or result in public health effects (e.g., sleep disturbance).

Summary

As discussed above, the implementation of the Cannabis Program would result in the development of commercial cannabis facilities, which would include new noise-generating stationary equipment (e.g., mechanical trimmers, generators) and activity areas (e.g., loading docks). Specific building footprints, locations, and the locations of stationary equipment are currently unknown; thus, it is possible that stationary noise sources could be located within distances that expose existing sensitive receptors to noise levels that exceed County noise regulations. Specifically, loading dock activities associated with distribution facilities could exceed the applicable County thresholds at nearby land uses. As detailed above, Section 6995(f)(3) of the proposed Zoning Ordinance under the Cannabis Program would require all facilities to comply with Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2 (presented as Tables 2.13.6 and 2.13.7, respectively, at the end of this section). However, it cannot be guaranteed that noise associated with loading activity at cannabis distribution facilities would operate at noise levels below the listed thresholds and, and thus, the Cannabis program would not be consistent with the General Plan.

This impact would be significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Noise sources associated with the operation of commercial cannabis facilities could include mechanical equipment (e.g., trimmers), dehumidifiers and refrigerated storage, loading activities, and temporary cannabis events. As discussed under Alternative 2, noise sources associated with operation of loading docks at cannabis distribution facilities could exceed applicable County noise standards. Section 6995(f)(3) of the proposed Zoning Ordinance under the Cannabis Program would require all facilities to comply with Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2 (presented as Tables 2.13.6 and 2.13.7, respectively, at the end of this section). However, it cannot be guaranteed that noise associated with loading activities at cannabis distribution facilities would operate at noise levels below the listed thresholds, and thus, the Cannabis program would not be consistent with the General Plan.

This impact would be significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers, to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Noise sources associated with the operation of cannabis cultivation facilities could include mechanical equipment (e.g., trimmers), dehumidifiers and refrigerated storage, loading activities, and temporary events. As discussed under Alternative 2, noise sources associated with operation of loading docks at commercial cannabis distribution facilities could exceed County noise standards. Section 6995(f)(3) of the proposed Zoning Ordinance under the Cannabis Program would require all facilities to comply with Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2 (presented as Tables 2.13.6 and 2.13.7, respectively, at the end of this section). However, it cannot be guaranteed that noise

associated with loading activities at cannabis distribution facilities would operate at noise levels below the listed thresholds, and thus, the Cannabis program would not be consistent with the General Plan.

This impact would be significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Noise sources associated with the operation of commercial cannabis facilities could include mechanical equipment (e.g., trimmers), dehumidifiers and refrigerated storage, loading activities, and temporary events. As discussed under Alternative 2, noise sources associated with operation of loading docks at commercial cannabis distribution facilities could exceed County noise standards. Section 6995(f)(3) of the proposed Zoning Ordinance under the Cannabis Program would require all facilities to comply with Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2 (presented as Tables 2.13.6 and 2.13.7, respectively, at the end of this section). However, it cannot be guaranteed that noise associated with loading activities at cannabis distribution facilities would operate at noise levels below the listed thresholds, and thus, the Cannabis program would not be consistent with the General Plan.

This impact would be significant under Alternative 5.

2.13.3.6 *Issue 3: Excessive Long-Term Traffic Noise Levels*

Guidelines for Determination of Significance

Appendix G of the State CEQA Guidelines establishes the following guideline for determining significance of effects related to excessive noise levels:

- Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The State CEQA thresholds provided by the *County of San Diego Guidelines for Determining Significance: Noise* (County of San Diego 2009) state that a significant impact would occur if implementation of the Cannabis Program would result in the exposure of any on- or off-site

existing or reasonably foreseeable future noise-sensitive land use to exterior or interior noise in excess of any of the following levels:

- Exterior locations:
  - Roadways and all other noise sources: 60 or 65 dBA CNEL in the Noise Compatibility Guidelines, as identified in Table 2.13.6, or an increase in 10 dBA CNEL over preexisting noise in areas where the ambient noise level is 49 dBA CNEL or less.
  - Railroads: 60 dBA CNEL or an increase of 10 dBA CNEL over preexisting noise in areas where the ambient noise level is 49 dBA CNEL or less.
- Interior locations:
  - 45 dBA CNEL

Impact Analysis

The Cannabis Program could result in long-term traffic noise increases. As detailed in Section 2.13.1.1, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noise environments corresponding to a doubling of sound energy. Thus, regarding traffic noise specifically, a noticeable increase in traffic noise could occur with a doubling in the volume of traffic on a roadway.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate and expand their existing facilities and operations to a total of 10,000 square feet of building area at each site. However, no new commercial cannabis uses would be allowed.

The existing 5 commercial cannabis facilities are located within developed areas and are surrounded by existing commercial and industrial land uses. The expansion of existing facilities under Alternative 1 could result in an increased number of daily trips from new employees or increased operations. However, given that the roadways surrounding each existing cannabis facility are used by other nearby commercial and industrial land uses, it is unlikely that the expansion of existing cannabis facilities would double traffic volumes along the surrounding roadway network and thus would not result in a perceptible increase in traffic noise (i.e., 3+ dB). In addition, existing commercial cannabis facilities would be required to be consistent with County General Plan policies. General Plan Policy N-2.1 would require an acoustical study if the expansion of existing facilities could directly result in existing or future noise sensitive land uses being subject to noise levels equal or greater than 60 CNEL.

The impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development

assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses including schools, day cares, and youth centers.

The Cannabis Program does not propose to change any land use designations or zoning districts in the county. Rather, it allows for cannabis facilities to operate on land zoned for agricultural, commercial, and industrial uses. As discussed above in Section 2.13.3.3, "Approach to Analysis," under the subheading "Construction Noise," while it remains reasonably foreseeable that a licensee could seek to develop new structures to support new commercial cannabis facilities, most noncultivation facilities would be located within existing developed uses. That is, future cannabis facilities, other than outdoor cultivation, would generally replace other industrial and commercial businesses. According to SANDAG's *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, standard commercial office buildings generate a rate of 20 ADT per 1,000 square feet (sf); industrial business parks, with commercial uses, generate 16 ADT per 1,000; and agricultural uses generate 2 ADT per acre. In contrast, as reported in Section 2.16, "Transportation," cannabis businesses would by comparison generate a reduced trip generation rate, which would range from 0.69 ADT per 1,000 square feet for processing and cultivation operations to 7 ADT per 1,000 square feet for testing facilities. Thus, given the land use types where cannabis facilities would be allowed to operate (i.e., agricultural, industrial, and commercial), ADT is projected to be comparatively lower than projected within SANDAG's regional planning assumptions for these land use types (SANDAG 2002).

As detailed in Table 1.4, under Alternative 2, cultivation activities could occur on up to 2,680,304 square feet of building area, nursery activities could occur on up to 1,680,000 sf of building area; processing activities could occur on up to 32,500 sf of building area; manufacturing could occur on up to 67,500 sf of building area; testing could occur on up to 5,600 sf of building area; and distribution activities could occur on up to 72,000 sf of building area. Applying the trip generation rates as shown in Table 2.13.13 (presented at the end of this section), Alternative 2 could result in 4,184 ADT. As shown in Figure 1.2, the areas where commercial cannabis uses would be permitted is extensive; thus, these daily trips are anticipated to be widely spread across the roadway network such that they are not anticipated to result in a doubling of traffic volumes that would create a significant traffic noise increase or impact. In addition, in accordance with County guidelines, in areas where existing noise levels are 49 dBA CNEL or less, an increase of 10 dBA CNEL or more over preexisting noise levels would be considered substantial (County of San Diego 2009). To result in a 10 dBA CNEL increase, traffic volumes along an individual roadway would need to more than double. Because facilities would be distributed across the unincorporated county, it is likely that subsequent cannabis sites licensed under the Cannabis Program would not double traffic volumes along the surrounding roadway network resulting in a perceptible (i.e., 3+ dB) increase in traffic noise.

As discussed in Section 2.14, "Population and Housing," SANDAG produces employment forecasts for the San Diego region and its 18 cities. From 2023 to 2050, employment in the San Diego region is forecast to increase from 1,561,500 jobs to 2,086,318 jobs, an increase of 524,818 jobs or 33.6 percent (EDD 2024; SANDAG 2021). As discussed under Issue 1 in Section 2.14, "Population and Housing," implementation of the Cannabis Program under Alternative 2 would not induce substantial unplanned population growth, in part because additional jobs would be filled by existing and future residents in the region and could readily be accommodated by the projected population growth. That is, employment opportunities are

projected to increase through 2050, and some of these employment opportunities would be within the cannabis industry.

While the Cannabis Program would allow for commercial cannabis facilities to operate in the County, the establishment of new commercial cannabis businesses would be related to economic conditions, as well as other local social conditions, such as product interest and worker availability. However, because cannabis facilities would generally be located within existing developed buildings and would produce a lower ADT rate than typical uses within commercial, industrial, and agricultural land use types, as discussed above, there would not be a substantial increase in traffic throughout the county. Traffic volumes from operational trips, including employee commutes, are not expected to result in excessive long-term increases in traffic noise along individual roadway segments throughout the unincorporated county. In addition, subsequent projects would be required to be consistent with County General Plan policies. General Plan Policy N-2.1 would require an acoustical study if subsequent projects could directly result in existing or future noise sensitive land uses being subject to noise levels equal or greater than 60 CNEL. Therefore, because the Cannabis Program would not induce a substantial increase in vehicular trips in the county, it would not result in increased transportation-related ambient noise levels.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As discussed above under Alternative 2, while the Cannabis Program would allow for commercial cannabis facilities to operate in the county, the establishment of new commercial cannabis businesses would be related to economic conditions, as well as other local social conditions, such as product interest and worker availability. However, because cannabis facilities would generally be located within existing developed buildings and would produce a lower ADT rate than typical uses within commercial, industrial, and agricultural land use types, as discussed above, there would not be a substantial increase in traffic throughout the county. Similar to Alternative 2, applying the trip generation rates as shown in Table 2.13.13 (presented at the end of this section), Alternative 3 could result in 4,184 ADT. As shown in Figure 1.2, the program area is extensive; and thus, these daily trips are anticipated to be widely spread across the roadway network. Thus, traffic volumes from operational trips, including employee commutes, are not expected to result in excessive long-term increases in traffic noise along individual roadway segments throughout the unincorporated county. In addition, as identified under Alternative 2, subsequent projects would be required to comply with County General Plan policies as described above. Therefore, because the Cannabis Program would not induce a substantial increase in vehicular trips in the county, it would not result in increased transportation-related ambient noise levels.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As discussed above under Alternative 2, while the Cannabis Program would allow for commercial cannabis facilities to operate in the county, the establishment of new commercial cannabis businesses would be related to economic conditions, as well as other local social conditions, such as product interest and worker availability. However, because cannabis facilities would generally be located within existing developed buildings and would produce a lower ADT rate than typical uses within commercial, industrial, and agricultural land use types, as discussed above, there would not be a substantial increase in traffic throughout the county. Under Alternative 4, cultivation activities could occur on up to 2,002,524 square feet of building area. The building area for other cannabis facilities would be the same as described under Alternative 2. Applying the trip generation rates as shown in Table 2.13.13 (presented at the end of this section), Alternative 4 could result in 4,507 ADT. As shown in Figure 1.2, the program area is extensive, and thus traffic volumes from operational trips, including employee commutes, are not expected to result in excessive long-term increases in traffic noise along individual roadway segments throughout the unincorporated county. In addition, as identified under Alternative 2, subsequent projects would be required to comply with County General Plan policies as described above. Therefore, because the Cannabis Program would not induce a substantial increase in vehicular trips in the county, it would not result in increased transportation-related ambient noise levels.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed above under Alternative 2, while the Cannabis Program would allow for commercial cannabis facilities to operate in the county, the establishment of new commercial cannabis businesses would be related to economic conditions, as well as other local social conditions, such as product interest and worker availability. However, because cannabis facilities would generally be located within existing developed buildings and would produce a lower ADT rate than typical uses within commercial, industrial, and agricultural land use types, as discussed above, there would not be a substantial increase in traffic throughout the county. Similar to Alternative 2, applying the trip generation rates as shown in Table 2.13.13 (presented at the end of this section), this alternative could result in approximately 4,184 ADT.

As shown in Figure 1.2, the program area is extensive; and thus, these daily trips are anticipated to be widely spread across the roadway network. Therefore, traffic volumes from operational trips, including employee commutes, are not expected to result in excessive long-term increases in traffic noise along individual roadway segments throughout the unincorporated county. In addition, as identified under Alternative 2, subsequent projects would be required to comply with County General Plan policies as described above. Therefore, because the Cannabis Program would not induce a substantial increase in vehicular trips in the county, it would not result in increased transportation-related ambient noise levels.

This impact would be less than significant under Alternative 5.

2.13.3.7 *Issue 4: Excessive Groundborne Vibration*

Guidelines for Determination of Significance

Appendix G of the State CEQA Guidelines establishes the following guideline for determining significance of effects related to excessive groundborne vibration:

- Result in generation of excessive groundborne vibration or groundborne noise levels.

The State CEQA thresholds provided by the *County of San Diego Guidelines for Determining Significance: Noise* (County of San Diego 2009) state that a significant impact would occur if the project would result in exposure of vibration sensitive uses to groundborne vibration and noise equal to or in excess of the levels shown in Table 4, Groundborne Vibration and Noise Standards of the guidelines (Table 2.13.10, presented at the end of this section), or if new sensitive land uses would be located in the vicinity of groundborne vibration inducing land uses, such as railroads or mining operations. The groundborne vibration and noise standards identify the following 3 land use categories with increasing sensitivity to groundborne vibration and noise impacts:

a. Category 1: Buildings where low ambient vibration is essential for interior operations (research and manufacturing facilities with special vibration constraints)

b. Category 2: Residences and buildings where people normally sleep (hotels, hospitals, residences, and other sleeping facilities)

c. Category 3: Institutional land uses with primarily daytime use (schools, churches, libraries, other institutions, and quiet offices)

A project would result in a significant impact if frequent events would exceed 0.0018 in/sec RMS for Category 1 land uses, 0.004 in/sec RMS for Category 2, and 0.0056 in/sec RMS for Category 3. Occasional or infrequent events (fewer than 70 vibration events per day) would be considered a significant impact if they would exceed 0.0018 in/sec RMS for Category 1 land uses, 0.010 in/sec RMS for Category 2, and 0.014 in/sec RMS for Category 3. According to reference vibration levels for typical construction equipment that would be used shown in Table 2.13.10, a small bulldozer could generate ground vibration levels of 0.003 PPV in/sec and 58 VdB at 25 feet (FTA 2018). Because the use of a small bulldozer would likely not require frequent use, this analysis applies the County of San Diego criteria of 0.0018 in/sec RMS for Category 1 land uses, 0.010 in/sec RMS for Category 2, and 0.014 in/sec RMS for Category 3 for occasional or infrequent events (i.e., fewer than 70 vibrations per day).

The County of San Diego does not have established thresholds for structural damage due to vibration. Therefore, in the absence of local vibration standards, the FTA threshold for structural building damage of 0.20 PPV in/sec is used.

Impact Analysis

Construction activities generate varying degrees of temporary ground vibration, depending on the specific construction equipment used and activities involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increased distance. The effects of ground vibration from construction activity may be imperceptible at the lowest levels, result in a detectable low rumbling sound and detectable vibrations at moderate levels, and at the highest levels, can cause annoyance, sleep disturbance, or damage to nearby structures. Table 2.13.10, presented at the end of this section, provides a list of vibration levels for pieces of typical equipment that could be used during construction of commercial cannabis sites associated with the Cannabis Program.

According to reference vibration levels for typical construction equipment shown in Table 2.13.10, presented at the end of this section, a small bulldozer could generate the greatest level of ground vibration of 0.0.003 PPV in/sec and 58 VdB at 25 feet (FTA 2018). Because the use of a small bulldozer would likely not require frequent use, this analysis applies the County of San Diego criteria of 0.0018 in/sec RMS for Category 1 land uses, 0.010 in/sec RMS for Category 2, and 0.014 in/sec RMS for Category 3 for occasional or infrequent events (i.e., fewer than 70 vibrations per day). According to the FTA recommended procedure for applying a propagation adjustment to reference levels, vibration levels from the use of a small bulldozer could exceed the threshold of significance for Category 1 land uses (i.e., 0.0018 in/sec RMS) within 14 feet and the thresholds for Category 2 land uses (0.010 in/sec RMS) and Category 3 land uses (0.014 in/sec RMS) within 5 feet and 4 feet, respectively. The FTA threshold for structural damage to normal buildings (i.e., 0.20 in/sec PPV) would be exceeded within 2 feet of small bulldozer use. See Appendix D for modeling details.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate and expand their existing facilities and operations to a total of 10,000 square feet of building area at each site. However, no new commercial cannabis uses would be allowed.

Construction activities associated with the expansion of existing cannabis facilities are anticipated to be minor and would typically include the use of bulldozers and hand tools. If the operation of a small bulldozer were to occur within 14 feet of a Category 1 building, 5 feet of a Category 2 building, or 4 feet of a Category 3 building, it would exceed the County of San Diego thresholds for human response to vibration events (i.e., 0.0018 in/sec RMS, 0.010 in/sec RMS, and 0.014 in/sec RMS, respectively). If the operation of a small bulldozer were to occur within 2 feet of an existing structure, it would exceed the FTA threshold for structural damage (i.e., 0.20 in/sec PPV). The existing 5 commercial cannabis facilities are located more than 125 feet from the nearest structures; thus, construction activity associated with facility expansion would not exceed the County standards for human response or the FTA threshold for structural damage. In addition, as required by Section 36.408 of the County Noise Abatement and Control Ordinance, construction activities would only occur Monday through Saturday between

the daytime hours of 7:00 a.m. and 7:00 p.m. and thus would be limited to less-sensitive hours of the day. The use of a small bulldozer and other construction equipment would not occur during evening or nighttime hours and therefore, would not result in adverse health effects (i.e., sleep disturbance) at nearby sensitive land uses.

The impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Human Response

Under the Cannabis Program, outdoor or mixed-light cannabis cultivation sites would be located at least 100 feet from all lot lines and would be allowed only in agricultural zones. Therefore, vibration generated from the construction of an outdoor or mixed-light cannabis facility would not impact Category 1 buildings (i.e., research and manufacturing facilities with special vibration constraints) because these uses are not permitted within agricultural zones. At 100 feet, vibration from use of a small bulldozer would attenuate to below 0.001 in/sec RMS. Thus, vibration generated from the construction of an outdoor or mixed-light cannabis facility would not exceed the County of San Diego criteria of 0.010 in/sec RMS for Category 2 buildings (i.e., residential uses) or 0.014 in/sec RMS for Category 3 buildings (i.e., institutional uses). Other cannabis use types (e.g., storefront retail, manufacturing, microbusiness) would be allowed in agricultural, commercial, and industrial zones. The Cannabis Program would require all commercial cannabis facilities to maintain a 600-foot buffer from K-12 schools, daycares, and youth centers. At 600 feet, vibration levels from use of a small bulldozer would attenuate to below 0.00010 in/sec RMS and, thus, would not exceed the County of San Diego Category 2 or Category 3 vibration thresholds. In addition, as required by Section 36.408 of the County Noise Abatement and Control Ordinance, construction activities would only occur Monday through Saturday between the daytime hours of 7:00 a.m. and 7:00 p.m. and thus would be limited to the less sensitive hours of the day. The use of a small bulldozer and other construction equipment would not occur during evening or nighttime hours and therefore, would not result in adverse health effects (i.e., sleep disturbance) at nearby sensitive land uses.

Structural Damage

The FTA threshold for structural damage to normal buildings (i.e., 0.20 in/sec PPV) would be exceeded within 2 feet of use of a small bulldozer. As detailed above, in accordance with the Zoning Ordinance, all outdoor and mixed-light cannabis cultivation facilities under the Cannabis Program would be required to be located at least 100 feet from the nearest lot line and 300 feet from residences on adjoining parcels. Therefore, vibration generated from the construction of future outdoor or mixed-light commercial cannabis facilities would not exceed the FTA criteria of 0.20 in/sec PPV for structural damage. In addition, construction of future indoor cultivation and noncultivation cannabis uses would not be expected to take place within 2 feet of any existing structure. Therefore, construction would not exceed FTA's threshold for structural damage of 0.20 in/sec PPV.

Vibration Summary

Typical construction activities associated with future cannabis facilities are anticipated to be minor (e.g., remodeling) and would not require the use of heavy equipment. Construction equipment associated with cannabis cultivation and noncultivation facilities would typically include bulldozers and hand tools. If the use of a small bulldozer were to occur within 14 feet of a Category 1 building, 5 feet of a Category 2 building, or 4 feet of a Category 3 building, it would exceed the County of San Diego thresholds for human response to vibration events (i.e., 0.0018 in/sec RMS, 0.010 in/sec RMS, and 0.014 in/sec RMS, respectively). Because of the required setback of 100-feet for outdoor and mixed-light cannabis cultivation facilities that would be implemented under the Cannabis Program, it is not anticipated that vibration levels associated with these facilities would exceed FTA standards for structural damage or human response. In addition, construction of cannabis facilities involving the use of a small bulldozer would not be expected to take place within 14 feet of any structure, and thus would not exceed County standards for adverse human response or FTA thresholds for structural damage. In addition, as required by Section 36.408 of the County Noise Abatement and Control Ordinance, construction activities would only occur Monday through Saturday between the daytime hours of 7:00 a.m. and 7:00 p.m. and thus would be limited to the less sensitive hours of the day. The use of a small bulldozer and other construction equipment would not occur during evening or nighttime hours and therefore would not result in adverse health effects (i.e., sleep disturbance).

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of “sensitive uses” would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As discussed above under Alternative 2, if construction activities that involve the use of a small bulldozer were to occur within 2 feet of a structure, they could exceed the FTA criteria of 0.20 in/sec PPV for damage to nonengineered timber and masonry buildings. In addition, if the use of a small bulldozer were to occur within 14 feet of a Category 1 building or within 5 feet of a Category 2 building, it would exceed the County of San Diego thresholds for human response to vibration events (i.e., 0.0018 in/sec RMS, 0.010 in/sec RMS, and 0.014 in/sec RMS, respectively). Because of the required setbacks of 100-feet for outdoor and mixed-light cannabis cultivation facilities and 1,000-feet from sensitive uses that would be implemented under this alternative, it is not anticipated that vibration levels associated with these facilities would exceed County standards for human response. In addition, in accordance with Section 36.408 of the County Noise Abatement and Control Ordinance, construction activities would take place only between 7:00 a.m. and 7:00 p.m. and thus would not result in adverse human response (i.e., sleep disruption). Furthermore, it is not expected that construction of other commercial cannabis facilities (e.g., manufacturing, storefront facilities) would be located within

2 feet of existing structures, and thus such construction activities would not exceed the FTA thresholds for structural damage.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As discussed above under Alternative 2, if construction activities that involve the use of a small bulldozer were to occur within 2 feet of a structure, they could exceed the FTA criteria of 0.20 in/sec PPV for damage to nonengineered timber and masonry buildings. In addition, if the use of a small bulldozer were to occur within 14 feet of a Category 1 building, 5 feet of a Category 2 building, or 4 feet of a Category 3 building, it would exceed the County of San Diego thresholds for human response to vibration events (i.e., 0.0018 in/sec RMS; 0.010 in/sec RMS; 0.014 in/sec RMS, respectively). With adherence to the required setbacks, it is not anticipated that vibration levels associated with indoor cannabis facilities would exceed County standards for human response. In addition, in accordance with Section 36.408 of the County Noise Abatement and Control Ordinance, construction activities would take place only between 7:00 a.m. and 7:00 p.m. and thus would not result in adverse human response (i.e., sleep disruption). Furthermore, it is not expected that construction of other commercial cannabis facilities would be located within 2 feet of existing structures, and thus such construction activities would not exceed the FTA thresholds for structural damage.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses. The definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County and/or other cities, residential care facilities, and other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed above under Alternative 2, if construction activities that involve the use of a small bulldozer were to occur within 2 feet of a structure, they could exceed the FTA criteria of 0.20 in/sec PPV for damage to nonengineered timber and masonry buildings. In addition, if the use of a small bulldozer were to occur within 14 feet of a Category 1 building or within 5 feet of a Category 2 building, it would exceed the County of San Diego thresholds for human response to vibration events (i.e., 0.0018 in/sec RMS, 0.010 in/sec RMS, and 0.014 in/sec RMS, respectively). Because of the required setbacks of 100-feet for outdoor and mixed-light cannabis cultivation facilities and 1,000-feet from sensitive uses that would be implemented under this alternative, it is not anticipated that vibration levels associated with these facilities would exceed County standards for human response. In addition, in accordance with Section 36.408 of the County Noise Abatement and Control Ordinance, construction activities would take place only between 7:00 a.m. and 7:00 p.m. and thus would not result in adverse human response (i.e., sleep disruption). Furthermore, it is not expected that construction of other commercial cannabis facilities (e.g., manufacturing, storefront facilities) would be located within 2 feet of existing structures, and thus such construction activities would not exceed the thresholds for structural damage.

This impact would be less than significant under Alternative 5.

2.13.4 Cumulative Impacts

The geographic scope of the cumulative impact analysis for noise is the San Diego region, including jurisdictions and special districts within and adjacent to the unincorporated county. Noise impacts are based on factors related to site-specific and project-specific characteristics and conditions, including distance to noise sources, barriers between land uses, noise sources, and other factors. Noise impacts are typically site-specific and only combine when cumulative development is near each other.

2.13.4.1 *Issue 1: Excessive Temporary (Construction-Related) Noise Levels*

Construction noise impacts are generally experienced locally and are not cumulative in nature.

Construction-related noise is typically considered a localized impact, affecting only receptors closest to construction activities. Therefore, unless construction of cumulative projects, including those proposed under Alternatives 1 through 5, occur in close proximity to each other (i.e., within 500 feet) and at the same time, noise from individual construction projects have little chance of combining to create cumulative impacts. For these reasons, cumulative noise impacts from construction are generally less than significant. As discussed under Section 2.13.3.5, “Issue 1: Excessive Temporary (Construction-Related) Noise Levels,” noise associated with the construction of new commercial cannabis facilities would be intermittent and temporary and would fluctuate over the years as new facilities are constructed across the unincorporated county. Mitigation Measure M-N.1-1, “Incorporate Noise Reduction Measures into Construction Specifications,” would require the implementation of construction noise-reducing measures that would minimize construction noise impacts. In addition, all cumulative projects would be subject to and required to comply with applicable County noise standards that would offset any contributions to construction noise impacts under cumulative conditions. For these reasons, the Cannabis Program under Alternatives 1 through 5, in combination with cumulative projects, would not be cumulatively considerable.

2.13.4.2 *Issue 2: Long-Term Operational Stationary Noise*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts associated with permanent increases in ambient noise levels from traffic and land use activities would occur from implementation of the General Plan (San Diego County 2009).

The expansion of existing commercial cannabis facilities under Alternative 1 would have similar operational noise sources to those under existing conditions and to other surrounding commercial and industrial development. The expansion of existing facilities would not result in excessive noise levels; therefore, the impact would be less than significant under Alternative 1. Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in specific areas of the unincorporated county that would have the potential to introduce permanent noise associated with operation of each facility. The Cannabis Program proposes amendments to the Zoning Ordinance (Section 6995(f)(3)) and the Regulatory Code (Section 21.2510(5)(A)) that would include noise standards to reduce excessive noise levels associated with cannabis facilities consistent with County General Plan policy and noise regulations and offset contributions to cumulative noise impacts.

Therefore, the impact would not be cumulatively considerable for Alternatives 1 through 5.

2.13.4.3 *Issue 3: Long-Term Operational Traffic Noise*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts associated with permanent increases in ambient noise levels from traffic and land use activities would occur from implementation of the General Plan (San Diego County 2009).

Expanded commercial cannabis facilities under Alternative 1 could result in increased trips along surrounding roadways. However, expanded facilities would likely not result in a doubling of traffic volumes along the roadway network and thus would not result in excessive noise levels. Therefore, the impact would be less than significant under Alternative 1. The extent of potential expansion of existing commercial cannabis cultivation sites and exact location of individual new commercial cannabis cultivation sites under Alternatives 2 through 5 in the unincorporated county is unknown at this time; however, while the Cannabis Program would allow for commercial cannabis facilities to operate in the county, the establishment of new commercial cannabis businesses would be related to economic conditions, as well as other local social conditions, such as product interest and worker availability. However, because cannabis facilities would generally be located within existing developed buildings and would produce a lower ADT rate than typical uses within commercial, industrial, and agricultural land use types, as discussed above, there would not be a substantial increase in traffic throughout the county. Traffic volumes from operational trips, including employee commutes, are not expected to result in excessive long-term increases in traffic noise along individual roadway segments throughout the unincorporated county. Therefore, because the Cannabis Program would not induce a substantial increase in vehicular trips in the county, it would not result in increased transportation-related ambient noise levels. Therefore, the Cannabis Program's contribution to cumulative construction traffic noise impacts would not be cumulatively considerable under Alternatives 1, 2, 3, 4, and 5.

2.13.4.4 *Issue 4: Excessive Groundborne Vibration*

Construction groundborne vibration impacts are generally experienced locally and are not cumulative in nature.

Alternative 1 could result in the expansion of existing commercial cannabis facilities. . Construction-related vibration is typically considered a localized impact, affecting only receptors closest to construction activities. Therefore, unless construction of cumulative projects, including those proposed under Alternatives 1 through 5, occur in close proximity to each other (i.e., less than 500 feet) and at the same time, vibration from individual construction projects have little chance of combining to create cumulative impacts. For these reasons, cumulative vibration impacts from construction are generally less than significant. As discussed in Section 2.13.3.8, “Issue 4: Excessive Groundborne Vibration,” vibration associated with the expansion or construction of new commercial cannabis facilities under Alternatives 1 through 5 would be intermittent and temporary and would fluctuate over the years as new facilities are constructed. The extent of these construction vibration impacts would be limited to the individual commercial cannabis site and adjacent areas and would not create a regional or countywide cumulative vibration impact. Therefore, when combined with past, present, and reasonably foreseeable future projects, the Cannabis Program’s contribution to cumulative construction vibration impacts would not be cumulatively considerable under Alternatives 1, 2, 3, 4, and 5.

2.13.5 Significance of Impacts Prior to Mitigation

2.13.5.1 *Issue 1: Excessive Temporary (Construction-Related) Noise Levels*

The Cannabis Program would have less-than-significant impacts associated with temporary increases in ambient noise under Alternative 1. Alternatives 2 through 5 would result in potentially significant impacts associated with temporary increases in ambient noise. The Cannabis Program would not result in cumulatively considerable contributions to potentially significant cumulative impacts associated with permanent increases in ambient noise.

2.13.5.2 *Issue 2: Excessive Long-Term Stationary Noise Levels*

The Cannabis Program would have less-than-significant impacts associated with long-term increases in stationary noise under Alternative 1. Alternatives 2 through 5 would result in potentially significant impacts associated with direct long-term noise levels. The Cannabis Program would not result in cumulatively considerable contributions to impacts associated with long-term noise.

2.13.5.3 *Issue 3: Excessive Long-Term Traffic Noise Levels*

The proposed Cannabis Program would result in less-than-significant direct long-term traffic-related noise levels under Alternatives 1 through 5. It would not result in cumulatively considerable contributions to long-term traffic noise levels.

2.13.5.4 *Issue 4: Excessive Groundborne Vibration*

Alternatives 1 through 5 of the Cannabis Program would result in less-than-significant impacts associated with groundborne vibration. It would not result in cumulatively considerable contributions to potentially significant cumulative impacts associated with excessive groundborne vibration.

2.13.6 Mitigation

2.13.6.1 *Issue 1: Excessive Temporary Construction-Related Noise Levels*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-N.1-1: Incorporate Noise Reduction Measures into Construction Specifications

Applications for cannabis facilities shall include the following requirements into construction plan specifications/project plans:

- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.
- At no time shall noise levels exceed a community noise equivalent (CNEL) of 60 dBA or 10+ dBA above existing noise levels at any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards could involve the use of the following noise reduction measures or other equally effective measures:
    - Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site, using electric powered equipment instead of pneumatic or internal combustion powered equipment) where feasible and consistent with building codes and other applicable laws and regulations.
    - Stationary noise sources, such as generators and pumps, shall be located as far away from noise-sensitive uses as feasible.
    - All construction equipment and equipment staging areas shall be located as far as possible from nearby structures and located to the extent feasible such that existing or constructed noise attenuating features (e.g., temporary noise wall or blankets) block line of site between affected land uses and construction staging areas.
    - Noise monitoring during construction will be conducted, and records of monitoring results shall be maintained by the applicant and provided to the County upon request.
- No less than 1 week prior to the start of construction activities at a particular location, notification shall be provided to nearby land uses (e.g., businesses, residential uses) that are located within 150 feet of the construction site (i.e., based on the construction

noise modeling, which is distance at which nearby receptors would experience noise levels exceeding acceptable daytime construction-noise levels).

- For construction activity that would occur within a clear line of sight of off-site noise-sensitive receptors, temporary noise curtains shall be installed as close as possible to the noise-generating activity such that the curtains obstruct the direct line of sight between the noise-generating construction activity and the nearby sensitive receptors. Temporary noise curtains shall consist of durable, flexible, composite material featuring a noise barrier layer bound to sound-absorptive material on one side. The noise barrier layer shall consist of rugged impervious material with a surface weight of at least 1 pound per square foot and be designed to result in a 10-dB reduction at the sensitive receptor location. When installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dB (EPA 1971).

2.13.6.2 *Issue 2: Excessive Long-Term Stationary Noise Levels*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-N.2-1: Implement Noise Reduction Measures to Reduce Operational Noise Impacts at Distribution Facilities

Whenever a cannabis distribution facility is proposed on a parcel within 30 feet (i.e., the distance at which loading activities could exceed county noise standards) of a noise sensitive land use (residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, passive recreational parks, libraries, or other similar facilities where quiet is an important attribute of the environment, as defined by the *County of San Diego General Plan* and the *County of San Diego Guidelines for Determining Significance - Noise*), a noise analysis shall be prepared by a consultant listed on the County of San Diego's CEQA Consultants List for Privately Initiated Projects and submitted with the permit application. The noise analysis shall be prepared in accordance with *County of San Diego Guidelines for Determining Significance - Noise* and will evaluate the effect of project implementation on nearby land uses and shall identify appropriate measures (e.g., equipment enclosures, equipment location, noise barriers) that reduce noise to acceptable levels as presented in Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2. To meet these standards, noise levels will be modeled from the location of the loading activities to the parcel with the noise-sensitive land use.

2.13.6.3 *Issue 3: Excessive Long-Term Traffic Noise Levels*

No mitigation is required.

2.13.6.4 *Issue 4: Excessive Groundborne Vibration*

No mitigation is required.

2.13.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after mitigation measures are implemented.

2.13.7.1 *Issue 1: Excessive Temporary Construction-Related Noise Levels*

Alternative 1 would have less-than-significant impacts related to construction noise.

Implementation of Mitigation Measure M-N.1-1 would provide substantial reductions in construction noise levels by including noise reduction measures, such as ensuring proper equipment use; locating equipment away from sensitive land uses; and requiring the use of enclosures, shields, and noise curtains. Although noise reduction would be achieved with implementation of these measures, reductions of the appropriate magnitude may not be achievable under all circumstances with implementation of Mitigation Measure M-N.1-1. Therefore, because it cannot be assured that the applicable noise standards can be met, this impact would remain significant and unavoidable for Alternatives 2 through 5. The proposed Cannabis Program would not contribute to a significant cumulative impact.

2.13.7.2 *Issue 2: Excessive Long-Term Stationary Noise Levels*

Alternative 1 would have less-than-significant stationary noise impacts.

Implementation of Mitigation Measure M-N.2-1 would provide substantial reductions in operational noise associated with loading activities at cannabis distribution facilities by requiring a noise analysis and implementation of noise reduction measures for proposed facilities located within 30 feet of an adjacent land use. In addition, the Cannabis Program proposes amendments to the Zoning Ordinance (Section 6995(f)(3)) and the Regulatory Code (Section 21.2510(5)(A)) that would include noise standards to reduce excessive noise levels associated with cannabis facilities consistent with County General Plan policy and noise regulations. Therefore, permanent operational stationary noise levels associated with operation of Alternatives 2 through 5 would be less than significant with mitigation. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.13.7.3 *Issue 3: Excessive Long-Term Traffic Noise Levels*

Alternative 1 would have less-than-significant traffic noise impacts.

Commercial cannabis facilities would generally be located within existing developed buildings and would produce a lower ADT rate than typical uses within commercial, industrial, and agricultural land use types; therefore, as discussed above, there would not be a substantial increase in traffic throughout the county. Traffic volumes from operational trips, including employee commutes, are not expected to result in excessive long-term increases in traffic noise along individual roadway segments throughout the unincorporated county. Therefore, because the Cannabis Program under Alternatives 2 through 5 would not induce a permanent increase in vehicular trips in the county, it would have a less-than-significant impact. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.13.7.4 *Issue 4: Excessive Groundborne Vibration*

Alternative 1 would have less-than-significant construction groundborne vibration impacts.

Construction activities associated with the implementation of the Cannabis Program under Alternatives 2 through 5 would not affect vibration-sensitive land uses or result in structural damage. Therefore, this impact would be less than significant. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Table 2.13.2 Typical A-Weighted Noise Levels

Common Outdoor Activities	Noise Level (dB)	Common Indoor Activities
	— 110 —	Rock band
Jet flyover at 1,000 feet	— 100 —	
Gas lawn mower at 3 feet	— 90 —	
Diesel truck at 50 feet at 50 miles per hour	— 80 —	Food blender at 3 feet, Garbage disposal at 3 feet
Noisy urban area, daytime, Gas lawn mower at 100 feet	— 70 —	Vacuum cleaner at 10 feet, Normal speech at 3 feet
Commercial area, Heavy traffic at 300 feet	— 60 —	
Quiet urban daytime	— 50 —	Large business office, Dishwasher next room
Quiet urban nighttime	— 40 —	Theater, large conference room (background)
Quiet suburban nighttime	— 30 —	Library, Bedroom at night
Quiet rural nighttime	— 20 —	
	— 10 —	Broadcast/recording studio
Lowest threshold of human hearing	— 0 —	Lowest threshold of human hearing

Source: Caltrans 2013: Table 2-5.

Table 2.13.3 Human Response to Different Levels of Ground Noise and Vibration

Vibration-Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is annoying.
85 VdB	Vibration tolerable only if there are an infrequent number of events per day.

Notes: VdB = vibration decibels referenced to 1 μ inch/second and based on the RMS velocity amplitude.

Source: FTA 2018: 120.

Table 2.13.4 FTA Construction Damage Vibration Criteria

Land Use Category	PPV (in/sec)
Reinforced-concrete, steel, or timber (no plaster)	0.50
Engineered concrete and masonry (no plaster)	0.30
Non-engineered timber and masonry buildings	0.20
Buildings extremely susceptible to vibration damage	0.12

Source: FTA 2018.

Table 2.13.5 Caltrans Recommendations Regarding Levels of Exposure

PPV (in/sec)	Effect on Buildings
0.4-0.6	Architectural damage and possible minor structural damage
0.2	Risk of architectural damage to normal dwelling houses
0.1	Virtually no risk of architectural damage to normal buildings
0.08	Recommended upper limit of vibration to which ruins and ancient monuments should be subjected
0.006-0.019	Vibration unlikely to cause damage of any type

Notes: PPV = peak particle velocity; in/sec = inches per second.

Source: Caltrans 2020: 24-25.

Table 2.13.6 County of San Diego Noise Compatibility Guidelines

Land Use Category		Exterior Noise Level (CNEL)
A	Residential—single family residences, mobile homes, senior housing, convalescent homes	Acceptable[1]: Less than 55 to 60 Conditionally Acceptable[2]: 60 to 75 Unacceptable[3]: 75 to greater than 80
B	Residential—multi-family residences, mixed-use (commercial/residential)	Acceptable: Less than 55 to 65 Conditionally Acceptable[2]: 65 to 75 Unacceptable[3]: 75 to greater than 80
C	Transient lodging—motels, hotels, resorts	Acceptable: Less than 55 to 65 Conditionally Acceptable[2]: 65 to 75 Unacceptable[3]: 75 to greater than 80
D[4]	Schools, churches, hospitals, nursing homes, childcare facilities	Acceptable: Less than 55 to 65 Conditionally Acceptable[2]: 65 to 75 Unacceptable[3]: 75 to greater than 80
E[4]	Passive recreational parks, nature preserves, contemplative spaces, cemeteries	Acceptable: Less than 55 to 65 Conditionally Acceptable[2]: 65 to 75 Unacceptable[3]: 75 to greater than 80
F[4]	Active parks, golf courses, athletic fields, outdoor spectator sports, water recreation	Acceptable: Less than 55 to 70 Conditionally Acceptable[2]: 70 to 75 Unacceptable[3]: 75 to greater than 80
G[4]	Office\professional, government, medical\dental, commercial, retail, laboratories	Acceptable: Less than 55 to 70 Conditionally Acceptable[2]: 70 to 75 Unacceptable[3]: 75 to greater than 80
H[4]	Industrial, manufacturing, utilities, agriculture, mining, stables, ranching, warehouse, maintenance/repair	Acceptable: Less than 55 to 70 Conditionally Acceptable[2]: 70 to greater than 80

Notes: For projects located within an Airport Influence Area of an adopted Airport Land Use Compatibility Plan (ALUCP), additional Noise Compatibility Criteria restrictions may apply as specified in the ALUCP.

[1] Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal construction, without any special noise insulation requirements.

[2] Conditionally Acceptable: New construction or development should be undertaken only after a detailed noise analysis is conducted to determine if noise reduction measures are necessary to achieve acceptable levels for land use. Criteria for determining exterior and interior noise levels are listed in Table 3, Noise Standards. If a project cannot mitigate noise to a level deemed Acceptable, the appropriate County decision-maker must determine that mitigation has been provided to the greatest extent practicable or that extraordinary circumstances exist.

[3] Unacceptable: New construction or development shall not be undertaken.

[4] Denotes facilities used for part of the day; therefore, an hourly standard would be used rather than CNEL.

Source: County of San Diego 2011: Table N-1.

Table 2.13.7 County of San Diego Noise Standards

1. The exterior noise level (as defined in Item 3) standard for Category A shall be 60 CNEL, and the interior noise level standard for indoor habitable rooms shall be 45 CNEL.
2. The exterior noise level standard for Categories B and C shall be 65 CNEL, and the interior noise level standard for indoor habitable rooms shall be 45 CNEL.
3. The exterior noise level standard for Categories D and G shall be 65 CNEL and the interior noise level standard shall be 50 dBA L_{eq} (one hour average).
4. For single-family detached dwelling units, “exterior noise level” is defined as the noise level measured at an outdoor living area which adjoins and is on the same lot as the dwelling, and which contains at least the following minimum net lot area: (i) for lots less than 4,000 square feet in area, the exterior area shall include 400 square feet, (ii) for lots between 4,000 square feet to 10 acres in area, the exterior area shall include 10 percent of the lot area; (iii) for lots over 10 acres in area, the exterior area shall include 1 acre.
5. For all other residential land uses, "exterior noise level" is defined as noise measured at exterior areas which are provided for private or group usable open space purposes. “Private Usable Open Space” is defined as usable open space intended for use of occupants of one dwelling unit, normally including yards, decks, and balconies. When the noise limit for Private Usable Open Space cannot be met, then a Group Usable Open Space that meets the exterior noise level standard shall be provided. “Group Usable Open Space” is defined as usable open space intended for common use by occupants of a development, either privately owned and maintained or dedicated to a public agency, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian walkways and equestrian and bicycle trails, but not including off-street parking and loading areas or driveways.
6. For non-residential noise sensitive land uses, exterior noise level is defined as noise measured at the exterior area provided for public use.
7. For noise sensitive land uses where people normally do not sleep at night, the exterior and interior noise standard may be measured using either CNEL or the one-hour average noise level determined at the loudest hour during the period when the facility is normally occupied.
8. The exterior noise standard does not apply for land uses where no exterior use area is proposed or necessary, such as a library.
9. For Categories E and F the exterior noise level standard shall not exceed the limit defined as “Acceptable” in Table N-1 or an equivalent one-hour noise standard.

Notes: L_{eq} = Equivalent Continuous Sound Level; CNEL = community noise equivalent level.

Source: County of San Diego 2011: Table N-2.

Table 2.13.8 San Diego County Noise Abatement and Control Ordinance Exterior Noise Standards

Zone[1]	Limit One-Hour dBA[2]	Time Period
(1) RS, RD, RR, RMH, A70, A72, S80, S81, S87, S90, S92 and RV and RU with a density of less than 11 dwelling units per acre.	50	7 a.m. to 10 p.m.
	45	10 p.m. to 7 a.m.
(2) RRO, RC, RM, S86, V5 and RV and RU with a density of 11 or more dwelling units per acre.	55	7 a.m. to 10 p.m.
	50	10 p.m. to 7 a.m.
(3) S-94, V4, and all commercial zones.	60	7 a.m. to 10 p.m.
	55	10 p.m. to 7 a.m.
(4) V1, V2	60	7 a.m. to 7 p.m.
	55	7 p.m. to 10 p.m.
V1	55	10 p.m. to 7 a.m.
V2	50	10 p.m. to 7 a.m.
V3	70	7 a.m. to 10 p.m.
	65	10 p.m. to 7 a.m.
(5) M-50, M-52, M-54	70	Anytime
(6) S-82, M-56, and M-58	75	Anytime
(7) S-88[3]	See below	

[1] Refer to the San Diego County Zoning Ordinance for a list of zones represented by the abbreviations in this table.

[2] If the measured ambient noise level exceeds the applicable limit, the allowable one-hour average sound level shall be the one-hour average ambient noise level, plus three decibels. The ambient noise level shall be measured when the alleged noise violation source is not operating.

[3] S-88 zones are Specific Planning Areas which allow different uses. The sound level limits that apply in an S88 zone depend on the use being made of the property. The limits in subsection (1) apply to property with a residential, agricultural or civic use. The limits in subsection (3) apply to property with a commercial use. The limits in subsection (5) apply to property with an industrial use that would only be allowed in an M50, M52 or M54 zone. The limits in subsection (6) apply to all property with an extractive use or a use that would only be allowed in an M56 or M58 zone.

The sound levels limit at a location on a boundary between two zones is the arithmetic mean of the respective limits for the two zones. The one-hour average sound level limit applicable to extractive industries, however, including but not limited to borrow pits and mines, shall be 75 decibels at the property line regardless of the zone in which the extractive property is located.

A fixed-location public utility distribution or transmission facility located on or adjacent to a property line shall be subject to the sound level limits of this section measured at or beyond six feet from the boundary of the easement upon which the facility is located.

Source: County of San Diego Ordinance No. 9962 Table 36.404.

Table 2.13.9 Noise Emission Levels from Construction Equipment

Equipment Type	Typical Noise Level (Leq dB) at 50 feet
Backhoe	80
Compactor	82
Concrete mixer	85
Concrete pump	82
Bulldozer	85
Excavator	85
Generator	82
Grader	85
Loader	80
Paver	85
Pneumatic tool	85
Roller	85
Saw	76
Scraper	85
Truck	84

Notes: dB = A-weighted decibels; Leq = equivalent continuous sound level.

Assumes all equipment is fitted with a properly maintained and operational noise control device, per manufacturer specifications. Noise levels listed are manufacture-specified noise levels for each piece of heavy construction equipment.

Source: FTA 2018.

Table 2.13.10 Vibration Reference Levels for Construction Equipment

Equipment	PPV at 25 Feet (in/sec)	Approximate Lv[1] at 25 Feet
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58

Notes: PPV = peak particle velocity; in/sec = inches per second.

[1] RMS velocity in decibels, referenced to 1 μ inch/second.

Source: FTA 2018: 184.

Table 2.13.11 Typical Noise Source Levels for Special Events (A-Weighted L_{50} Levels)

Event of Activity	Typical Noise Level (dBA) @ 50 feet
Amplified Music	72 dBA
Amplified Speech	70 dBA
Non-amplified (acoustic) Music	67 dBA
300 Guests in Raised Conversation with Background Music	71 dBA
200 Guests in Raised Conversation with Background Music	68 dBA
100 Guests in Raised Conversation with Background Music	60 dBA
Films – Voices/Music	64 dBA

Source: Initial Study/Proposed Mitigated Negative Declaration JFI III Application: Nunes Farm and Winery at Saralee's Vineyard Project (Ascent 2023b).

Table 2.13.12 Groundborne Vibration and Noise Standards[1]

Land Use Category[2]	Definition	Ground-Borne Vibration Impact Levels: Frequent Events (inches per second RMS)[3]	Ground-Borne Vibration Impact Levels: occasional or Infrequent Events (inches per second RMS)[4]	Ground-Borne Noise Impact Levels: Frequent Events (dB re 20 micro Pascals)[3]	Ground-Borne Noise Impact Levels: occasional or Infrequent Events (dB re 20 micro Pascals)[4]
Category 1	Buildings where low ambient vibration is essential for interior operations (research & manufacturing facilities with special vibration constraints)	0.0018[5]	0.0018[5]	Not Applicable	Not Applicable
Category 2[6]	Residences and buildings where people normally sleep (hotels, hospitals, residences, & other sleeping facilities).	0.0040	0.010	35 dBA	43 dBA
Category 3[6]	Institutional land uses with primarily daytime use (schools, churches, libraries, other institutions, & quiet offices).	0.0056	0.014	40 dBA	48 dBA

Notes: RMS = root mean squared.

[1] Vibration-sensitive equipment is not sensitive to ground-borne noise.

[2] There are some buildings, such as concert halls, TV and recording studios, and theaters that can be very sensitive to vibration and noise but do not fit into any of the three categories. Refer to Table 3 in *the County of San Diego Guidelines for Determining Significance: Noise* for acceptable levels of ground-borne vibration and noise for these various types of special uses.

[3] "Frequent Events" is defined as more than 70 vibration events per day. Most rapid transit projects fall into this category.

[4] "Occasional or Infrequent Events" are defined as fewer than 70 vibration events per day. This combined category includes most commuter rail systems.

[5] This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitive manufacturing or research will require detailed evaluation to define acceptable vibration levels. Ensuring lower vibration levels in a building often requires special design of the HVAC systems and stiffened floors.

[6] For Categories 2 and 3 with occupied facilities, isolated events such as blasting are significant when the PPV exceeds one inch per second. Non-transportation vibration sources such as impact pile drivers or hydraulic breakers are significant when their PPV exceeds 0.1 inch per second.

Source: County of San Diego 2009: Table 4.

Table 2.13.13 Modeled Average Daily Traffic

Cannabis Facility Type	Total Building Area (sf)	Trip Generation Rate (ADT per 1,000 sf)	Total ADT
Cultivation (Alternatives 2, 3, and 5)	3,021,104	0.69[(1)]	2,085
Cultivation (Alternative 4)	3,490,924	0.69[(1)]	2,408
Nursery	1,680,000	0.69[(1)]	1,680
Processing	32,500	0.69[(1)]	22
Manufacturing	67,500	3.8[(2)]	257
Testing	5,600	7[(2)]	39
Distribution	72,000	1.4[(2)]	101
Total (Alternatives 2, 3, and 5)			***4,184***
Total (Alternative 4)			***4,507***

Notes: sf = square feet; ADT = average daily vehicle trips

Sources: Institute of Transportation Engineers 2021, County of Santa Barbara, Modeled by Ascent 2024.

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2.14 Population and Housing

This section provides an overview of existing population, employment, and housing in San Diego County and unincorporated San Diego County. This section also analyzes the potential impacts of implementation of the Cannabis Program on population growth, employment opportunities, and the housing supply in the county.

During the notice of preparation (NOP) scoping process, the County received 2 comments concerning population and housing from the Warner Springs and Twin Oaks Valley Community Sponsor Groups. These issues are addressed in the impact analysis below. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.14.1.

Table 2.14.1 Population and Housing Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Unplanned Population Growth	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant

2.14.1 Existing Conditions

This section describes the existing and projected population and employment within San Diego County.

2.14.1.1 *Existing Population and Projected Population Growth*

San Diego County, with consideration of both the incorporated and unincorporated areas, is the second most populous county in California, with a current population of approximately 3.29 million people as of January 2023. The City of San Diego has the highest population in the county at approximately 1.38 million people (DOF 2024). The San Diego Association of Governments (SANDAG), as the Metropolitan Planning Organization, is the principal land use and transportation planning agency for the San Diego region, including the region's 18 cities. As part of its regional planning functions, SANDAG develops regional population, employment, and housing forecasts for the San Diego region. The latest version of the *Series 14 Regional Growth Forecast* identifies regional growth in population, housing units, and jobs from 2016 to 2050. The *Series 14 Regional Growth Forecast* aligns with the regional population forecast from the California Department of Finance (DOF) (SANDAG 2021a).

According to California DOF and SANDAG population estimates, from 2023 to 2050, the incorporated and unincorporated portions of San Diego County, combined, are forecast to increase from 3,290,423 to 3,746,073 people, an increase of 455,560 people or 13.8 percent (DOF 2024; SANDAG 2021b). Within the unincorporated county, the population is forecast to increase from 511,223 people in 2023 to 516,993 people in 2050, which is an increase of 5,770 people or 1.1 percent (DOF 2024; SANDAG 2021b). Table 2.14.2 provides a breakdown of the existing (2023) and projected population for the San Diego region and its 18 cities.

2.14.1.2 *Employment and Employment Centers*

The State of California Employment Development Department (EDD) compiles current and historical employment data for California counties and metropolitan areas. According to EDD's labor force data for 2023, San Diego County had 1,561,500 jobs, an available labor force of 1,596,400 persons, and an average annual unemployment rate of 3.9 percent. As of 2023, the top 4 industries in terms of share of total employment are professional and business services (17.7 percent); government (16.1 percent); private education and health services (15.6 percent); and trade, transportation, and utilities (14.3 percent) (EDD 2024a). Table 2.14.3 provides data related to employment sectors in San Diego County in 2023.

In addition, SANDAG produces employment forecasts for the San Diego region and its 18 cities. From 2023 to 2050, employment in the San Diego region is forecast to increase from 1,561,500 jobs to 2,086,318 jobs, an increase of 524,818 jobs or 33.6 percent (EDD 2024a; SANDAG 2021b).

Unemployment rates have followed a cyclical pattern as reflected in the economic recessions in the early 1990s, early 2000s, the Great Recession of 2008–2013, and the COVID recession in 2020. California EDD data show that the unemployment rate in the county has generally been lower than the state unemployment rate. In 2023, the statewide unemployment rate was 4.8 percent (EDD 2024b), whereas the countywide unemployment rate was 3.7 percent (EDD 2024a).

2.14.1.3 *Housing Units and Vacancy*

Similar to its population estimates, the California DOF provides estimates of the number of housing units in San Diego County, and SANDAG develops regional housing forecasts. According to California DOF and SANDAG housing estimates, from 2023 to 2050, San Diego County's unincorporated and incorporated areas' housing supply is forecast to increase from 1,256,497 to 1,471,299 housing units, an increase of 214,802 units or 17.1 percent (DOF 2024; SANDAG 2021b). Within the unincorporated county, the number of housing units is forecast to increase from 178,027 units in 2023 to 181,501 units in 2050, which is an increase of 256 housing units or 0.1 percent (DOF 2024; SANDAG 2021b). Table 2.14.4 provides a breakdown of the existing (2023) and projected number of housing units for the San Diego region and its 18 cities. As shown in Table 2.14.4, the City of La Mesa is projected to experience the highest housing growth rate in the region (29.4 percent), followed by the cities of San Marcos (26.8 percent), San Diego (25.7 percent), and National City (24.7 percent).

The housing vacancy rate is a measure of general housing availability and represents the percentage of all available housing units that are vacant or unoccupied at a particular time. A low vacancy rate, 5 percent or less, suggests that housing availability is low; conversely, a high vacancy rate (over 8 percent) may indicate a high number of housing units are available for occupancy, a high number of seasonal units are vacant, or there is an oversupply of housing. By maintaining a "healthy" vacancy rate between 5 percent and 8 percent, housing consumers have a wider choice of housing types and prices to choose from. As vacancy rates drop, shortages generally raise housing costs and limit choices.

In 2023, the county had a vacancy rate of 5.7 percent compared to the state's vacancy rate of 6.4 percent (DOF 2024). The unincorporated county had a vacancy rate of 6.4 percent in 2023.

2.14.2 Regulatory Framework

2.14.2.1 *Federal*

No federal plans, policies, regulations, or laws related to population or housing are applicable to the Cannabis Program.

2.14.2.2 *State*

State Housing Element Law (California Government Code, Section 65580)

California Government Code, Section 65580 finds and declares:

(a) The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.

(b) The early attainment of this goal requires the cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians of all economic levels.

(c) The provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government.

(d) Local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

(e) The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

(f) Designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the state's housing goals and the purposes of this article.

Regional Housing Needs Allocations Plan

California Government Code Section 65580 requires each city and county to have land zoned to accommodate a fair share of the region’s housing needs as part of its housing element. The share is known as the Regional Housing Needs Allocation (RHNA). As part of RHNA, the California Department of Housing and Community Development (HCD) determines the total number of new homes a region needs to build and the affordability of those homes, and a city’s and county’s fair share is determined by the respective metropolitan planning organization of the region. SANDAG is the lead agency for developing the RHNA process for San Diego County and its cities.

2.14.2.3 *Local*

San Diego Association of Government's 2021 Regional Plan

SANDAG is the San Diego region's primary public planning, transportation, and research agency. SANDAG provides the public forum for regional policy decisions about growth and planning. On December 10, 2021, the SANDAG Board of Directors adopted the Final 2020 Regional Plan and certified the associated Final EIR. The 2021 Regional Plan is a 30-year plan and provides a long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, health care, and other community resources. The plan combines the Regional Transportation Plan , Sustainable Communities Strategy, and Regional Comprehensive Plan. The 2021 Regional Plan must comply with specific state and federal mandates, including a Sustainable Communities Strategy, in accordance with Senate Bill (SB) 375, that achieves greenhouse gas emission reduction targets set by the California Air Resources Board; compliance with federal civil rights requirements (Title VI); and environmental justice considerations, air quality conformity, and a public participation process.

2.14.3 Analysis of Project Impacts and Determination of Significance

2.14.3.1 *Methodology*

The analysis of potential population and housing impacts from implementation of the Cannabis Program is based on review of available population, employment, and housing projections and data from the *County of San Diego General Plan Housing Element*, SANDAG growth projections, and California DOF and EDD, and other sources. The analysis focuses on the potential environmental impacts associated with unplanned population growth that could occur from implementation of the Cannabis Program. The impact analysis considers whether implementation of the Cannabis Program would induce substantial unplanned population growth, primarily through the introduction of new businesses or provision of new jobs that would consequently require the construction of new housing, infrastructure (e.g., new roads, utilities), or other improvements in the unincorporated county that have not been identified in applicable plans to accommodate growth. The impact analysis then determines whether the physical construction of these new facilities would result in a significant impact on the environment and whether mitigation is necessary to reduce significant impacts.

2.14.3.2 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, a population, employment, and housing impact is considered significant if implementation of the Cannabis Program would do any of the following:

- 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); or
- displace substantial numbers of existing people or homes, necessitating the construction of replacement housing elsewhere.

2.14.3.3 *Issues Not Discussed Further*

Displace Substantial Numbers of Existing People or Housing, Necessitating the Construction of Replacement Housing Elsewhere

Implementation of the Cannabis Program would not include demolition of any housing or any actions that would change zoning or allowable uses and result in a decrease in the housing supply. As described in Chapter 1, "Project Description, Location, and Environmental Setting," the Cannabis Program would provide a framework for the permitting and licensing of new commercial cannabis uses, consisting of retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges, in some areas of the unincorporated county. The permitting, licensing, and subsequent development of commercial cannabis uses would not have the potential to result in the substantial displacement of housing or people because these uses would only be allowed in agricultural, commercial, and industrial zones and would be prohibited in residential zones (see Table 1.1, "Proposed Permit Type Required by Zone for Commercial Cannabis Uses," in Chapter 1). Furthermore, the Cannabis Program would not preclude the construction of housing in San Diego County and therefore would not impede the County's ability to meet its RHNA allocations. Therefore, this issue is not discussed further.

2.14.3.4 *Approach to Analysis*

2.14.3.5 *Issue 1: Induce Substantial Unplanned Population Growth*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the Cannabis Program would have a significant impact if it would 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).

Impact Analysis

As described in Section 1.6.1, "Project Components," the Cannabis Program would allow for the development of the following commercial cannabis uses in select areas of the unincorporated county: storefront retail, non-storefront retail, and consumption lounges; cultivation facilities; manufacturing facilities; microbusinesses; testing laboratories; and temporary cannabis events. Commercial cannabis uses would be prohibited in the coastal zone and would only be permitted in agricultural, commercial, and industrial zones, subject to applicable zoning ordinance regulations.

The construction of future commercial cannabis projects under the Cannabis Program would generate temporary construction jobs over an extended period of time as cannabis uses are developed. Construction workers accounted for approximately 5.8 percent of the total employment in the county in 2023, consisting of approximately 89,800 employees (EDD 2024a). Therefore, it is anticipated that the existing construction labor force would be sufficient to meet the demand generated by the Cannabis Program. Furthermore, as shown in Table 2.14.2, "Existing and Projected Population," the population in the county is projected to increase by 455,560 people or 13.8 percent by 2050. Therefore, these additional temporary

jobs would not result in substantial unplanned population growth because it is anticipated that future construction jobs would be drawn from existing and future residents within the county.

Cannabis facilities are considered local-serving uses that would serve the current county population and therefore would not bring in additional people or patrons in from another region. Operation of future commercial cannabis projects developed under the Cannabis Program would also generate additional employment opportunities in both cultivation and noncultivation uses. Table 1.4, “Alternative Development Assumptions,” provides development assumptions for estimating future commercial cannabis uses, including employment opportunities, in the unincorporated area of the county in 2044, which are based on published estimates on statewide cannabis consumption by adults, cannabis production by cultivation type (outdoor, mixed-light, and indoor), and the current percentage of cultivation and noncultivation licenses statewide based on California Department of Cannabis Control (DCC) data (DCC 2024). The future of commercial cannabis operations in the county may vary from what is set forth here because the cannabis business is market-driven and guided by unpredictable economic and regulatory forces. As a result, the number of potential employment opportunities identified in Table 1.4 is an estimate based on existing published data. As noted above, the population in the county is projected to increase by 455,560 people or 13.8 percent by 2050. In addition, SANDAG projects that employment within the San Diego region would increase from 1,561,500 jobs in 2023 to 2,086,318 jobs in 2050, an increase 524,818 jobs or 33.6 percent.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as potentially expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. This potential expansion is not expected to generate substantial new employment based on the employment generation rates identified in Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” that would induce population growth.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

This alternative would implement the Cannabis Program and would use state regulations for buffer standards (Business and Professions Code Section 26054(b)). Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses including schools, daycares, and youth centers.

The construction and operation of future commercial cannabis projects under Alternative 2 would generate additional employment opportunities. As noted above, additional temporary construction jobs would not result in substantial unplanned population growth because it is anticipated that future construction jobs would be drawn from existing and future residents within the county. The operation of future commercial cannabis projects under Alternative 2 would have the potential to generate up to 3,631 permanent jobs, which includes both cultivation and noncultivation uses. The 3,631 jobs generated under Alternative 2 would represent an increase of approximately 0.2 percent from 2023 employment conditions and would account for only approximately 0.7 percent of the 524,818 total jobs projected to be added in the county by 2050. Therefore, these additional jobs would be well within the planned

employment growth for the region. Accordingly, Alternative 2 would not result in substantial unplanned population growth due to the introduction of new employees into the region and would not result in any indirect effects, such as demand for new housing, that would result from unplanned population growth. In addition, because the regional population is projected to increase by 455,560 people in 2050, it is anticipated that these additional jobs would be filled by existing and future residents in the region and could readily be accommodated by the projected population growth.

Because the increased employment would be well within anticipated growth and could be filled by the existing or projected population, the implementation of the Cannabis Program under Alternative 2 would not induce substantial unplanned population growth, either directly by proposing new homes and businesses or indirectly through the extension of infrastructure into areas where none currently exists.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

Alternative 3 would expand the definition of “sensitive uses” under the Cannabis Program and require 1,000-foot buffers from these uses. The operation of future commercial cannabis projects under Alternative 3 would have the potential to generate up to 3,631 permanent jobs, which includes both cultivation and noncultivation uses. The 3,631 jobs generated under Alternative 3 would represent an increase of approximately 0.2 percent from 2023 employment conditions and would account for only approximately 0.7 percent of the 524,818 total jobs projected to be added in the county by 2050. Therefore, these additional jobs would be well within the planned employment growth for the region. Accordingly, Alternative 3 would not result in substantial unplanned population growth due to the introduction of new employees into the region and would not result in any indirect effects, such as demand for new housing, that would result from unplanned population growth. In addition, because the regional population is projected to increase by 455,560 people in 2050, it is anticipated that these additional jobs would be filled by existing and future residents in the region and could readily be accommodated by the projected population growth.

Because the increased employment would be well within anticipated growth and could be filled by the existing or projected population, the implementation of the Cannabis Program under Alternative 3 would not induce substantial unplanned population growth, either directly by proposing new homes and businesses or indirectly through the extension of infrastructure into areas where none currently exists.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

This alternative would include the program components associated with Alternative 3 and would additionally prohibit all commercial outdoor cannabis cultivation within the unincorporated county and allow mixed-use and indoor cultivation only within a building or greenhouse, and cultivation in agricultural shade or crop structures would not be allowed. The operation of future commercial cannabis projects under Alternative 4 would have the potential to generate up to 3,939 permanent jobs, which would represent an increase of approximately 0.3 percent from 2023 employment conditions and would account for only approximately 0.8 percent of the 524,818 total jobs projected to be added in the county by 2050. Therefore, these

additional jobs would be well within the planned employment growth for the region. Accordingly, Alternative 4 would not result in substantial unplanned population growth due to the introduction of new employees into the region and would not result in any indirect effects, such as demand for new housing, that would result from unplanned population growth. In addition, because the regional population is projected to increase by 455,560 people in 2050, it is anticipated that these additional jobs would be filled by existing and future residents in the region and could readily be accommodated by the projected population growth.

Because the increased employment would be well within anticipated growth and could be filled by the existing or projected population, the implementation of the Cannabis Program under Alternative 4 would not induce substantial unplanned population growth, either directly by proposing new homes and businesses or indirectly through the extension of infrastructure into areas where none currently exists.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

This alternative would include the program components associated with Alternative 3 and would additionally limit outdoor commercial cannabis cultivation to 1 acre of total canopy area, or 25 percent of the lot size, whichever is less. The operation of future commercial cannabis projects under Alternative 5 would have the potential to generate up to 3,631 permanent jobs, which includes both cultivation and noncultivation uses. The 3,631 jobs generated under Alternative 5 would represent an increase of approximately 0.2 percent from 2023 employment conditions and would account for only approximately 0.7 percent of the 524,818 total jobs projected to be added in the county by 2050. Therefore, these additional jobs would be well within the planned employment growth for the region. Accordingly, Alternative 5 would not result in substantial unplanned population growth due to the introduction of new employees into the region and would not result in any indirect effects, such as demand for new housing, that would result from unplanned population growth. In addition, because the regional population is projected to increase by 455,560 people in 2050, it is anticipated that these additional jobs would be filled by existing and future residents in the region and could readily be accommodated by the projected population growth.

Because the increased employment would be well within anticipated growth and could be filled by the existing or projected population, the implementation of the Cannabis Program under Alternative 5 would not induce substantial unplanned population growth, either directly by proposing new homes and businesses or indirectly through the extension of infrastructure into areas where none currently exists.

This impact would be less than significant under Alternative 5.

2.14.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for population and housing encompasses the San Diego region, including incorporated cities, and the surrounding counties of Riverside, Orange, and Imperial. The cumulative impact analysis below considers whether implementation of the Cannabis Program, when combined with cumulative projects described in Section 1.13.2, “Cumulative Projects,” and projected growth in adjacent counties, would result in a cumulatively considerable contribution to cumulative population and housing impacts.

2.14.4.1 *Issue 1: Induce Unplanned Population Growth*

The San Diego County General Plan Update Draft EIR identified no cumulatively considerable impacts associated with unplanned population growth from implementation of the General Plan (County of San Diego 2009).

As discussed previously, SANDAG serves as the regional transportation planning agency responsible for forecasting the San Diego region's population, employment, and housing growth. The *Series 14 Regional Growth Forecast* is the current growth forecast model for the region and consists of economic and demographic projections, existing land use plans and policies, and potential land use plan changes that may occur in the region between 2025 and 2050. The California DOF and EDD also provide current population and employment estimates, respectively, for San Diego County.

According to California DOF and SANDAG population estimates, from 2023 to 2050, the San Diego region's population is forecast to increase from 3,290,423 to 3,746,073 people, an increase of 455,560 people or 13.8 percent (DOF 2024; SANDAG 2021b). Within the unincorporated county, the population is forecast to increase from 511,223 people in 2023 to 516,993 people in 2050, which is an increase of 5,770 people or 1.1 percent (DOF 2024; SANDAG 2021b). In addition, from 2023 to 2050, employment in the San Diego region is forecast to increase from 1,561,500 jobs to 2,086,318 jobs, an increase of 524,818 jobs or 33.6 percent (EDD 2024a; SANDAG 2021b). In addition to regional forecasted growth, Section 1.13.2, "Cumulative Projects," identifies additional cumulative projects that are considered in the analysis, including buildout projections of the General Plan, in-process General Plan Amendments (GPAs), land use activities on tribal lands, land use activities on federal lands managed by the US Forest Service and Bureau of Land Management, and land use activities for the Multiple Species Conservation Program South County Subarea Plan.

The planning documents, such as general plans prepared by the adjacent jurisdictions, would be subject to regional plans, such as the Regional Transportation Plan/Sustainable Communities Strategy. The general plans of adjacent jurisdictions have been prepared to be consistent with the population forecasts of their respective regional planning documents. Thus, they would accommodate anticipated future growth rather than induce new unplanned growth. Similarly, although the in-process GPAs include a combination of new residential units and commercial uses, the additional jobs created by these cumulative projects would not increase the population because future employees are anticipated to be drawn from existing and future residents of the San Diego region. As a result, the in-process GPAs would serve to accommodate the projected population and employment growth in the county.

Therefore, cumulative effects associated with substantial unplanned population and employment growth would not be cumulatively significant for Alternative 1, 2, 3, 4, or 5.

2.14.5 Significance of Impacts Prior to Mitigation

2.14.5.1 *Issue 1: Induce Unplanned Population Growth*

The proposed Cannabis Program would result in less-than-significant direct impacts to population, housing, or employment under Alternatives 1 through 5. It would not result in significant cumulative impacts associated with unplanned population growth.

2.14.6 Mitigation

2.14.6.1 *Issue 1: Induce Unplanned Population Growth*

No mitigation is required.

2.14.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

2.14.7.1 *Issue 1: Induce Unplanned Population Growth*

Implementation of the Cannabis Program under Alternatives 1 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county. The construction and operation of future commercial cannabis projects would generate additional employment opportunities in the county. Given the projected growth in population and employment for the San Diego region, it is anticipated that these additional jobs would be filled by existing and future residents in the region and could readily be accommodated by the projected population growth. Furthermore, the Cannabis Program would not require the construction of new infrastructure (e.g., roads and utilities) beyond those needed to serve individual future commercial cannabis facilities. Because the increased employment would be well within anticipated growth and could be filled by the existing or projected population, the implementation of the Cannabis Program under Alternatives 1 through 5 would not induce substantial unplanned population growth, either directly by proposing new homes and businesses or indirectly through the extension of infrastructure into areas where none currently exists. Therefore, this impact would be less than significant under Alternatives 1 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Table 2.14.2 Existing and Projected Population

County/City	2023	2025	2035	2050	Percent Growth (2023–2050)
San Diego County (Total)	**3,290,423**	**3,470,848**	**3,620,348**	**3,746,073**	**13.8%**
Carlsbad	115,045	116,163	119,681	122,302	6.3%
Chula Vista	276,813	284,835	288,141	323,469	16.9%
Coronado	22,272	24,896	25,669	25,901	16.3%
Del Mar	3,918	4,384	4,524	4,715	20.3%
El Cajon	104,804	106,425	109,207	110,841	5.8%
Encinitas	61,254	63,476	64,157	64,591	5.4%
Escondido	150,571	165,127	169,922	174,398	15.8%
Imperial Beach	26,109	28,902	30,499	31,271	19.8%
La Mesa	60,753	65,822	71,455	75,276	23.9%
Lemon Grove	27,517	27,367	29,238	29,784	8.2%
National City	58,374	69,072	79,986	82,487	41.3%
Oceanside	172,186	178,385	181,020	184,283	7.0%
Poway	48,620	50,664	51,744	52,124	7.2%
San Diego	1,383,623	1,493,403	1,599,353	1,646,129	19.0%
San Marcos	94,823	102,775	103,903	120,247	26.8%
Santee	59,574	57,501	57,773	58,268	-2.2%
Solana Beach	12,831	14,171	15,089	15,262	18.9%
Vista	100,113	104,302	105,707	107,732	7.6%
San Diego (unincorporated county)	511,223	513,178	513,280	516,993	1.1%

Sources: DOF 2024; SANDAG 2021b.

Table 2.14.3 Employment by Industry in San Diego County (2023)

Industry Sector	Number of Jobs	Percent of Employment Industry
Professional and Business Services	276,000	17.7%
Goods Producing	205,300	13.1%
Private Education and Health Services	243,200	15.6%
Trade, Transportation, and Utilities	223,100	14.3%
Information	21,900	1.4%
Government	251,300	16.1%
Leisure and Hospitality	201,600	12.9%
Financial Activities	72,200	4.7%
Farm	9,500	0.6%
Other Services	57,100	3.7%
Total, All Industries	**1,561,700**	**100%**

Source: EDD 2024a.

Table 2.14.4 Existing and Projected Housing Units

County/City	2023	2025	2035	2050	Percent Growth (2023-2050)
San Diego County (Total)	**1,256,497**	**1,288,216**	**1,409,866**	**1,471,299**	**17.1%**
Carlsbad	48,601	47,855	51,433	52,727	8.5%
Chula Vista	89,482	91,635	95,621	109,474	22.3%
Coronado	9,601	9,802	10,486	10,486	9.2%
Del Mar	2,601	2,674	2,778	2,778	6.8%
El Cajon	36,871	37,582	39,830	40,467	9.8%
Encinitas	26,776	26,750	27,690	27,690	3.4%
Escondido	50,655	54,910	58,990	60,618	19.7%
Imperial Beach	10,188	10,212	11,265	11,576	13.6%
La Mesa	26,589	28,404	32,282	34,398	29.4%
Lemon Grove	9,560	9,476	10,467	10,467	9.5%
National City	17,964	17,908	22,410	22,410	24.7%
Oceanside	68,064	67,816	71,359	71,359	4.8%
Poway	17,129	17,092	18,017	18,017	5.2%
San Diego	565,822	592,143	676,236	711,018	25.7%
San Marcos	32,339	34,681	34,931	41,016	26.8%
Santee	22,369	21,161	21,889	21,969	-1.8%
Solana Beach	6,643	6,684	7,364	7,364	10.9%
Vista	33,998	33,404	35,317	35,964	5.8%
San Diego (unincorporated county)	181,245	178,027	181,501	181,501	0.1%

Sources: DOF 2024; SANDAG 2021b.

2.15 Public Services

This section provides an overview of existing public services provided in the unincorporated area of San Diego County and evaluates the potential for implementation of the Cannabis Program to affect availability, service level, or capacity of public services, including fire protection services, police protection services, parks and recreation, public schools, and libraries. Utility impacts are addressed in Section 2.19, "Utilities and Service Systems," and wildfire impacts are addressed in Section 2.20, "Wildfire."

No comment letters regarding public services were received in response to the notice of preparation (NOP) or during the scoping meeting. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.15.1.

Table 2.15.1 Public Services Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Fire Protection Services	Alternative 1: No Impact Alternatives 2-5: Less than Significant	Alternative 1: No Impact Alternatives 2-5: Less than Significant	Alternative 1: No Impact Alternatives 2-5: Less than Significant
2	Police Protection Services	Alternative 1: No Impact Alternatives 2-5: Less than Significant	Alternative 1: No Impact Alternatives 2-5: Less than Significant	Alternative 1: No Impact Alternatives 2-5: Less than Significant

2.15.1 Existing Conditions

2.15.1.1 *Fire Protection*

Fire and emergency medical services are provided by Fire Protection Districts (FPDs), County Service Areas (CSAs), and the California Department of Forestry and Fire Protection (CAL FIRE), and generally each agency is responsible for structural fire protection and wildland fire projection within their respective area of responsibility (County of San Diego 2009). There are also mutual aid and automatic aid agreements that enable non-lead fire agencies to respond to fire emergencies outside of their normal jurisdictional boundaries.

According to CAL FIRE's State Responsibility Area Fire Hazard Severity Zones map (most recently updated June 15, 2023), a substantial portion of the unincorporated area of San Diego County is located within Very High, High, and Moderate Fire Hazard Severity Zones (CAL FIRE 2023).

There are over two dozen fire agencies that serve the unincorporated county, including:

- Alpine FPD;
- Bonita-Sunnyside FPD;
- Borrego Springs FPD;
- Deer Springs FPD;

- Lakeside FPD;
- Lower Sweetwater FPD
- North County FPD;
- Ramona Municipal Water District;
- Rancho Santa Fe FPD;
- Rincon Del Diablo Municipal Water District;
- San Diego County FPD
- San Marcos FPD;
- San Miguel Consolidated FPD;
- Valley Center FPD;
- Vista FPD; and
- Yuima, Mootamai, and Pauma Municipal Water Districts.

County Service Areas

CSAs are classified as special districts formed within the county to provide park maintenance, fire suppression services, and paramedic services. The San Diego County Fire Protection District takes administrative oversight responsibility for fire prevention measures in all of the CSAs. CSAs have defined boundaries, and most participate in the Fire Mitigation Fee program, which funds facilities and equipment, but the CSAs lack the authority to adopt a fire code or provide official response to planning and building projects. The following CSAs are located in the county.

- CSA 17: San Dieguito
- CSA 26: Rancho San Diego
- CSA 81: Fallbrook Local Parks
- CSA 83: San Dieguito Local Parks
- CSA 122: Otay Mesa East
- CSA 128: San Miguel Park
- CSA 135: Regional Communications
- CSA 136: Sundance Detention Basin
- CSA 137: Live Oak Springs
- CSA 138: Valley Center Parks and Rec

California Department of Forestry and Fire Protection

CAL FIRE is an emergency response and resource protection department that responds to more than 5,600 wildland fires that burn over 172,000 acres in the state on average each year. In addition, department personnel respond on average to more than 300,000 other emergency calls that include structure fires, automobile accidents, medical aid, swift water rescues, civil

disturbance, search and rescue, floods, and earthquakes. CAL FIRE is the state's largest fire protection organization, whose fire protection team includes extensive ground forces, supported by a variety of firefighting equipment. CAL FIRE has joined with federal and local agencies to form a statewide mutual aid system. This system ensures a rapid response of emergency equipment by being able to draw on all available resources regardless of jurisdiction.

The principal contractor for the County is CAL FIRE. CAL FIRE is responsible for wildland fire protection on 1.2 million acres of State Responsibility Area (SRA) within the county. CAL FIRE is responsible for fire response services within over 50 percent of the total land area in the unincorporated area and provides watershed and fire protection for approximately 2,200 square miles of land. Within the county, CAL FIRE will respond to structural and vehicular fires and medical emergencies when requested by another fire agency or when these fires threaten to spread to wildlands. CAL FIRE protection areas include SRAs, where CAL FIRE has responsibility for emergency services, and Local Responsibility Areas (LRAs), where CAL FIRE provides emergency service support for CSAs and fire districts via contracts with the County. Within the county, CAL FIRE operates a total of 18 stations, including 1 air attack base in Ramona, with each station consisting of 3 career firefighters during fire season.

US Forest Service

The US Forest Service (USFS) is responsible for fire protection and prevention on federal lands (Federal Responsibility Areas) and private lands within the boundaries of the Cleveland National Forest. USFS operates 12 fire stations in San Diego County and 1 station in Riverside County. USFS stations in Ramona and Descanso are open year-round, whereas the others are only open during the fire season (late summer/fall). Approximately 42 percent of the USFS emergency calls are related to fire suppression, and 50 percent are related to law enforcement. Fires on military installations are suppressed by the US Department of Defense (DOD) installation forces. In some instances, DOD installations request assistance from other federal, state, or local agencies. Tribal reservation fire departments also provide mutual fire service assistance to unincorporated areas that are near or bordering the reservation community area.

2.15.1.2 *Law Enforcement*

The San Diego County Sheriff's Office is the law enforcement agency for the unincorporated area of San Diego County. It is the fourth largest Sheriff's Department in the United States and serves a population of over 870,000 people (County of San Diego 2009). Approximately 448,700 of these residents are located in the unincorporated areas of San Diego County, and the remainder are located in the following 9 cities that contract with the Sheriff's Office: Vista, San Marcos, Santee, Lemon Grove, Imperial Beach, Poway, Encinitas, Del Mar, and Solana Beach. These 9 cities typically provide more comprehensive law enforcement services than the unincorporated area. For example, most contract cities have law enforcement personnel dedicated solely to traffic enforcement. The unincorporated area, on the other hand, relies on California Highway Patrol officers for traffic enforcement on highways and local roads. The Sheriff's Office has approximately 4,000 employees, 800 vehicles, and a fleet of helicopters (County of San Diego 2009).

Command Areas

The Sheriff's Office service area covers approximately 4,200 square miles. Sheriff facilities located in unincorporated areas provide general law enforcement patrol, crime investigation, and crime prevention services. To effectively serve this extensive geographic area, the Sheriff's Office Law Enforcement Services Bureau operations are organized under a system of command stations, substations, offices, and storefronts. A separate rural enforcement area addresses the special needs of outlying areas patrolled by resident deputies. The operational structure is flexible, and areas may be realigned to provide better response to citizen calls for service, to ensure a balance of resources, and to be more responsive to community needs.

The Sheriff's Office Law Enforcement Operations Command Areas have further been divided into beat areas, which serve the unincorporated area. Beat areas that currently service the largest population and housing bases are El Cajon, Spring Valley, Lakeside, Fallbrook, Ramona, and Escondido.

2.15.1.3 *Schools*

Public Schools

Public schools and educational facilities are mandated by the State Department of Education and administered by the San Diego County Board of Education and the San Diego County Office of Education. Thirty-seven unified, elementary, and high school districts provide service to the residents of the unincorporated area (County of San Diego 2009). Nine of these districts serve the unincorporated area only, and 28 serve both unincorporated and incorporated areas.

School districts that currently service the largest population and housing bases are Grossmont Union High, Cajon Valley Union Elementary, Fallbrook Union High, and Fallbrook Union Elementary (County of San Diego 2009).

Community Colleges and Public Universities

There are a number of private, public, and technical/professional schools that serve the county. In the San Diego region, more than 175,000 students attend institutions of higher education, with more than 12,000 of those students graduating each year (County of San Diego 2009).

2.15.1.4 *Libraries*

San Diego County Library

The San Diego County Library system serves the County's unincorporated communities of 4S Ranch, Alpine, Bonita, Borrego Springs, Campo, Casa de Oro, Crest, Descanso, Fallbrook, Jacumba, Julian, Lakeside, Lincoln Acres, Pine Valley, Potrero, Rancho San Diego, Ranch Santa Fe, Spring Valley, and Valley Center. Incorporated cities served by the County Library system are Del Mar, El Cajon/Fletcher Hills, Encinitas/Cardiff, Imperial Beach, La Mesa, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, and Vista (County of San Diego 2009). In addition, 2 bookmobiles serve more remote and underserved areas.

Libraries that currently service the largest population and housing bases are Fallbrook, Rancho San Diego, Ramona, Spring Valley, and San Marcos (County of San Diego 2009).

San Diego County Public Law Library

The San Diego County Public Law Library is a public institution that is open to the general public and provides county residents access to information concerning the laws that affect them. The County Public Law Library has4 locations that serve San Diego residents: downtown San Diego, Chula Vista, El Cajon, and Vista.

2.15.1.5 *Parks and Recreation*

County-Operated Recreational Facilities

The following sections describe the types of recreational facilities within the unincorporated area of the county that are owned, operated, or maintained by the County Department of Parks and Recreation (DPR). These include local and regional parks, preserves, and county trails and pathways.

Local Parks

Local parks in San Diego County contain recreational areas, such as a community center, athletic fields, or facilities of special interest to the community, and range in acreage depending on the uses and community or neighborhood they serve. They may be associated with joint facilities, such as schools, and smaller local parks may be located within or near town centers where they can be used as a common recreational and gathering space by the community (County of San Diego 2011).

Regional Parks

Regional parks are usually larger than 200 acres, and often include educational components, such as an interpretive center or self-guided trails, as well as a variety of passive and active recreational uses. Most regional parks contain open space, natural resources, cultural resources, and multiuse trails. The County's acreage goal for regional park facilities identified in the General Plan Update is 15 acres per 1,000 residents (County of San Diego 2011).

Preserves

Preserves include areas of environmental significance and beauty. The dual purpose of preserves is to protect sensitive environmental resources and to make these resources available for public recreation opportunities. However, typically only minimal improvements, such as trails, parking, and restroom facilities, are found in preserves (County of San Diego 2011).

The San Diego Multiple Species Conservation Program (MSCP) Plan for the southwestern portion of San Diego County was approved in 1998, covers 85 species, and is called the South County Subarea Plan. This plan was created as part of a larger plan known as the regional MSCP Plan (August 1998). The MSCP Plan covers 582,243 acres over 12 jurisdictions. Each jurisdiction has its own subarea plan with jurisdictionally specific requirements for implementing the MSCP. The subarea plan for the County's jurisdiction, adopted by the Board of Supervisors on October 22, 1997, covers 252,132 acres in the southwestern portion of the unincorporated county, as shown in Figure 2.5-7. The documents used to implement the MSCP include the South County Subarea Plan (adopted October 1997), the BMO, the final

MSCP Plan (dated August 1998), and the implementing agreement between the County and Wildlife Agencies (signed March 1998).

The County is currently developing additional MSCP Plans for the North County and East County unincorporated areas. The Public Draft North County Plan and Draft EIR/EIS are planned for public release in 2025. The draft North County Plan covers 40 plant and animal species (many of which overlap the species covered under the South County Subarea Plan) in a 679,259-acre area and around the unincorporated communities of Bonsall, De Luz, Fallbrook, Harmony Grove, Julian, Lilac, Pala, Palomar Mountain, Pauma Valley, Rainbow, Ramona, Rancho Santa Fe, Rincon Springs, Twin Oaks Valley, Valley Center, and Warner Springs within the County's jurisdiction (Figure 2.5-7). The East County Plan Study Area covers approximately 1.2 million acres and is bounded on the west generally by the western boundary of the Cleveland National Forest, on the north by the Riverside County, on the east predominantly by Imperial County, and the south by Mexico (Figure 2.5-7). The timing for a draft East County Plan is currently unknown.

Trails/Pathways

The primary purpose of trails is to provide recreation, transportation, health, and quality of life benefits associated with walking, hiking, mountain biking, and horseback riding throughout the county's varied environments. Trails also provide accessibility and connectivity to scenic and recreational areas. Trails are typically located away from vehicular roads and are primarily recreational in nature but can also serve as an alternative route for nonmotorized transportation. They are soft-surface facilities for single or multiple use by pedestrians, mountain bicyclists, and equestrians. Trail characteristics vary depending on location and user types. Pathways are nonmotorized transportation facilities located within a parkway or road right of way. Typical pathway width is 10 feet with decomposed granite or natural tread surface material. Pathways are intended to serve both circulation and recreation purposes. They provide a different experience from trails and are not an equivalent substitute; however, pathways help make critical connections and are an integral part of a functional trail system (County of San Diego 2011).

Recreational Facilities Managed by Other Entities (Non-County)

The county includes substantial, unincorporated areas of open space lands that are owned and operated by federal, state, and other local government entities and nonprofit organizations. These open space areas are generally maintained as unimproved open space to protect important resources. The state-owned parklands are generally managed for both public recreation and resource conservation, while federal agencies may have a multitude of mandates.

Federally Owned Lands

The federal government owns 591,930 acres of predominantly open space land within the county (County of San Diego 2011). USFS manages 291,380 acres in the Cleveland National Forest (including the Corral Canyon Park, a park that allows off-highway vehicle activities); the US Bureau of Land Management manages 170,839 acres of land in the region; the Department of Defense manages 123,810 acres in Camp Pendleton; and the National Fish and Wildlife Service operates the San Diego National Wildlife Refuge, Tijuana Slough National Wildlife Reserve, and Sweetwater Marsh Wildlife Refuge, which collectively total 5,753 acres (County of San Diego 2011). The federal government provides for the management, conservation, and development of water, wildlife, forest, range, and recreational resources within these landholdings.

State-Owned Lands

A total of 557,552 acres of public open space and parkland are provided by state-owned lands (County of San Diego 2011), including the following parks and recreation areas:

- Anza-Borrego Desert State Park is the state's largest and oldest desert state park and has badlands at near sea level to woodlands at 6,000 feet above sea level.
- Ocotillo Wells State Vehicular Recreation Area consists of a desert area that is available for off-highway exploration and recreation. Located adjacent to Anza-Borrego Desert State Park, this area has desert terrain, from below sea level to 400-foot elevations. It includes a motorcycle, four-wheel drive, all-terrain vehicle, and dune buggy use area.
- Cucamaya Rancho State Park consists of meadows, mountains, and oak woodlands. It provides popular facilities for equestrians, mountain bikers, and hikers and also offers accessible camping, parking, picnicking, and a campfire center.
- Palomar Mountain State Park has a beautiful view of the Pacific Ocean from its forested vantage point. Visitors can enjoy picnicking, hiking, and fishing here. It also offers accessible camping, restrooms, parking, and a campfire center.

Local Government and Public Utility–Owned Lands

Water and irrigation districts provide major open areas, such as reservoirs and protected water bodies, and many districts provide multiuse trails and staging areas, such as Olivenhain Water District in the San Dieguito Community Plan Area (CPA) and the Otay Water District and Sweetwater Water District, both in the Sweetwater CPA (County of San Diego 2011). Recreational uses, including fishing and limited boating, are generally permitted on reservoirs owned and managed by the City of San Diego (County of San Diego 2011).

Privately Owned Open Space Lands

Privately owned open space lands include private parks, private nature preserves, private land banks, golf courses, club playing fields, landscaped outdoor areas, and facilities, such as animal or off-road vehicle parks and can also include floodplains, steep slope areas, seismic hazard zones, and sensitive habitats over which the County has land use authority (County of San Diego 2011). Many of these lands are owned and managed by nonprofit conservation groups.

2.15.2 Regulatory Framework

2.15.2.1 *Federal*

No federal plans, policies, regulations, or laws are applicable to the provision of public services for the Cannabis Program. Several federal agencies have jurisdiction over law enforcement and fire protection on federal lands in California related to unpermitted cultivation operations. USFS responds to fires in National Forests, as well as to fires on other lands in support of other federal, state, and local agencies. Because cannabis use and cultivation remains illegal under federal law, several federal agencies investigate and prosecute cannabis use, cultivation, and distribution on federally managed lands. Federal agencies involved in law enforcement in California include USFS, whose Law Enforcement and Investigations division conducts law enforcement operations on federal lands, including eradication of unpermitted cannabis cultivation on National Forest lands. Both the US Bureau of Land Management and the National Park Service law enforcement programs target cannabis cultivation on federally managed lands.

In addition to law enforcement on federal lands, there are federal agencies that investigate and prosecute cannabis business activities, which is currently considered illegal at the federal level. The Federal Bureau of Investigation, as the nation's foremost law enforcement agency, also works in California to investigate federal crimes and crimes that occur across state lines, including drug trafficking. The US Drug Enforcement Administration enforces federally controlled substances laws and regulations, including enforcement activities related to cannabis.

2.15.2.2 *State*

Mitigation Fee Act

Government Code Sections 66000–66025 (commonly referred to AB 1600 requirements) allow local agencies to enact a development impact fee in connection with the approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project. A development impact fee must be reasonably related to the cost of service provided by the local agency and is not considered a tax or special assessment. Local agencies use development impact fees under this provision for facilities and equipment necessary to provide services to development; such facilities and equipment may include vehicles or fire and law enforcement stations.

California Health and Safety Code

State fire regulations are set forth in Section 13000 et seq. of the Health and Safety Code. The Health and Safety Code includes requirements related to fire protection and notification systems; fire protection devices, such as extinguishers and smoke alarms; and fire suppression training.

California Division of Occupational Safety and Health

In accordance with the California Code of Regulations (CCR), Title 8, Section 1270 (Fire Prevention) and CCR, Title 8, Section 6773 (Fire Protection and Fire Equipment), the California Division of Occupational Safety and Health (Cal/OSHA) has established minimum standards for fire suppression and emergency medical service (EMS). The standards include guidelines on the handling of highly combustible materials; fire hose sizing requirements; restrictions on the use of compressed air; access roads; and the testing, maintenance, and use of all firefighting and emergency medical equipment.

California Building Code

The California Building Code, Title 24 of the CCR, serves as the basis for the design and construction of buildings in California. The California Building Code (Title 24, Part 2) covers all aspects of building design and required safety features for all types of buildings, including fire protection systems, fire and smoke protection features, means of egress, and structural design and materials. Title 24, Part 3 is the Electrical Code, which contains standards for electrical systems, including safety features, such as overcurrent protection, surge arresters, and proper wiring methods. Title 24 applies to all new construction of both residential and nonresidential buildings and regulates energy consumed for heating, cooling, ventilation, water heating, and lighting.

California Fire Code

The California Fire Code is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. It establishes minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. The California Fire Code also contains requirements related to emergency planning and preparedness, fire service features, building services and systems, fire resistance-rated construction, fire protection systems, and construction requirements for existing buildings, as well as specialized standards for specific types of facilities and materials. Structures used for indoor cultivation of commercial cannabis and commercial cannabis-supportive uses (e.g., manufacturing, distribution, processing, microbusinesses, and retail nurseries) would be subject to applicable sections of the California Fire Code.

CCR, Title 24, Section 701A.3 (New Buildings Located in Any Fire Hazard Severity Zone) requires that new buildings located in a Fire Hazard Severity Zone in the SRA, the LRA, any local agency Very High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area designated by the enforcing agency for which an application for a building permit is submitted shall comply with all the requirements of Chapter 7A. These requirements include the following conditions:

- Roofing must be designed to be fire-resistant and constructed to prevent the intrusion of flames and embers (CCR, Title 24, Section 705A).
- Attic ventilation must be designed to be resistant to the intrusion of flames and embers into the attic area of the structure (CCR, Title 24, Section 706A).
- Exterior walls (including vents, windows, and doors) must be designed with noncombustible or ignition-resistant material and to resist the intrusion of flame and embers (CCR, Title 24, Sections 707A and 708A).
- Decking must be designed with ignition-resistant material (CCR, Title 24, Section 709A).
- Ancillary buildings and structures must comply with the above provisions (CCR, Title 24, Section 710A).

Board of Forestry and Fire Protection

The Board of Forestry and Fire Protection is a governor-appointed body in CAL FIRE. It is responsible for developing the general forest policy of the state, determining the guidance policies of CAL FIRE, and representing the state's interest in federal forestland in California. Together, the Board of Forestry and Fire Protection and CAL FIRE work to carry out the California Legislature's mandate to protect and enhance the state's unique forest and wildland resources.

The Board of Forestry and Fire Protection is charged with developing policy to protect all wildland forest resources in California that are not under federal jurisdiction. These resources include major commercial and noncommercial stands of timber, areas reserved for parks and recreation, woodlands, brush-range watersheds, and all private and state lands that contribute to California's forest resource wealth. In addition, the Board of Forestry and Fire Protection is responsible for identifying fire hazard severity zones in the SRA and LRA, cities, urban regions, and agriculture lands where the local government is responsible for wildfire protection.

Local agencies are required to designate, by ordinance, very high fire hazard severity zones and to require landowners to reduce fire hazards adjacent to occupied buildings within these zones (Government Code Sections 51179 and 51182). The intent of identifying areas with very high fire hazards is to allow CAL FIRE and local agencies to develop and implement measures that would reduce the loss of life and property from uncontrolled wildfires (Government Code Section 51176).

Public Resources Code (PRC) Sections 4114 and 4130 authorize the Board of Forestry and Fire Protection to establish a fire plan, which, among other things, determines the levels of statewide fire protection services for SRA lands. CAL FIRE's most recently adopted fire plan is the 2024 Strategic Fire Plan, which builds on the goals and objectives of the 2019 plan. The primary goals of the 2024 Strategic Fire Plan for California include both suppression efforts and fire prevention efforts (CAL FIRE 2024). Government Code Section 65302.5 gives the Board of Forestry and Fire Protection the regulatory authority to evaluate General Plan safety elements for their land use policies in the SRA and Very High Fire Hazard Severity Zones, as well as methods and strategies for wildland fire risk reduction and prevention in those areas.

Public Resources Code Section 4291

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors (PRC Sections 4201–4204 and Government Code Sections 51175–51189). Factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE has identified 2 types of wildland fire risk areas: (1) wildland areas that may contain substantial forest fire risks and hazards, and (2) very high fire hazard risk zones.

PRC section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on SRA lands. PRC sections 4790 through 4799.04 provide the regulatory authority for CAL FIRE to administer the California Forest Improvement Program. PRC Sections 4113 and 4125 give CAL FIRE the responsibility for preventing and extinguishing wildland fires in the SRAs. The PRC also includes fire safety statutes that restrict the use of equipment that may produce a spark, flame, or fire; requires the use of spark arrestors on construction equipment with internal combustion engines; specifies requirements for the safe use of gasoline-powered tools in fire hazard areas; and specifies fire suppression equipment that must be provided for various types of work in fire-prone areas.

New development located in SRAs is subject to the following requirements:

- determination that new subdivisions are consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to PRC sections 4290 and 4291 or are consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations (CCR, Title 14, Section 1266.01),
- defensible space of 100 feet around all buildings and structures (PRC Section 4291; CCR, Title 14, Section 1299.03),
- provision of adequate emergency access and egress (PRC Sections 4290, 4291; CCR, Title 14, Sections 1273.01–1273.09),
- emergency water requirements (CCR, Title 14, Sections 1275.01–1275.04), and

- building signage and number requirements (PRC Sections 4290 4291; CCR, Title 14, Sections 1274.01–1274.04).

Public School Development Impact Fees

Government Code Section 65995 establishes the dollar amount school districts may impose on new development; however, this may not be sufficient to fund all required facilities. Funding from state grants is possible, but other sources would most likely still be required. Sources include Proposition 51 (2016 Public School Facility Bonds) funds, increased developer and local tax fees, and the local general obligation bond funds. New public school facilities proposed by school districts must undergo site-specific CEQA and California Board of Education evaluation before construction to identify and lessen environment-related impacts.

Government Code Sections 65995(h) and 65996(b) require full and complete school facilities mitigation. Section 65995(h) of the Government Code states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code is deemed to be full and complete mitigation of the impacts for the planning, use, development, or provision of adequate school facilities. Section 65996(b) of the Government Code states that the provisions of the Government Code provide full and complete school facilities mitigation.

California Emergency Medical Services Authority

The Emergency Medical Services Authority provides statewide coordination and leadership for the planning, development, and implementation of local EMS systems. California has 34 local EMS systems, which provide EMS for California's 58 counties. Seven regional EMS systems and 26 single-county agencies provide the services. Regional systems are usually composed of small, more rural, less-populated counties, and single-county systems generally exist in the larger and more urban counties (EMSA 2024).

Emergency Response/Evacuation Plans

The State of California passed legislation authorizing the Office of Emergency Services to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters (Government Code Section 8607 et seq.). Noncompliance with SEMS could result in the state withholding disaster relief from the noncomplying jurisdiction in the event of an emergency disaster. The preservation of life, property, and the environment is an inherent responsibility of local, state, and federal government.

Cannabis State Regulations

Permitting of commercial cannabis operations (medical and adult use) is regulated by the California Department of Cannabis Control under CCR Title 4, Division 19.

CCR, Title 4, Division 19 includes the following requirements regarding public services for commercial cannabis uses.

- CCR, Title 4, Section 15011: Additional Information

  (a) A commercial cannabis business applying for a license to cultivate cannabis shall provide the following information:

  (10) An attestation that the local fire department has been notified of the cultivation site if the application is for an indoor license type.

- CCR, Title 4, Section 15036: Notification of Theft, Loss, and Criminal Activity

  (a) A licensee shall notify the Department and local law enforcement within 24 hours of discovery of any of the following situations:

  (1) The licensee discovers a significant discrepancy, as defined in section 15034, in its inventory.

  (2) The licensee discovers diversion, theft, loss, or any other criminal activity pertaining to the operations of the licensee.

  (3) The licensee discovers diversion, theft, loss, or any other criminal activity by an agent or employee of the licensee pertaining to the operations of the licensee.

  (4) The licensee discovers loss or unauthorized alteration of records related to cannabis or cannabis products, customers, or the licensee's employees or agents.

  (5) The licensee discovers any other breach of security.

  (b) The notification to the Department pursuant to subsection (a) shall be submitted on the Licensee Notification and Request Form, Notifications and Requests Regarding Regulatory Compliance, DCC-LIC-028 (New 2/22), which is incorporated herein by reference, and shall include the date and time of occurrence of the theft, loss, or criminal activity, the name of the local law enforcement agency that was notified, and a description of the incident including, where applicable, the item(s) that were taken or lost.

- CCR, Title 4, Section 15042: Premise Access Requirements

  (a) For a premises that is not open to the public, the licensee shall establish and implement an identification and sign-in/sign-out procedure for all persons accessing the premises, including authorized individuals, suppliers, and visitors.

  (b) Licensees shall ensure that only employees of the licensee and other authorized individuals access the licensed premises.

  (c) For the purpose of this section, "authorized individuals" include outside vendors, contractors, or other individuals conducting business that requires access to the licensed premises.

  (d) An individual who enters the licensed premises and is not employed by the licensee shall be escorted by an employee of the licensee at all times while within the licensed premises.

  (e) A licensee shall maintain a record of all authorized individuals who are not employees of the licensee who enter the licensed premises. The record shall include the name of the individual, the company the individual works for, the reason the individual entered the licensed premises, the date, and the times the individual

entered and exited the licensed premises. These records shall be made available to the Department immediately upon request.

(f) A licensee shall not receive consideration or compensation for permitting an individual to enter the licensed premises.

- CCR, Title 4, Section 15601: Temporary Cannabis Event Requirements

(h) The licensed cannabis event organizer shall hire or contract for security personnel to provide security services at the licensed temporary cannabis event. All security personnel hired or contracted for by the licensee shall be at least 21 years of age, licensed by the Bureau of Security and Investigative Services, and comply with chapters 11.4 and 11.5 of division 3 of the Business and Professions Code. Security personnel shall be present on the licensed premises at all times cannabis goods are available for sale and/or cannabis goods consumption is allowed on the licensed premises.

(l) The Department may require the event organizer and all participants to cease operations without delay if, in the opinion of the Department or local law enforcement, it is necessary to protect the immediate public health and safety of the people of the state. Upon notification from the Department that the event is to cease operations, the event organizer shall immediately stop the event and all participants shall be removed from the premises within the time frame provided by the Department.

(m) Upon notification from the Department, the event organizer shall immediately expel from the event any person selling cannabis goods without a license from the Department that authorizes the participant to sell cannabis goods. The event organizer or their representative shall remain with the person being expelled from the premises at all times until he or she vacates the premises. If the person does not vacate the premises, the Department may inform the event organizer that the event must cease operations. Upon notification from the Department that the event is to cease operations, the event organizer shall immediately stop the event and all participants shall be removed from the premises within the time frame provided by the Department.

- CCR, Title 4, Section 17202.1: General Requirements for Extraction and Post-Extraction Processing

(a) A licensed manufacturer that uses a volatile solvent, a flammable liquid, or a solvent that creates an asphyxiant gas shall ensure that the solvent is used in accordance with the requirements of:

(1) Chapter 39 of the California Fire Code;

(2) Title 8, California Code of Regulations, sections 5416-5420, which includes ensuring adequate ventilation and controlling sources of ignition;

(3) All Division of Occupational Safety and Health (Cal/OSHA) regulations related to the processing, handling, and storage of the applicable solvent; and

(4) All fire, safety, and building code requirements related to the processing, handling, and storage of the applicable solvent or gas.

(b) No volatile solvent extraction or post-extraction processing operations or other closed-loop system operations shall occur in an area zoned as residential.

- CCR, Title 4, Section 17205: Additional Requirements for Ethanol Operations - A licensed manufacturer that uses ethanol in manufacturing operations for extractions or post-extraction processing shall receive approval for the facility and equipment from the local fire code official prior to commencing operations, if required by local ordinance.

2.15.2.3 *Local*

San Diego County General Plan

The San Diego County General Plan contains policies associated with fire protection and law enforcement in the Safety Element, policies associated with schools and libraries in the Land Use Element and policies associated with recreation in the Open Space and Conservation Element. The following policies are relevant to the Cannabis Program (County of San Diego 2011, 2021):

Fire Protection and Emergency Response

- **Policy S-7.1: Water Supply**. Ensure that water supply infrastructure adequately supports existing and future development and provides adequate water flow to combat structural and wildland fires. Water systems shall equal or exceed the California Fire Code, California Code of Regulations, or, where a municipal-type water supply is unavailable, the latest edition of National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting."
- **Policy S-7.2: Funding Fire Protection Services**. Require development to contribute its fair share towards funding the provision of appropriate fire and emergency medical services as determined necessary to adequately serve the project.
- **Policy S-7.3: Fire Protection Services for Development**. Require that new development demonstrate that adequate fire services can be provided that meet the minimum staffing of personnel and that meet the minimum travel times identified in Table S-3 (Travel Time Standards from Closest Fire Station).

Parks and Recreation

- **Policy COS-24.1: Park and Recreation Contributions**. Require development to provide fair-share contributions toward parks and recreation facilities and trails consistent with local, state, and federal law.

County of San Diego, Consolidated Fire Code

The fire protection districts within the boundaries of San Diego County have collaborated to adopt by an ordinance for each district, the 2022 California Fire Code. The 2023 Consolidated Fire Code is based upon the County's 2023 Fire Code as currently referenced and adopted in Title 9, Division 6, Chapter 1 of the County Code, subject to the modifications of each fire protection district to the Building Standards Code based upon their respective determinations as to what modifications are reasonably necessary because of local climatic, geological, and topographical conditions within the district.

San Diego County Board of Supervisors Policy I-84, Project Facility Availability and Commitment for Public Sewer, Water, School, and Fire Services

The Board of Supervisors Policy I-84 establishes procedures for using Project Facility Availability forms and in certain cases, Project Facility Commitment forms, for the processing of major and minor subdivisions and certain other discretionary land use permits. These standardized procedural forms have been used to (1) obtain information from special districts and other facility providers regarding facility availability, (2) ensure that this information is reviewed by the appropriate decision-making body, and (3) provide data to the facility provider in order to determine what capital improvements are required to serve the proposed project.

County of San Diego Department of Parks and Recreation, Strategic Plan

The mission of the County of San Diego DPR is to provide opportunities for high quality parks and recreation experiences and to preserve regionally significant natural and cultural resources. The DPR Strategic Plan discusses what DPR does, including how it implements programs and achieves objectives to provide and maintain the County's parks and recreational areas.

County of San Diego Trails Program

In January 2005, the County Board of Supervisors adopted the County of San Diego Trails Program (CTP). The components of the CTP include a community trails master plan (CTMP) and Regional Trails Plan, which are described below. The CTP also includes a General Plan Amendment, a Mitigated Negative Declaration, and a Trails Ordinance regulating the use of trails and amendments to the County Subdivision Ordinances regarding dedication and improvement of trails.

The CTP allows the County to develop a system of interconnected regional and community trails and pathways. These trails and pathways are intended to address an established public need for recreation and transportation and also provide health and quality of life benefits associated with hiking, mountain biking, and horseback riding throughout the biologically diverse environments in the county.

Community Trails Master Plan

The CTMP is the implementing document for the CTP and contains adopted individual community trails and pathways plans. The CTMP involves trail development, maintenance, and management on public, semipublic and private lands. The main focus of the CTMP is to implement and maintain a realistic system of interconnected and continuous regional and community trails. The CTMP also includes development and management guidelines that can be applied to community level trail systems. Community trails will be implemented only in CPAs and Subregions wishing to participate in the program. The community trails maps contained in the CTMP depict corridors of general alignments. The term "general alignment" is used to describe the general location of a future trail generally within a quarter-mile wide corridor.

When an application for a specified discretionary development permit is submitted for land that includes a trail corridor, the specific location of a proposed trail within the trail corridor would be determined based on a trail route study. The route study would determine the appropriate location of the new trail in the corridor based on the trail design criteria included in the CTMP.

The purpose of these criteria is to locate trails where they avoid causing impacts to sensitive habitat and other significant environmental resources.

The environmental review for a proposed discretionary project would include a site-specific analysis of the trail proposed in the route study. The County may require the dedication of a trail easement and improvement of a trail on a case-by-case basis. Authority to require trail dedications is based on the established need for trails and findings relative to their public benefit and legitimate public function as described in the CTMP. Dedication is required when there is a necessary rough proportionality between the required dedication and the impacts of and benefits to the proposed development. Trail dedication is not required for ministerial (nondiscretionary) permits, such as building permits.

Regional Trails Plan

The Regional Trails Plan identifies County-approved general alignment corridors of regional trails in the county. Regional trails have characteristics and conditions that serve a regional function by covering long linear distances, transcending community or municipal borders, having state or national significance, or providing important connections to existing parks and preserves. The Regional Trails Map includes 9 trails that provide significant north-south and east-west trail corridors that traverse the county.

County of San Diego Active Transportation Plan

The County completed an update to the Bicycle Transportation Plan (ATP) through the creation of the Active Transportation plan, approved by the Board of Supervisors in October 2018. The ATP supports efforts to promote active transportation options through pedestrian and bicycle improvements in the unincorporated county. Development of the ATP included an analysis of existing pedestrian and bicycle conditions.

2.15.3 Analysis of Project Impacts and Determination of Significance

2.15.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, a public services and recreation impact is considered significant if implementation of the Cannabis Program would do any of the following:

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

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated; or
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

2.15.3.2 *Issues Not Discussed Further*

Schools, Libraries, and Other Public Facilities

New cannabis facilities permitted and licensed under the Cannabis Program could result in increased job opportunities, thus resulting in increased population in the county. As discussed in Section 2.14, "Population and Housing," implementation of the Cannabis Program would not substantially induce population growth in the unincorporated area of the county, such that additional or increased housing beyond existing housing/growth projections would be required. Furthermore, it is anticipated that newly created jobs could be filled by existing county residents, including the unemployed labor force, as well as those commuting from neighboring counties. For these reasons, implementing the Cannabis Program is not anticipated to result in a substantial increase in population levels in the county.

Because anticipated growth would not exceed existing housing/growth projections identified for the county (see Section 2.14, "Population and Housing"), implementation of the Cannabis Program is not expected to result in an increased demand for schools, libraries, or other public facilities (e.g., general governmental services, such as administration and public health) that would necessitate new or expanded facilities that could create physical environmental impacts. Therefore, no impacts related to schools, libraries, or other public facilities would occur, and this issue is not discussed further.

Parks and Recreation

The Cannabis Program does not propose the development of new or expanded parks or recreational facilities, nor would it result in the loss or deterioration of existing parks or recreational facilities. As described above for schools, libraries, and other public facilities, anticipated growth resulting from implementation of the Cannabis Program would not exceed existing housing/growth projections identified for the county (see Section 2.14, "Population and Housing"). Therefore, implementation of the Cannabis Program is not expected to result in an increased demand for parks or recreational facilities. For these reasons, no impacts related to parks or recreational facilities would occur, and this issue is not discussed further.

2.15.3.3 *Approach to Analysis*

The following analysis assesses the environmental effects of the Cannabis Program and each alternative with respect to the existing public service providers in the program area and possible effects to public services as a result of implementation of the Cannabis Program based on a review of existing documents, policies, ordinances, and other regulations pertinent to public services.

2.15.3.4 *Issue 1: Fire Protection Services*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, and other performance objectives for fire protection.

Impact Analysis

As discussed in Section 2.15.1, "Existing Conditions," a substantial portion of the unincorporated area of San Diego County is predominantly located in Very High, High, and Moderate Fire Hazard Severity Zones.

Fire protection demands for commercial cannabis operations are generally no different than for similar land uses, such as agriculture. In general, fire protection–related activities include plan review, site/structure inspections, fire code enforcement, fire preparedness/prevention education, fire suppression, and hazardous material/emergency response. Cannabis cultivation (both indoor and outdoor), including nurseries and processing, share fire risk characteristics of similar agricultural uses, for example, other field and nursery crops and other agricultural processing activities. Because of field spacing (for outdoor crops) and limited overall grow size for greenhouse environments, fire risk may be comparably less. Retail (dispensary) cannabis uses share fire risk characteristics of other similar retail uses, such as pharmacies and drug stores, operated in structures built for commercial occupancies, such as retail sales.

Overall fire risk characteristics of cannabis activities, such as fuel load, surface area, heat content, fuel moisture, and other considerations, are comparable to similar uses in comparable land use categories. Potential risks involving combustibility, flammability, ventilation, and physical hazards are regulated through existing codes and requirements. Cannabis activities do not introduce new or unusual fire risk characteristics that would affect fire response as compared to uses allowed at the same locations under existing conditions.

New commercial cannabis facilities located within SRAs would be subject to compliance with PRC Sections 4290 and 4291, which require defensible space of 100 feet around all buildings and structures, adequate emergency access and egress, availability of emergency water, and building signage and number requirements, as well as CCR, Title 24, Section 701A.3, which contains additional building standards for new building construction located in any fire hazard severity zone within SRAs, any local agency Very-High Fire Hazard Severity Zone, or any wildland-urban interface fire area.

In addition, new licensed cultivation sites would be required to comply with CCR Title 4, Division 19, Section 15011 regarding the notification of the cannabis use to the local fire department. CCR Title 4, Division 19, Sections 17202.1 and 17205 include requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that create an asphyxiant gas, or ethanol to ensure compliance with Chapter 35 of the California Fire Code; CCR Title 8, Sections 5416 through 5420, which address ventilation and control of ignition sources; Division of Occupational Safety and Health regulations; and all applicable fire, safety, and building codes related to the processing, handling, and storage of solvents and gas.

The proposed Cannabis Program would include Section 21.2508(a) of the amendments to the County Regulatory Code, and commercial cannabis facilities would be required to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Protection District, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County. Compliance with existing regulations and the proposed Cannabis Program would ensure water supply, fire protection funding, and fire protection service standards identified in General Plan Policies S-7.1, S-7.2, and S-7.3 are satisfied.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as potentially expand their existing facilities and operations to a total of up to 10,000 square feet of building area for each site. The potential expansion of existing sites under this alternative would not result in adverse physical impacts associated with the provision of new or physically altered fire protection and emergency services or result in the need for new or physically altered fire protection and emergency services.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, new commercial cannabis facilities would be subject to compliance with the fire regulations identified above that would include the following:

- PRC Sections 4290 and 4291, which require defensible space of 100 feet around all buildings and structures, adequate emergency access and egress, availability of emergency water, and building signage and number requirements.

- CCR, Title 24, Section 701A.3, which contains additional building standards for new building construction located in any Fire Hazard Severity Zone within SRAs, any local agency Very-High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area.

- CCR Title 4, Division 19, Section 15011, regarding the notification of the cannabis use to the local fire department.

- CCR Title 4, Division 19, Section 17202.1 and 17205, which include requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that creates an asphyxiant gas, or ethanol.

- Section 21.2508(a) of the amendments to the County Regulatory Code proposed in the Cannabis program that commercial cannabis facilities would be required to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Protection District, building and grading plan forms including fire code plan check requirements would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County.

There is no information or evidence to suggest that the Cannabis Program would increase fire protection needs as compared to baseline conditions or increase demand such that new or additional facilities would be required. Overall, compliance with existing regulations and the proposed Cannabis Program would ensure water supply, fire protection funding, and fire protection service standards identified in General Plan Policies S-7.1, S-7.2, and S-7.3 are satisfied and that there is no increased need for fire protection services in the county. Compliance with existing regulations and General Plan Policies would ensure that the Cannabis Program would not result in adverse physical impacts associated with the provision of new or physically altered fire protection and emergency services or result in the need for new or physically altered fire protection and emergency services.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As discussed above under Alternative 2, new commercial cannabis facilities would be required to comply with state regulations and proposed amendments to the County Regulatory Code that would address fire protection needs and would avoid expanded need for fire protection services.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities.

As discussed above under Alternative 2, new commercial cannabis facilities would be required to comply with state regulations and proposed amendments to the County Regulatory Code that would address fire protection needs and would avoid expanded need for fire protection services.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed above under Alternative 2, new commercial cannabis facilities would be required to comply with state regulations and proposed amendments to the County Regulatory Code that would address fire protection needs and would avoid expanded need for fire protection services.

This impact would be less than significant under Alternative 5.

2.15.3.5 *Issue 2: Police Protection Services*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, and other performance objectives for police protection services.

Impact Analysis

As described in Section 3.15.2, "Regulatory Framework," state regulations outline specific security requirements for commercial cannabis licensees. These regulations include CCR, Title 4, Sections 15036, 15042, and 15601, which impose access limitations for commercial cannabis cultivation sites.

Commercial cannabis facilities permitted and licensed through the Cannabis Program would be required to comply with CCR, Title 4, Section 15036, regarding notification of theft, loss, and criminal activity; Section 15042, regarding security measures for the facility sufficient to ensure the safety of employees and protection of the premises; and Section 15601 regarding security measures for temporary cannabis events.

In addition, the proposed Cannabis Program would include Section 21.2510(a)(3) of the County Regulatory Code amendments, which requires preparation of detailed security plan, prepared by a qualified professional, which outlines the measures that would be taken to ensure the safety of persons and property on the business site. In addition, Section 21.2510(a)(5) of the amendments to the County Regulatory Code requires preparation of a Neighborhood Compatibility Plan that describes how the business would take proactive steps to avoid becoming a nuisance or having negative effects on the surrounding neighbors and community.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as potentially expand their existing facilities and operations to a total of up to 10,000 square feet of building area for each site. The potential expansion of existing sites under this alternative would not result in adverse physical impacts associated with the provision of new or physically altered law enforcement services or result in the need for new or physically altered law enforcement services.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As discussed above, CCR, Title 4, Section 15036, 15042, and 15601 require security measures of the facility and reporting procedures in the case of theft, loss, or criminal activities. In addition, the proposed amendments to the County Regulatory Code contain requirements for a detailed security plan (Section 21.2510(a)(3)) and preparation of a Neighborhood Compatibility Plan (Section 21.210(a)(5)). Compliance with these requirements would ensure that on-site security measures are provided and site access is sufficient. Given these provisions, no substantial demands on local law enforcement would be expected such that construction of new facilities (e.g., sheriff stations) would be necessary from implementation of the Cannabis Program. Compliance with existing regulations and General Plan Policies would ensure that the Cannabis Program would not result in adverse physical impacts associated with the provision of new or physically altered fire protection and emergency services or result in the need for new or physically altered police protection services.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As discussed above under Alternative 2, new commercial cannabis facilities would be required to comply with state regulations and proposed amendments to the County Regulatory Code that would address security needs and would avoid the need for construction of new facilities (e.g., sheriff stations) in order to maintain acceptable service ratios, response times, and other performance objectives for police protection services.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities.

As discussed above under Alternative 2, new commercial cannabis facilities would be required to comply with state regulations and proposed amendments to the County Regulatory Code that would address security needs and would avoid the need for construction of new facilities (e.g., sheriff stations).

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed above under Alternative 2, new commercial cannabis facilities would be required to comply with state regulations and proposed amendments to the County Regulatory Code that would address security needs and would avoid the need for construction of new facilities (e.g., sheriff stations).

This impact would be less than significant under Alternative 5.

2.15.4 Cumulative Impacts

The cumulative context for public services is San Diego County and the individual service areas of the fire and police protection service providers.

2.15.4.1 *Issue 1: Fire Protection Services*

The San Diego County General Plan Update Draft EIR identified no cumulatively considerable impacts on fire protection services from implementation of the General Plan (County of San Diego 2009).

As discussed under Section 2.15.3.4, "Issue 1: Fire Protection Services," commercial cannabis facilities permitted and licensed through the Cannabis Program under Alternatives 1, 2, 3, 4, and 5 would not result in the need for expanded fire protection services that would necessitate the construction of new facilities (e.g., fire stations). This is because commercial cannabis facilities would be required to comply with established fire protection and emergency service regulations in PRC Sections 4290 and 4291; CCR Title 24, Section 701A.3, Title 4, Division 19, Section 15011, Section 17202.1, and Section 17205; as well as provisions in the proposed

amendments in the Regulatory Code to obtain approval from the local fire authority and compliance with fire code plan check requirements. Because compliance with existing regulation and the proposed Cannabis Program would ensure water supply, fire protection funding, and fire protection service standards provided in General Plan policies S-7.1, S-7.2, and S-7.3 are satisfied, there would be no increased need for fire protection services in the unincorporated area. The incremental effects of the Cannabis Program related to fire protection and emergency services would not combine with the effects of cumulative projects to create significant cumulative impacts because the state and local requirements would minimize the need for expanded fire protection services in the unincorporated area such that no new facilities would be required. Therefore, the Cannabis Program's incremental effects would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5.

2.15.4.2 *Issue 2: Police Protection Services*

As discussed in Section 2.15.3.5, "Issue 2: Police Protection Services," commercial cannabis facilities permitted and licensed through the Cannabis Program would not result in the need for expanded police protection services that would necessitate the construction of new facilities (e.g., sheriff stations). This is because cannabis facilities would be required to comply with in CCR Title 4, Sections 15036 and 15043, as well proposed amendments to the Regulatory Code to prepare and implement a detailed security plan (Section 21.2510(a)(3)) and preparation of a Neighborhood Compatibility Plan (Section 21.210(a)(5)). Compliance with these regulatory requirements would ensure that on-site security measures are provided such that there would not be substantially greater strain on local law enforcement; therefore, construction of new facilities would not be necessary. The incremental effects of the Cannabis Program related to law enforcement services would not combine with the effects of cumulative projects to create significant cumulative impacts because the state and local requirements would minimize the need for expanded law enforcement services in the unincorporated area such that no new facilities would be required. Therefore, the Cannabis Program's incremental effects would not be cumulatively considerable under Alternative 1, 2, 3, 4, or 5. Compliance with existing regulations and General Plan Policies would ensure that the Cannabis Program would not result in a cumulative adverse physical impact associated with the provision of new or physically altered fire protection and emergency services or result in the need for new or physically altered police protection services.

2.15.5 Significance of Impacts Prior to Mitigation

2.15.5.1 *Issue 1: Fire Protection Services*

The proposed Cannabis Program would result in less-than-significant direct impacts to public services under Alternatives 1 through 5. It would not contribute to significant cumulative impacts associated with public services.

2.15.5.2 *Issue 2: Police Protection Services*

The proposed Cannabis Program would result in less-than-significant direct impacts to public services under Alternatives 1 through 5. It would not contribute to significant cumulative impacts associated with public services.

2.15.6 Mitigation

2.15.6.1 *Issue 1: Fire Protection Services*

No mitigation is required.

2.15.6.2 *Issue 2: Police Protection Services*

No mitigation is required.

2.15.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

2.15.7.1 *Issue 1: Fire Protection Services*

Expanded (Alternative 1) or new cannabis facilities would be required to comply with state and local regulations and standards related to public services, which would minimize impacts related to fire protection services. For these reasons, no mitigation is required, and this impact is less than significant for Alternatives 1 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.15.7.2 *Issue 2: Police Protection Services*

Expanded (Alternative 1) or new cannabis facilities would be required to comply with state and local regulations and standards related to security and site access, which would minimize impacts related to police protection services. For these reasons, this impact is less than significant for Alternatives 1 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

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2.16 Transportation

This section describes the applicable federal, state, and local transportation regulations and policies; discusses the existing roadway network and transportation facilities in the vicinity of the proposed Cannabis Program; and analyzes the potential impacts on transportation from implementation of the Cannabis Program. Mitigation measures that would reduce impacts, where applicable, are also discussed.

Pursuant to Senate Bill (SB) 743, Public Resources Code (PRC) Section 21099, and State CEQA Guidelines Section 15064.3(a), generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts, and a project's effect on automobile delay shall no longer constitute a significant impact under CEQA. Therefore, the transportation analysis herein evaluates impacts using VMT and does not include level of service (LOS) analysis. The County of San Diego Transportation Study Guidelines, described in detail below, were used as a guide for the VMT analysis and used to determine VMT impacts from the Cannabis Program.

Comments received during the notice of preparation (NOP) identified concerns regarding the potential for the Cannabis Program to affect roadway safety and result in transportation hazards, reduced access to public transportation, increased VMT, and increased traffic. These issues are addressed in this section, as appropriate. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.16.1.

Table 2.16.1 Transportation Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact
2	Exceed the Threshold for VMT	Alternative 1: Less than Significant Alternatives 2–5: Significant Impact	Alternative 1: Less than Significant Alternatives 2–5: Significant Impact	Alternative 1: Less than Significant Alternatives 2–5: Significant Unavoidable Impact
3	Substantially Increase Hazards due to a Design Feature	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact
4	Result in Inadequate Emergency Access	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact	Alternative 1: No Impact Alternatives 2–5: Less than Significant Impact

2.16.1 Existing Conditions

This section describes the existing roadway network, transit services, and bicycle and pedestrian facilities in the unincorporated county.

2.16.1.1 *Roadway System*

The County Maintained Road Register Report classifies the existing roadway network in the unincorporated county by 7 categories: interstates, freeways or expressways, principal arterials, minor arterials, major collectors, minor collectors, and local roads (County of San Diego 2023a). The County of San Diego General Plan (General Plan) groups roadways by similar types: state highways, Mobility Element roadways, local public roads, and private roads. “Mobility Element roadways” refers to the portion of the Mobility Element roadway system that has been constructed. The Roads Section of the County of San Diego Department of Public Works is responsible for maintaining nearly 1,947 miles of Mobility Element roadways and other transportation facilities, such as bridges and guardrails, signs, traffic signals, and crosswalks. Within the unincorporated county, there are approximately 5 miles of principal arterial roads, 146 miles of minor arterial roads, 481 major collector roads, 198 minor collector roads, and 1,117 local roads (County of San Diego 2023a).

2.16.1.2 *Transit System*

The San Diego Metropolitan Transit System (MTS) and the North County Transit District (NCTD) are the 2 agencies responsible for providing bus, rail, and paratransit services within the San Diego region. In addition, the Amtrak Pacific Surfliner provides intercity rail service along the Los Angeles–San Diego–San Luis Obispo Rail Corridor. Other specialized transit services are offered through the Consolidated Transportation Service Agency for the San Diego region.

MTS provides bus and rail services throughout San Diego County. MTS provides almost 100 fixed bus routes throughout its service area, including local, express, and rural routes, as well as paratransit services. Bus services are provided in the unincorporated county by the San Diego Transit Corporation (SDTC), which is owned by MTS. MTS contractors serve the cities of San Diego, El Cajon, La Mesa, and National City, in addition to the unincorporated communities of Lakeside, Alpine, Rancho San Diego, Casa de Oro, and Spring Valley (MTS 2023). SDTC bus service provides connections to light and heavy rail services and offers local service and express service (MTS 2023).

NCTD operates a bus system referred to as the BREEZE, which serves unincorporated north county. BREEZE serves a geographic area of approximately 1,020 square miles and operates approximately 30 different bus routes, many of which provide connections to light rail systems and tourist attractions (NCTD 2022). The east-west SPRINTER hybrid rail line spans 22 miles and serves 15 stations along the State Route (SR) 78 corridor. The Buena Creek SPRINTER station is the only stop located within the unincorporated county.

2.16.1.3 *Bicycle and Pedestrian Network*

As of 2018, of the roughly 1,950 miles of county-maintained roadways, less than half include sidewalks, and less than 1 percent include a bicycle route or lane (County of San Diego 2018:

ES-1). The County of San Diego Active Transportation Plan (ATP) classifies bicycle lanes in the following 4 types:

- **Class I bike path:** A completely separated right-of-way for the exclusive use of bicycles and pedestrians with crossflow by motorists minimized.
- **Class II bike lanes:** A striped lane for one-way bike travel on a street or highway.
- **Class III bike route:** Provides for shared use with vehicular traffic within the travel lane.
- **Class IV separated bikeway:** A physically separated bikeway for the exclusive use of bicycles. The separation may include, but is not limited to, grade separation, flexible posts, inflexible posts, inflexible barriers, or on-street parking.

As of 2018, the unincorporated county had 1 mile of class I bicycle paths, 145 miles of class II bicycle lanes, and 9 miles of class III bicycle routes, for a total of 155 miles of existing bicycle facilities. As of 2018, there were no class IV bicycle facilities in the unincorporated county (County of San Diego 2018: 3-3).

Pedestrian facilities in the unincorporated county include sidewalks, pathways, and trails. Results from a County Pedestrian Gap Analysis and evaluation of existing facilities revealed that approximately 53 percent, or 401 miles, of the assessment roadways had no sidewalk or pedestrian facility (County of San Diego 2018: 3-3).

2.16.2 Regulatory Framework

2.16.2.1 *Federal*

No federal laws or regulations addressing transportation and circulation are applicable to the Cannabis Program. However, federal regulations relating to the Americans with Disabilities Act, Title VI, which prohibits discrimination based on race, color, and national origin, and Environmental Justice (Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) are applicable to the manner in which transit service is provided.

2.16.2.2 *State*

California Department of Transportation

The California Department of Transportation (Caltrans) is the state agency responsible for the design, construction, maintenance, and operation of the California State Highway System, as well as the segments of the Interstate Highway System that are within California. Caltrans District 11 is responsible for the operation and maintenance of highways in the unincorporated area. Caltrans requires a transportation permit for any transport of heavy construction equipment or materials that necessitates the use of oversized vehicles on state highways.

California Manual on Uniform Traffic Control Devices

The *California Manual on Uniform Traffic Control Devices* (CA MUTCD) “Part 6: Temporary Traffic Control” provides principles and guidance regarding the movement of all roadway users

(e.g., motorists, bicyclists, pedestrians) through or around temporary traffic control zones while reasonably protecting road users, workers, responders to traffic incidents, and equipment. In addition, this document notes that temporary traffic control plans and devices shall be the responsibility of the authority of a public body or official having jurisdiction for guiding road users (Caltrans 2024a: 1029).

Encroachment Permits Manual

The Caltrans *Encroachment Permits Manual* provides information on the permitting process, describes departmental policies, and maintains uniform methods and procedures related to the issuance of encroachment permits (Caltrans 2024b). Section TR-0045 of the *Encroachment Permits Manual* describes the general provisions of a Caltrans encroachment permit, including standards of construction and requirements for public traffic control.

California Fire Code

The 2022 California Fire Code, which is codified as Part 9 of the Title 24 of the California Code of Regulations (CCR), incorporates by adoption the 2021 International Fire Code and contains regulations related to construction, maintenance, access, and use of buildings. Topics addressed in the California Fire Code include design standards for fire apparatus access (e.g., turning radii, minimum widths), standards for emergency access during construction, provisions intended to protect and assist fire responders, and several other general and specialized fire safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety. The California Building Standards Code, including the California Fire Code, is revised and published every 3 years by the California Building Standards Commission.

2.16.2.3 *Local*

San Diego Association of Governments

The San Diego Association of Governments (SANDAG) is the Metropolitan Planning Organization (MPO) and the regional transportation planning agency for the entire San Diego region. SANDAG is required to prepare a long-range transportation plan for all modes of transportation—public transit, automobiles, bicyclists, and pedestrians—every 4 years. In addition to preparing the region's long-range transportation plan, SANDAG assists in planning for transit, bicycle networks, roadway improvements, and airport land uses. SANDAG is also required by state and federal laws to develop a Regional Transportation Improvement Program (RTIP), a multiyear program of proposed transportation projects in the San Diego region. SANDAG has produced the following documents that identify transportation plans and policies in the San Diego region.

2021 Regional Plan

The SANDAG Board of Directors adopted San Diego Forward: The 2021 Regional Plan (2021 Regional Plan) in December 2021. The 2021 Regional Plan combines the Regional Transportation Plan, Sustainable Communities Strategy, and Regional Comprehensive Plan. The 2021 Regional Plan anticipates the growth that will occur in the San Diego region and provides a blueprint for the regional transportation system, as well as a vision for promoting sustainability and offering a variety of mobility options for people and goods. The 2021 Regional Plan strategies are organized around the 5 strategies called "5 Big Moves": Next

Operating System, Complete Corridors, Transit Leap, Mobility Hubs, and Flexible Streets (SANDAG 2021: 6). Project, policies, and programs developed to achieve the 2021 Regional Plan goals are organized around the following 3 core strategies:

- Invest in a reimagined transportation system.
- Incentivize sustainable growth and development.
- Implement innovative demand and system management.

Regional Transportation Improvement Program

The RTIP is a 5-year investment plan that identifies projects and programs funded by federal, state, local, and private funds. The 2023 RTIP covers 5 fiscal years (i.e., 2023 to 2027) and incrementally implements the 2021 Regional Plan. The 2023 RTIP is a prioritized program designed to implement the regional strategy for providing mobility and improving the safety, condition, and efficiency of the transportation system (SANDAG 2022: 1-1). The 2023 RTIP was adopted by the SANDAG Board of Directors in September 2022 and approved by the Federal Highway Administration and Federal Transit Administration in December 2022.

San Diego County General Plan

The General Plan serves as a blueprint for development and associated improvements in the county. The Mobility Element sets goals and establishes policies that intend to improve the transportation network and enhance mobility for transportation system users. The following General Plan policies related to transportation and mobility are applicable to the proposed Cannabis Program (County of San Diego 2011).

- **Policy M-3.1: Public Road Rights-of-Way.** Require development to dedicate right-of-way for public roads and other transportation routes identified in the Mobility Element roadway network, Community Plans, or Road Master Plans. Require the provision of sufficient right-of-way width, as specified in the County Public Road Standards, Active Transportation Plan and Community Trails Master Plan, to adequately accommodate all users, including transit riders, pedestrians, bicyclists, and equestrians.
- **Policy M-3.2: Traffic Impact Mitigation**: Require development to contribute its fair share toward financing transportation facilities, including mitigating the associated direct and cumulative traffic impacts caused by their project on both the local and regional road networks. Transportation facilities include road networks and related transit, pedestrian and bicycle facilities, and equestrian.
- **Policy M-3.3: Multiple Ingress and Egress**. Require development to provide multiple ingress/egress routes in conformance with State law and local regulations.
- **Policy M-4.3: Rural Roads Compatible with Rural Character**. Design and construct public roads to meet travel demands in Semi-Rural and Rural Lands that are consistent with rural character while safely accommodating transit stops when deemed necessary, along with bicyclists, pedestrians, and equestrians. Where feasible, utilize rural road design features (e.g., no curb and gutter improvements) to maintain community character.
- **Policy M-4.4: Accommodate Emergency Vehicles.** Design and construct public and private roads to allow for necessary access for appropriately-sized fire apparatus and emergency vehicles while accommodating outgoing vehicles from evacuating residents.

- **Policy S-2.7: Evacuation Access**. All development proposals are required to identify evacuation routes at the Community Plan level and identify and facilitate the establishment of new routes needed to ensure effective evacuation. Evacuation routes should be incorporated into existing Community Wildfire Protection Plans where available.
- **Policy S-4.5: Access Roads.** Require development to provide additional access roads where feasible to provide for safe access of emergency equipment and civilian evacuation concurrently. The width, surface, grade, radius, turnarounds, turnouts, bridge construction, vegetative management and brush clearance around roadways, and lengths of fire apparatus access roads shall meet the requirements of the State and San Diego County Consolidated Fire Codes. All requirements and any deviations will be at the discretion of the Fire Code Official.

County of San Diego Active Transportation Plan

The ATP is a master plan and policy document that guides the implementation of active transportation (i.e., nonmotorized modes of travel) projects in unincorporated San Diego County. The ATP establishes goals, objectives, and actions related to increasing accessibility and connectivity of the active transportation network throughout the unincorporated county. The following objectives included in the ATP are relevant to the Cannabis Program (County of San Diego 2018).

- **Objective 1**: Achieve a reduction in collision rates by 2050 while achieving an increase in mode share for people biking and walking.
- **Objective 2.1:** Plan for a comprehensive network of facilities that are accessible to all users, including people walking, biking, and those utilizing assistance devise such as wheelchairs.
- **Objective 2.2**: Fill gaps in the existing pedestrian and bicycle networks to create a continuous accessible network.
- **Objective 2.3**: Keep bicycle and pedestrian access open during construction projects.
- **Objective 3.1**: Increase the frequency and types of biking and walking trips in San Diego County to improve public health, decrease the number of vehicle trips, and reduce impacts to the environment.

County of San Diego Community Trails Master Plan

The Community Trails Master Plan (CTMP) guides community trail development and management in unincorporated San Diego County. The CTMP includes design guidelines, implementation strategies, and outlines sequential steps for programmatic growth (County of San Diego 2005). The following countywide policies (CP) included in the CTMP are relevant to the Cannabis Program.

- **CP 1.1:** Continue to provide and expand the variety of trail experiences, including urban/suburban, rural, wilderness, multi-use and single use, staging areas and support facilities.
- **CP 2.3:** Participate in completing missing segments of regional trails to satisfy the need for long-range trail opportunities.

- **CP 3.7**: Development projects and other discretionary projects proposed on lands upon which a trail or pathway in the Regional Trail Plan or Community Trails Master Plan has been identified may be required to dedicate and improve land for trail or pathway purposes.
- **CP 4.2**: Public improvement projects, such as road widening, bridge construction, and flood control projects, which may impact trails or pathways in the Regional Trail Plan or Community Trails Master Plan should incorporate such facilities in project design and construction.
- **CP 4.3**: Encourage the involvement and input of the agricultural community in matters relating to trails on or adjacent to agricultural lands and place a priority on the protection of agriculture.

County of San Diego Transportation Study Guidelines

The San Diego County Board of Supervisors approved the updated county Transportation Study Guidelines in September 2022. The Transportation Study Guidelines provide criteria to guide project evaluation as it relates to county transportation goals, policies, and plans, and through procedures established under CEQA (County of San Diego 2022). The Transportation Study Guidelines provide screening criteria for projects that are presumed to result in a less-than-significant VMT impact.

County of San Diego Consolidated Fire Code

The County of San Diego, in collaboration with the local fire protection districts, created the County of San Diego Consolidated Fire Code (CFC) in 2001. The CFC contains the County's and fire protection districts' amendments to the California Fire Code. Emergency ingress/egress is established the CFC. Ingress/egress is necessary for both citizen evacuation and to provide access for emergency vehicles in the event of a fire or other emergency. Section 96.1.503 of the CFC dictates minimum design standards for "Fire Apparatus Access Roads" and includes minimum road standards, secondary access requirements, and restrictions for gated communities (County of San Diego 2023b).

San Diego County Code of Regulatory Ordinances

Title 7 (Highways and Traffic) in the Regulatory Code addresses uses of the county roadway system and includes requirements for the obtaining an encroachment permit for access and improvements to County-maintained roads under Section 71.602.

San Diego County Public Road Standards

The County of San Diego Public Road Standards serve as a guideline for the design and construction of public roadway improvement projects within unincorporated San Diego County. These standards apply to County-initiated public road improvement projects, as well as privately initiated public road improvement projects. Section 6 of the Public Road Standards details design standards for roadways, including for sight distance and minimum curb radii. Section 7 establishes bikeway requirements and design standards (County of San Diego 2012).

San Diego County Private Road Standards

These standards provide minimum design and construction requirements for private road improvements required as conditions of land development approval in unincorporated areas of the county.

2.16.3 Analysis of Project Impacts and Determination of Significance

2.16.3.1 *Thresholds of Significance*

The significance criteria used to evaluate the project impacts to transportation under CEQA are based on Appendix G of the State CEQA Guidelines. Transportation impacts would be considered significant if the project would:

- conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b);
- substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- result in inadequate emergency access.

2.16.3.2 *Issues Not Discussed Further*

All thresholds of significance related to transportation are evaluated in the following sections.

2.16.3.3 *Approach to Analysis*

This analysis evaluates the effect of cannabis cultivation operations countywide based on the information provided in Chapter 1, “Project Description, Location, and Environmental Setting,” as well as Figure 1.2, on the potential locations of future cannabis uses. Evaluation of potential transportation-related impacts is based on a review of existing documents and studies that address transportation. Information obtained from these sources was reviewed and summarized to describe existing conditions and to identify potential environmental effects based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that the project would comply with relevant state and local laws, ordinances, and regulations.

Given the broad scope of the Cannabis Program (i.e., covering the unincorporated area of the county) and its role as a planning document designed to guide future decision-making related to licensing and permitting of commercial cannabis facilities, the study area (also referred to as the program area in this PEIR) for the project is the unincorporated area of the county under the County of San Diego’s jurisdiction where cultivation and noncultivation activities may be permitted (i.e., all unincorporated lands excluding tribal lands, state and federally owned lands, and military installations).

The analysis in this Draft PEIR remains programmatic. Because specific commercial cannabis facilities have yet to be defined, this PEIR considers the types of impacts that could occur with implementation of future development consistent with the Cannabis Program. Individual future

licensed commercial cannabis facilities within the unincorporated area are currently unknown and would be evaluated by the County to determine if they are within the scope of this PEIR or if they would result in project-specific impacts in addition to what is concluded in this analysis.

VMT Analysis

The County of San Diego established transportation-based significance thresholds through the *County of San Diego Transportation Study Guidelines* (September 2022). The guidelines outline the analysis methods, significance thresholds, and screening criteria in which the County uses to identify VMT-related impacts under State CEQA Guidelines Section 15064.3(b). According to the Transportation Study Guidelines, a VMT assessment includes a project screening as a first step to determine if a full VMT assessment would be required. If a project cannot be screened out, a full VMT analysis is required.

Screening Criteria

Section 3.3.1 of the *County of San Diego Transportation Study Guidelines* provides the following thresholds to determine whether a project could be presumed to result in a less-than-significant VMT impact:

- **Projects Located in a VMT Efficient Area**: Projects located in a VMT efficient area with an average VMT per Resident, VMT per Employee, or VMT per Service Population of 15 percent below the baseline average for the entire San Diego County region, including the incorporated cities.
- **Projects Located in a Transit Accessible Area**: Projects located within a half mile of an existing major transit stop or an existing stop along a high-quality transit corridor.[1]
- **Locally Serving Retail/Service Projects**: Retail projects with less than 50,000 square feet of building area.
- **Locally Serving Public Facilities and Other Uses:** Public facilities that serve the surrounding community or public facilities that are passive use.
- **Redevelopment Projects with Greater VMT Efficiency:** Redevelopment projects where the proposed project's total project VMT is less than the existing land use's total VMT.
- **Affordable Housing:** An affordable housing project with 100 percent of units that are affordable.

Some portions of the Cannabis Program meet several of the criteria listed above. The screening criteria analysis is described below in Section 2.16.3.5. Because specific project details, such as location, size, and specific use of individual projects under the Cannabis Program, have not yet been defined, a project-level VMT analysis cannot be conducted for the full program at this time. Thus, further analysis may be required at the time in which specific uses are identified, as described further in section 2.16.3.5.

[1] Major transit stop: A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (PRC Section 21064.3). High quality transit corridor: A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute periods (PRC Section 21155).

2.16.3.4 *Issue 1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Transportation and Traffic* (County of San Diego 2011), the Cannabis Program would result in a significant impact if it would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Impact Analysis

New commercial cannabis facilities could affect roadway safety on unincorporated county roadways due to increased truck use; however, construction associated with future commercial cannabis facilities would be required to meet all County requirements related to construction, including the County Public Road Standards and Title 7 of the County Regulatory Code. Section 6 of the Public Road Standards details design standards for roadways, including sight distance and minimum curb radii, while Section 7 establishes bikeway requirements and design standards. An encroachment permit under Section 71.602 of the Regulatory Code and associated traffic control permit for construction activities and traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements consistent with General Plan Policies M-3.1 and M-4.3.

The proposed Cannabis Program includes the following amendments to the County Zoning Ordinance and Regulatory Code to address pedestrian and bicycle usage.

- Zoning Ordinance amendment that would create bicycle parking requirements for commercial cannabis facilities under Section 6995(e)(5).
- Regulatory Code amendment that would require the identification of pedestrian pathways to access sites hosting temporary cannabis events under Section 21.2534(e)(3)(D)(E).

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new cultivation or noncultivation activities would occur.

Potential expansion of uses under Alternative 1 would occur within the existing sites and would not result in any alteration of the existing transportation network and would not conflict with adopted transportation policies, plans, or programs including the pedestrian, bicycle, transit, and vehicle networks.

There would be no impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers between cannabis uses and certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis facilities would be required to meet all County requirements related to construction, including the County Public Road Standards and Title 7 of the County Regulatory Code. Section 6 of the Public Road Standards details design standards for roadways, while Section 7 establishes bikeway requirements and design standards. An encroachment permit under Section 71.602 of the Regulatory Code and associated traffic control permit for construction activities and traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements. In addition, the proposed Cannabis Program includes amendments to the County Zoning Ordinance and Regulatory Code identified above to address bicycle and pedestrian uses. In addition, subsequent projects would be required to be consistent with the County General Plan policies. If subsequent projects would result in physical alterations to the public right-of-way, Policy M-3.1 would require project applicants to provide sufficient right-of-way to accommodate active modes of transportation. Policy M-3.2 would be implemented prior to permit approval. In addition, design and safety regulations prescribed by Policies M-3.3, M-4.3, M-4.4, M-2.7, and M-4.5 would need to be met for project permit approval. Thus, the proposed Cannabis Program under Alternative 2 would not conflict with County policies and regulations regarding transportation or circulation. This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As described above for Alternative 2, commercial cannabis facilities would be required to meet all County requirements related to construction and roadway modifications, including the County Public Road Standards and Title 7 of the County Regulatory Code. In addition, the proposed Cannabis Program includes amendments to the County Zoning Ordinance and Regulatory Code, identified above, to address bicycle and pedestrian uses. In addition, as identified for Alternative 2, subsequent projects would be required to be consistent and comply with County General Plan policies. Thus, the proposed Cannabis Program under Alternative 3 would not conflict with County policies and regulations regarding transportation or circulation.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1,

"Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

As described above for Alternative 2, commercial cannabis facilities would be required to meet all County requirements related to construction and roadway modifications, including the County Public Road Standards and Title 7 of the County Regulatory Code. In addition, the proposed Cannabis Program includes amendments to the County Zoning Ordinance and Regulatory Code, identified above, to address bicycle and pedestrian uses. As identified for Alternative 2, subsequent projects would be required to be consistent and comply with County General Plan policies. Thus, the proposed Cannabis Program under Alternative 4 would not conflict with County policies and regulations regarding transportation or circulation.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As described above for Alternative 2, commercial cannabis facilities would be required to meet all County requirements related to construction and roadway modifications, including the County Public Road Standards and Title 7 of the County Regulatory Code. In addition, the proposed Cannabis Program includes amendments to the County Zoning Ordinance and Regulatory Code, identified above, to address bicycle and pedestrian uses. As identified for Alternative 2, subsequent projects would be required to be consistent and comply with County General Plan policies. Thus, the proposed Cannabis Program under Alternative 5 would not conflict with County policies and regulations regarding transportation or circulation.

This impact would be less than significant under Alternative 5.

2.16.3.5 *Issue 2: Exceed the Threshold for VMT*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the County Transportation Study Guidelines, and the Technical Advisory, the Cannabis Program would result in a significant impact if it would conflict or be inconsistent with State CEQA Guidelines Section 15064.3(b).

Impact Analysis

The County of San Diego Transportation Study Guidelines (adopted on September 2022) include a list of screening criteria for land use and transportation projects that are presumed to generate a less-than-significant VMT impact (described in Section 2.16.3.3).

Different VMT screening criteria would apply depending on the subsequent project's different land use types, locations, and size. The Cannabis Program would allow cannabis facilities to be permitted within the unincorporated county. Individual future commercial cannabis sites under the Cannabis Program are yet to be defined, so the location and size of the type of cannabis development is currently unknown. However, the following screening criteria could apply to commercial cannabis sites under the Cannabis Program:

- Projects Located in a VMT Efficient Area
- Projects Located in a Transit Accessible Area
- Locally Serving Retail/Service Projects

These criteria and how they apply to individual commercial cannabis facilities are discussed below:

Projects Located in a VMT-Efficient Area or Transit-Accessible Area

As discussed in Section 2.16.3.3, a project located in a VMT-efficient area or a transit-accessible area can be presumed to have a less-than-significant VMT-related transportation impact. The Cannabis Program would allow cannabis facilities to be developed in certain areas with agricultural, commercial, or industrial zoning in the unincorporated areas. The majority of the agricultural, commercial, and industrial zoning areas on the eastern side of the county are not located in a VMT-efficient, or transit-accessible area based on the screening criteria. The number of zones that would permit cannabis development and that are located within a screening criteria area (i.e., VMT-efficient or transit-accessible area) is significantly reduced compared to the full geographical scope of the Cannabis Program. For cannabis facilities located outside of a VMT-efficient area or transit-accessible area, the VMT could exceed the allowable thresholds identified by the County and could potentially result in a significant VMT-related impact. However, cannabis projects that are not within a location-based screening criterion could still potentially be screened out via the Locally Serving Retail Projects criteria, which are described in the subsequent sections.

Locally Serving Retail Projects

As described in Section 1.6.1, "Project Components," the Cannabis Program would allow for the development of the following commercial cannabis uses in select areas of the unincorporated county: cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities; cannabis manufacturing facilities; cannabis microbusinesses; cannabis testing laboratories; and cannabis temporary events. According to the County of San Diego Transportation Study Guidelines, commercial cannabis sites would qualify for the "Locally Serving Retail Projects" criteria if the facility is less than 50,000 sf. For commercial cannabis facilities that are larger than 50,000 sf, VMT could exceed the allowable threshold identified by the county and could potentially result in a significant VMT-related impact.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site without additional discretionary review. However, no new cultivation or noncultivation activities would occur. The potential expansion of these 5 sites are considered baseline development and would also be below the square footages for VMT screening for locally serving retail projects under Table 2.16.2 would not result in significant new VMT impacts.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 sf (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 sf (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 sf (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 sf (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 sf) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, individual commercial cannabis cultivation and noncultivation sites under the Cannabis Program for Alternative 2 could potentially be screened out of the requirement for conducting a VMT analysis and presumably have a less-than-significant VMT impact based on the County's established guidelines. Table 2.16.2, presented at the end of this section, summarizes the applicable screening criteria from the County's Transportation Study Guidelines.

Although commercial cannabis cultivation and noncultivation sites under Alternative 2 could potentially be screened out from a VMT analysis if the project components meet the screening thresholds identified in Table 2.16.2, there is a possibility that new commercial cannabis facilities would not meet any of the screening criteria; thus, their associated VMT output may exceed the allowable threshold identified by the County.

The VMT impact under Alternative 2 would be potentially significant.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including

other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Similar to Alternative 2, individual commercial cannabis cultivation and noncultivation sites under the Cannabis Program for Alternative 3 could potentially be screened out from conducting a VMT analysis and presumably have a less-than-significant VMT impact based on the County's established guidelines. Table 2.16.2, presented at the end of this section, summarizes the applicable screening criteria from the County's Transportation Study Guidelines.

Although commercial cannabis cultivation and noncultivation sites under Alternative 3 could potentially be screened out from a VMT analysis if the project components meet the screening thresholds identified in Table 2.16.2, there is a possibility that new cannabis facilities would not meet any of the screening criteria; thus, their associated VMT output may exceed the allowable threshold identified by the County.

The VMT impact under Alternative 3 would be potentially significant.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). This alternative would result in 2,002,524 sf of cannabis building area and 479 acres of land area dedicated to cannabis cultivation activity (whereas Alternatives 2, 3, and 5 would result in 2,680,304 sf of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Similar to Alternative 2, individual commercial cannabis cultivation and noncultivation sites under the Cannabis Program for Alternative 4 could potentially be screened out from conducting a VMT analysis and presumably have a less-than-significant VMT impact based on the County's established guidelines. Table 2.16.2, presented at the end of this section, summarizes the applicable screening criteria from the County's Transportation Study Guidelines.

While commercial cannabis cultivation and noncultivation sites under Alternative 4 could potentially be screened out from a VMT analysis if the project components meet the screening thresholds identified in Table 2.16.2, there is a possibility that new cannabis facilities would not meet any of the screening criteria; thus, their associated VMT output may exceed the allowable threshold identified by the County.

The VMT impact under Alternative 4 would be potentially significant.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 5 additionally

prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, individual commercial cannabis cultivation and noncultivation sites under the Cannabis Program for Alternative 5 could potentially be screened out from conducting a VMT analysis and presumably have a less-than-significant VMT impact based on the County's established guidelines. Table 2.16.2, presented at the end of this section, summarizes the applicable screening criteria from the County's Transportation Study Guidelines.

Although commercial cannabis cultivation and noncultivation sites under Alternative 5 could potentially be screened out from a VMT analysis if the project components meet the screening thresholds identified in Table 2.16.2, there is a possibility that new cannabis facilities would not meet any of the screening criteria, thus, their associated VMT output may exceed the allowable threshold identified by the County.

The VMT impact under Alternative 5 would be potentially significant.

2.16.3.6 *Issue 3: Substantially Increase Hazards due to a Design Feature*

Guidelines for Determination of Significance

Appendix G of the State CEQA Guidelines establishes the following guidelines for determining significance of effects related to substantially increased hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

In addition, the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Transportation and Traffic* (County of San Diego 2011) establishes the following guidelines for determining significance of effects related to transportation hazards:

- Design features/physical configurations of access roads may adversely affect the safe movement of all users along the roadway.
- The percentage or magnitude of increased traffic on the road due to the proposed project may affect the safety of the roadway.
- The physical conditions of the project site and surrounding area, such as curves, slopes, walls, landscaping or other barriers, may result in conflicts with other users or stationary objects.
- Conformance of existing and proposed roads to the requirements of the private or public road standards, as applicable.
- Design features/physical configurations on a road segment or at an intersection that may adversely affect the visibility of pedestrians or bicyclists to drivers entering and exiting the site, and the visibility of cars to pedestrians and bicyclists.
- The amount of pedestrian activity at the project access points that may adversely affect pedestrian safety.

- The preclusion or substantial hindrance of the provision of a planned bike lane or pedestrian facility on a roadway adjacent to the project site.
- The percentage or magnitude of increased traffic on the road due to the proposed project that may adversely affect pedestrian and bicycle safety.
- The physical conditions of the project site and surrounding area, such as curves, slopes, walls, landscaping or other barriers that may result in vehicle/pedestrian, vehicle/bicycle conflicts.
- Conformance of existing and proposed roads to the requirements of the private or public road standards, as applicable.
- The potential for a substantial increase in pedestrian or bicycle activity without the presence of adequate facilities.

Impact Analysis

The Cannabis Program does not propose any specific changes to roadways. Multiple federal, state, and local regulations exist to prevent transportation hazards from occurring within the county. Federal regulations pertaining to transportation, such as the American Disabilities Act, which ensures disabled populations are safely and adequately provided with transportation facilities, and the *Highway Capacity Manual*, which provides safety standards for transit throughout the nation. The Cannabis Program would also be required to comply with the existing County Zoning Ordinance Sections 6750–6799, the San Diego County Public Road Standards, the San Diego County Private Road Standards, and Title 7 of the County Regulatory Code, which provide guidance for roadway and transportation facility development in an effort to ensure a safe roadway system throughout the county. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements to minimize potential hazards during construction. Therefore, compliance with local and state standards and regulations would not result in substantially increased hazards due to a design feature or incompatible uses.

Alternative 1: No Project —Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new cultivation or noncultivation activities would occur.

Potential expansion of uses under Alternative 1 would occur within the existing sites and would not result in any alteration of the existing transportation network and would not result in any physical changes to the existing environment and no creation of transportation hazards.

There would be no impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 sf (i.e., approximately 41 acres) of building area. Mixed-light cultivation

activities could occur on up to 293 acres of land, with a total of up to 668,184 sf (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 sf (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 sf (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 sf) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, the Cannabis Program does not propose any specific changes to roadways. Multiple federal, state, and local regulations exist to prevent transportation hazards from occurring within the county. This includes County Zoning Ordinance Sections 6750–6799, the San Diego County Public Road Standards, the San Diego County Private Road Standards, and Title 7 of the County Regulatory Code, which provide guidance for roadway and transportation facility development in an effort to ensure a safe roadway system throughout the county. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements to minimize potential hazards during construction. Therefore, compliance with local and state standards and regulations would not result in substantially increased hazards due to a design feature or incompatible uses.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Similar to Alternative 2, there are multiple federal, state, and local regulations to prevent transportation hazards from occurring within the county. This includes County Zoning Ordinance Sections 6750–6799, the San Diego County Public Road Standards, the San Diego County Private Road Standards, and Title 7 of the County Regulatory Code, which provide guidance for roadway and transportation facility development in an effort to ensure a safe roadway system throughout the county. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and w traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements to minimize potential hazards during construction. Therefore, compliance with local and state standards and regulations would not result in substantially increased hazards due to a design feature or incompatible uses.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). This alternative would result in 2,002,524 sf of cannabis building area and 479 acres of land area dedicated to cannabis cultivation activity (whereas Alternatives 2, 3, and 5 would result in 2,680,304 sf of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Similar to Alternative 2, there are multiple federal, state, and local regulations to prevent transportation hazards from occurring within the county. This includes County Zoning Ordinance Sections 6750–6799, the San Diego County Public Road Standards, the San Diego County Private Road Standards, and Title 7 of the County Regulatory Code, which provide guidance for roadway and transportation facility development in an effort to ensure a safe roadway system throughout the county. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements to minimize potential hazards during construction. Therefore, compliance with local and state standards and regulations would not result in substantially increased hazards due to a design feature or incompatible uses.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, there are multiple federal, state, and local regulations to prevent transportation hazards from occurring within the county. This includes County Zoning Ordinance Sections 6750–6799, the San Diego County Public Road Standards, the San Diego County Private Road Standards, and Title 7 of the County Regulatory Code, which provide guidance for roadway and transportation facility development in an effort to ensure a safe roadway system throughout the county. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements to minimize potential hazards during construction. Therefore, compliance with local and state standards and regulations would not result in substantially increased hazards due to a design feature or incompatible uses.

This impact would be less than significant under Alternative 5.

2.16.3.7 *Issue 4: Result in Inadequate Emergency Access*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Transportation and Traffic* (County of San Diego 2011), the Cannabis Program would result in a significant impact if it would result in inadequate emergency access.

Impact Analysis

Commercial cannabis cultivation and noncultivation uses would be required to comply with the County's Zoning Ordinance Sections 6750–6799, San Diego County Public Road Standards, and San Diego County Private Road Standards, which provide guidance for roadway and transportation facility development and require sufficient emergency access in new development. In addition, the commercial cannabis sites would be required to comply with the San Diego County Consolidated Fire Code and the California Fire Code, which dictate minimum design standards for "Fire Apparatus Access Roads" and include minimum road standards, secondary access requirements, and restrictions for gated communities that are consistent with General Plan Policies M-4.4, S-2.7, and S-4.5.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new cultivation or noncultivation activities would occur.

Potential expansion of uses under Alternative 1 would occur within the existing sites and would not result in any alteration of the existing transportation network and not result in inadequate emergency access.

There would be no impact under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

Under Alternative 2, outdoor cultivation activities could occur on up to 472 acres of land, with a total of up to 1,772,120 sf (i.e., approximately 41 acres) of building area. Mixed-light cultivation activities could occur on up to 293 acres of land, with a total of up to 668,184 sf (i.e., approximately 15 acres) of building area. Indoor cultivation activities could occur on up to 8 acres of land, with a total of up to 240,000 sf (i.e., approximately 5.5 acres) of building area. Noncultivation uses could occur on up to 259 acres of land, with a total of up to 2,030,400 sf (i.e., approximately 47 acres) of building area. This would result in a total development footprint (i.e., cultivation activities, buildings, caretaker housing, storage buildings, on-site nurseries, agricultural shade or crop structures, water tanks, ponds, parking, cannabis operation buildings, other associated improvements) of approximately 1,032 acres, with approximately 108 acres (4,710,704 sf) of building area for Alternative 2. Cannabis facilities would be required to observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, commercial cannabis cultivation and noncultivation uses under Alternative 2 would be required to comply with the County's Zoning Ordinance Sections 6750–6799, San Diego County Public Road Standards, and San Diego County Private Road Standards, which provide guidance for roadway and transportation facility development and require sufficient emergency access in new development. In addition, the commercial cannabis sites would be required to comply with the San Diego County Consolidated Fire Code and the California Fire Code, which dictate minimum design standards for "Fire Apparatus Access Roads" and include minimum road standards, secondary access requirements, and restrictions for gated communities.

Therefore, due to the required adherence to local and state emergency access design standards and regulations, future commercial cannabis facilities would not result in inadequate emergency vehicle access.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions) and is the same as Alternative 2 described above. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Similar to Alternative 2, commercial cannabis cultivation and noncultivation uses under Alternative 3 would be required to comply with the County's Zoning Ordinance Sections 6750–6799, San Diego County Public Road Standards, and San Diego County Private Road Standards, which provide guidance for roadway and transportation facility development and require sufficient emergency access in new development. In addition, the commercial cannabis sites would be required to comply with the San Diego County Consolidated Fire Code and the California Fire Code that address emergency access. Therefore, compliance local and state emergency access design standards and regulations, future commercial cannabis facilities would not result in inadequate emergency access.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). This alternative would result in 2,002,524 sf of cannabis building area and 479 acres of land area dedicated to cannabis cultivation activity (whereas Alternatives 2, 3, and 5 would result in 2,680,304 sf of cannabis building area and 773 acres of land area dedicated to cannabis cultivation activity). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Similar to Alternative 2, commercial cannabis cultivation and noncultivation uses under Alternative 4 would be required to comply with the County's Zoning Ordinance Sections 6750–6799, San Diego County Public Road Standards, and San Diego County Private Road Standards, which provide guidance for roadway and transportation facility development and require sufficient emergency access in new development. In addition, the commercial cannabis sites would be required to comply with the San Diego County Consolidated Fire Code and the California Fire Code, which address emergency access. Therefore, through compliance with local and state emergency access design standards and regulations, future commercial cannabis facilities would not result in inadequate emergency access.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, commercial cannabis cultivation and noncultivation uses under Alternative 5 would be required to comply with the County's Zoning Ordinance Sections 6750–6799, San Diego County Public Road Standards, and San Diego County Private Road Standards, which provide guidance for roadway and transportation facility development and require sufficient emergency access in new development. In addition, the commercial cannabis sites would be required to comply with the San Diego County Consolidated Fire Code and the California Fire Code, which address emergency access. Therefore, through compliance with local and state emergency access design standards and regulations, future commercial cannabis facilities would not result in inadequate emergency access.

This impact would be less than significant under Alternative 5.

2.16.4 Cumulative Impacts

The cumulative impact analysis for transportation includes the unincorporated area of the county and the surrounding jurisdictions as proposed in the General Plan. The cumulative environmental setting is based on the development forecasts in SANDAG's 2021 Regional Plan (SANDAG 2021). Therefore, the study area for this cumulative transportation impact analysis is the SANDAG region, which encompasses the unincorporated areas and 18 incorporated cities that make up the entire county.

2.16.4.1 *Issue 1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System*

The San Diego County General Plan Update Draft EIR identified no cumulatively considerable impacts associated with conflicts programs, plans, ordinances, or policies

addressing transportation and circulation from implementation of the General Plan (County of San Diego 2009).

Alternative 1 would not result in any changes to existing transportation systems; thus, there would be no contribution to cumulative impacts related to conflicts with transportation and circulation plans and programs. Commercial cannabis facilities under Alternatives 2, 3, 4, and 5 would be required to meet all County requirements related to construction, including the County Public Road Standards and Title 7 of the County Regulatory Code. Section 6 of the Public Road Standards details design standards for roadways, and Section 7 establishes bikeway requirements and design standards. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements. In addition, the proposed Cannabis Program includes amendments to the County Zoning Ordinance and Regulatory Code, identified above, to address bicycle and pedestrian uses. Compliance with County standards and proposed amendments to the County Zoning Ordinance and Regulatory Code to address bicycle and pedestrian uses would offset Cannabis Program contributions to cumulative impacts. In addition, subsequent projects would be required to be consistent with the County General Plan policies. If subsequent projects would result in physical alterations to the public right-of-way, Policy M-3.1 would require project applicants to provide sufficient right-of-way to accommodate active modes of transportation. Policy M-3.2 would be implemented prior to a subsequent project's permit approval. In addition, the design and safety regulations prescribed by Policies M-3.3, M-4.3, M-4.4, M-2.7, and M-4.5 would need to be met for each project's permit approval. Therefore, the contribution to cumulative impacts associated with conflicts with programs, plans, ordinances, or policies addressing transportation and circulation would be less than cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.16.4.2 *Issue 2: Exceed the Threshold for VMT*

The San Diego County General Plan Update EIR did not address VMT because this transportation analysis requirement under CEQA was not in effect until 2020.

Potential expansion of the existing 5 sites under Alternative 1 would be below the VMT screening thresholds identified in Table 3.16.3 and not contribute to cumulative VMT impacts. Individual commercial cannabis cultivation and noncultivation sites under the Cannabis Program for Alternatives 2, 3, 4, and 5 could potentially be screened out from conducting a VMT analysis and presumably have a less-than-significant VMT impact based on the County's established guidelines. However, there is a possibility that new cannabis facilities would not meet any of the screening criteria; thus, their associated VMT output may exceed the allowable threshold identified by the County and create or contribute to cumulative VMT impacts in the county. Therefore, the contribution to cumulative VMT impacts would be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.16.4.3 *Issue 3: Substantially Increase Hazards due to a Design Feature*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts associated with rural roadway safety from implementation of the General Plan (County of San Diego 2009).

Alternative 1 would not result in any changes to the existing roadway network; thus, there would be no contribution to cumulative impacts related to transportation hazards. Alternatives 2, 3, 4, and 5 of the Cannabis Program do not propose any specific changes to roadways. Multiple federal, state, and local regulations exist to prevent transportation hazards from occurring within the county. This includes County Zoning Ordinance Sections 6750–6799, the San Diego County Public Road Standards, the San Diego County Private Road Standards, and Title 7 of the County Regulatory Code, which provide guidance for roadway and transportation facility development in an effort to ensure a safe roadway system throughout the county. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements to minimize potential hazards during construction. Compliance with County, state, federal roadway safety standards would offset Cannabis Program contributions to cumulative impacts regarding roadway safety. Therefore, the contribution to cumulative impacts associated with transportation hazards would be less than cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.16.4.4 *Issue 4: Result in Inadequate Emergency Access*

The San Diego County General Plan Update Draft EIR identified no cumulatively considerable impacts associated with emergency access from implementation of the General Plan (County of San Diego 2009).

Alternative 1 would not result in any changes to the existing roadway network; thus, there would be no contribution to cumulative impacts related to emergency access. Commercial cannabis facilities under Alternatives 2, 3, 4, and 5 of the Cannabis Program would be required to comply with the County's Zoning Ordinance Sections 6750–6799, San Diego County Public Road Standards, and San Diego County Private Road Standards, which provide guidance for roadway and transportation facility development and require sufficient emergency access in new development. In addition, the commercial cannabis sites would be required to comply with the San Diego County Consolidated Fire Code and the California Fire Code, which dictate minimum design standards for "Fire Apparatus Access Roads" and include minimum road standards, secondary access requirements and restrictions for gated communities. Compliance with County and state emergency access standards would offset Cannabis Program contributions to cumulative impacts involving emergency access. Therefore, the contribution to cumulative impacts associated with emergency access would be less than cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.16.5 Significance of Impact Prior to Mitigation

2.16.5.1 *Issue 1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System*

The Cannabis Program would not conflict with transportation and circulation plans or programs under Alternative 1. The proposed Cannabis Program would result in less than significant direct and cumulative impacts to transportation and circulation plans and programs under Alternatives 2 through 5.

2.16.5.2 *Issue 2: Exceed the Threshold for VMT*

The Cannabis Program would have no direct significant impacts to transportation under Alternative 1. The proposed Cannabis Program would result in a significant direct and cumulative VMT impacts under Alternatives 2 through 5.

2.16.5.3 *Issue 3: Substantially Increase Hazards due to a Design Feature*

The Cannabis Program would have no direct impacts to transportation safety under Alternative 1. The proposed Cannabis Program would result in less than significant direct and cumulative impacts to transportation safety under Alternatives 2 through 5.

2.16.5.4 *Issue 4: Result in Inadequate Emergency Access*

The Cannabis Program would have no direct impacts to emergency access under Alternative 1. The proposed Cannabis Program would result in less than significant direct and cumulative impacts to emergency access under Alternatives 2 through 5.

2.16.6 Mitigation

2.16.6.1 *Issue 1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System*

No mitigation is required.

2.16.6.2 *Issue 2: Exceed the Threshold for VMT*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-TR.2-1: Conduct VMT Analysis and Identify VMT Impacts

Applications for cannabis facilities shall demonstrate whether the proposed cannabis facility would meet the screening criteria outlined in the *County of San Diego Transportation Study Guidelines, January 2026*, or any subsequent updates to these guidelines, or other State or County regulations that provide clear standards for screening from VMT analysis requirements. Applications that meet objective screening criteria approved by the County shall not require further VMT analysis.

If the proposed commercial cannabis facility does not meet any of the objective screening criteria, the applicant shall submit a project-level VMT analysis prepared by a consultant listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects.* The analysis must identify VMT impacts associated with the cannabis facility and determine the significance of project impacts or provide substantial evidence to support a less than significant finding. If project impacts are significant, the project applicant shall reduce project-induced VMT impacts to the extent feasible through implementation of VMT-reducing infrastructure and/or strategies, such as Transportation Demand Management (TDM), or other measures acceptable to the County. TDM measures may include strategies such as ridesharing

initiatives (e.g., carpooling), promoting alternative work schedules and telework, subsidizing employee use of public transit, and promoting bicycling, walking, and the use of public transit. The proposed mitigation is subject to the County's review and approval, and no development shall proceed until the County determines the proposed mitigation is acceptable.

2.16.6.3 *Issue 3: Substantially Increase Hazards due to a Design Feature*

No mitigation is required.

2.16.6.4 *Issue 4: Result in Inadequate Emergency Access*

No mitigation is required.

2.16.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses and the level of impact that would occur after the mitigation measure is implemented.

2.16.7.1 *Issue 1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System*

Alternative 1 does not propose any physical changes to the existing roadway network and would not change or conflict with any adopted transportation policies, plans, or programs. Implementation of the Cannabis Program under Alternatives 2 through 5 would be required to meet all County requirements related to construction, including the County Public Road Standards and Title 7 of the County Regulatory Code. Section 6 of the Public Road Standards details design standards for roadways, and Section 7 establishes bikeway requirements and design standards. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements. In addition, the proposed Cannabis Program includes amendments to the County Zoning Ordinance and Regulatory Code, identified above, to address bicycle and pedestrian uses. Therefore, the direct impact would be less than significant and would not result in a considerable contribution to a significant cumulative impact on programs, plans, ordinances, or policies addressing the circulation system under Alternatives 2 through 5.

2.16.7.2 *Issue 2: Exceed the Threshold for VMT*

Potential expansion of the existing 5 sites under Alternative 1 would not result in significant VMT impacts. Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county that could result in a VMT that exceeds the allowable threshold, if not screened out based on the thresholds identified in Table 2.16.2, presented below. Implementation of Mitigation Measure M-TR.2-1 would require measures to reduce commercial cannabis facility VMT that exceed the thresholds. However, it is currently not known at the programmatic level whether all future commercial cannabis facilities could be mitigated to a less-than-significant level due to the lack of details on sizing, location, and related land uses. Without project-level details, it is not possible to determine if all subsequent

projects would screen out from a detailed VMT analysis or result in project-generated VMT that is below the applicable threshold. In addition, although implementation of Mitigation Measure M-TR.2-1 would require subsequent project applicants to develop a TDM Plan and implement VMT-reducing strategies, it cannot be guaranteed to what extent people would participate in the TDM Program and choose to use alternative modes of transportation. Therefore, because it is not known to what extent subsequent project VMT may exceed the applicable threshold and how effective Mitigation Measure M-TR.2-1 would be at reducing impacts to below a less-than-significant level, the implementation of the Cannabis Program under Alternatives 2 through 5 could have a direct and cumulative significant and unavoidable VMT impact.

2.16.7.3 *Issue 3: Substantially Increase Hazards due to a Design Feature*

Alternative 1 does not propose any physical changes to the existing roadway network and therefore, would not create or increase a transportation hazard. Implementation of the Cannabis Program under Alternatives 2 through 5 would be subject to regulations that address transportation hazards. This includes County Zoning Ordinance Sections 6750–6799, the San Diego County Public Road Standards, the San Diego County Private Road Standards, and Title 7 of the County Regulatory Code, which provide guidance for roadway and transportation facility development in an effort to ensure a safe roadway system throughout the county. An encroachment permit under Section 71.602 of the Regulatory Code, an associated traffic control permit for construction activities, and a traffic control plan would also be required for commercial cannabis facilities making frontage or access improvements to minimize potential hazards during construction. Therefore, the direct impact would be less than significant under Alternatives 2 through 5, and this impact would not result in a considerable contribution to a significant cumulative impact on increasing hazards due to a design feature.

2.16.7.4 *Issue 4: Result in Inadequate Emergency Access*

Alternative 1 does not propose any physical changes to the existing roadway network and therefore, would not result in inadequate emergency vehicle access. Implementation of the Cannabis Program under Alternatives 2 through 5 would be required to comply with the County's Zoning Ordinance Sections 6750–6799, San Diego County Public Road Standards, and San Diego County Private Road Standards, which provide guidance for roadway and transportation facility development and require sufficient emergency access in new development. In addition, the commercial cannabis sites would be required to comply with the San Diego County Consolidated Fire Code and the California Fire Code, which dictate minimum design standards for "Fire Apparatus Access Roads" and include minimum road standards, secondary access requirements, and restrictions for gated communities. Therefore, the direct impact would be less than significant under Alternatives 2 through 5, and this impact would not result in a considerable contribution to a significant cumulative impact on inadequate emergency access.

Table 2.16.2 Project VMT Screening Criteria Summary

VMT Screening Criteria	Applicable Project Component	Screening Threshold
Projects Located in a VMT Efficient Area, and/or Transit Accessible Area	Cultivation Operations Processing Testing Activities Manufacturing Activities Distribution Activities Retail Activities	County VMT Mapping Data
Locally Serving Retail Projects	Retail Activities	< 50,000 SF

Note: sf = square feet.

[1] Indoor cultivation includes the building size of any structural facility.

Source: Data provided by Intersecting Metrics in 2024.

2.17 Tribal Cultural Resources

This section analyzes and evaluates the potential impacts of the project on known and unknown (undiscovered or unidentified) tribal cultural resources. Tribal cultural resources, as defined by Assembly Bill (AB) 52, Statutes of 2014, in Public Resources Code (PRC) Section 21074, are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe. A tribal cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

Two comment letters regarding tribal cultural resources were received in response to the notice of preparation (see Appendix A). The Native American Heritage Commission (NAHC) identified that AB 52 and Senate Bill (SB) 18 may apply to the project. SB 18 does not apply to the project because there is no General Plan amendment associated with the project (which is the trigger for SB 18 compliance). AB 52 compliance is described below. In addition, the Tribal Historic Preservation Office of the Morongo Band of Mission Indians commented that the project is not located within ancestral territory or traditional use area of the Cahuilla and Serrano people of the Morongo Band and no concerns were identified.

One comment relating to tribal cultural resources was received during the scoping meeting. The comment expressed concern about tribal cultural resources and requested that these issues be addressed in the PEIR. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.17.1.

Table 2.17.1 Tribal Cultural Resources Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Substantial Adverse Change in the Significance of Tribal Cultural Resources	Alternatives 1-5: Less than Significant	Alternatives 1-5: Less than Significant	Alternatives 1-5: Less than Significant

2.17.1 Existing Conditions

This section presents a brief summary of the tribes that predominantly have lived in San Diego County, as well as cultural resources records searches conducted in 2024. The environmental setting information provided below addresses the county as a whole and does not specifically differentiate between incorporated and unincorporated unless otherwise noted.

2.17.1.1 Kumeyaay/Diegueño

After hundreds of years of archaeological research and evidence gleaned from many Southern California Native American sites, it is widely agreed that the Kumeyaay (Iipai-Tipai-Diegueño) people have occupied this region for at least 12,000 years, for over 600 generations (Kumeyaay 2024). The Kumeyaay, referred to as Diegueño by the Spanish, were the original native inhabitants of San Diego County. The Kumeyaay, who are Yuman-speaking people of

Hokan stock, have lived in this region for more than 10,000 years. Historically, the Kumeyaay were horticulturists and hunters and gatherers (Viejas 2024).

The Kumeyaay Native Americans were a seasonal hunting and gathering people with cultural elements that were very distinct from the Luiseño people. Material culture included cremation, the use of the bow and arrow, and adaptation to use of the acorn as a main food staple. Along the coast, the Kumeyaay made use of marine resources by fishing and collecting shellfish for food. Game and seasonally available plant food resources (including acorns) were sources of nourishment for the Kumeyaay. By far, though, the most important food resource for these people was the acorn. The acorn represented a storable surplus, which in turn allowed for seasonal sedentism and its attendant expansion of social phenomena (Smith and Conroy 2022).

The Kumeyaay engaged in total environmental management of their land and water resources. As chronicled by anthropologist Florence Shipek, “Kumeyaay erosion control systems...included complex techniques of controlled burning. These systems were combined with several methods of water management to maintain ground waters close to valley surfaces, and to keep the many springs and surface streams at usable levels for the complex Kumeyaay plant husbandry-corn agriculture systems” (Viejas 2024).

In 1542, the first European explorer in California, Juan Cabrillo, sailed into what is known today as San Diego Bay and made first contact with the Kumeyaay people. In 1769, Father Junípero Serra, established the first Franciscan mission in California near the ancient Kumeyaay village of Kosa'aay (Cosoy), known today as Old Town, San Diego. In 1848, the Mexican-American War ended with signing of the Treaty of Guadalupe Hidalgo. This treaty, between the Mexican and American governments, established the current US-Mexico border and divided California from Mexico. Moreover, it cut the international border through the heart of the Kumeyaay ancestral homelands (Kumeyaay 2024).

The boundaries of the Kumeyaay lands changed with the arrival of the Europeans, but the Kumeyaay lands once extended from the Pacific Ocean, south to Ensenada in Baja Norte, Mexico, east to the sand dunes of the Colorado River in Imperial Valley, and north to Warner Springs Valley. North to northeast, their territory was bounded by other California Native American Indian nations: the San Luiseño, Cupeño and Cahuilla (Kumeyaay 2024).

Today there are 13 Kumeyaay bands:

- Campo Band of the Kumeyaay Nation
- Viejas Band of Kumeyaay Indians
- Barona Group of the Capitan Grand
- San Pasqual Band of Diegueño Indians
- Inaja Cosmit Band of Indians
- Iipay Nation of Santa Ysabel
- Ewiiaapaayp Band of Kumeyaay Indians
- Manzanita Band of the Kumeyaay Nation
- La Posta Band of Diegueño Mission Indians

- Jamul Indian Village
- Mesa Grande Band of Diegueño Mission Indians
- Sycuan Band of the Kumeyaay Nation
- Kwaaymii Laguna Band of Mission Indians

2.17.1.2 Luiseño

The Luiseño people enjoyed life in a land rich with a variety of plants and animals. Women gathered seeds, roots, wild berries, acorns, wild grapes, strawberries, wild onions, and prickly pear in finely woven baskets. They made a tasty ground acorn mush, "*wìiwish*," a staple food, high in protein. The men hunted deer, rabbits, wood rats, ducks, quail, seafood, and various insects. Hunters used bows and arrows, atlatls or spear throwers, rabbit sticks, traps, nets, and slings to catch the game. Fishermen and traders used tule reed canoes in the ocean and tule rafts in the rivers and lakes. Family groups had specific hunting and gathering areas in the mountains and along the coast and the boundaries of these areas were crossed only with permission (Native Talk n.d.).

The traditional territory of the Luiseño people extended along the coast, from the north near San Juan Capistrano, south to the Encinitas/Carlsbad area, and east to the valleys of the coastal mountains and Mount Palomar. Today this area is in northern San Diego, Riverside, and Orange counties. The Uto-Aztecan language that the Luiseños speak, Chamtéela, is vibrant and complex. In Chamtéela, some of the names the Luiseño people use for themselves are *Payómkawichum* (people of the west), '*atáaxum* (the people), and *Qéchngawish* (people originating in or residents of San Luis Rey) (Native Talk n.d.).

The people lived in small villages near freshwater sources. Each home or "kìicha" was built of arroyo willow, yucca, and tule. The kìicha was dome-shaped with a small smoke hole on top and the floor dug down 2 to 3 feet into the earth. This design served to insulate the hut, keeping it warm in the winter and cool in the summer. A large granary basket made from willow was kept outside the kìicha, raised off the ground, to store acorns (Native Talk n.d.).

European influence on the Luiseño people was limited until the mid-1700s. The Spanish set up the mission system to bring the Catholic religion to the native people and to protect their claim on the land of California. The Mission San Luis Rey was built in 1798, and the missionaries worked to eliminate the Luiseño way of life in their efforts to convert the Indians to Christianity. The native language, religion, way of life, and culture began to break down as the Indians were separated from their families and forced to live and work in the mission. Many people died from illnesses and poor living conditions imposed upon them by the missionaries. The name "Luiseño" was given to the people by the Spanish as a result of their proximity to the mission (Native Talk n.d.).

Today there are 7 Luiseño bands:

- San Luis Rey Band of Mission Indians
- Pala Band of Mission Indians
- Pauma Band of Luiseño Indians
- La Jolla Band of Luiseño Indians

- Rincón Band of Mission Indians
- Pechanga Band of Indians
- Sobóba Band of Luiseño Indians

The Luiseño continue to work for civil rights, cultural preservation, and language revitalization.

Records Search

Information contained in the California Historical Resources Information System (CHRIS) is derived from the accumulated observations and assessments reported by individuals and organizations. The resources reported include both eligible and ineligible resources for the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP). The purpose of conducting a records search is to obtain that information and proceed based on the needs of the project.

On May 20, 2024, a records search was performed at the South Coastal Information Center (SCIC) at San Diego State University. The records search results identified a total of 2,271 precontact archaeological sites, such as lithic scatters, bedrock milling features, habitation sites, burial sites, and petroglyphs, have previously been recorded in San Diego County (incorporated and unincorporated). Some of these precontact archaeological resources may also be identified as tribal cultural resources.

Tribal Consultation

California Native American Tribes culturally affiliated with the unincorporated county that had previously requested to be notified of projects subject to AB 52 consultation have been contacted for input regarding the potential impacts of implementation of the Cannabis Program on tribal cultural resources. The following tribal representatives were contacted on August 24, 2023, by certified mail and/or on August 27, 2023, by email:

- Barona Group of the Capitan Grande, Art Bunce;
- Campo Kumeyaay Nation, Daniel Tsosie;
- Iipay Nation of Santa Ysabel, Virgil Perez, Chairperson;
- Jamul Indian Village, Lisa Cumper, Tribal Historic Preservation Officer;
- Kwaaymii Band of Mission Indians, Carmen Lucas, Chairperson;
- Manzanita Band of the Kumeyaay Nation, Angela Elliot-Santos, Chairperson; and Lisa Haws;
- Pala Band of Mission Indians, Dr. Shasta Gaughen, Tribal Historic Preservation Officer;
- Pechanga Band of Indians, Ebru Ozdil, Cultural Resources; Paul Macarro, Historian; Juan Ochoa, Assistant Tribal Historic Preservation Officer; and Molly Earp;
- Rincon San Luiseño Band of Mission Indians, Cheryl Madrigal, Tribal Historic Preservation Officer;
- San Luis Rey Band of Mission Indians, Cami Mojado;

- San Pasqual Band of Mission Indians, Angelina Guitierrez, Tribal Historic Preservation Officer;
- Soboba Band of Mission Indians, Joseph Ontiveros;
- Sycuan Band of the Kumeyaay Nation, Cody J. Martinez, Chairperson; Adam Day, Chief Administrative Officer; Bernice Paipa, Cultural Specialist; and Charlene Worrell-Elliot; and
- Viejas Band of Kumeyaay Indians, Ernest Pingleton and Ray Teran.

Five Tribes requested consultation, and meetings took place on the dates listed below.

- Campo Kumeyaay Nation: September 21, 2023; November 14, 2023; June 10, 2024; September 24, 2024; December 3, 2024; March 25, 2025; June 24, 2025, September 23, 2025.
- Jamul Indian Village: November 16, 2023; February 5, 2024; August 6, 2024; April 1, 2025; July 1, 2025.
- Rincon Band of Luiseño Indians: October 12, 2023; December 11, 2023; March 14, 2024; June 12, 2024; August 28, 2024; October 16, 2024; December 18, 2024; March 12, 2025; May 7, 2025; July 18, 2025, September 17, 2025.
- San Luis Rey Band of Mission Indians: November 1, 2023; December 18, 2024; and
- San Pasqual Band of Mission Indians: January 10, 2024; October 7, 2024.Consultation is ongoing with these 5 tribes.

2.17.1.1 *Tribal Cultural Resources*

To date, no specific tribal cultural resources have been identified; however, the tribes have identified the sensitivity of the program area for tribal cultural resources to be present.

2.17.2 Regulatory Framework

2.17.2.1 *Federal*

There are no federal regulations that apply to tribal cultural resources.

2.17.2.2 *State*

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the CRHR. The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or County ordinances are also eligible for listing in the CRHR.

A historical resource must be significant at the local, state, or national level under 1 or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA. As noted

above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses 4 evaluation criteria:

Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

Criterion 2. Is associated with the lives of persons important to local, California, or national history.

Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.

Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet 1 of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same 7 aspects of integrity used by the NRHP: location, design, setting, materials, workmanship, feeling, and associations.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "tribal cultural resources." PRC Section 21084.2 establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." PRC Section 21074 states:

a) "Tribal cultural resources" are either of the following:

    1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:

        A) Included or determined to be eligible for inclusion in the CRHR.

        B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

    2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

b) A cultural landscape that meets the criteria of subdivision (a) is a Tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as

defined in subdivision (h) of Section 21083.2 may also be a Tribal cultural resource if it conforms with the criteria of subdivision (a).

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC Section 21074. Pursuant to CEQA requirements, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration.

Health and Safety Code, Section 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both state and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the NAHC, which notifies (and has the authority to designate) the most likely descendants (MLDs) of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Public Resource Code Section 5097

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American human burials falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

> No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

State Water Resources Control Board Order WQ 2023-0102-DWQ

Attachment A (Section 1, General Requirements and Prohibitions) of the State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, includes the following requirements (terms) for state-licensed cultivation sites:

18. Cannabis cultivators shall not commit trespass. Nothing in this Policy or any program implementing this Policy shall be construed to authorize cannabis cultivation: (a) on land not owned by the cannabis cultivator without the express written permission of the landowner; or (b) inconsistent with a conservation easement, open space

easement, or greenway easement. This includes, but is not limited to, land owned by the United States or any department thereof, the State of California or any department thereof, any local agency, or any other person who is not the cannabis cultivator. This includes, but is not limited to, any land owned by a California Native American tribe, as defined in section 21073 of the Public Resources Code, whether or not the land meets the definition of tribal lands and includes lands owned for the purposes of preserving or protecting Native American cultural resources of the kinds listed in Public Resources Code section 5097.9 and 5097.993. This includes, but is not limited to, conservation easements held by a qualifying California Native American tribe pursuant to Civil Code section 815.3 and greenway easements held by a qualifying California Native American tribe pursuant to Civil Code section 816.56.

19. Prior to acting on a cannabis cultivator's request to cultivate cannabis on tribal lands[1] or within 600 feet of tribal lands, the Water Boards will notify the governing body of any affected California Native American tribe or the governing body's authorized representative, as applicable. A 45-day review period will commence upon receipt of the notice by the affected tribe.

    During the 45-day review period, the affected tribe may, at its discretion, accept, reject, or not act regarding the cannabis cultivation proposal. If the tribe rejects the proposed cultivation, the cannabis cultivator is prohibited from cultivating cannabis on or within 600 feet of the affected tribe's tribal lands. If the affected tribe accepts the cannabis cultivation proposal or does not act during the 45-day review period, the Water Boards may proceed with a decision on the cannabis cultivation request as though the affected tribe accepted the cannabis cultivation proposal. The Water Boards will consider requests to extend the 45-day review period on a case-by-case basis.

    The governing bodies of California Native American tribes may, at their discretion, notify the State Water Board's Executive Director in writing that they: a) reject all proposed cannabis cultivation; or b) waive the 45-day review period for all current and future proposed cannabis cultivation on their tribal lands, on portions of their tribal lands, or within 600 feet of their tribal lands. Upon the Executive Director's receipt of written notice, the Water Boards will, based on the nature of the request, either:

    a. Not approve cannabis cultivation proposals on or within 600 feet of the affected tribe's tribal lands, as applicable; or

    b. Abide by the waiver and, at the Water Boards discretion, act on cannabis cultivation requests on or within 600 feet of tribal lands, as applicable, as though the affected tribe accepted the proposal.

    The governing bodies of California Native American tribes may, at their discretion, withdraw a previously issued decision regarding cannabis cultivation on or within 600 feet of their tribal lands. In such instances, the governing body of the affected tribe should notify the State Water Board's Executive Director in writing. The Water Boards will abide by the withdrawal of the affected tribe's decision for any new cannabis cultivation proposals received after the date the State Water Board Executive Director has notified the governing body of the affected tribe that its

[1] "Tribal lands" means lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.

decision was received. The Water Boards will coordinate with the affected tribe to address existing permitted cannabis cultivation sites on the affected tribe's lands, as necessary. Nothing in this provision shall be construed to modify or interpret tribal law or tribal jurisdiction in any way.

20. No cannabis cultivation activities shall occur within 600 feet of an identified tribal cultural resource site. The State Water Board may modify this requirement for specific identified tribal cultural resource sites at the request of an affected California Native American tribe(s) after consultation with the affected tribe(s). The cannabis cultivator is solely responsible for identifying any tribal cultural resource sites[2] within the cannabis cultivation area.

21. Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall perform a records search of potential Native American archeological or cultural resources at a CHRIS information center. Any person who meets qualification requirements for access to the CHRIS may perform the initial CHRIS records search and document the results. The requirement to perform a CHRIS records search may be satisfied by using the results of a previous CHRIS records search completed within the previous 10 years for the specific parcel or parcels where new or expanded cannabis cultivation activities are proposed to occur.

    Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall also request a search of the Sacred Lands Inventory that is maintained by the Native American Heritage Commission pursuant to Public Resources Code sections 5097.94, subdivision (a), and 5097.96 (Sacred Lands Inventory). If the Sacred Lands Inventory search reveals the presence or potential presence of Native American places of special or social significance to Native Americans, Native American known graves or cemeteries, or Native American sacred places, the cannabis cultivator shall consult with the tribe or tribes that are culturally affiliated with the area in which these Native American cultural resources exist or potentially exist prior to conducting any land disturbance activities. The information provided by tribes through consultation with the cannabis cultivator shall be maintained as confidential by the cannabis cultivator and its agents. A new Sacred Lands Inventory search is always required prior to ground disturbing activities for new or expanded cannabis cultivation.

    The cannabis cultivator shall notify the Appropriate Person within seven days of receiving a CHRIS positive result or Sacred Lands Inventory positive result. The Appropriate Person is the Deputy Director for Water Rights (Deputy Director) if the cannabis cultivator is operating under the Cannabis Small Irrigation Use Registration (SIUR), the Executive Officer of the applicable Regional Water Board (Executive Officer) if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

    In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, the cannabis cultivator shall also notify the Native American

[2] "Identified tribal cultural resource site" means a tribal cultural resource that meets the requirements of section 21074, subdivision (a)(1) of the Public Resource Code.

Heritage Commission within seven days of receiving the CHRIS positive result and request a list of any California Native American tribes that are potentially culturally affiliated with the positive result. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the CHRIS positive result within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a Professional Archeologist[3] to evaluate the CHRIS positive result and recommend appropriate conservation measures. In the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe, and shall promptly retain a Professional Archeologist to assist in this task in the event of a Sacred Lands Inventory positive result related to human remains or archeological resources. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, or in the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving tribal cultural resources and prehistoric archeological resources with appropriate dignity.

Ground-disturbing activities shall not commence until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

22. If any buried archeological materials or indicators[4] are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find.

    The cannabis cultivator shall notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the Deputy Director if the cannabis cultivator is operating under the Cannabis SIUR, the Regional Water Board Executive Officer if the cannabis cultivator is operating under the Cannabis General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

[3] A professional archaeologist is one that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.

[4] Prehistoric archaeological indicators include but are not limited to: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire affected stones, shellfish, or other dietary refuse.

In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a professional archeologist[5] to evaluate the discovery. The cannabis cultivator shall submit proposed mitigation and conservation measures to the appropriate person(s) (Deputy Director for the Cannabis SIUR and Regional Water Board Executive Officer for the Cannabis General Order or Cannabis General Water Quality Certification) for written approval. The appropriate person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event of a discovery of prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The appropriate person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity.

Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

23. Upon discovery of any human remains, cannabis cultivators shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

    All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The cannabis cultivator shall immediately notify the County coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met. The cannabis cultivator shall ensure that the human remains are treated with appropriate dignity.

    Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.

[5] A professional archaeologist is one that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.

Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods. If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98. If the landowner does not accept the descendant's recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

2.17.2.3 *Local*

San Diego County General Plan

The San Diego County General Plan provides the following policies related to tribal cultural resources (County of San Diego 2011):

- **Policy COS-7.1: Archaeological Protection.** Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.
- **Policy COS-7.2: Open Space Easements.** Require development to avoid archaeological resources whenever possible. If complete avoidance is not possible, require development to fully mitigate impacts to archaeological resources.
- **Policy COS-7.3: Archaeological Collections.** Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.
- **Policy COS-7.4: Consultation with Affected Communities.** Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.
- **Policy COS-7.5: Treatment of Human Remains.** Require human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains will be done in consultation with the Most Likely Descendant (MLD) and under the requirements of Federal, State and County Regulations.

San Diego County Code of Regulatory Ordinances Sections 87.101–87.804: Grading, Clearing, and Watercourses Ordinance

Section 87.430 of the County's Grading, Clearing, and Watercourses Ordinance provides for the requirement of a paleontological monitor at the discretion of the County. In addition, the suspension of grading operation is required upon the discovery of fossils greater than 12 inches in any dimension. The ordinance also requires notification of the County official (e.g., permit compliance coordinator). The ordinance gives the County official the authority to determine the appropriate resource recovery operations, which shall be carried out prior to the County official's authorization to resume normal grading operations.

Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or archaeological resources may be located on site, in which case avoidance or mitigation will be required.

San Diego County Code of Regulatory Ordinances Sections 86.601–86.608: Resource Protection Ordinance

This ordinance requires that cultural resources be evaluated as part of the County's discretionary environmental review process, and if any resources are determined significant under the Resource Protection Ordinance (RPO), they must be preserved. RPO prohibits development, trenching, grading, clearing, and grubbing, and any other activity or use damaging to significant prehistoric or historic site lands, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Register of Professional Archaeologists. Sites determined to be RPO significant must be avoided and preserved.

San Diego County Local Register of Historical Resources

The purpose of the San Diego County Local Register of Historical Places is to develop and maintain "an authoritative guide to be used by state agencies, private groups, and citizens to identify the county's historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Sites, places, and objects that are eligible to the NRHP or the CRHR are automatically included in the San Diego County Local Register of Historical Places.

2.17.3 Analysis of Project Impacts and Determination of Significance

2.17.3.1 *Thresholds of Significance*

Based on Appendix G of the State CEQA Guidelines, the Cannabis Program would result in a potentially significant impact on tribal cultural resources if it would:

- 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
- (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.

2.17.3.2 *Issues Not Discussed Further*

All potential tribal cultural resources impacts are evaluated below.

2.17.3.3 *Approach to Analysis*

Information related to tribal cultural resources is based on the records search from the SCIC at San Diego State University and the results of Native American consultation under AB 52. The analysis is also informed by the provisions and requirements of state and local laws and regulations that apply to cultural resources.

PRC Section 21074 defines “tribal cultural resources” as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American [T]ribe” that are listed or determined eligible for listing in the CRHR, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

2.17.3.4 *Issue 1: Substantial Adverse Change in the Significance of Tribal Cultural Resources*

Thresholds of Significance

Tribal cultural resources are nonrenewable and, therefore, cannot be replaced. The Cannabis Program would have a significant effect if it would cause a substantial adverse change in the significance of a tribal cultural resource, defined in CEQA 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:

- listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5024.1(c). In applying the criteria set forth in Public Resources Code Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

Impact Analysis

As noted above, Section 2.17.1, "Existing Conditions," the records search results identified a total of 2,271 precontact archaeological resources, such as lithic scatters, bedrock milling features, habitation sites, burial sites, and petroglyphs, that have previously been recorded in San Diego County. Some of these precontact archaeological resources may also be tribal cultural resources. San Diego County sent AB 52 tribal letters to 14 culturally affiliated tribes, and 5 tribes responded to the notification letters. Tribal consultation is still ongoing with the Campo Kumeyaay Nation, Jamul Indian Village, Rincon Band of Luiseño Indians, San Luis Rey Band of Mission Indians, and San Pasqual Band of Mission Indians. No specific tribal cultural resources were identified as a result of the AB 52 notifications; however, the tribes have identified the program area as sensitive for the presence of tribal cultural resources.

As noted in Section 2.17.2, there are a number of state and local regulations currently in place that help protect tribal cultural resources in the county.

As previously described, Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ established requirements (Terms 18–23) for state-licensed cultivation sites. Term 18 prohibits cannabis cultivation activities within tribal lands; Term 19 requires cannabis cultivation activities within 600 feet of tribal lands to undergo a 45-day review period to notify the potentially affected tribe(s); Term 20 prohibits cannabis cultivation activities within 600 feet of an identified tribal cultural resource; and Terms 21 and 22 require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Term 23 would reduce impacts on previously undiscovered human remains by requiring compliance with Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, San Diego County General Plan policies that are applicable to tribal cultural resources (COS-7.1, COS-7.2, COS-7.3, COS-7.4, and COS-7.5) are listed above in Section 2.17.2, "Regulatory Framework." Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner. Policy COS-7.4 requires consultation with affected communities, including local tribes, to determine the appropriate treatment of cultural resources. Lastly, Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations.

The RPO requires protection of significant precontact sites that provide information regarding important scientific research questions about precontact activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance. Examples of significant sites include but are not limited to burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, or other formally designated and recognized sites that are of ritual, ceremonial, or sacred value to any precontact or historic era ethnic group. In addition, development, trenching, grading, clearing and grubbing, or any other activity or use damaging to significant precontact site lands shall be prohibited, except for scientific

investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists.

Section 87.429 of the County's Grading, Clearing, and Watercourses Ordinance requires that grading operations cease if human remains or Native American artifacts are found, and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or archaeological resources may be located on site, in which case avoidance or mitigation will be required.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site.

Ground disturbance activities associated with expansion of the 5 existing facilities and current commercial cannabis operations resulting from Alternative 1 could result in damage or destruction of known or yet to be discovered tribal cultural resources would be a potentially significant impact. However, as discussed above, cannabis cultivation sites would be subject to Terms 18–23 of SWRQCB Order WQ 2023-0102-DWQ and San Diego County General Plan Policies COS-7.1 through COS-7.5.

Term 18 of SWRQCB Order WQ 2023-0102-DWQ prohibits cannabis cultivation activities within tribal lands; Term 19 requires cannabis cultivation activities within 600 feet of tribal lands to undergo a 45-day review period to notify the potentially affected tribe(s); Term 20 prohibits cannabis cultivation activities within 600 feet of an identified tribal cultural resource; and Terms 21 and 22 require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Term 23 would reduce impacts on previously undiscovered human remains by requiring compliance with Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, San Diego County General Plan policies that are applicable to tribal cultural resources (COS-7.1, COS-7.2, COS-7.3, COS-7.4, and COS-7.5) are listed above in Section 2.17.2, "Regulatory Framework." Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner. Policy COS-7.4 requires consultation with affected communities, including local tribes, to determine the appropriate treatment of cultural resources. Lastly, Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. In addition, project activities that require discretionary review would be subject to the guidelines outlined in *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

Compliance with SWRQCB Order WQ 2023-0102-DWQ Terms 18 through 23, San Diego General Plan Policies COS-7.1 through COS-7.5, and County ordinances would reduce impacts to tribal cultural resources.

This impact would be less than significant for Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Commercial cannabis cultivation operations resulting from Alternative 2 that could result in damage or destruction of known or yet to be discovered tribal cultural resources would be a potentially significant impact. However, as discussed above, cannabis cultivation sites would be subject to Terms 18–23 of SWRQCB Order WQ 2023-0102-DWQ and San Diego County General Plan Policies COS-7.1 through COS-7.5.

Term 18 of SWRQCB Order WQ 2023-0102-DWQ prohibits cannabis cultivation activities within tribal lands; Term 19 requires cannabis cultivation activities within 600 feet of tribal lands to undergo a 45-day review period to notify the potentially affected tribe(s); Term 20 prohibits cannabis cultivation activities within 600 feet of an identified tribal cultural resource; and Terms 21 and 22 require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Term 23 would reduce impacts on previously undiscovered human remains by requiring compliance with Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, San Diego County General Plan policies that are applicable to tribal cultural resources (COS-7.1, COS-7.2, COS-7.3, COS-7.4, and COS-7.5) are listed above in Section 2.17.2, "Regulatory Framework." Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner. Policy COS-7.4 requires consultation with affected communities, including local tribes, to determine the appropriate treatment of cultural resources. Lastly, Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. In addition, project activities that require discretionary review would be subject to the guidelines outlined in *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

Compliance with SWRQCB Order WQ 2023-0102-DWQ Terms 18 through 23, San Diego General Plan Policies COS-7.1 through COS-7.5, and County ordinances would reduce impacts to tribal cultural resources.

This impact would be less than significant for Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of sensitive uses.

Similar to Alternative 2, cannabis cultivation sites under Alternative 3 would be subject to Terms 18 through 23 of SWRQCB Order WQ 2023-0102-DWQ and San Diego County General Plan Policies COS-7.1 through COS-7.5.

Term 18 of SWRQCB Order WQ 2023-0102-DWQ prohibits cannabis cultivation activities within tribal lands; Term 19 requires cannabis cultivation activities within 600 feet of tribal lands to undergo a 45-day review period to notify the potentially affected tribe(s); Term 20 prohibits cannabis cultivation activities within 600 feet of an identified tribal cultural resource; and Terms 21 and 22 require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Term 23 would reduce impacts on previously undiscovered human remains by requiring compliance with Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, San Diego County General Plan policies that are applicable to tribal cultural resources (COS-7.1, COS-7.2, COS-7.3, COS-7.4, and COS-7.5) are listed above in Section 2.17.2, "Regulatory Framework." Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner. Policy COS-7.4 requires consultation with affected communities, including local tribes, to determine the appropriate treatment of cultural resources. Lastly, Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. In addition, project activities that require discretionary review would be subject to the guidelines outlined in *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

Compliance with SWRQCB Order WQ 2023-0102-DWQ Terms 18 through 23, San Diego General Plan Policies COS-7.1 through COS-7.5, and County standards would reduce impacts to tribal cultural resources.

This impact would be less than significant for Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when

contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities.

Similar to Alternative 2, cannabis cultivation sites under Alternative 4 would be subject to Terms 18 through 23 of SWRQCB Order WQ 2023-0102-DWQ and San Diego County General Plan Policies COS-7.1 through COS-7.5.

Term 18 SWRQCB Order WQ 2023-0102-DWQ prohibits cannabis cultivation activities within tribal lands; Term 19 requires cannabis cultivation activities within 600 feet of tribal lands to undergo a 45-day review period to notify the potentially affected tribe(s); Term 20 prohibits cannabis cultivation activities within 600 feet of an identified tribal cultural resource; and Terms 21 and 22 require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Term 23 would reduce impacts on previously undiscovered human remains by requiring compliance with Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, San Diego County General Plan policies that are applicable to tribal cultural resources (COS-7.1, COS-7.2, COS-7.3, COS-7.4, and COS-7.5) are listed above in Section 2.17.2, “Regulatory Framework.” Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner. Policy COS-7.4 requires consultation with affected communities, including local tribes, to determine the appropriate treatment of cultural resources. Lastly, Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. In addition, project activities that require discretionary review would be subject to the guidelines outlined in *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

Compliance with SWRQCB Order WQ 2023-0102-DWQ 18 through 23, San Diego General Plan Policies COS-7.1 through COS-7.5, and County ordinances would reduce impacts to tribal cultural resources.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, cannabis cultivation sites under Alternative 5 would be subject to Terms 18 through 23 of SWRQCB Order WQ 2023-0102-DWQ and San Diego County General Plan Policies COS-7.1 through COS-7.5.

Term 18 SWRQCB Order WQ 2023-0102-DWQ prohibits cannabis cultivation activities within tribal lands; Term 19 requires cannabis cultivation activities within 600 feet of tribal lands to undergo a 45-day review period to notify the potentially affected tribe(s); Term 20 prohibits cannabis cultivation activities within 600 feet of an identified tribal cultural resource; and Terms 21 and 22 require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with Term 23 would reduce impacts on previously undiscovered human remains by requiring compliance with Health and Safety Code Section 7050.5 and, if applicable, PRC Section 5097.98.

Similarly, San Diego County General Plan policies that are applicable to tribal cultural resources (COS-7.1, COS-7.2, COS-7.3, COS-7.4, and COS-7.5) are listed above in Section 2.17.2, “Regulatory Framework.” Policy COS-7.1 requires the preservation of important archaeological resources from loss or destruction and requires development to include appropriate mitigation to protect the quality and integrity of these resources. Policy COS-7.2 requires development to avoid archaeological resources whenever possible. If complete avoidance is not possible, it requires the development to fully mitigate impacts to archaeological resources. Policy COS-7.3 requires the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner. Policy COS-7.4 requires consultation with affected communities, including local tribes, to determine the appropriate treatment of cultural resources. Lastly, Policy COS-7.5 requires that human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains are done in consultation with the MLD and under the requirements of federal, state, and County regulations. In addition, project activities that require discretionary review would be subject to the guidelines outlined in *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*.

Compliance with SWRQCB Order WQ 2023-0102-DWQ Terms 18 through 23, San Diego General Plan Policies COS-7.1 through COS-7.5, and County ordinances would reduce impacts to tribal cultural resources.

Therefore, the impact on tribal cultural resources would be less than significant under Alternative 5.

2.17.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for tribal cultural resources is the San Diego region, including jurisdictions and special districts within and adjacent to the unincorporated area of the county.

2.17.4.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource*

The San Diego County General Plan Update Draft EIR did not address tribal cultural resources but identified no cumulatively considerable impacts associated with archaeological resources from implementation of the General Plan (County of San Diego 2009).

Cumulative projects located in the southern California region would have the potential to result in a cumulative impact associated with the loss of tribal cultural resources through development activities that could cause a substantial adverse change in the significance of a tribal cultural resource. Cumulative projects that may result in significant impacts include any projects that involve ground-disturbing activities (e.g., grading, excavation). Ground-disturbing activities could damage or destroy known tribal cultural resources and previously undiscovered tribal cultural resources.

Cannabis facilities licensed and permitted under the Cannabis Program under Alternatives 1, 2, 3, 4, and 5 could result in damage or destruction of known or yet to be discovered tribal cultural resources, which would be a potentially significant impact. However, new commercial cannabis facilities would be required to comply with Terms 18 through 23 of SWRQCB's Order WQ 2023-0102-DWQ; San Diego County General Plan Policies COS-7.1 through COS-7.5; San Diego County RPO; and Sections 87.429 and 87.216(a)(7) of the County's Grading, Clearing, and Watercourses Ordinance. In addition, project activities that require discretionary review they would be subject to the guidelines outlined in *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*. Compliance with these standards would reduce impacts of the Cannabis Program. Furthermore, the County would take similar actions to require appropriate treatment and proper care of significant tribal cultural resources, in the case of a discovery, in accordance with applicable laws and regulations. Therefore, the contribution to cumulative tribal cultural resources impacts would not be cumulatively considerable for Alternatives 1, 2, 3, 4, and 5.

2.17.5 Significance of Impacts Prior to Mitigation

2.17.5.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource*

The proposed Cannabis Program would result in less-than-significant direct impacts to tribal cultural resources under Alternatives 1 through 5. Project impacts would not be cumulatively considerable such that new cumulative impacts associated with tribal cultural resources would occur.

2.17.6 Mitigation

2.17.6.1 *Issue 1: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource*

No mitigation is required.

2.17.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in the above impact analysis.

2.17.7.1 *Issue 1: Substantial Adverse Change in the Significance of Tribal Cultural Resources*

Cannabis facilities licensed and permitted under the Cannabis Program under Alternatives 1, 2, 3, 4, and 5 could result in damage or destruction of known or yet to be discovered tribal cultural resources, which would be a potentially significant impact. However, new commercial cannabis facilities would be required to comply with Terms 18 through 23 of SWRQCB Order WQ 2023-0102-DWQ; San Diego County General Plan Policies COS-7.1 through COS-7.5; San Diego County RPO; and Sections 87.429 and 87.216(a)(7) of the County's Grading, Clearing, and Watercourses Ordinance. In addition, project activities that require discretionary review would be subject to the guidelines outlined in *County of San Diego Report Format and Content Requirements for Cultural Resources: Archaeological and Historic Resources*. Compliance with these standards would offset impacts of Cannabis Program. Furthermore, the County would take similar actions to require appropriate treatment and proper care of significant tribal cultural resources, in the case of a discovery, in accordance with applicable laws and regulations. Therefore, this impact would be less than significant for Alternatives 1, 2, 3, 4, and 5 under direct and cumulative conditions.

2.18 Utilities and Service Systems

This section provides an overview of stormwater drainage, wastewater, municipal water, natural gas, electricity capacity, telecommunications, and solid waste services in the unincorporated areas of San Diego County and a discussion of how adoption and implementation of the proposed Cannabis Program would affect capacity and ability to provide these services. The analysis is based on a review of existing documents and studies that address water resources in the vicinity of the project. The reader is referred to Section 2.11, "Hydrology and Water Quality," for the analysis of groundwater use.

Comments received in response to the notice of preparation (NOP) pertained to adequate water supply and infrastructure impacts. These issues are discussed below. All comments received in response to the NOP are presented in Appendix A of this PEIR.

A summary of impacts evaluated in this section is provided in Table 2.18.1.

Table 2.18.1 Utilities and Service Systems Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Adequate Water Supplies	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant	Alternative 1: Less than Significant Alternatives 2–5: Significant and Unavoidable
2	Adequate Wastewater Treatment Facilities	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
3	Sufficient Landfill Capacity and Solid Waste Regulations	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant

2.18.1 Existing Conditions

Public utilities in the program area are provided by various entities, as discussed in detail below.

2.18.1.1 *Water Supply*

Water Supply Provision

There are several independent districts and agencies that share the responsibility for the planning and management of the potable water delivery system in San Diego County. Potable water resources in the county are primarily provided by the Metropolitan Water District (MWD), San Diego County Water Authority (SDCWA), and SDCWA Member Water Districts; groundwater dependent water districts; and groundwater dependent users. Section 2.11, "Hydrology and Water Quality," contains a detailed description of surface water and groundwater resources in the county.

MWD provides approximately 14 percent of the total water supply for the entire San Diego County, including the incorporated cities. SDCWA is one of MWD's 23 member agencies and is the largest MWD member agency in terms of deliveries. SDCWA provides water supplies to 3.3 million people within 23 member agencies that deliver water across the metropolitan San Diego region. The SDCWA member agencies include 6 cities, 5 water districts, 3 irrigation districts, 7 municipal water districts, and 1 federal agency (Camp Pendleton Marine Corps Base) (SDCWA n.d.).

The *2013 Regional Water Facilities Optimization and Master Plan Update* (2013 Master Plan) provides a comprehensive evaluation of future infrastructure needs based on projections of water supplies and demands (SDCWA 2014). The 2013 Master Plan also considers system improvements necessary for the safe and reliable operation of the aqueduct system and identifies risk areas where the future improvements may be needed to assure continuous operation following natural or human-made events that interrupt water deliveries to the member agencies. Lastly, the 2013 Master Plan evaluates opportunities for development of renewable energy resources that could provide a new revenue source and mitigate greenhouse emissions. Results from the evaluations showed that while the SDCWA's system of conveyance, treatment, and storage facilities is robust, new infrastructure improvements are needed to alleviate potential conveyance constraints and supply shortages resulting from projected demand increases as the region's population grows throughout the 20-year planning horizon of the 2013 Master Plan.

SDCWA also has a Water Shortage Contingency Plan (May 2021), which provides its member agencies with a series of progressive steps to take when faced with a shortage of imported water supplies. Such actions help avoid or minimize impacts of shortages and ensure an equitable allocation of supplies throughout the San Diego region.

Several water districts serve the unincorporated area of the county, which import the majority of their water from SDCWA through its supplier, MWD. The location and boundaries of the SDCWA member districts that would serve the proposed Cannabis Program are shown on Figure 2.18.1. SDCWA Member Water Districts that serve the unincorporated county include the following:

- Helix Water District,
- Lakeside Water District,
- Olivenhain Municipal Water District,
- Otay Water District,
- Padre Dam Municipal Water District,
- Ramona Municipal Water District,
- Rincon Del Diablo Municipal Water District,
- Santa Fe Irrigation District,
- Sweetwater Authority,
- Vallecitos Water District,
- Valley Center Municipal Water District,
- Vista Irrigation District, and
- Yuima Municipal Water District.

The California Urban Water Management Planning Act (UWMPA) requires that each urban water supplier providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually, shall prepare, update and adopt an Urban Water Management Plan (UWMP) at least once every 5 years on or before December 31 in years ending in 5 and 0. This applies to MWD, SDCWA, and its member agencies that serve the unincorporated area of the county. The intent of a UWMP is to present important information on water supply, water usage, recycled water, and water use efficiency programs in a respective water district's service area. A UWMP also serves as a valuable resource for planners and policy makers over a 25-year timeframe. The UWMP process ensures that water supplies are being planned to meet future growth.

UWMPs are developed to manage the uncertainties and variability of multiple supply sources and demands over the long term through preferred water resources strategy adoption and resource development target approvals for implementation. Water districts update their demand forecasts and supply needs based on the most recent SANDAG forecast approximately every 5 years to coincide with preparation of their UWMPs. The most current supply and demand projections for water districts are contained in their respective 2020 UWMPs. SDCWA member districts rely heavily on the UWMPs, Integrated Resources Plans of MWD, and the Regional Water Facilities Master Plan of SDCWA for documentation of supplies available to meet projected demands.

The UWMPs describe the reliability of the water supply and vulnerability to seasonal or climatic shortages, to the extent practical. Normal water years are considered to be years that experience average rainfall for the respective district. Single dry water years are considered 1-year events of less than average rainfall, surrounded by average rainfall years. Multiple dry water years refer to a series of below average rainfall for particular areas. Projections for multiple dry years are made in 5-year increments. In the 2020 UWMPs, MWD, SDCWA, and all SDCWA member agencies that serve the unincorporated county determined that adequate water supplies would be available to serve existing service areas under normal water year, single dry water year, and multiple dry water year conditions through the year 2045 (Helix Water District 2021; Lakeside Water District 2021; Metropolitan Water District of Southern California 2021; Olivenhain Municipal Water District 2021; Otay Water District 2021; Padre Dam Municipal Water District 2021;Ramona Municipal Water District 2021; Rincon del Diablo Municipal Water District 2021; SDCWA 2021; Santa Fe Irrigation District 2021; Sweetwater Authority 2021; Vallecitos Water District 2021; Valley Center Municipal Water District 2021; Vista Irrigation District 2021). Future demand would be met (and in some cases water supply would exceed demand in some districts, as noted below) by the supply in each 5-year increment through 2045, including in normal, single dry year, and multiple dry years as identified below:

- MWD (supply would exceed demand),
- SDCWA (supply would exceed demand),
- Helix Water District (supply would exceed demand),
- Lakeside Water District (supply would exceed demand),
- Olivenhain Municipal Water District,
- Otay Water District,
- Padre Dam Municipal Water District,

- Ramona Municipal Water District,
- Rincon Del Diablo Municipal Water District,
- Santa Fe Irrigation District,
- Sweetwater Authority,
- Vallecitos Water District,
- Valley Center Municipal Water District,
- Vista Irrigation District, and
- Yuima Municipal Water District.

The water demand and supply projections identified in each UWMP account for the additional demand from updated population projections and housing allocations identified in SANDAG's 2050 Regional Growth Forecast. These water supply and demand projections are reevaluated for the reasonably foreseeable future (i.e., 20-year planning period) as part of the UWMP update process, which occurs every 5 years as required by the UWMPA.

Surface Water Supply

The regional surface water yield is supported by 24 surface reservoirs with a combined capacity of 722,793 acre-feet. SDCWA seasonal, drought, and emergency storage capacity currently includes 24,774 acre-feet of in-region surface water storage at the Olivenhain Reservoir, 157,100 acre-feet at the San Vicente Dam, and 70,000 acre-feet of out-of-region leased groundwater storage in the San Joaquin Valley. Surface water supplies can represent the largest single local resource in SDCWA's service area. However, annual surface water yields can vary substantially due to fluctuating hydrologic cycles. Since 1990, annual surface water yields have ranged from a low of 4,100 acre-feet in fiscal year 2015 to a high of 140,300 acre-feet in fiscal year 1984. SDCWA member agencies' projected average annual surface water use is anticipated to increase slightly, from 44,237 acre-feet in 2020 to 44,659 acre-feet in 2045 (SDCWA 2021).

Groundwater Dependent Water Districts

The coastal zone of San Diego County is mostly supplied with imported water from member agencies of SDCWA. The remaining portion of the county (approximately 65 percent in area) is completely dependent on groundwater resources. Groundwater-dependent properties within San Diego County, if not served by a water district such as those listed above, are either served by on-site private wells or by groundwater provided by a small or community water system, such as a small water company.

The groundwater-dependent water districts listed below serve the unincorporated areas of San Diego County without the ability to receive imported water directly from SDCWA. Each of these districts relies on groundwater as the only source of their water supply. The reader is referred to Section 2.11, "Hydrology and Water Quality," for information regarding groundwater resources in the county.

- Borrego Water District,
- Campo Water Maintenance District,

- Canebrake County Water District,
- Cuyamaca Water District,
- Descanso Community Services District,
- Jacumba Community Services District,
- Julian Community Services District,
- Majestic Pines Community Services District,
- Questhaven Municipal Water District,
- San Luis Rey Municipal Water District, and
- Wynola Water District.

Small and State Water Systems

Small and community water systems are regulated by the County of San Diego Department of Environmental Health and Quality (DEHQ) Land Use Program. In July 2022, San Diego County's community water systems, non-transient non-community water systems, and transient noncommunity water systems returned to the State Water Resources Control Board (SWRCB) Division of Drinking Water for oversight and regulation (County of San Diego n.d.-b).

2.18.1.2 *Wastewater and Stormwater*

The Metro Wastewater Joint Powers Authority (JPA) is a state-authorized JPA representing 12 agencies and approximately 800,000 people in the San Diego region. The Metro JPA is a coalition of the municipalities and special districts that share the use of the City of San Diego's wastewater facilities. Its member agencies include the cities of Chula Vista, Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, National City, and Poway; the Lemon Grove Sanitation District; the Padre Dam Municipal and Otay Water Districts; and the County of San Diego Sanitation District. These agencies collectively pay for approximately 35 percent of the system's upkeep and capital costs. Usage rates are based on the percentage of wastewater flow they generate (Metro Wastewater JPA n.d.).

The Metropolitan Wastewater System (Metro), which is owned and operated by the City of San Diego's Public Utilities Department (PUD), provides regional wastewater treatment and disposal services for the San Diego region. Metro serves 16 cities and wastewater districts with a service area of approximately 450 square miles and service population of approximately 2.2 million (Metro Wastewater JPA n.d.).

Wastewater districts are generally responsible for providing collection, transmission, and disposal of sewage. On May 2, 2006, SWRCB adopted Order Number 2006-0003-DWQ, the Waste Discharge Requirements (WDRs), which requires all federal and state agencies, municipalities, counties, districts, and other public entities that own or operate a wastewater collection system greater than 1 mile in length to develop and implement a system-specific Sewer System Management Plan (SSMP). An SSMP must document how an agency manages its wastewater collection system. The most recent SSMP was prepared by the San Diego County Sanitation District (District) in August 2020 to comply with the WDRs.

San Diego County Sewer Service Areas managed by the District include Alpine, Campo, Lakeside, East Otay Mesa, Spring Valley, Winter Gardens, and Julian Pine Valley, which are described below (County of San Diego 2020; San Diego County LAFCO 2019). All wastewater infrastructure, including pipeline sizes, are designed toward aligning with capacity at the Point Loma Wastewater Treatment Plant (WWTP).

- Alpine Sanitation District/Lakeside Sanitation District. The Alpine Sanitation District provides wastewater service to portions of the Alpine Community Plan Area. The Alpine Sanitation District serves an area of approximately 1.4 square miles and owns 21 miles of pipelines and 2 lift stations. The largest sewer main in the collection system is 12 inches in diameter. Wastewater collected within Alpine flows directly into Lakeside with the aid of 2 public pump stations (Galloway and Harbison Canyon).
- The Lakeside Sanitation District maintains the public sewer system for the unincorporated community of Lakeside, which is conveyed to the City of San Diego's JPA system for treatment. The Lakeside Sanitation District service area is approximately 7.9 square miles. The District operates 103 miles of pipelines and 2 lift stations. The majority of the collection system consists of 8-inch diameter pipe. The largest collection trunk is 42 inches in diameter.
- The Alpine-Lakeside service area's maximum daily wastewater capacity to convey collected sewage to the Point Loma WWTP for subsequent treatment and disposal is 4.841 million gallons. This amount is specific to the District share allocated to Alpine-Lakeside and equals 27.7 percent of the total daily capacity contracted to the District as a signatory of Metro. The District is currently operating with sufficient and excess capacity within the Alpine-Lakeside service area.
- Campo Water and Sewer Maintenance District. The Campo Water and Sewer Maintenance District is located in the southeastern portion of San Diego County and provides sewer service to local residents. The Campo service area currently consists of approximately 6.5 miles of sewer pipelines that range between 4 and 12 inches in diameter. A gravity conveyance line transports sewage to the adjacent Rancho Del Campo Facility for secondary treatment and discharge into percolation ponds. The Campo service area's maximum daily wastewater treatment and discharge capacity at the Rancho Del Campo Facility is 0.113 million gallons.
- East Otay Mesa Sewer Maintenance District. The East Otay Mesa Sewer Maintenance District serves the unincorporated East Otay Mesa area. The East Otay Mesa Sewer Maintenance District operates 4 miles of pipeline and 1 sewer outfall. The East Otay Mesa service area's maximum daily wastewater capacity to convey collected sewage to the Point Loma WWTP for subsequent treatment and disposal is 1,000 million gallons. This amount is specific to the District share allocated to East Otay Mesa and equals 5.7 percent of the total daily capacity contracted to the District as a signatory of Metro. The District is currently operating with sufficient and excess capacity within its East Otay Mesa service area.
- Spring Valley Sanitation District. Spring Valley Sanitation District serves the unincorporated communities of Spring Valley, Casa de Oro, and Sweetwater. The Spring Valley Sanitation District's service area is approximately 20 square miles in area. The majority of the collection system consists of 8-inch diameter pipe. The largest collection trunk is 54 inches in diameter. In addition to the Spring Valley Outfall, the District also operates and maintains 271 miles of sewer collection and transmission

facilities and 4 lift stations. The Spring Valley Sanitation District service area's maximum daily wastewater capacity to convey collected sewage to the Point Loma WWTP for subsequent treatment and disposal is 10.353 million gallons. This amount is specific to the District share allocated to Spring Valley and equals 59.1 percent of the total daily capacity contracted to the District as a signatory member of Metro. The District is currently operating with sufficient and excess capacity within the Spring Valley service area.

- Winter Gardens Sewer Maintenance District. The Winter Gardens Sewer Maintenance District serves the unincorporated Winter Gardens area. The Winter Gardens Sewer Maintenance District operates 23 miles of pipelines that range in diameter between 6 and 15 inches and 1 flow meter station. The Winter Gardens Sewer Maintenance District is close to build-out with little area remaining for future growth. Sewage flows are collected and conveyed to the City of San Diego's JPA system for treatment. The Winter Gardens service area's maximum daily wastewater capacity to convey collected sewage to the Point Loma WWTP for subsequent treatment and disposal is 1,200 million gallons. This amount is specific to the District share allocated to Winter Gardens and equals 6.9 percent of the total daily capacity contracted to the District as a signatory of Metro. An additional capacity consideration also applies to Winter Gardens and involves a separate agreement with the City of El Cajon to allow the District to wheel its wastewater through the city to a connecting JPA trunk line leading to Point Loma WWTP. This wheeling agreement prescribes the maximum average day flow from Winter Gardens into El Cajon at 1,000 million gallons. The District is currently operating with available capacity within the Winter Gardens service area.
- Julian Sanitation District. The Julian Sanitation District serves the unincorporated community of Julian. The Julian Sanitation District's service area is approximately 0.189 square miles, or 119 acres. The Julian Sanitation District sewer collection system consists of 6-inch and 8-inch sewer mains and primarily serves the Julian central business district area. The sewer collection system includes approximately 3 miles of sewer pipe and a gravity conveyance line, which transports sewage to the Julian Sanitation District Wastewater Treatment Facility. The Julian service area's maximum daily wastewater treatment and discharge at the Julian Wastewater Facility is 0.040 million gallons. The District is currently operating with sufficient and excess capacity within its Julian service area.
- Pine Valley Sanitation District. Pine Valley Service District's service area is approximately 0.04 square miles and consists of approximately 0.5 miles of 8-inch sewer collection pipe, which conveys wastewater to a treatment plant. The Pine Valley service area's maximum daily wastewater treatment and discharge at the Pine Valley Wastewater Facility is 0.040 million gallons. All of the Pine Valley Service District's capacity is either committed or allocated.

Generally, those districts located near the City of San Diego use the PUD's system for treatment and effluent disposal. Unincorporated areas not serviced by wastewater districts typically utilize septic systems for wastewater disposal. The most common type of septic system found in San Diego County is an on-site wastewater treatment consisting of a septic tank connected to leach lines.

Wastewater Treatment and Disposal

The Wastewater Branch of Metro JPA's Public Utilities Department treats the wastewater generated in a 450-square-mile area stretching from Del Mar and Poway to the north, Alpine and Lakeside to the east, and south to the Mexico border. There are 3 wastewater treatment facilities that accept wastewater, and additional capacity is available at each facility (City of San Diego n.d.) (Table 2.18.2, presented at the end of this section).

Average daily flow at the Point Loma WWTP is 175 million gallons per day (mgd), and the capacity is 240 mgd. Effluent produced at this plant is discharged through the Point Loma Ocean Outfall into the Pacific Ocean. The SDCWA Biosolids Center processes organic material produced from material collected in the wastewater treatment process. The biosolids may be used to promote growth of agricultural crops, to fertilize gardens and parks, or to reclaim and replenish worn and nutrient-depleted land. The North City Water Reclamation Plant has a treatment capacity of 30 mgd and distributes reclaimed water throughout the northern region of San Diego via an extensive reclaimed water pipeline system. The North City Water Reclamation Plant processes 30 mgd with a planned expansion to 52 mgd capacity by 2035 (City of San Diego 2019). The South Bay Water Reclamation Plant has a capacity of 15 mgd. Effluent produced at this facility is distributed for beneficial reuse through recycled water distribution systems operated by the Otay Water District or discharged through the South Bay Ocean Outfall into the Pacific Ocean (City of San Diego n.d.).

Stormwater Drainage Facilities

A stormwater conveyance system, as defined by the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance, means "private and public drainage facilities other than sanitary sewers within the unincorporated areas of the county by which urban runoff may be conveyed to receiving waters, and includes, but is not limited to, roads, streets, constructed channels, aqueducts, storm drains, pipes, street gutters, inlets to storm drains or pipes, and catch basins." The stormwater conveyance system is designed to prevent flooding by transporting water away from developed areas.

2.18.1.3 *Energy*

Electricity and Natural Gas

San Diego County is served by San Diego Gas and Electric Company (SDG&E), which provides energy service to over 3.7 million customers (i.e., 1.49 million accounts) in the county and portions of southern Orange County. The utility has a diverse power production portfolio, composed of a variety of renewable and nonrenewable sources. Energy production typically varies by season and by year. Regional electricity loads also tend to be higher in the summer because the higher summer temperatures drive increased demand for air-conditioning. In contrast, natural gas loads are higher in the winter because the colder temperatures drive increased demand for natural gas heating.

In 2022 (most recent year for which California Renewables Portfolio Standard data are available), 55 percent of the electricity SDG&E supplied was from renewable sources (CPUC 2022).

Community Choice Aggregation (CCA) is a program that permits cities, counties, and other authorized entities, called Community Choice Aggregators, to purchase or generate electricity

for residents and businesses located within the boundaries of their jurisdiction. Two CCA providers, Clean Energy Alliance and San Diego Community Power, currently serve more than 80 percent of customers within SDG&E's service territory.

Natural Gas

Through a network of transmission pipelines, SDG&E and the Southern California Gas Company (SoCalGas) deliver natural gas across an approximately 20,000-square-mile service area that includes the San Diego region. SDG&E provides natural gas through 873,000 natural gas meters in San Diego County (SDG&E n.d.).

2.18.1.4 *Solid Waste*

The Solid Waste Local Enforcement Agency (LEA) is certified by the California Department of Resources Recycling and Recovery to enforce state solid waste laws and regulations in San Diego County, excluding the City of San Diego. The LEA has the primary responsibility for ensuring the proper operation, permitting, and closure of solid waste facilities, operations, and disposal sites. The LEA also has responsibilities for ensuring the review and approval of post-closure land use activities at closed solid waste disposal sites.

Until 1997, the solid waste management system in San Diego County was serviced by 8 landfill facilities. In October 1997, the County sold its active landfills and other solid waste collection assets to a private company, Allied Waste Industries, Inc. Currently, there are 6 active landfills in the San Diego region that serve residents, businesses, and military operations in both incorporated and unincorporated areas: Borrego, Miramar, Otay, Sycamore, Las Pulgas, and San Onofre. Solid waste is disposed of at the landfill of the hauling contractor's choice. The San Onofre and Las Pulgas landfills are owned and operated by the US Marine Corps and are not available for public disposal, and Miramar Landfill is operated on land leased from the US Navy by the City of San Diego. Table 2.18.3, presented at the end of this section, shows the maximum permitted capacity at each of the County's landfills.

Siting of a new solid waste disposal facility or expansion of an existing solid waste facility is often a controversial and lengthy process. All potential disposal facilities in the county must be included in a Countywide Siting Element Amendment to the San Diego County Integrated Waste Management Plan. However, discussion of proposed sites in the Siting Element is only one step in the review and approval process. In addition, each proposed facility in the county is considered through the local jurisdictional land use permitting processes. The *Five-Year Review Report for the Countywide Integrated Waste Management Plan for the County of San Diego* was most recently published in September 2022 and determined that the County has enough daily permitted disposal capacity until 2060, including the state-mandated 15-year period of 2022 to 2037. The Five-Year Review Report concluded that an amendment to the Countywide Siting Element is not warranted (County of San Diego 2022).

2.18.2 Regulatory Framework

2.18.2.1 *Federal*

There are no federal plans or programs that address utilities and service systems that would apply to the Cannabis Program.

2.18.2.2 *State*

Section 2.11, “Hydrology and Water Quality,” contains further descriptions of water resources policies and regulations.

State Water Resources Control Board

In California, SWRCB is responsible for ensuring the highest reasonable quality of waters of the state, while allocating those waters to achieve the optimum balance of beneficial uses. SWRCB’s current challenge is exacerbated by California’s rapid population growth and the continuing struggle over precious water flows. It faces tough new demands, which include fixing ailing sewer systems, building new wastewater treatment plants, and tackling the cleanup of underground water sources impacted by the very technology and industry that has catapulted California into global prominence. In addition, SWRCB will continue to focus on its most vexing problem of nonpoint source pollution, or polluted runoff, which is difficult to categorize, isolate, and resolve.

Urban Water Management Plan

In 1983, the California Legislature enacted the UWMPA (California Water Code Sections 10610–10656). The UWMPA states that every urban water supplier that provides water to 3,000 or more customers or that provides more than 3,000 acre-feet of water annually should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry years. This effort includes the adoption of a UWMP by every urban water supplier and an update of the plan every 5 years on or before December 31 of every year ending in a 5 or 0. The UWMPA has been amended several times since 1983 with the most recent amendment occurring with Senate Bill (SB) 318 in 2004.

California Safe Drinking Water Act

The SWRCB Division of Drinking Water is responsible for implementing the federal Safe Drinking Water Act (SDWA) and its updates, as well as California statutes and regulations related to drinking water. State primary and secondary drinking-water standards are promulgated in California Code of Regulations (CCR) Title 22, Sections 64431–64501.

The California SDWA was passed in 1976 to build on and strengthen the federal SDWA. The California SDWA authorizes the Department Health Services to protect the public from contaminants in drinking water by establishing maximum contaminant levels that are at least as stringent as those developed by the US Environmental Protection Agency, as required by the federal SDWA.

California Water Code

The California Water Code contains provisions that control almost every consideration of water and its use. Division 2 of the California Water Code provides that the SWRCB shall consider and act upon all applications for permits to appropriate waters. Division 6 of the Water Code controls conservation, development, and utilization of the state water resources. Division 7 addresses water quality protection and management.

Commercial Cannabis Cultivation Licensing Requirements

The following cannabis cultivation regulations are associated with water supply and solid waste:

CCR, Title 4, Division 19, Section 15049.1: Additional Requirements for Recording Cultivation Activities

(b) The following information shall be reported in the track and trace system for each harvest batch:

(2) A cannabis waste management plan developed in accordance with section 17223.

CCR, Title 4, Division 19, Section 16309: Cultivation Plan Requirements

(a) Licensed cultivators shall establish and maintain a cultivation plan that includes all of the following:

(2) The weight of cannabis waste associated with each harvested plant.

CCR, Title 4, Division 19, Section 16311: Supplemental Water Source Information

The following information shall be provided for each water source identified by the applicant:

(a) Retail water supply sources:

(1) If the water source is a retail water supplier, as defined in section 13575 of the Water Code, such as a municipal provider, provide the following:

(A) Name of the retail water supplier; and

(B) A copy of the most recent water service bill or written documentation from the water supplier stating that service will be provided at the premises address.

(2) If the water source is a small retail water supplier, such as a delivery service, and is subject to section 26060.1(a)(1)(B) of the Business and Professions Code and the retail water supplier contract is for delivery or pickup of water from a surface water body or an underground stream flowing in a known and definite channel, provide all of the following:

(A) The name of the retail water supplier under the contract;

(B) The water source and geographic location coordinates, in either latitude and longitude or the California Coordinate System, of any point of diversion used by the retail water supplier to divert water delivered to the commercial cannabis business under the contract;

(C) The authorized place of use of any water right used by the retail water supplier to divert water delivered to the commercial cannabis business under the contract;

(D) The maximum amount of water delivered to the commercial cannabis business for cannabis cultivation in any year; and

(E) A copy of the most recent water service bill.

(3) If the water source is a small retail water supplier, such as a delivery service, and is subject to section 26060.1(a)(1)(B) of the Business and Professions Code and the retail water supplier contract is for delivery or pickup of water from a groundwater well, provide all of the following:

(A) The name of the retail water supplier under the contract;

(B) The geographic location coordinates for any groundwater well used to supply water delivered to the commercial cannabis business, in either latitude and longitude or the California Coordinate System;

(C) The maximum amount of water delivered to the commercial cannabis business for cannabis cultivation in any year;

(D) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code for each percolating groundwater well used to divert water delivered to the commercial cannabis business. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. When no well completion report is available, the State Water Resources Control Board may request additional information about the well; and

(E) A copy of the most recent water service bill.

(b) If the water source is a groundwater well, provide the following:

(1) The groundwater well's geographic location coordinates, in either latitude and longitude or the California Coordinate System; and

(2) A copy of the well completion report filed with the Department of Water Resources pursuant to section 13751 of the Water Code. If no well completion report is available, the applicant shall provide evidence from the Department of Water Resources indicating that the Department of Water Resources does not have a record of the well completion report. If no well completion report is available, the State Water Resources Control Board may request additional information about the well.

(c) If the water source is a rainwater catchment system, provide the following:

(1) The total square footage of the catchment footprint area(s).

(2) The total storage capacity, in gallons, of the catchment system(s).

(3) A detailed description and photographs of the rainwater catchment system infrastructure, including the location, size, and type of all surface areas that collect rainwater. Examples of rainwater collection surface areas include a rooftop and greenhouse.

(4) Geographic location coordinates of the rainwater catchment infrastructure in either latitude and longitude or the California Coordinate System.

(d) If the water source is a diversion from a waterbody (such as a river, stream, creek, pond, lake, etc.), provide any applicable water right statement, application, permit, license, or small irrigation use registration identification numb/er(s), and a copy of any applicable statement, registration certificate, permit, license, or proof of a pending application issued under part 2 (commencing with section 1200) of division 2 of the California Water Code as evidence of approval of a water diversion by the State Water Resources Control Board.

CCR, Title 4, Division 19, Section 17223: Waste Management

(a) A licensee shall dispose of all waste in accordance with the Public Resources Code and any other applicable state and local laws. It is the responsibility of the licensee to properly evaluate waste to determine if it should be designated and handled as a hazardous waste, as defined in Public Resources Code section 40141.

(b) A licensee shall establish and implement a written cannabis waste management plan that describes the method or methods by which the licensee will dispose of cannabis waste, as applicable to the licensee's activities. A licensee shall dispose of cannabis waste using only the following methods:

(1) On-premises composting of cannabis waste.

(2) Collection and processing of cannabis waste by a local agency, a waste hauler franchised or contracted by a local agency, or a private waste hauler permitted by a local agency in conjunction with a regular organic waste collection route.

(3) Self-haul cannabis waste to one or more of the following:

(A) A staffed, fully permitted solid waste landfill or transformation facility;

(B) A staffed, fully permitted composting facility or staffed composting operation;

(C) A staffed, fully permitted in-vessel digestion facility or staffed in-vessel digestion operation;

(D) A staffed, fully permitted transfer/processing facility or staffed transfer/processing operation;

(E) A staffed, fully permitted chip and grind operation or facility; or

(F) A recycling center as defined in title 14, California Code of Regulations, section 17402.5(d) that meets the following:

(i) The cannabis waste received shall contain at least ninety (90) percent inorganic material;

(ii) The inorganic portion of the cannabis waste is recycled into new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace; and

(iii) The organic portion of the cannabis waste shall be sent to a facility or operation identified in subsections (b)(3)(A)-(E).

(4) Reintroduction of cannabis waste back into agricultural operation through on-premises organic waste recycling methods including, but not limited to, tilling directly into agricultural land and no-till farming.

(c) The licensee shall maintain any cannabis waste in a secured waste receptacle or secured area on the licensed premises until the time of disposal. Physical access to the receptacle or area shall be restricted to the licensee, employees of the licensee, the local agency, waste hauler franchised or contracted by the local agency, or private waste hauler permitted by the local agency only. Nothing in this subsection prohibits licensees from using a shared waste receptacle or area with other licensees, provided that the shared waste receptacle or area is secured and access is limited as required by this subsection.

(d) A licensee that disposes of waste through an entity described in subsection (b)(2) shall do all of the following:

(1) Maintain and make available to the Department upon request the business name, address, contact person, and contact phone number of the entity hauling the waste; and

(2) Obtain documentation from the entity hauling the waste that evidences subscription to a waste collection service.

State Water Resources Control Board, Cannabis Cultivation Policy

Attachment A of SWRCB Order WQ 2023-0102-DWQ establishes surface water diversion standards that are designed to protect surface water flow conditions and associated aquatic resources under Section 3, “Numeric and Narrative Instream Flow Requirements.” Sections 2.5, “Biological Resources,” and 2.11, “Hydrology and Water Quality,” contain further discussion of the Numeric and Narrative Instream Flow Requirements.

SWRCB’s Cannabis Cultivation Policy provides requirements for the treatment of wastewater associated with indoor cannabis cultivation, as well as wastewater created from the processing of cannabis (as defined in Attachment A of SWRCB Order WQ 2023-0102-DWQ as industrial wastewater). Indoor cannabis cultivation structure must either (1) discharge all industrial wastewaters generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater, or (2) collect all industrial wastewater in an appropriate storage container to be stored and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater (Term 38 of Attachment A, Section 1 of SWRCB Order WQ 2023-0102-DWQ). Term 27 of Attachment A of SWRCB Order WQ 2023-0102-DWQ prohibits discharges of wastewater from cannabis manufacturing activities defined in Business and Professions Code Section 26100, indoor grow operations, or other industrial wastewater to an on-site wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land. Section 2.8, “Geology, Soils, and Mineral Resources,” provides further details regarding on-site wastewater treatment system regulations.

California Health and Safety Code

A public water system is defined in California Health and Safety Code Section 116275(h) as “a system for the provision of water for human consumption through pipes or other constructed

conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year." Human consumption is defined in Section 116275(e) as "the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes."

California Integrated Waste Management Act

The California Integrated Waste Management Act of 1989 (Assembly Bill [AB] 939, Chapter 1095, Statutes of 1989) requires state, county, and local governments to substantially decrease the volume of waste disposed of at landfills by 2000 and beyond. The act requires each county to submit an integrated waste management plan that includes an adopted source reduction and recycling element from each of its cities, as well as a county-prepared source reeducation and recycling element for the unincorporated area. The element identifies existing and future quantities and types of solid waste, an inventory of existing disposal sites, a determination of the plan's economic feasibility, enforcement programs, and implementation schedule.

SB 1383 (Chapter 395, Statutes of 2016) and AB 1826 (Chapter 727, Statutes of 2014) have established additional waste reductions for organic waste. SB 1383 was placed in code and requires 50-percent reduction in organic waste levels in landfills from 2014 levels by 2020 and 75-percent reduction by 2025. AB 1826 requires businesses to recycle organic waste and requires local jurisdictions to implement an organic waste recycling program to divert organic waste generated by businesses.

California Code of Regulations, Energy Efficiency Standards

Energy consumption in new buildings in California is regulated by State Building Energy Efficiency Standards (CALGreen) contained in the CCR, Title 24, Part 2, Chapter 2-53. Title 24 applies to all new construction of both residential and nonresidential buildings and regulates energy consumed for heating, cooling, ventilation, water heating, and lighting. The 2016 Building Energy Efficiency Standards have improved efficiency requirements from previous codes, and the updated standards are expected to result in a statewide consumption reduction.

2.18.2.3 *Local*

San Diego County General Plan

The following General Plan Update policies are applicable to the proposed Cannabis Program:

- **Policy COS-17.1: Reduction of Solid Waste Materials**. Reduce greenhouse gas emissions and future landfill capacity needs through reduction, reuse, or recycling of all types of solid waste that is generated. Divert solid waste from landfills in compliance with State law.
- **Policy COS-17.3: Landfill Waste Management**. Require landfills to use waste management and disposal techniques and practices to meet all applicable environmental standards.
- **Policy COS-17.4: Composting**. Encourage composting throughout the County and minimize the amount of organic materials disposed at landfills.

- **Policy LU-12.1: Concurrency of Infrastructure and Services with Development.** Require the provision of infrastructure, facilities, and services needed by new development prior to that development, either directly or through fees. Where appropriate, the construction of infrastructure and facilities may be phased to coincide with project phasing.
- **Policy LU-12.2: Maintenance of Adequate Services.** Require development to mitigate significant impacts to existing service levels of public facilities or services for existing residents and businesses. Provide improvements for Mobility Element roads in accordance with the Mobility Element Network Appendix matrices, which may result in ultimate build-out conditions that achieve an improved LOS but do not achieve a LOS of D or better.
- **Policy LU-13.1: Adequacy of Water Supply.** Coordinate water infrastructure planning with land use planning to maintain an acceptable availability of a high quality sustainable water supply. Ensure that new development includes both indoor and outdoor water conservation measures to reduce demand.
- **Policy LU-13.2: Commitment of Water Supply.** Require new development to identify adequate water resources, in accordance with State law, to support the development prior to approval.
- **Policy LU-14.2: Wastewater Disposal.** Require that development provide for the adequate disposal of wastewater concurrent with the development and that the infrastructure is designed and sized appropriately to meet reasonably expected demands.
- **Policy LU-14.5: Alternate Sewage Disposal Systems.** Support the use of alternative on-site sewage disposal systems when conventional systems are not feasible and in conformance with State guidelines and regulations.

San Diego County Board Policy I-24: Establishment of Assessment Districts to Provide for Public Improvements and Facilities for Flood Control and Damage

The San Diego County Board of Supervisors (Board) Policy I-24 establishes conditions for the use of financing districts for the construction of flood control and drainage facilities that benefit property or when conditions of safety and general welfare in any particular area warrant such action. As used herein, financing districts can include districts that utilize assessments, special taxes, or property-related fees to fund improvements or services. This policy will be reviewed for continuance by December 31, 2026.

San Diego County Board Policy I-48: Extending Sewer Lines within the San Diego County Sanitation District

Board Policy I-48 requires all sewer extensions to be accomplished by private contract.

San Diego County Board Policy I-51: Connection to Interceptor Sewers within the San Diego County Sanitation District

Board Policy I-51 states no service connections to interceptor sewers will be allowed unless connection to sewer is required by the Department of Environmental Health and the land use is consistent with land use approved by the Board. If connection is required by the County and the land use seeking connection is determined to by County staff to be in conformance with the

General Plan, the director of the Department of Public Works is delegated the authority to approve interceptor connections on behalf of the San Diego County Sanitation District.

San Diego County Board Policy I-84: Project Facility Availability and Commitment for Public Sewer, Water, School, and Fire Services

Board Policy I-84 requires the applicable agency to issue an availability letter for prospective discretionary projects as a condition of County approval. This is to ensure that adequate facilities and capacity will be available at the time it is needed. The policy will be reviewed for continuance by December 31, 2025.

San Diego County Department of Environmental Health and Quality

DEHQ is the primary agency overseeing retail food safety, public housing, public swimming pools, small state drinking water systems, mobile-home parks, on-site wastewater systems, recreational water, aboveground and underground storage tanks and cleanup oversight, and medical and hazardous materials and waste. In addition, the County DEHQ provides technical assistance to the small drinking water systems in San Diego County. The purpose of the DEHQ Small Drinking Water System Program is to protect public health by helping water system owners and operators provide pure and safe drinking water by preventing waterborne diseases, identifying risks of bacteriological or chemical contamination, conducting inspections, providing technical assistance, and working in partnership with the small drinking water systems in San Diego County. In July 2022, San Diego County's community water systems, nontransient noncommunity water systems, and transient noncommunity water systems returned to the SWRCB Division of Drinking Water for oversight and regulation. DEHQ currently regulates only state small water systems.

DEHQ also acts as the Solid Waste Local Enforcement Agency, working to prevent the spread of diseases caused by rats and mosquitoes.

County of San Diego Integrated Waste Management Plan

The Board adopted the County of San Diego Integrated Waste Management Plan (IWMP) on September 17, 1996. The plan discusses the need for a reduction in solid waste and includes a Source Reduction and Recycling Element, Household Hazardous Waste Element, Non-Disposal Facility Element, Countywide Siting Element, and the Countywide Summary Plan. The Countywide Siting Element of the 1996 IWMP was updated in 2005, as required by the UWMPA. It provides a description of the facilities and strategies that will provide adequate capacity for the disposal of solid waste within the county, including alternatives, such as additional waste diversion programs and waste export. The Countywide Siting Element presents a strategy to assist local governments and private industry in planning for integrated waste management and the siting of solid waste disposal facilities. The goals and policies listed in the Countywide Siting Element are intended to assist all jurisdictions to plan and implement a solid waste management program. The Five-Year Review Report for the Countywide Integrated Waste Management Plan was most recently published in September 2022 and determined that the County has enough daily permitted disposal capacity until 2060, including the state-mandated 15-year period of 2022 to 2037. The Five-Year Review Report concluded that an amendment to the Countywide Siting Element is not warranted (County of San Diego 2022).

2.18.3 Analysis of Project Impacts and Determination of Significance

2.18.3.1 *Thresholds of Significance*

According to Appendix G of the State CEQA Guidelines, a utilities and service systems impact is considered significant if implementation of the Cannabis Program would do any of the following:

- 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;
- have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;
- result in a determination by the waste water 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;
- 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; or
- comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

2.18.3.2 *Issues Not Discussed Further*

Water, Wastewater, Drainage, Energy, and Telecommunication Infrastructure

New commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, consumption lounges, and microbusinesses, associated with the proposed Cannabis Program may construct or improve water, wastewater, stormwater drainage, electric power, natural gas (where available), and telecommunication facilities as needed based on site-specific conditions. Extension of these infrastructure facilities are expected to be limited because they are generally available along roadway frontage of the parcels or may be accommodated on the site. The potential environmental impacts of extending infrastructure off-site could be evaluated as part of subsequent application review by the County and the California Department of Cannabis Control (DCC). However, the overall environmental impacts for construction and operation of commercial cannabis uses (including those related to infrastructure facilities) have been programmatically evaluated in this PEIR. Section 2.7, "Energy," analyzes energy use impacts, and Section 2.11, "Hydrology and Water Quality," analyzes drainage and water quality impacts. Implementation of the Cannabis Program would not trigger the need for the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. This issue is not further evaluated.

2.18.3.3 *Approach to Analysis*

Evaluation of potential utilities and service systems impacts is based on a review of existing documents and studies. Information obtained from these sources was reviewed and summarized to describe existing conditions and to identify potential environmental effects

based on the standards of significance presented in this section. In determining the level of significance, the analysis assumes that future commercial cannabis uses would comply with relevant state, and local laws, ordinances, and regulations.

The estimated water demands identified in Table 2.18.4, presented at the end of this section, were used in the water supply impact discussion below for future new licensed commercial cannabis uses by type for each alternative evaluated. This analysis addresses potential impacts to municipal water systems. The reader is referred to Section 2.11, "Hydrology and Water Quality," for an analysis of groundwater impacts.

2.18.3.4 *Issue 1: Adequate Water Supplies*

Guidelines for Determination of Significance

Based on Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Impact Analysis

Licensed commercial cannabis cultivation sites would require water supply for irrigation and operational demands. As described in Section 2.18.1, "Existing Conditions," available municipal water supply sources in the county consist of a variety of service providers located in the county. Water supply availability varies in the county based on local conditions and water sources.

SDCWA member districts would provide majority of water supplies for the Cannabis Program within the western portion of the county with groundwater as a secondary source. SDCWA water districts would provide water for both cultivation and operations. As identified in Table 2.18.4, future new cannabis uses in the county would demand approximately 668 acre-feet per year of water, a portion of which would be derived from municipal water sources. In the 2020 UWMPs, MWD, SDCWA, and all SDCWA member agencies that serve the unincorporated county determined that adequate water supplies would be available to serve existing service areas under normal water year, single dry water year, and multiple dry water year conditions through the year 2045. Future demand would be met (and in some cases water supply would exceed demand in some districts) by the supply in each 5-year increment through 2045, including in normal, single dry year, and multiple dry years.

To evaluate the potential impacts of the methods that may be used to obtain municipal water supply sources for the county, this document hereby incorporates by reference the impact conclusions identified in the Final Supplemental EIR for the SDCWA Regional Water Facilities Master Plan dated March 2013 (State Clearinghouse No. 2003021052). The EIR for the SDCWA Regional Water Facilities Master Plan evaluates a program of water supply projects. The Master Plan does not describe every proposed facility in detail but describes the types of facilities needed to meet the region's future water needs. The EIR for the SDCWA Regional Water Facilities Master Plan determined that multiple environmental impacts associated with the construction of water supply projects would potentially occur, including environmental impacts associated with the following environmental issues: land use, water resources, biological resources, transportation and traffic, noise, air quality, utilities and public services, aesthetics, geology and soils, cultural resources, public safety and hazardous materials, paleontological

resources, agricultural resources, and recreation. Of all the potential methods to ensure additional water supply, water conservation is the only approach that would not result in adverse environmental impacts.

Groundwater-dependent districts would be limited to the local groundwater resources in each service area. Section 2.11, “Hydrology and Water Quality,” contains further analysis of groundwater resources and impacts.

As described in Section 2.18.2, “Regulatory Framework,” licensed commercial cannabis cultivation uses are subject to the following regulation regarding water supply:

- CCR, Title 4, Division 19, Section 16311, which requires documentation of water supply sources to be used to be provided to the DCC.

The proposed Cannabis Zoning Ordinance Update includes the following requirements regarding water service provision in Section 6695(f)(5):

5. Water Source. Trucked water shall not be allowed except in case of emergency, as determined by the Director or their designee(s).

Water use for crop irrigation varies depending on weather factors, such as air temperature, relative humidity, wind speed, and solar radiation; soil factors, such as soil texture, structure, density, and chemistry; and plant factors, such as plant type, root depth, foliar density, height, and stage of growth. Water demand for agricultural activities can range from little to none for dry-land farmed areas to over 4 acre-feet per acre per year for irrigated alfalfa and other water-intensive plant types. The average applied water demand for San Diego agricultural uses is 2 acre-feet per year (County of San Diego 2011). For example, in 2023, 12,306 acres of avocados were harvested in San Diego County (County of San Diego 2023). According to agricultural groundwater demand estimates identified in a County-prepared groundwater study, avocados use 3.2 acre-feet per acre per year. Countywide, the Cannabis Program could result in up to 180 acres of cannabis cultivation canopy and future new cannabis uses in the county would demand up to 668 acre-feet per year of water (323 acre-feet per year for outdoor, mixed-light, and indoor cultivation facilities and 345 acre-feet per year for noncultivation facilities). In comparison to existing crops and water use associated with agricultural use, this would not be a substantial increase. However, it is unknown what amount of this projected water demand could be met by municipal water sources because commercial cannabis use water demands have not been specifically factored in the county UWMPs.

The UWMP prepared by SDCWA and its member agencies covers the next 20 years of water use in the county and anticipates changes in demand and circumstances that will affect supplies. However, uncertainty remains because commercial cannabis uses (i.e., cultivation) was not accounted for the in the projected demands. Because the proposed project would result in increased water demand for cultivation uses, it would contribute to the uncertainty of these plans. As a result, the effect on municipal water supply cannot be determined, but the project could contribute to the need to identify additional water supplies.

Noncultivation uses would likely obtain water supply from municipal water districts. As identified in Section 2.18.1, “Existing Conditions,” municipal water service providers in the county are anticipated to have sufficient water supply through 2045. The 2020 UWMPs concluded MWD, SDCWA, and all SDCWA member agencies that serve the unincorporated

county would have adequate water supplies that would meet or exceed water demand under normal water year, single dry water year, and multiple dry water year conditions through the year 2045. Depending on individual municipal water service provider capacity, this water could be available to licensed commercial cannabis noncultivation sites. It is assumed that noncultivation uses would likely be operated within existing commercial and industrial zones that are currently developed. Water demand would be similar for the underlying zoning types industrial, retail, and commercial uses. As noted in Table 1.4, it is anticipated that the majority of the uses would locate into existing industrial and retail buildings in the unincorporated area.

It is unknown to what extent cultivation uses under the Cannabis Program would obtain water supplies from municipal water districts. The analysis conservatively assumed the Cannabis Program, with an anticipated water demand of approximately 668 acre-feet per year of water would be served by municipal water sources. As identified previously, the 2020 UWMPs concluded MWD, SDCWA, and all SDCWA member agencies that serve the unincorporated county would have adequate water supplies that would meet or exceed water demand under normal water year, single dry water year, and multiple dry water year conditions through the year 2045. While noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. Therefore, water demand associated with the Cannabis Program would be in addition to water demands already identified. With respect to municipal water supplies, the Cannabis Program could result in significant impacts.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. Assuming that these expansions involve new indoor cannabis cultivation uses, the potential expansion of the 5 sites could result as much as 5.6 acre-feet per year of total water demand (based on water demand ratios identified in Table 2.18.4).

As described in Section 2.18.1, “Existing Conditions,” the 2020 UWMPs concluded MWD, SDCWA, and all SDCWA member agencies that serve the unincorporated county would have adequate water supplies that would meet or exceed water demand under normal water year, single dry water year, and multiple dry water year conditions through the year 2045.

The impact on water supply would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses to certain state-defined sensitive uses, including schools, daycares, and youth centers.

As identified in Table 2.18.4, it is estimated that new commercial cannabis operations under Alternative 2 would have a total water demand of approximately 668 acre-feet per year. As described in Section 2.18.1, “Existing Conditions,” the 2020 UWMPs concluded MWD,

SDCWA, and all SDCWA member agencies that serve the unincorporated county would have adequate water supplies that would meet or exceed water demand under normal water year, single dry water year, and multiple dry water year conditions through the year 2045. However, water supply availability varies in the county based on local conditions and water sources of the service provider.

It is unknown to what extent cultivation uses under Alternative 2 would obtain water supplies from municipal water districts. While noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. Therefore, water demand associated with Alternative 2 would be in addition to water demands already identified.

The impact on water supply would be significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As identified in Table 2.18.4, it is estimated that new commercial cannabis operations under Alternative 3 would have a total water demand of approximately 668 acre-feet per year.

Similar to Alternative 2, it is unknown to what extent cultivation uses under Alternative 3 would obtain water supplies from municipal water districts. While noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. Therefore, water demand associated with Alternative 3 would be in addition to water demands already identified.

The impact on water supply would be significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting” for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As identified in Table 2.18.4, it is estimated that new commercial cannabis operations under Alternative 4 would have a total water demand of approximately 614 acre-feet per year.

Similar to Alternative 2, it is unknown to what extent cultivation uses under Alternative 4 would obtain water supplies from municipal water districts. While noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand

assumptions identified in the UWMPs. Therefore, water demand associated with Alternative 4 would be in addition to water demands already identified.

The impact on water supply would be significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As identified in Table 2.18.4, it is estimated that new commercial cannabis operations under Alternative 5 would have a total water demand of approximately 668 acre-feet per year.

Similar to Alternative 2, it is unknown to what extent cultivation uses under Alternative 5 would obtain water supplies from municipal water districts. While noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. Therefore, water demand associated with Alternative 5 would be in addition to water demands already identified.

The impact on water supply would be significant under Alternative 5.

2.18.3.5 *Issue 2: Adequate Wastewater Treatment Capacity*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would result in a determination by the wastewater treatment provider, which serves or may serve the project, that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Impact Analysis

New commercial cannabis cultivation would require wastewater services, which may be provided using on-site systems, typically as septic tanks, or by connecting to a municipal wastewater treatment plant or facility. As described in Section 2.18.2, "Regulatory Framework," cannabis processing wastewater is defined as "industrial wastewater" under Attachment A of SWRCB Order WQ 2023-0102-DWQ. Term 27 of Attachment A, Section 1 of SWRCB Order WQ 2023-0102-DWQ prohibits discharges of wastewater from cannabis manufacturing activities defined in Business and Professions Code Section 26100, indoor grow operations, or other industrial wastewater to an on-site wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land. In addition, indoor commercial cannabis cultivation structure must either (1) discharge all industrial wastewaters generated to a permitted wastewater treatment collection system and facility that accepts cannabis

cultivation wastewater, or (2) collect all industrial wastewater in an appropriate storage container to be stored and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater (Term 38 of Attachment A, Section 1 of SWRCB Order WQ 2023-0102-DWQ). New licensed commercial cannabis operations would be required to receive approval for an individual septic facility and comply with the standards set forth in County Code Section 68.101, as well as SWRCB Order WQ 2023-0102-DWQ. Compliance with these standards would be consistent with applicable General Plan Policies LU-14.2 and LU-14.5, which support the use of alternative on-site sewage disposal systems when conventional systems are not feasible and in conformance with state guidelines and regulations. The County also requires that development projects (including commercial cannabis uses) proposing to use public wastewater systems include in their applications the necessary availability and commitment letters demonstrating sufficient wastewater treatment capacity and access to available wastewater conveyance facilities. This requirement is further enforced with Board Policies I-48, I-51, and I-84. Future development in the unincorporated county that would be allowed under the proposed Cannabis Program would be required to receive approval for individual septic use. Section 2.8, “Geology, Soils, and Mineral Resources,” contains further analysis of on-site wastewater disposal.

It is assumed that noncultivation uses would be operated within existing commercial and industrial zones that are currently developed. Sewer generation rates would be similar for the underlying zoning types, such as industrial and commercial uses, including retail and distribution. As noted in Table 1.4, it is anticipated that the majority of the uses would likely locate into existing industrial and retail buildings in the unincorporated area. Noncultivation uses would utilize existing connections to public wastewater conveyance systems, which would be required to comply with the standards set forth in the Zoning Ordinance (Sections 68.161 and 68.162), which specifies conditions and procedures for sewer facilities and sewer availability commitments from the provider, and County Fee Ordinances, which require annual sewer service, connection, and annexation fees. Wastewater treatment facility capacity in the county is shown in Table 2.18.2.

Through compliance with the regulations identified above, the proposed Cannabis Program would not result in a determination by the wastewater treatment provider, which serves or may serve the project, that it does not have adequate capacity to serve the subsequent commercial cannabis uses demands in addition to the provider’s existing commitments.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site that could result in additional wastewater generation.

As described above, compliance with SWRCB Order WQ 2023-0102-DWQ, the County’s Zoning Ordinance, and existing County wastewater requirements would ensure that wastewater generated by licensed commercial cannabis cultivation sites is treated properly and require demonstration that sufficient wastewater treatment capacity exists (Board Policy I-84). If adequate wastewater services are not available when factoring existing commitments, the commercial cannabis use would not be approved. Thus, no significant impacts to wastewater service capacity in addition to the provider’s existing commitments are expected.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses to certain state-defined sensitive uses, including schools, daycares, and youth centers.

As described above, compliance with SWRCB Order WQ 2023-0102-DWQ, the County's Zoning Ordinance, and existing County wastewater requirements would ensure that wastewater generated by licensed commercial cannabis cultivation sites is treated properly and require demonstration that sufficient wastewater treatment capacity and access to available wastewater conveyance facilities exists (Board Policy I-84). If adequate wastewater services are not available when factoring existing commitments, the commercial cannabis use would not be approved. Thus, no significant impacts to wastewater service capacity in addition to the provider's existing commitments are expected

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Similar to Alternative 2, compliance with SWRCB Order WQ 2023-0102-DWQ, the County's Zoning Ordinance, and existing County wastewater requirements would ensure that wastewater generated by licensed commercial cannabis cultivation sites is treated properly and require demonstration that sufficient wastewater treatment capacity and access to available wastewater conveyance facilities exists (Board Policy I-84). If adequate wastewater services are not available when factoring existing commitments, the commercial cannabis use would not be approved. Thus, no significant impacts to wastewater service capacity in addition to the provider's existing commitments are expected.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Similar to Alternative 2, compliance with SWRCB Order WQ 2023-0102-DWQ, the County's Zoning Ordinance, and existing County wastewater requirements would ensure that wastewater generated by licensed commercial cannabis cultivation sites is treated properly and require demonstration that sufficient wastewater treatment capacity and access to available wastewater conveyance facilities exists (Board Policy I-84). If adequate wastewater services are not available when factoring existing commitments, the commercial cannabis use would not be approved. Thus, no significant impacts to wastewater service capacity in addition to the provider's existing commitments are expected.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, compliance with SWRCB Order WQ 2023-0102-DWQ, the County's Zoning Ordinance, and existing County wastewater requirements would ensure that wastewater generated by licensed commercial cannabis cultivation sites is treated properly and require demonstration that sufficient wastewater treatment capacity and access to available wastewater conveyance facilities exists (Board Policy I-84). If adequate wastewater services are not available when factoring existing commitments, the commercial cannabis use would not be approved. Thus, no significant impacts to wastewater service capacity in addition to the provider's existing commitments are expected.

This impact would be less than significant under Alternative 5.

2.18.3.6 *Issue 3: Sufficient Landfill Capacity and Solid Waste Regulations*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would 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; or not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Impact Analysis

Proposed commercial cannabis operations would generate solid waste from cannabis plant and product waste, as well as non-cannabis waste (e.g., vegetation clearing and other related solid waste). As described in Section 2.18.2, "Regulatory Framework," CCR, Title 4, Section 17223 requires cultivation facilities to have a cannabis waste management plan that identifies methods for managing cannabis waste, including on-premises composting, collection and processing by

an agency, or self-hauling to a permitted facility. Transportation of self-hauled cannabis waste shall be performed only by the licensee or employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, into the state's track-and-trace system. CCR, Title 4, Division 19, Section 15049 requires that all disposed cannabis is entered into the track-and-trace system for disposal purposes is consistent with General Plan Policy COS-17.3. It is anticipated that some commercial cannabis cultivation operations would compost cannabis waste on-site consistent with General Plan Policy COS-17.4. Non-cannabis waste would be disposed of through existing transfer stations in the county, which would divert recyclable materials and dispose of remaining materials to available landfills.

New commercial cannabis noncultivation activities, including retail, cultivation, manufacturing, distribution, testing, and microbusinesses, would generate solid waste. New commercial cannabis cultivation sites would also be required to comply with CCR, Title 4, Section 17223 and 15049 regarding the implementation of a cannabis waste management plan and track and trace of cannabis product and materials to ensure proper transfer and disposal.

As noted above, several transfer station facilities in the county could accommodate non-cannabis waste. San Diego County operates 8 transfer stations that haul to 6 landfills. In addition, consistent with the availability of these facilities identified in Table 2.18.3 and through compliance with CCR, Title 4, Division 19, Section 17223 regulations, it is not expected that implementation of the Cannabis Program would 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. Furthermore, the Cannabis Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Socially Equitable Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site that could generate additional solid waste that may include additional cannabis waste.

As discussed above, commercial cannabis uses under the Cannabis Program would be required to comply with CCR, Title 4, Sections 17223 and 15049 regarding the implementation of a cannabis waste management plan and track and trace of cannabis product and materials to ensure proper transfer and disposal. Compliance with these standards would ensure cannabis waste is being handled consistent with state requirements and would not result in any foreseeable capacity issues at landfills serving San Diego County. Non-cannabis waste would be disposed of through existing transfer stations in the county, which would divert recyclable materials and dispose of remaining materials to available landfills. Consistent with the availability of these facilities identified in Table 2.18.3 and compliance with CCR, Title 4, Division 19, Section 17223 regulations, it is not expected that non-cannabis waste would 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. In addition, new commercial cannabis uses under the Cannabis Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As discussed above, new commercial cannabis uses under the Cannabis Program would be required to comply with CCR, Title 4, Sections 17223 and 15049 regarding the implementation of a cannabis waste management plan and track and trace of cannabis product and materials to ensure proper transfer and disposal. Compliance with these standards would ensure cannabis waste is being handled consistent with state requirements and would not result in any foreseeable capacity issues at landfills serving San Diego County. Non-cannabis waste would be disposed of through existing transfer stations in the county, which would divert recyclable materials and dispose of remaining materials to available landfills. Consistent with the availability of these facilities identified in Table 2.18.3 and compliance with CCR, Title 4, Division 19, Section 17223 regulations, it is not expected that non-cannabis waste would 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. In addition, new commercial cannabis uses under the Cannabis Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As discussed above, new commercial cannabis uses under the Cannabis Program would be required to comply with CCR, Title 4, Sections 17223 and 15049 regarding the implementation of a cannabis waste management plan and track and trace of cannabis product and materials to ensure proper transfer and disposal. Compliance with these standards would ensure cannabis waste is being handled consistent with state requirements and would not result in any foreseeable capacity issues at landfills serving San Diego County. Non-cannabis waste would be disposed of through existing transfer stations in the county, which would divert recyclable materials and dispose of remaining materials to available landfills. Consistent with the availability of these facilities identified in Table 2.18.3 and compliance with CCR, Title 4, Division 19, Section 17223 regulations, it is not expected that non-cannabis waste would 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. In addition, new commercial cannabis uses under the Cannabis Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

As discussed above, new commercial cannabis uses under the Cannabis Program would be required to comply with CCR, Title 4, Sections 17223 and 15049 regarding the implementation of a cannabis waste management plan and track and trace of cannabis product and materials to ensure proper transfer and disposal. Compliance with these standards would ensure cannabis waste is being handled consistent with state requirements and would not result in any foreseeable capacity issues at landfills serving San Diego County. Non-cannabis waste would be disposed of through existing transfer stations in the county, which would divert recyclable materials and dispose of remaining materials to available landfills. Consistent with the availability of these facilities identified in Table 2.18.3 and compliance with CCR, Title 4, Section 17223 regulations, it is not expected that non-cannabis waste would 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. In addition, new commercial cannabis uses under the Cannabis Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting" for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

As discussed above, new commercial cannabis uses under the Cannabis Program would be required to comply with CCR, Title 4, Section 17223 and 15049 regarding the implementation of a cannabis waste management plan and track and trace of cannabis product and materials to ensure proper transfer and disposal. Compliance with these standards would ensure cannabis waste is being handled consistent with state requirements and would not result in any foreseeable capacity issues at landfills serving San Diego County. Non-cannabis waste would be disposed of through existing transfer stations in the county, which would divert recyclable materials and dispose of remaining materials to available landfills. Consistent with the availability of these facilities identified in Table 2.18.3 and compliance with CCR, Title 4, Division 19, Section 17223 regulations, it is not expected that non-cannabis waste would 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. In addition, new commercial

cannabis uses under the Cannabis Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

This impact would be less than significant under Alternative 5.

2.18.4 Cumulative Impacts

The cumulative context for utilities and service systems is the entire county, including incorporated areas, whose population is served by many individual utility, service system, and energy providers within specific service areas. Public utilities (water supply and wastewater services) provided by community service districts and other local service providers are limited to the local service districts and cumulative projects would not result in cumulative impact. Solid waste services are provided countywide and cumulative projects could result in a cumulative impact associated with insufficient capacity of landfill facilities.

2.18.4.1 *Issue 1: Adequate Water Supplies*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts regarding adequate water supplies from implementation of the General Plan (County of San Diego 2009).

As identified in the discussion of Issue 1, adequate water supplies generally exist in the unincorporated area of the county for Alternative 1. Expanded (Alternative 1) or new commercial cannabis cultivation uses would be subject to the water supply documentation, verification of adequate source of supply, and use restrictions requirements provided under CCR, Title 4, Section 16311.

According to SANDAG's forecasts, impacts related to water supply as a result of regional growth and land use change in 2050 would be significant. The UWMPs prepared by SDCWA and MWD indicate that there would be sufficient water supplies to provide for regional growth and land development through the year 2045. Subsequent to this time, however, documentation regarding sufficient supplies is unavailable, creating uncertainty about regional water supplies in 2050. This uncertainty means that there may be insufficient regional water supplies to meet regional water demand in 2050. The extent to which cannabis facilities approved under the proposed Cannabis Program under Alternatives 2, 3, 5, and 5 would rely on municipal water supply as the primary water source is unknown; however, the Cannabis Program may cause or contribute to reduced available water supply. Consequently, this impact would be cumulatively considerable under Alternatives 2, 3, 4, and 5.

2.18.4.2 *Issue 2: Adequate Wastewater Treatment Capacity*

The San Diego County General Plan Update Draft EIR identified no cumulatively considerable impacts regarding adequate wastewater services from implementation of the General Plan (County of San Diego 2009).

As identified in the discussion of Issue 2 for Alternatives 1 through 5, expanded (Alternative 1) or new commercial cannabis activities would be required to receive approval for an individual septic facility and comply with the standards set forth in County Code Section 68.101, as well as SWRCB Order WQ 2023-0102-DWQ. The County also requires that development projects (including commercial cannabis uses) proposing to use public wastewater systems include in

their applications the necessary availability and commitment letters demonstrating sufficient wastewater treatment capacity and access to available wastewater conveyance facilities. This requirement is further enforced with Board Policies I-48, I-51, and I-84. Future development in the unincorporated county that would be allowed under the proposed Cannabis Program would be required to receive approval for individual septic use. Section 2.8, "Geology, Soils, and Mineral Resources," contains further analysis of on-site domestic wastewater disposal. These requirements would offset any contributions to cumulative wastewater service impacts. Thus, the proposed Cannabis Program, in combination with the identified cumulative projects, would not result in a cumulatively considerable impact associated with wastewater service under Alternatives 1, 2, 3, 4, and 5.

2.18.4.3 *Issue 3: Sufficient Landfill Capacity and Solid Waste Regulations*

The San Diego County General Plan Update Draft EIR identified cumulatively considerable impacts regarding adequate landfill capacity from implementation of the General Plan (County of San Diego 2009).

Expanded (Alternative 1) or new commercial cannabis facilities would generate solid waste from cannabis plant and product waste, as well as non-cannabis waste. As described in Section 2.18.2, "Regulatory Framework," CCR, Title 4, Section 17223 requires cultivation facilities to have a cannabis waste management plan that identifies methods for managing cannabis waste, including on-premises composting, collection, and processing by an agency or self-hauling to a permitted facility. Transportation of self-hauled cannabis waste shall be performed only by the licensee or employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, into the state's track-and-trace system. CCR, Title 4, Section 15049 requires that all disposed cannabis is entered into the track-and-trace system to ensure proper transfer and disposal. There are several transfer station facilities in the county could accommodate non-cannabis waste. The County of San Diego operates 8 transfer stations that haul to 6 landfills. In addition, consistent with the availability of these facilities identified in Table 2.18.3 and compliance with CCR, Title 4, Section 17223 regulations, it is not expected that implementation of the Cannabis Program would 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. The Cannabis Program would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Thus, the proposed Cannabis Program would not result in a cumulatively considerable impact associated with solid waste under Alternatives 1, 2, 3, 4, and 5.

2.18.5 Significance of Impact Prior to Mitigation

2.18.5.1 *Issue 1: Adequate Water Supplies*

The Cannabis Program would result in a less than significant impact to water supply under Alternative 1. The Cannabis Program would result in potentially significant direct impacts and significant cumulative impacts to water supply under Alternatives 2 through 5.

2.18.5.2 *Issue 2: Adequate Wastewater Treatment Capacity*

The Cannabis Program would not result in potentially significant impacts to wastewater facilities under Alternatives 1 through 5 and would not result in significant cumulative impacts associated with wastewater services for all alternatives.

2.18.5.3 *Issue 3: Sufficient Landfill Capacity and Solid Waste Regulations*

The Cannabis Program would not result in potentially significant impacts to solid waste services under Alternatives 1 through 5 and would not result in significant cumulative impacts associated with solid waste services for all alternatives.

2.18.6 Mitigation

2.18.6.1 *Issue 1: Adequate Water Supplies*

No mitigation is required for Alternative 1.

The following mitigation is identified for Alternatives 2, 3, 4, and 5.

M-UT.1-1: Obtain a Will Serve Letter to Demonstrate Adequate Water Supply

For municipal water use, project applicants shall obtain a will serve letter to provide verification that adequate water supplies are available as part of cannabis facility application submittals.

M-UT.1-2: Implement Water Conservation Measures

For cannabis facilities proposing new water feature(s), applications shall include details on water conservation measures to be incorporated in the project plan set. Water conservation measures could include installation of water efficient plumbing fixtures and fittings, use of water-efficient landscaping, such as native plants and drip/subsurface irrigation, evaporative barriers on exposed soils and pots, rainwater capture and reuse, recirculated irrigation water (zero waste), soil moisture controls, and recycled water use. This shall include documentation of compliance with all applicable water conservation requirements associated with building features and landscaping.

2.18.6.2 *Issue 2: Adequate Wastewater Treatment Capacity*

No mitigation is required.

2.18.6.3 *Issue 3: Sufficient Landfill Capacity and Solid Waste Regulations*

No mitigation is required.

2.18.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses, and the level of impact that would occur after mitigation measures are implemented.

2.18.7.1 *Issue 1: Adequate Water Supplies*

Alternative 1 would result in a less than significant impact to water supply associated with municipal supplies. Implementation of the Cannabis Program under Alternatives 2 through 5 would result in the development of commercial cannabis facilities in some areas of the unincorporated county that would have the potential to increase municipal water demand. The proposed Cannabis Program would expand the extent of allowed commercial cannabis cultivation and noncultivation uses in the county. It is unknown to what extent cultivation uses would obtain water supplies from municipal water districts. Although noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. While mitigation measures have been identified to reduce water demand, they would not offset increases in total water demand. Therefore, water demand associated with Alternatives 2 through 5 would be in addition to water demands already identified, thus resulting in a water shortage under normal water year, single dry water year, and multiple dry water year conditions. Therefore, the impact would significant and unavoidable under Alternatives 2 through 5 under project and cumulative conditions.

2.18.7.2 *Issue 2: Adequate Wastewater Treatment Capacity*

Implementation of the Cannabis Program under Alternatives 1 through 5 would result in the development of commercial cannabis facilities in some areas of the unincorporated county that would have the potential to generate wastewater. Future commercial cannabis uses would be subject to County standards, as well as SWRCB Order WQ 2023-0102-DWQ, regarding public wastewater system adequacy and on-site wastewater disposal designed to protect public health and the environment. Therefore, the impact would be less than significant under Alternatives 1 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

2.18.7.3 *Issue 3: Sufficient Landfill Capacity and Solid Waste Regulations*

Implementation of the Cannabis Program under Alternatives 1 through 5 would result in the development of commercial cannabis facilities in some areas of the unincorporated county that would have the potential to generate solid waste. Because new commercial cannabis cultivation sites and noncultivation uses would comply with CCR, Title 4, Sections 17223 and 15049, the impact related to generating solid waste in excess of infrastructure capacity would be less than significant. Therefore, the impact would be less than significant under Alternatives 1 through 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Table 2.18.2 Wastewater Treatment Plants in San Diego County

Facility Name	Facility Type	Treatment Capacity (mgd)
Point Loma Wastewater Treatment Plant	Wastewater treatment plant	240
South Bay Reclamation Plant	Recycled water plant	15
North City Water Reclamation Plant	Recycled water plant	30

Notes: mgd = million gallons per day.

Source: City of San Diego n.d.

Table 2.18.3 Active Solid Waste Facilities in San Diego County

Facility Name	Operator	Remaining Capacity (cubic yards)	Estimated Closure Date
Miramar	City of San Diego	11,080,871	2031
Otay	Republic Services	11,122,997	2030
Borrego	Republic Services	88,750	2046
Las Pulgas	US Marine Corps	5,657,717	2060
San Onofre	US Marine Corps	1,057,605	2031
Sycamore	Republic Services	105,064,991	2042

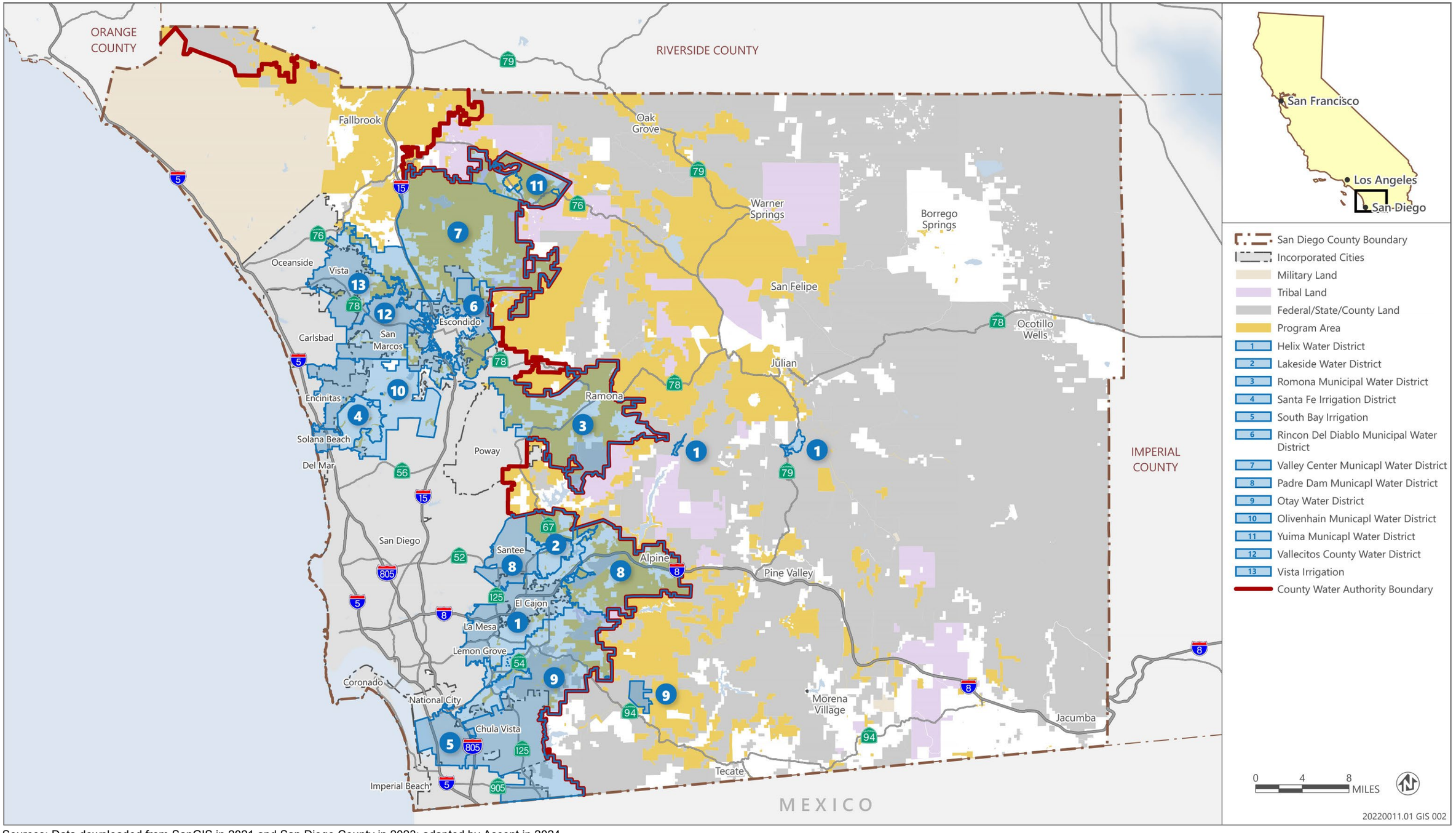
Source: County of San Diego 2022.

Table 2.18.4 Estimated Project Irrigation Water Demand for Future New Commercial Cannabis Cultivation, Processing, and Distribution Uses

Cannabis Facility Type	Demand Ratio	Estimated Demand for Alternatives 2, 3, and 5	Estimated Demand for Alternative 4
Outdoor	1.39 acre-feet per acre per year	181	0
Mixed-light	2.65 acre-feet per acre per year	122	186
Indoor	4.88 acre-feet per acre per year	20	83
Nursery	4.88 acre-feet per acre per year	188	188
Processing	0.35 acre-feet per site per year	2	2
Manufacturing	1.4 acre-feet per site per year	35	35
Testing	0.84 acre-feet per site per year	2	2
Distribution	0.18 acre-feet per site per year	9	9
Retail	1.44 acre-feet per site per year	89	89
Microbusiness	1.26 acre-feet per site per year	20	20
Total		**668**	**614**

Note: It is assumed that nursery water demands would be similar to indoor commercial cannabis cultivation water demands.

Sources: Compiled by Ascent in 2024. Acreages and associated square footages derived from Table 1.4. Demand ratio provided by Table 3.10-9 of the Yolo County Cannabis Land Use Ordinance Draft EIR (Yolo County 2019). These demand ratios were developed based on water demand factors were derived from information provided by existing cannabis cultivation operations in the in other counties in northern and central California (Yolo, Humboldt, Trinity, and Santa Cruz counties) and commercial and industrial water demand factors for noncultivation uses.



Sources: Data downloaded from SanGIS in 2021 and San Diego County in 2023; adapted by Ascent in 2024.

Figure 2.18.1 **Water Service Districts**

2.19 Wildfire

This section describes the existing conditions for wildfire in the unincorporated county; identifies the applicable federal, state, and local regulations governing wildfire; and evaluates the potential for the proposed Cannabis Program to exacerbate wildfire risk and expose people or structures to post-fire risk. The potential for the Cannabis Program to impair emergency response and evacuation is addressed in Section 2.10, "Hazards and Hazardous Materials."

During the notice of preparation (NOP) scoping process, the County received comments regarding wildfire from organizations and individuals. The comments pertained to wildfire risk from burying and burning waste on grow sites, the flammability of the extraction process for oils and other products and requests to prohibit these activities in agricultural zones, and extreme wildfire risk in the Warner Springs community. A copy of the NOP and comment letters received in response to the NOP are included in Appendix A of this PEIR.

Table 2.19.1 summarizes the potential wildfire impacts of the proposed Cannabis Program.

Table 2.19.1 Wildfire Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact after Mitigation
1	Increase the Risk of Wildland Fire Ignition	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
2	Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
3	Install Infrastructure That Exacerbates Fire Risk	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant
4	Expose People or Structures to Post-Fire Risks	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant	Alternatives 1–5: Less than Significant

2.19.1 Existing Conditions

2.19.1.1 *Wildfire Behavior and Controlling Factors*

Wildfire behavior is a product of several variables—primarily weather, vegetation, topography, and human influences—which intermix to produce local and regional fire regimes that affect how, when, and where fires burn. The fire regime in any area is defined by several factors, including fire frequency, intensity, severity, and area burned. Each of these are important for understanding how the variables that affect fire behavior produce fire risks. Fire frequency refers to the number of fires that occur in a particular area over a given period of time, fire intensity refers to the speed at which fire travels and the heat that it produces, fire severity involves the extent to which ecosystems and existing conditions are affected or changed by a fire, and area burned is the size of the area burned by wildfire.

Human Influence on Wildfire

Human influence on wildfire is broad and can be substantial. It includes direct influences, such as the ignition and suppression of fires, and indirect influences through climate change and alterations in land use patterns that support modified vegetative regimes and increased development in the wildland-urban interface (WUI), which are areas where development is located close to open space or lands with native vegetation and habitat prone to brush fires (refer to “Climate Change and Wildfire” below for further discussion on the indirect effect of climate change on wildfire).

Anthropogenic influence more directly controls fire frequency (i.e., number of ignitions) than size of a burn because humans are responsible for most wildfire ignitions. Once started, fire spread and behavior become a function of fuel characteristics, terrain, and weather conditions (Syphard et al. 2008). Human-induced wildfire ignitions can change fire regime characteristics in two ways: (1) changing the distribution and density of ignitions, and (2) changing the seasonality of burning activity (Balch et al. 2017). A study of wildfires across the United States for the 20-year period between 1992 and 2012 showed that 82 percent of wildfires during that period were started by human causes (Balch et al. 2017), whereas in California specifically, humans accounted for starting approximately 95 percent of wildfires (Syphard et al. 2007; Syphard and Keeley 2015). In 2022, more than half of all fires in California were caused by humans, and when miscellaneous and undetermined causes are included, that figure increases to 97 percent (CAL FIRE 2022).

Human ignitions include a multitude of sources, including escapes from debris and brush-clearing fires, electrical equipment malfunctions, campfire escapes, smoking, fire play (e.g., fireworks), vehicles, and arson. Consequently, areas near human development, especially in the WUI or in areas near campgrounds and roads, generate fires at a more frequent rate than very remote or urban areas (Syphard et al. 2007; Mann et al. 2016; Balch et al. 2017). Circumstances in California have made the environment particularly vulnerable to human-caused fires with expansion of the WUI and introduction of more people in areas susceptible to wildfire at all times of the year. A 2018 study indicates that the number of houses in the WUI increased nationwide by 41 percent between 1990 and 2010 (Radeloff et al. 2018).

Climate Change and Wildfire

Wildfires are a significant threat in California, particularly in recent years as the landscape responds to climate change and decades of fire suppression. It is estimated that since 1985, more than 50 percent of the increase in the area burned by wildfire in the western United States is attributable to anthropogenic climate change (Abatzoglou and Williams 2016). As climate change persists, it will produce increasing temperatures and drier conditions that will generate abundant dry fuels. All wildfires (those initiated by both natural and human-made sources) tend to be larger under drier atmospheric conditions and when fed by drier fuel sources (Balch et al. 2017).

In addition, climate change has led to exacerbation of wildfire conditions during a longer period of the year as the spring season has warmed—driving an earlier spring snowmelt—and as winter precipitation has overall decreased. Furthermore, wildfire activity is closely related to temperature and drought conditions, and in recent decades, increasing drought frequency and warming temperatures have led to an increase in wildfire activity (Schoennagel et al. 2017). In particular, the western United States, including California, has seen increases in wildfire

activity in terms of area burned, number of large fires, and fire season length (Abatzoglou and Williams 2016). These conditions have resulted in the largest, most destructive, and deadliest wildfires on record in California's history, several of which occurred in 2018, including the Camp Fire and Mendocino Complex. Nine of the state's 10 largest wildfires have occurred since 2003 (CAL FIRE 2019a).

Human Health Effects of Wildfire

In addition to vegetation and structural loss, wildfires also affect public health. Fire-related injuries and deaths are likely to increase as wildfires occur more frequently. Wildfires can also be a significant contributor to air pollution. Wildfire smoke contains numerous toxic and hazardous pollutants that are dangerous to breathe and can worsen lung disease and other respiratory conditions (County of San Diego 2023a). Exposure to particulate matter generated by wildfire events can result in significant health problems, including aggravated asthma, increased susceptibility to respiratory infections, and heart attacks and arrhythmias in people with heart disease (Sacramento Metropolitan Air Quality Management District 2019).

2.19.1.2 *Wildfire History in the Unincorporated County*

The unincorporated county has a long history of wildland fires. San Diego County's worst wildfire occurred in October 2007. The fire started on October 21, 2007, near the United States–Mexico International Border and burned throughout the county until the last fire was fully contained on November 9, 2007. At the height of the fire event, there were 7 fires burning in San Diego County. The fires destroyed 369,000 acres (13 percent of the county), 2,670 structures, 239 vehicles, and 2 commercial properties. There were 10 civilian deaths, 23 civilian injuries, and 10 firefighter injuries. The cost of fire damage exceeded $1.5 billion. In October 2003, the second-worst wildfire in the history of San Diego County destroyed 332,766 acres of land and 3,239 structures and caused 17 deaths at a cost of approximately $450 million. San Diego County's third worst wildfire in history, known as the Laguna Fire, resulted in the loss or destruction of 383 homes and 1,200 other structures (County of San Diego 2023a).

More recently, the 2018 West Fire burned 505 acres within the county, and the 2020 Valley Fire burned 76,067 acres within the county. In addition, the 2020 Valley Fire, which was located outside the community of Alpine, burned 76,067 acres and damaged or destroyed 75 structures. This fire was intensified by dry vegetation, rugged terrain, and high temperatures and winds. Eleven wildfire incidents occurred in the county in 2021 (totaling 9,082 acres) and 10 wildfire incidents occurred in 2022 (totaling 5,609 acres) (CAL FIRE 2023a, 2023b).

Wildland fires prompted 7 proclaimed states of emergency, and urban/intermix fires prompted 4 proclaimed states of emergency in San Diego County between 1950 and 2020 (County of San Diego 2023a). Table 2.19.2, which is presented at the end of this section, provides an overview of the major wildfires with burn areas greater than 4,000 acres that have occurred over the past 20 years in San Diego County.

Common causes of wildfire in San Diego County include equipment use, vehicle fires spreading into wildlands, accidental starts from warming or debris fires, and arson. As presented in Table 2.19.3, presented at the end of this section, the predominant cause of wildfire changes from year to year in the state responsibility area (SRA) within both San Diego County and in the state. When considered over the period of 2019 through 2023 and excluding

miscellaneous and undetermined causes, the majority of the fires in the state were caused by debris burning, followed by vehicles and equipment use, whereas the majority of fires within San Diego County (approximately 59 percent) were caused by vehicles followed by equipment use and arson.

2.19.1.3 *Wildfire Conditions in the Unincorporated County*

San Diego County's topography consists of a semiarid coastal plain and rolling highlands which, when fueled by shrub overgrowth, occasional Santa Ana winds, and high temperatures, creates an ever-present threat of wildland fire. Extreme weather conditions, such as high temperature, low humidity, or winds of extraordinary force, may cause an ordinary fire to expand into one of massive proportions. Under current climate conditions, the wildfire threat to property, lives, and ecosystems in the San Diego region is very high. With hotter temperatures and possibly fewer rainy days in the coming decades, vegetation could become drier. As a result, it is likely that the San Diego region will see an increase in the frequency and intensity of fires, making the region more vulnerable to devastating fires like the ones seen in 2003 and 2007. The fire season could also become longer and less predictable, making firefighting efforts more costly (County of San Diego 2023a).

From May to October of each year, San Diego County faces a severe wildfire threat. Fires will continue to occur on an almost annual basis in San Diego County. The threat of wildfire and potential losses consistently increase as human development and population increase in the WUI areas in the county. According to the California Department of Forestry and Fire Protection (CAL FIRE) Redbook, there have been 1,113 wildfires recorded for San Diego County between 2015 and 2021. According to climate and weather in San Diego County and the fuels, topography, and past fire history, the CAL FIRE Redbook indicates an average of 159 wildfires per year in the county (County of San Diego 2023a).

CAL FIRE designates fire hazard severity zones (FHSZs) at the federal, state, and local levels throughout the state, which are mapped as part of its Fire and Resource Assessment Program (FRAP). These areas are mapped based on fuels, terrain, weather, and other relevant factors and assigned a classification, such as Moderate, High, or Very High. CAL FIRE released updated maps of FHSZs within SRAs for public comment in 2022. These maps show an overall reduction in lands within High FHSZs and an increase in lands within the Very High FHSZ designation in the unincorporated county. These designations have been adopted and became effective on April 1, 2024. The majority of the unincorporated county is within an SRA and is classified as a High or Very High FHSZ, except for the desert and eastern mountain empire subregions, which are designated as a Moderate FHSZ (CAL FIRE 2022). Figure 2.19.1, presented at the end of this section, shows the areas designated as Moderate, High, and Very High FHSZs in the unincorporated county, and the associated acreages of each designation are provided in Table 2.19.2, which is presented at the end of this section.

The unincorporated county also includes several areas within the WUI. The WUI creates an environment in which fire can move readily between structural and vegetation fuels. Once homes are built within (or adjacent to) natural habitat settings, the complexity of fighting wildland fires increases because the goal of extinguishing the wildland fire is often superseded by protecting human life and private property.

A WUI is defined as a zone around areas of residential density greater than 0.05 dwelling units per acre and is divided into a Defense Zone (the area up to 0.25 miles from the developed area) and a Threat Zone (from 0.25 to 1.5 miles from developed areas) (CAL FIRE 2018). WUI communities are created when the following conditions occur: (1) structures are built at densities greater than 1 unit per 40 acres, (2) the percentage of native vegetation is less than 50 percent, (3) the area is more than 75 percent vegetated, and (4) the area is within 1.5 miles of an area greater than a census block (1,325 acres). The 1.5-mile buffer distance was adopted according to the 2001 California Fire Alliance definition of "vicinity," which is roughly the distance that pieces of burning wood can be carried from wildland fire to the roof of a structure (Stewart et al. 2007). Approximately 575,434 acres of the unincorporated county are within the WUI (County of San Diego 2011). In addition, the California Public Utilities Commission (CPUC) maintains a High Fire Threat District (HFTD) Map. The CPUC HFTD Map (CPUC 2018) includes 3 fire-threat areas:

- Tier 3 consists of areas on the CPUC Fire-Threat Map where there is an extreme risk from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities.
- Tier 2 consists of areas on the CPUC Fire-Threat Map where there is an elevated risk from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities.
- Zone 1 consists of Tier 1 High-Hazard Zones (HHZs) from the US Forest Service (USFS) and CAL FIRE joint map of Tree Mortality HHZs. Tier 1 HHZs are in direct proximity to communities, roads, and utility lines, and are a direct threat to public safety.

2.19.1.4 *Wildfire Protection and Response*

Wildfire protection and response in California is the responsibility of either the federal, state, or local government. On federally owned land, or federal responsibility areas (FRAs), fire protection is provided by the federal government, often in partnership with local grants and contracts. Within San Diego County, the Cleveland National Forest is within FRAs and is under the responsibility of the US Forest Service (USFS). In SRAs, CAL FIRE has a legal responsibility to provide fire protection. In San Diego County, local fire protection is provided by Fire Protection Districts and County Service Areas (CSAs) in unincorporated areas and by city fire departments and joint powers agreements within city boundaries. Additional discussion of the fire protection agencies serving the unincorporated county is provided in Section 2.15, "Public Services."

2.19.2 Regulatory Framework

2.19.2.1 *Federal*

No federal plans, policies, regulations, or laws related to wildfire are applicable to the proposed Cannabis Program.

2.19.2.2 *State*

Office of the State Fire Marshal and California Department of Forestry and Fire Protection

The Office of the State Fire Marshal evaluates and provides technical assistance for the hazardous material management plan, the hazardous materials inventory statement, and the Aboveground Petroleum Storage Act Programs. The hazardous materials management plan and inventory statement are closely tied to the Business Plan Program, which requires qualifying businesses to prepare a Hazardous Materials Business Plan that includes hazardous materials and hazardous waste management procedures and emergency response procedures, including emergency spill cleanup supplies and equipment (see Section 2.10, "Hazards and Hazardous Materials," for additional details).

CAL FIRE is dedicated to the fire protection and stewardship of over 31 million acres of the state's privately owned wildlands. Public Resources Code (PRC) Sections 4125–4137 establish that CAL FIRE has the primary financial responsibility of preventing and suppressing fires in SRAs. PRC Section 4290 states that CAL FIRE also has responsibility for enforcement of Fire Safe Standards, including road standards for fire equipment access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; fuel breaks; and greenbelts. PRC Section 4291 gives CAL FIRE the authority to enforce 100 feet of defensible space around all buildings and structures on SRA lands and nonfederal forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material.

In addition, CAL FIRE is also responsible for a broad range of programs that guide forest policy and planning within California and for implementing the FRAP. The FRAP assesses the amount and extent of California's forests and rangelands, analyzes their conditions, and identifies alternative management and policy guidelines. FHSZs for community planning are developed under the FRAP and identify areas with very high fire hazards in both the SRA and local responsibility area (LRA).

New development located in SRAs is subject to the following requirements:

- Determination that new subdivisions are consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to PRC Sections 4290 and 4291 or are consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations (California Code of Regulations [CCR], Title 14, Section 1266.01)
- Defensible space of 100 feet around all buildings and structures (PRC Section 4291; CCR, Title 14, Section 1299.03)
- Provision of adequate emergency access and egress (PRC Sections 4290 and 4291; CCR, Title 14, Sections 1273.01–1273.09)
- Emergency water requirements (CCR, Title 14, Sections 1275.01–1275.04)
- Building signing and number requirements (PRC Sections 4290 and 4291; CCR, Title 14, Sections 1274.01–1274.04)

Strategic Plan for California

The 2019 Strategic Plan prepared by CAL FIRE and the California Natural Resources Agency lays out central goals for reducing and preventing the impacts of fire in the state (CAL FIRE 2019a). The goals are meant to establish, through local, state, federal, and private partnerships, a natural environment that is more resilient and human-made assets that are more resistant to the occurrence and effects of wildland fire. The goals of the 2019 Strategic Plan include improving core capabilities; enhancing internal operations; ensuring health and safety; and building an engaged, motivated, and innovative workforce. CAL FIRE is currently in the process of developing a 2024 Strategic Plan that builds on the goals and objectives of the 2019 Strategic Plan; however, the updated plan has not yet been adopted at the time of this PEIR.

In addition to the 2019 Strategic Plan, individual CAL FIRE units develop fire plans, which are major strategic documents that establish a set of tools for each CAL FIRE unit for its local area. Updated annually, unit fire plans identify wildfire protection areas, initial attack success, assets and infrastructure at risk, pre-fire management strategies, and accountability within their unit's geographical boundaries. The unit fire plan identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work locally. The plans include contributions from local collaborators and interested parties and are aligned with other plans for the area.

Public Resources Code Section 4427

PRC Section 4427 includes fire safety statutes that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment with internal combustion engines; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

California Building Code

The California Building Code (CBC) (CCR Title 24) provides minimum standards for the design and construction of buildings and structures in California. Minimum standards are organized under Part 1 to Part 12 and include code standards for buildings, mechanical, plumbing, energy, historical buildings, fire safety, and green building standards. State law mandates that local government enforce these regulations, or local ordinances, with qualified reasonably necessary and generally more restrictive building standards than provided in the CBC. Title 24 is applicable to all occupancies, or structures, throughout California, whether or not the local government takes an affirmative action to adopt Title 24.

Chapter 7A of the CBC includes standards for building materials, systems, and assemblies used in the exterior design and construction of new buildings located within any FHSZ or any WUI area to prevent the intrusion of flames and embers. Chapter 7A applies to all new buildings with residential, commercial, educational, institutional, or similar occupancy type use. Within CBC Chapter 7A, Section 701A.3 (New Buildings Located in Any Fire Hazard Severity Zone) requires that new buildings located in any FHSZ or WUI fire area designated by the enforcing agency comply with all the requirements of Chapter 7A. These requirements include the following conditions:

- Roofing must be designed to be fire-resistant and constructed to prevent the intrusion of flames and embers (CCR, Title 24, Section 705A).
- Attic ventilation must be designed to be resistant to the intrusion of flames and embers into the attic area of the structure (CCR, Title 24, Section 706A).
- Exterior walls (including vents, windows, and doors) must be designed with noncombustible or ignition-resistant material and to resist the intrusion of flame and embers (CCR, Title 24, Sections 707A and 708A).
- Decking must be designed with ignition-resistant material (CCR, Title 24, Section 709A).
- Ancillary buildings and structures must comply with the above provisions (CCR, Title 24, Section 710A).

California Fire Code

The California Fire Code (CFC) (CCR, Title 24, Part 9) establishes the minimum requirements consistent with nationally recognized good practices for providing life safety and property protection from the hazards of fire, explosion, and dangerous conditions in new and existing buildings, structures, and premises and providing safety and assistance to firefighters and emergency responders during emergency situations. The CFC specifies fire-resistant ratings for building materials and finishes, installation of sprinklers, use and storage of hazardous and flammable materials, and means of egress. Many local jurisdictions have adopted the CFC as part of their local codes.

Assembly Bill 747

Assembly Bill (AB) 747 was enacted on October 19, 2019, and required jurisdictions, upon the next revision of a local hazard mitigation plan on or after January 1, 2022, or beginning on or before January 1, 2022, if a local jurisdiction has not adopted a local hazard mitigation plan, to review and update their General Plan Safety Element to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. AB 747 also allows cities and counties with an adopted local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives to summarize and incorporate by reference that information in their Safety Element to comply with the bill.

State of California Emergency Plan

The State of California Emergency Plan (Emergency Plan) was prepared to describe how state government mobilizes and responds to emergencies and disasters in coordination with partners in all levels of government, the private sector, nonprofits, and community-based organizations. The Emergency Plan also works in conjunction with the California Emergency Services Act and outlines a robust program of emergency preparedness, response, recovery, and mitigation for all hazards, both natural and human caused. All local governments with a certified disaster council are required to develop their own emergency operations plan for their jurisdiction that meets state and federal requirements. Local emergency operation plans contain specific emergency planning considerations, such as evacuation and transportation, sheltering, hazard-specific planning, regional planning, public-private partnerships, and recovery planning (California Governor's OES 2017). The current version of the plan was adopted on October 1, 2017.

The Office of Emergency Services coordinates the responses of other agencies, including the US Environmental Protection Agency (EPA), California Highway Patrol, Regional Water Quality Control Boards, Air Quality Management Districts, and county disaster response offices.

California Code of Regulations: Standardized Emergency Management System

The Standardized Emergency Management System (SEMS) (CCR, Chapter 2, Division 2, Title 19) is intended to standardize responses to emergencies involving multiple jurisdictions or multiple agencies. SEMS requires that emergency response agencies use basic principles and components of emergency management, multiagency or interagency coordination, the operational area concept, and established mutual aid systems. Local government must use SEMS to be eligible for state funding of response-related personnel costs.

Cannabis State Regulations

CCR, Title 4, Division 19 includes the following requirements regarding wildfire:

- **Section 15011(a):** A commercial cannabis business applying for a license to cultivate cannabis shall provide the following information:

  (10) An attestation that the local fire department has been notified of the cultivation site if the application is for an indoor license type.

Permitting of commercial cannabis operations (medical and adult use) is regulated by the California Department of Cannabis Control (DCC) under CCR Title 4, Division 19.

CCR, Title 4, Division 19 includes the following requirements regarding public services for commercial cannabis uses.

- Section 15011: Additional Information

  (a) A commercial cannabis business applying for a license to cultivate cannabis shall provide the following information:

  (10) An attestation that the local fire department has been notified of the cultivation site if the application is for an indoor license type.

- Section 17202.1: General Requirements for Extraction and Post-Extraction Processing

  (a) A licensed manufacturer that uses a volatile solvent, a flammable liquid, or a solvent that creates an asphyxiant gas shall ensure that the solvent is used in accordance with the requirements of:

  (1) Chapter 39 of the California Fire Code;

  (2) Title 8, California Code of Regulations, sections 5416–5420, which includes ensuring adequate ventilation and controlling sources of ignition;

  (3) All Division of Occupational Safety and Health (Cal/OSHA) regulations related to the processing, handling, and storage of the applicable solvent; and

  (4) All fire, safety, and building code requirements related to the processing, handling, and storage of the applicable solvent or gas.

(b) No volatile solvent extraction or post-extraction processing operations or other closed-loop system operations shall occur in an area zoned as residential.

- **Section 17205: Additional Requirements for Ethanol Operations**. A licensed manufacturer that uses ethanol in manufacturing operations for extractions or post-extraction processing shall receive approval for the facility and equipment from the local fire code official prior to commencing operations, if required by local ordinance.

2.19.2.3 *Local*

San Diego County General Plan

The General Plan policies addressing wildfire that are applicable to the proposed Cannabis Program include the following:

- **Policy LU-6.10: Protection from Hazards.** Require that development be located and designed to protect property and residents from the risks of natural and man-induced hazards.
- **Policy LU-6.11: Protection from Wildfires and Unmitigable Hazards.** Assign land uses and densities in a manner that minimizes development in extreme, very high and high fire threat areas or other unmitigable hazardous areas.
- **Policy LU-10.2: Development—Environmental Resource Relationship.** Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.
- **Policy S-4.1: Defensible Development.** Require development to be located, designed, and constructed to provide adequate defensibility and minimize the risk of structural loss and life safety resulting from wildland fires.
- **Policy S-4.2: Development in Hillsides and Canyons.** Require development located near ridgelines, top of slopes, saddles, or other areas where the terrain or topography affect its susceptibility to wildfires to be located and designed to account for topography and reduce the increased risk from fires.
- **Policy S-4.3: Minimize Flammable Vegetation.** Site and design development to minimize the likelihood of a wildfire spreading to structures by minimizing pockets or peninsulas, or islands of flammable vegetation within a development.
- **Policy S-4.4: Service Availability.** Plan for development where fire and emergency services are available or planned.
- **Policy S-4.5: Access Roads.** Require development to provide additional access roads where feasible to provide for safe access of emergency equipment and civilian evacuation concurrently. The width, surface, grade, radius, turnarounds, turnouts, bridge construction, and lengths of fire apparatus access roads shall meet the requirements of the State Fire Code and the San Diego County Consolidated Fire Codes. All requirements and any deviations will be at the discretion of the Fire Code Official.

- **Policy S-4.6: Fire Protection Plans.** Ensure that development located within fire threat areas implement measures in a Fire Plan that reduce the risk of structural and human loss due to wildfire.
- **Policy S-4.7: Fire Resistant Construction.** Require all new, remodeled, or rebuilt structures to meet current ignition resistance construction codes and establish and enforce reasonable and prudent standards that support retrofitting of existing structures in high fire hazards areas.
- **Policy S-5.1: Fuel Management Programs.** Support programs and plans, such as Strategic Fire Plans, consistent with state law that require fuel management/modification within established defensible space boundaries and when strategic fuel modification is necessary outside of defensible space, balance fuel management needs to protect structures with the preservation of native vegetation and sensitive habitats.
- **Policy S-7.1 Water Supply**. Ensure that water supply infrastructure adequately supports existing and future development and provides adequate water flow to combat structural and wildland fires. Water systems shall equal or exceed the California Fire Code, California Code of Regulations, or, where a municipal-type water supply is unavailable, the latest edition of National Fire Protection Association (NFPA) 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting."
- **Policy M-1.2: Interconnected Road Network.** Provide an interconnected public road network with multiple connections that improve efficiency by incorporating shorter routes between trip origin and destination, disperse traffic, reduce traffic congestion in specific areas, and provide both primary and secondary access/egress routes that support emergency services during fire and other emergencies.
- **Policy M-3.3: Multiple Ingress and Egress.** Require development to provide multiple ingress/egress routes in conformance with state law and local regulations.

In addition, the General Plan Safety Element identifies major freeways and state routes (SRs) as potential evacuation routes within the county, including Interstate (I)-5, I-15, I-8, I-805, SR-52, SR-54, SR-56, SR-67, SR-75, SR-76, SR-78, SR-84, SR-125, SR-163, and SR-905.

Operational Area Emergency Operations Plan

The Operational Area Emergency Operations Plan (OA EOP), also known as the San Diego County Emergency Operations Plan, is a comprehensive emergency plan for the county. The OA EOP was updated and approved by the County Board of Supervisors in August 2022 (Unified San Diego County Emergency Services Organization and County of San Diego 2022). The OA EOP contains 16 annexes (as listed in Section 2.10.1.6, "Emergency Response and Evacuation Plans"). The OA EOP is used by the County of San Diego and all the cities within the county to respond to major emergencies and disasters. Specifically, the OA EOP describes a comprehensive emergency management system that provides for a planned response to disaster situations associated with technological incidents, terrorism, nuclear-related incidents, and natural disasters, such as wildland fires. The OA EOP has the following 5 objectives:

1. To provide a system for the effective management of emergency situations.
2. To identify lines of authority and relationships.

3. To assign tasks and responsibilities.
4. To ensure adequate maintenance of facilities, services and resources.
5. To provide a framework for adequate resources for recovery operations.

The stand-alone emergency plans for the OA in the county include the following:

- San Diego County Nuclear Power Plant Emergency Response Plan
- San Diego County OA Oil Spill Contingency Element of the Area Hazardous Materials Plan
- San Diego County OA Emergency Water Contingencies Plan
- Unified San Diego County Emergency Services Organization OA Energy Shortage Response Plan
- Unified San Diego County Emergency Services Organization Recovery Plan
- San Diego County Multi-Jurisdictional Hazard Mitigation Plan
- San Diego Urban Area Tactical Interoperable Communications Plan
- San Diego County Draft Terrorist Incident Emergency Response Protocol

The OA EOP and San Diego County Multi-Jurisdictional Hazard Mitigation Plan are the primary emergency response and evacuation plans for the county. Ground transportation is the primary means of evacuation in the county. Primary evacuation routes include major ground transportation corridors.

Regulatory requirements applicable to fire protection are as follows:

- County of San Diego General Plan Safety Element policies related to wildlife hazards and Exhibit S-3: Potential Evacuation Routes
- County of San Diego Code of Regulatory Ordinances (Regulatory Code) Sections 68.401–68.406, Combustible Vegetation and Other Flammable Materials Ordinance
- County of San Diego Code of Regulatory Ordinances Sections 96.1.005 and 96.1.202, Removal of Fire Hazards
- County of San Diego Consolidated Fire Code
- County Department of Planning and Land Use Fire Prevention in Project Design Standards

The regulatory framework discussed in the 2011 General Plan Update EIR continues to apply to the unincorporated county and is incorporated into this section by reference. Regulations that have been updated or introduced since adoption of the General Plan in August 2011 are described in the following sections.

San Diego County Multi-Jurisdictional Hazard Mitigation Plan

The Multi-Jurisdictional Hazard Plan is a countywide plan that identifies risk and ways to minimize damage by natural and human-caused disasters. The plan has been incorporated into the General Plan Safety Element. Safety Element Policy S-1.4 identifies the County's intent to review and update this plan every 5 years. This plan was last revised in February

2023 to reflect changes to both the hazards threatening San Diego County, as well as the programs in place to minimize or eliminate those hazards. The 2023 plan combined wildfire and structure fire as one hazard category and determined that it is highly likely for future wildfire events to occur in 75–100 percent of the planning area.

County of San Diego Code of Regulatory Ordinances, Sections 68.401–68.406, Defensible Space for Fire Protection Ordinance

This ordinance addresses the accumulation of weeds, rubbish, and other materials on private property found to create a fire hazard and be injurious to the health, safety, and general welfare of the public. The ordinance constitutes the presence of such weeds, rubbish, and other materials as a public nuisance, which must be abated in accordance with the provisions of these sections. This ordinance is enforced in all CSAs and in the unincorporated county outside of a fire protection district. All fire protection districts have a combustible vegetation abatement program, and many fire protection districts have adopted and enforce the County's ordinance. This ordinance was last updated in 2011.

County of San Diego Code of Regulatory Ordinances, Sections 96.1.004 and 96.1.4907, Removal of Fire Hazards

The San Diego County Fire Authority and Fire Districts, in partnership with CAL FIRE, the Bureau of Land Management, and USFS, is responsible for the enforcement of defensible space inspections. Inspectors from CAL FIRE are responsible for the inspection of properties to ensure an adequate defensible space has been created around structures. If violations of the program requirements are noted, inspectors provide a list of required corrective measures and provide a reasonable timeframe to complete the task. If the violations still exist upon reinspection, the local fire inspector will forward a complaint to the County for further enforcement action. This is part of the County Consolidated Fire Code, which was last updated in 2023 (described in greater detail below).

2023 Consolidated Fire Code

Effective April 13, 2023, the Consolidated Fire Code includes the County amendments to the 2022 California Fire Code and the ordinances of the 12 unincorporated county fire protection districts (County of San Diego 2023b). Because of the county's changing climatic, geological, and topographical conditions, the County Fire Code is amended every 3 years when the State of California repeals, revises, and republishes the California Building Code. It is adopted for the protection of public health and safety and applies to both ministerial and discretionary projects. It includes definitions; requirements for permits and inspection for installing or altering systems; regulations for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings, structures, and premises (including the installation, alteration, or repair of new and existing fire protection systems and their inspection); and provides penalties for violation of this code. The County Fire Code applies to all new construction and to any alterations, repairs, or reconstruction, except as otherwise provided for in Title 9, Division 6, Chapter 1 of the County Code.

San Diego County Fire Authority Water Tank Standards for Fire Protection

The San Diego County Fire Authority Water Tank Standards for Fire Protection provides standards for the minimum water storage needed to provide protection for dwellings and other

structures where adequate public and private water supply is not available. The standards specify minimum water flow and capacity requirements based on building square footage, as well as requirements for water tank location (San Diego County Fire Authority 2018).

Fire Safe Council of San Diego County

The Fire Safe Council (FSC) of San Diego County was formed in 1997 as a nonprofit corporation through a collaboration between the Resource Conservation District of Greater San Diego County and federal, state, local, and tribal fire agency partners. The FSC acts as an umbrella organization for the 38 locally formed community fire safe councils within the county. These local councils are typically formed by citizens through the greater FSC of San Diego County and are considered part of the statewide network of fire safe councils. Approximately 150 communities throughout the state have created fire safe councils, 35 of which are within San Diego County.

2.19.3 Analysis of Project Impacts and Determination of Significance

2.19.3.1 *Thresholds of Significance*

According to guidance provided in Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection*, if located in or near SRAs or lands classified as Very High FHSZ, the proposed Cannabis Program would result in a significant impact if it would:

- increase risk of wildland fire ignition and directly or indirectly expose people or structures to significant risk of loss, injury, or death involving wildland fires;
- substantially impair an adopted emergency response plan or emergency evacuation plan;
- 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;
- 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; or
- 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.

2.19.3.2 *Issues Not Evaluated Further*

Impacts related to the potential for the Cannabis Program to substantially impair an adopted emergency response plan, emergency evacuation plan, or otherwise impair emergency access and evacuation are addressed in Section 2.10, “Hazards and Hazardous Materials,” and Section 2.16, “Transportation.” Therefore, this issue is not evaluated further in this section.

2.19.3.3 *Approach to Analysis*

The evaluation of potential wildfire impacts is based, in part, on a review of the applicable documents from USFS, CAL FIRE, and the County of San Diego. Because the specific locations and details of future commercial cannabis projects are unknown, this section analyzes the potential wildfire impacts from implementing the proposed Cannabis Program at a programmatic level. Thus, future site-specific impact analyses would be required to determine whether a future commercial cannabis project would result in project-specific impacts in addition to what is concluded in this analysis. If additional impacts could occur, subsequent CEQA documentation would be required to analyze potential impacts and identify mitigation, as necessary, to reduce impacts to the extent feasible. The analysis considers the effectiveness of existing regulations to address potential wildfire hazards associated with future commercial cannabis projects under the proposed Cannabis Program.

2.19.3.4 *Issue 1: Increase Risk of Wildland Fire Ignition*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection*, the proposed Cannabis Program would have a significant impact if it would:

- increase risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Impact Analysis

As described in Section 1.6.1, “Project Components,” the Cannabis Program would allow for the development of the following commercial cannabis uses in select areas of the unincorporated county: cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities; cannabis manufacturing facilities; cannabis distribution facilities, cannabis microbusinesses; cannabis testing laboratories; and cannabis temporary events. Commercial cannabis uses would be prohibited in the coastal zone and would only be permitted in agricultural, commercial, and industrial zones, subject to applicable zoning ordinance regulations.

As discussed in Section 2.19.1, “Existing Conditions,” the unincorporated county has a long history of wildland fires. In addition, as shown in Table 2.19.2 and Figure 2.19.1, which are presented at the end of this section, a majority of the unincorporated area of the county is classified as being within High and Very High FHSZs (approximately 1,008,400 acres) and includes many of the county’s unincorporated communities (e.g., Warner Springs). These areas are mapped based on fuels, terrain, weather, and other factors. Moreover, 575,434 acres of the unincorporated county are within the WUI (County of San Diego 2011). Within the program area, approximately 433,034 acres are located within the Very High FHSZ and 47,128 acres are within the High FHSZ. Although wildfire behavior is primarily related to conditions such as fuels, terrain, and weather, human influences are also major contributors to wildfire risk.

Anthropogenic influence more directly controls fire frequency (i.e., number of ignitions) than size of a burn because humans are responsible for most wildfire ignitions. Once started, fire

spread and behavior become a function of fuel characteristics, terrain, and weather conditions (Syphard et al. 2008). In 2022, more than half of all fires in California were caused by humans, and when miscellaneous and undetermined causes are included, that figure increases to 97 percent (CAL FIRE 2022). Human ignitions include a multitude of sources, including escapes from debris and brush-clearing fires, electrical equipment malfunctions, campfire escapes, smoking, fire play (e.g., fireworks), vehicles, and arson. Consequently, areas near human development, especially in the WUI or in areas near campgrounds and roads, generate fires at a more frequent rate than very remote or urban areas (Syphard et al. 2007; Mann et al. 2016; Balch et al. 2017). Common causes of wildfire in San Diego County include equipment use, vehicle fires spreading into wildlands, accidental starts from warming or debris fires, and arson. As presented in Table 2.19.4 presented at the end of this section, the predominant cause of wildfire changes from year to year in the SRA within San Diego County. When considered over the period of 2019 through 2023 and excluding miscellaneous and undetermined causes, the majority of the fires within San Diego County (approximately 59 percent) were caused by vehicles, followed by equipment use and arson.

Because areas where commercial cannabis uses would be allowed are located within the SRA, including areas designated as High and Very High FHSZs, the Cannabis Program could increase the risk of loss, injury, or death involving wildland fires through introduction and concentration of ignition sources. Table 2.19.5, presented at the end of this section, provides the acreages of High and Very High FHSZ designations within each zoning district where commercial cannabis uses would be allowed under the proposed Cannabis Program. The FHSZ maps evaluate “hazard,” not “risk,” and are based on the physical conditions that create a likelihood and expected fire behavior over a 30- to 50-year period without considering mitigation measures, such as home hardening, recent wildfire, or fuel reduction efforts. “Risk” is the potential damage a fire can cause to the area under existing conditions, accounting for any modifications, such as fuel-reduction projects, defensible space, and ignition-resistant building construction. The FHSZ mapping addresses existing conditions, such as fuel, slope, weather, fire history, and access to a fire department.

As shown in Table 2.19.5, a vast majority of the program area is within the High and Very High FHSZs, with agricultural zones (A70, A72) making up approximately 99 percent of the total program area within the Very High and High FHSZs. However, approximately 3,041 acres of commercial (C35, C36, C37, C38, C40) and industrial zones (M50, 52, 54, 56, 58) would also be within the Very High and High FHSZs. Although commercial and industrial zones make up only 1 percent of the total program area within the Very High and High FHSZs, these zones would allow for various types of commercial cannabis uses that would have the potential to exacerbate wildfire hazards. Within commercial zones in the program area, allowable commercial cannabis uses would include indoor cultivation, nonvolatile manufacturing, distribution, retail storefront, retail non-storefront (delivery), on-site consumption lounges, microbusinesses, and temporary cannabis events. Industrial zones in the program area would generally allow for the same commercial cannabis uses, as well as volatile manufacturing and testing.

The potential for wildfires to occur is associated with fuel availability (e.g., the presence of flammable vegetation and other materials needed to feed a fire). Fire on agricultural land accounts for approximately 8 to 11 percent of global fires. Agricultural fires burn through various crops, pastures, and native vegetation on farms. Among different crop types, fruit crops and cereals have been found to be more flammable than vegetable crops, grazing

herbs, pasture grasses, pasture legumes, and weeds. Generally, crop flammability has been correlated to lower moisture content, higher retention of dead material, and faster moisture loss rating (Pagadal et al. 2024). With this understanding in mind, cannabis may not be considered a crop with higher flammability potential, compared to orchard or cereal crops because it is harvested before the plant may dry out and is not maintained with any dead material because new plants are established annually and completely removed after harvest.

Although the County maintains defensible space and vegetation management requirements, such as County of San Diego Code of Regulatory Ordinances Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance), the requirements do not apply to any portion of a parcel that has been in active production of agricultural crops within one growing season of that crop. In addition, per the 2023 Consolidated Fire Code, agricultural buildings constructed of wood or metal frames over which fabric or similar material is stretched, which are specifically used as green houses are exempt from the automatic sprinkler system requirements unless physically connected to other building. While cannabis cultivation sites typically involve wood fencing, which may be a fuel for wildland fire, their operation may also increase vegetation management on a previously undisturbed area. Generally, outdoor cannabis cultivation activities under the proposed Cannabis Program would be substantially similar to other agricultural uses within the county. For example, row crops involve similar activities to cannabis, including land preparation, planting, cultivation (e.g., application of fertilizers and water), use of storage and processing buildings, and harvesting. Therefore, outdoor cannabis cultivation would not substantially increase fuels compared to traditional agriculture in the county.

While cannabis may not present uniquely flammable properties as a crop type, a recent study indicates that cannabis cultivation tends to be located more often in High and Very High FHSZs and closer to wildfire perimeters than any other agricultural crop type. Furthermore, cannabis cultivation occurred more often in projected wildfire hotspots than other agricultural crop types. While this indicates the potential for cannabis to be susceptible to wildland fire, it does not indicate the potential for increased fire risk from cultivation of cannabis as opposed to other crop types (Dillis et al. 2022).

As provided in Table 2.19.4, during the period of 2019 through 2023 and excluding miscellaneous and undetermined causes, the majority of the fires within San Diego County (approximately 59 percent) were caused by vehicles, followed by equipment use and arson. As such, the primary causes of wildfire in the county can be attributed to increased development and human access to wildfire-prone areas of the county. Allowable cannabis uses within agricultural zones that would involve increased development are associated with indoor and mixed-light cultivation and accessory uses. These types of developments would involve extension of electrical power and equipment use that are more generally associated with commercial and industrial uses, thus increasing the potential for ignition from electrical power and equipment uses. If wildland fires are ignited in areas designated as Very High and High FHSZs, there is substantial potential risk of loss, injury, or death because these areas have been identified as containing existing hazardous conditions related to wildfire.

In addition to the uses described above for cultivation uses, the Cannabis Program would allow for cannabis manufacturing operations in commercial and industrial zones that could employ volatile extraction methods to create cannabis products. Volatile extraction may involve the use of butane, carbon dioxide, chlorofluorocarbons, hydrocarbon, or other fluorinated gases that could present a fire hazard. Fire hazards associated with these facilities is address through

CCR Title 4, Division 19, Sections 17202.1 and 17205, which include requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that creates an asphyxiant gas, or ethanol.

While tobacco cigarette smoking is a well-known ignition source of wildfires, it is not particularly common as a cause of wildland fire within the county in recent years (see Table 2.19.4). In addition, only “fire-safe” cigarettes may be sold in the United States. These cigarettes self-extinguish if not smoked frequently enough. While fire may still be ignited by self-extinguishing cigarettes, it is believed that ignition rates have decreased. While data is limited, a recent study suggests that cannabis cigarettes are generally more difficult to initially ignite and may have less potential to burn than a tobacco cigarette. This, however, may be dependent on the concentration of resins and oils specific to the strain of cannabis (Jason et al. 2014). The use of incendiary devices to consume cannabis (e.g., joints, pipes, bongs), nonetheless, involves fire ignition, which can pose a risk of fire. However, cannabis consumption in consumption lounges and temporary cannabis events would be restricted to designated areas of the premises and structures that would avoid accidental ignition of vegetation.

All new commercial cannabis projects would be required to be designed in accordance with the applicable provisions of CBC and CFC. Chapter 7A of the CBC includes standards for building materials, systems, and assemblies used in the exterior design and construction of new buildings located within any FHSZ or WUI area to prevent the intrusion of flames and embers. In addition, the CFC establishes the minimum requirements consistent with nationally recognized good practices for providing life safety and property protection from the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises and providing safety and assistance to firefighters and emergency responders during emergency situations. The CFC specifies fire-resistant ratings for building materials and finishes, installation of sprinklers, use and storage of hazardous or flammable materials, and means of egress.

In addition to the CBC and CFC, future commercial cannabis projects would be subject to PRC Sections 4290 and 4291. PRC Section 4290 gives CAL FIRE responsibility for enforcement of Fire Safe Standards, including road standards for fire equipment access; standards for signs identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; fuel breaks; and greenbelts. PRC Section 4291 requires any person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material to maintain defensible space of 100 feet from each side and from the front and rear of the structure. Under PRC Section 4291, the amount of fuel modification necessary must take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels are required to be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. The provision of defensible space and the associated reduction of vegetative fuels have been found to be effective at reducing fire frequency, fire severity, and annual area burned over an extended period of time. Where treatments have occurred, the pattern of wildfire progression may be limited to low-intensity underbrush and surface burning, which can create safe conditions for firefighters to successfully suppress fires in areas near structures, or around areas of high resource value (Kim et al. 2013; Martinson and Omi 2013; Tubbesing et al. 2019).

Furthermore, CCR Title 4, Division 19, Sections 17202.1 and 17205 provide several fire safety requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that create an asphyxiant gas, or ethanol to ensure compliance with Chapter 35 of the California Fire Code, CCR Title 8, Sections 5416–5420 that address ventilation and control of ignition sources; Division of Occupational Safety and Health regulations; and all applicable fire, safety, and building codes related to the processing, handling, and storage of solvents and gas. These standards require fire control measures that include proper handling of flammable materials to avoid fire hazards and engineering of the closed-loop extraction systems to accepted engineering practices that meet fire code and avoid accidental fire events.

Beyond the state requirements described above, future commercial cannabis projects would be required to comply with County and local fire protection agency requirements, including County of San Diego Code of Regulatory Ordinances Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance) and Sections 96.1.004 and 96.1.4907 (Removal of Fire Hazards), the 2023 Consolidated Fire Code, and applicable General Plan policies listed in Section 2.19.2, "Regulatory Framework." These policies include requiring development to be protected from hazards (Policy LU-6.10); minimizing development in high fire threat areas (Policy LU-6.11); providing adequate defensibility and minimizing the risk of structural loss and life safety resulting from wildland fires (Policy S-4.1); requiring the design of development to account for topography to reduce fire risk (Policy S-4.2); requiring development to be designed to minimize wildfire spreading (Policy S-4.3); requiring implementation of measures to reduce wildfire risk if development is proposed within fire threat areas (Policy S-4.6); and requiring all new, remodeled, or rebuilt structures to meet current ignition resistance construction codes (Policy S-4.7). Lastly, the proposed Cannabis Program would include Section 21.2508(a) of the amendments to the County Regulatory Code, and commercial cannabis facilities would be required to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County consistent with applicable fire standards and General Plan policies.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow for expansion of their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Existing commercial cannabis facilities proposing physical expansion or improvements to their facilities would be required to comply with existing regulations addressing fire risk, including defensible space requirements of the Regulatory Code. Because these improvements would occur at existing commercial cannabis facilities located in urban and rural developed areas, they would not represent a new commercial cannabis use that would increase the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, new commercial cannabis facilities would be subject to compliance with the fire regulations identified above, which include the following:

- PRC Sections 4290 and 4291, which require defensible space of 100 feet around all buildings and structures, adequate emergency access and egress, availability of emergency water, and building signage and number requirements.
- PRC Section 4427, which includes fire safety statutes that restrict the use of construction equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment with internal combustion engines; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on site for various types of work in fire-prone areas.
- CCR, Title 24, Section 701A.3, which contains additional building standards for new building construction located in any Fire Hazard Severity Zone within SRAs, any local agency Very High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area.
- CCR Title 4, Division 19, Section 15011, regarding the notification of the cannabis use to the local fire department.
- CCR Title 4, Division 19, Sections 17202.1 and 17205, which include requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that creates an asphyxiant gas, or ethanol.
- County Regulatory Code Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance) and Sections 96.1.004 and 96.1.4907 (Removal of Fire Hazards).
- Amendments to County Regulatory Code, including Section 21.2508(a) as part of proposed in the Cannabis Program, which requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms including fire code plan check requirements would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County.

Compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 2 would not increase the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Under Alternative 3, the definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of the expanded definition of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Similar to Alternative 2, compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 3 would not increase the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Similar to Alternative 2, compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 4 would not increase the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 4 would not increase the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

This impact would be less than significant under Alternative 5.

2.19.3.5 *Issue 2: Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection*, the proposed Cannabis Program would have a significant impact if it would be located in or near an SRA or Very High FHSZ and:

- exacerbate wildfire risks due to slope, prevailing winds, and other factors and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Impact Analysis

As discussed in Section 2.19.1, "Existing Conditions," the unincorporated county has a long history of wildland fires. In addition, as discussed in Section 2.19.3.4, "Issue 1: Increase Risk of Wildland Fire Ignition," a majority of the unincorporated area of the county is classified as being within High and Very High FHSZs—approximately 1,008,400 acres—while approximately 575,434 acres of the unincorporated county are within the WUI (County of San Diego 2011). A vast majority of the program area is within the High and Very High FHSZs, with agricultural zones (A70, A72) making up approximately 99 percent of the total program area within the Very High and High FHSZs. However, approximately 3,041 acres of commercial (C35, C36, C37, C38, C40) and industrial zones (M50, 52, 54, 56, 58) would also be within the Very High and High FHSZs.

San Diego County's topography consists of a semiarid coastal plain and rolling highlands which, when fueled by shrub overgrowth, occasional Santa Ana winds, and high temperatures, creates an ever-present threat of wildland fire. Extreme weather conditions, such as high temperature, low humidity, or winds of extraordinary force, may cause an ordinary fire to expand into one of massive proportions.

As discussed in Section 2.19.3.4, the construction and operation of future commercial cannabis projects under the Cannabis Program in wildfire-prone areas of the unincorporated county (i.e., High and Very High FHSZ or WUI) could potentially exacerbate existing wildfire hazards. These wildfire hazards would be increased if new commercial cannabis facilities are located in areas with steep topography or prevailing winds because those conditions contribute to the spread of wildfires and make wildfires more difficult to contain. Construction of future commercial cannabis facilities would include the use of equipment and materials that could be a source of wildfire ignition and increase the risk of wildfire. However, construction associated with future commercial cannabis projects would be required to occur in compliance with the CBC and CFC, which establish requirements that would be applicable during construction and demolition, including proper storage procedures for combustible materials and the proper refueling protocol. In addition, future construction activities would be subject to PRC Section 4427, which includes fire safety statutes that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment with internal combustion engines; specify requirements for the safe use of gasoline-powered tools in fire

hazard areas; and specify fire suppression equipment that must be provided on-site for various types of work in fire-prone areas.

Similarly, as discussed in Section 2.19.3.4, the operation of future commercial cannabis projects could exacerbate wildfire risk from the placement of new structures and people in wildfire-prone areas, new electrical sources and infrastructure, storage of flammable materials (e.g., chemicals for cannabis processing and manufacturing), and related commercial cannabis cultivation activities. Cannabis manufacturing operations in commercial and industrial zones could employ volatile extraction methods to create cannabis products. Volatile extraction may involve the use of butane, carbon dioxide, chlorofluorocarbons, hydrocarbon, or other fluorinated gases that could present a fire hazard. Fire hazards associated with these facilities is addressed through CCR Title 4, Division 19, Sections 17202.1 and 17205, which include requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that creates an asphyxiant gas, or ethanol. In addition, the Cannabis Program would allow for on-site consumption lounges and temporary cannabis events in commercial and industrial zones. Although a recent study suggests that cannabis cigarettes are generally more difficult to initially ignite and may have less potential to burn than a tobacco cigarette, the use of incendiary devices to consume cannabis (e.g., joints, pipes, bongs), nonetheless, involves fire ignition, which can pose a risk of fire. However, cannabis consumption in consumption lounges and temporary cannabis events would be restricted to designated areas of the premises and structures that would avoid accidental ignition of vegetation.

The increased potential for wildfires from implementation of the Cannabis Program could also pose health risks to people working or residing in the unincorporated county. Exposure to particulate matter generated by wildfire events can result in significant health problems, including aggravated asthma, increased susceptibility to respiratory infections, and heart attacks and arrhythmias in people with heart disease (Sacramento Metropolitan Air Quality Management District 2019).

As discussed in Section 2.19.3.4 above, future commercial cannabis projects would be subject to local and state regulations related to building construction and the provision of proper defensible space distances to minimize the potential exacerbation of wildfire hazards. These regulations include the CBC; CFC; PRC Sections 4290, 4291, and 4427; CCR Title 4, Division 19, Sections 17202.1 and 17205; CCR Title 17, Division 1, Chapter 13; Regulatory Code Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance) and Sections 96.1.004 and 96.1.4907 (Removal of Fire Hazards); and the 2023 Consolidated Fire Code, as well as applicable General Plan policies. In addition, the Cannabis Program proposes amendments to Regulatory Code, including Section 21.2508(a), which requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County.

Compliance with the state and local regulations and General Plan policies described above would ensure that future commercial cannabis projects would not exacerbate wildfire risks due to slope, prevailing winds, and other factors and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow for expansion of their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Existing commercial cannabis facilities proposing physical expansion or improvements to their facilities would be required to comply with existing regulations addressing fire risk, including defensible space requirements of the Regulatory Code. Because these improvements would occur at existing commercial cannabis facilities located in urban and rural developed areas, they would not represent a new commercial cannabis use that would exacerbate existing wildfire hazards due to slope, prevailing winds, or other factors.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, new commercial cannabis facilities would be subject to compliance with the fire regulations identified above, which include the following:

- PRC Sections 4290 and 4291, which require defensible space of 100 feet around all buildings and structures, adequate emergency access and egress, availability of emergency water, and building signage and number requirements.
- PRC Section 4427, which includes fire safety statutes that restrict the use of construction equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment with internal combustion engines; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on site for various types of work in fire-prone areas.
- CCR, Title 24, Section 701A.3, which contains additional building standards for new building construction located in any Fire Hazard Severity Zone within SRAs, any local agency Very High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area.
- CCR Title 4, Division 19, Section 15011, regarding the notification of the cannabis use to the local fire department.
- CCR Title 4, Division 19, Sections 17202.1 and 17205, which include requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that creates an asphyxiant gas, or ethanol.
- County Regulatory Code Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance) and Sections 96.1.004 and 96.1.4907 (Removal of Fire Hazards).

- Amendments to County Regulatory Code, including Section 21.2508(a) as part of proposed in the Cannabis Program, which requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms including fire code plan check requirements would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County.

Compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 2 would not exacerbate existing wildfire hazards due to slope, prevailing winds, or other factors and therefore would not expose project occupants to pollutant concentrations.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Under Alternative 3, the definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of the expanded definition of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Similar to Alternative 2, compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 3 would not exacerbate existing wildfire hazards due to slope, prevailing winds, or other factors and therefore would not expose project occupants to pollutant concentrations.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Similar to Alternative 2, compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 4 would not exacerbate existing wildfire hazards due to slope, prevailing winds, or other factors and therefore would not expose project occupants to pollutant concentrations.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, compliance with existing regulations would ensure that future commercial cannabis facilities under Alternative 4 would not exacerbate existing wildfire hazards due to slope, prevailing winds, or other factors, and therefore would not expose project occupants to pollutant concentrations.

This impact would be less than significant under Alternative 5.

2.19.3.6 *Issue 3: Install Infrastructure That Exacerbates Wildfire Risk*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection*, the Cannabis Program would have a significant impact if it would be located in or near an SRA or Very High FHSZ and:

- 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.

Impact Analysis

As shown in Table 2.19.2 and Figure 2.19.1, which are presented at the end of this section, a majority of the unincorporated county is classified as being within High and Very High FHSZs–approximately 1,008,400 acres. In addition to FHSZ maps, it is helpful to also consider the CPUC Fire-Threat Map. These are areas where CPUC has defined existing extreme risk from wildfires associated with overhead utility power lines or overhead utility power-line facilities also supporting communication facilities. Tier 3 areas are at extreme risk for wildfire, Tier 2 areas are at elevated risk for wildfire, and Zone 1 High Hazard Zones are areas with high numbers of dead and dying trees. A vast majority of the county, including the program area, includes areas designated as Tier 3 and Tier 2 areas on the CPUC Fire-Threat Map.

The construction of new roads and extension of utilities into previously undeveloped areas could introduce new ignition sources that could increase wildfire hazards because most wildfires start near developed areas and roadways. The development of future commercial cannabis facilities under the Cannabis Program would include improvements, such as new buildings, water storage structures, maintenance of fuel breaks, and on-site roadway improvements. As discussed in Section 2.18, "Utilities and Service Systems," new commercial cannabis activities associated with the proposed Cannabis Program may construct or improve water, wastewater, stormwater drainage, electric power, natural gas (where available), and telecommunication facilities as needed based on site-specific conditions. Extension of these

infrastructure facilities is expected to be limited because they are generally available along roadway frontage of the parcels or may be accommodated on the site. As such, it is not anticipated that future commercial cannabis projects would require the extension of utility infrastructure into previously undeveloped areas.

As discussed under Section 2.19.3.4 above, future commercial cannabis projects would be subject to local and state regulations related to building construction and the provision of proper defensible space distances to minimize the potential exacerbation of wildfire hazards. These regulations include the CBC; CFC; PRC Sections 4290, 4291, and 4427; CCR, Title 17, Division 1, Chapter 13; Regulatory Code Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance) and Sections 96.1.004 and 96.1.4907 (Removal of Fire Hazards); and the 2023 Consolidated Fire Code, as well as applicable General Plan policies. In addition, the Cannabis Program proposes amendments to County Regulatory Code, including Section 21.2508(a), which requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County.

Compliance with the state and local regulations and General Plan policies described above would ensure that future commercial cannabis projects would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities).

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow expansion of their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Existing commercial cannabis facilities proposing physical expansion or improvements to their facilities would be required to comply with existing regulations addressing fire risk, including defensible space requirements of the Regulatory Code. Because these improvements would occur at existing commercial cannabis facilities currently served by existing infrastructure, they would not represent a new commercial cannabis use that would exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities).

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

Under Alternative 2, new commercial cannabis facilities and associated infrastructure improvements would be subject to compliance with the fire regulations identified above, including fire protections requirements under PRC Section 4427, which would be implemented during construction of infrastructure improvements. Compliance with the state and local regulations described above would ensure that future commercial cannabis projects would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities).

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Under Alternative 3, the definition of "sensitive uses" would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. Alternative 3 additionally prohibits the development of cannabis facilities within 1,000 feet of the expanded definition of sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of the expanded sensitive uses.

Similar to Alternative 2, compliance with the state and local regulations described above would ensure that future commercial cannabis projects would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities).

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Similar to Alternative 2, compliance with the state and local regulations described above would ensure that future commercial cannabis projects would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities).

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, compliance with the state and local regulations described above would ensure that future commercial cannabis projects would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities).

This impact would be less than significant under Alternative 5.

2.19.3.7 *Issue 4: Expose People or Structures to Post-Fire Risks*

Guidelines for Determination of Significance

According to Appendix G of the State CEQA Guidelines and the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection*, the Cannabis Program, if located in or near an SRA or lands classified as Very High FHSZ, would have a significant impact if it would:

- 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.

Impact Analysis

As discussed in Section 2.8, "Geology, Soils, and Mineral Resources," and Section 2.11, "Hydrology and Water Quality," SWRCB Order WQ 2023-0102-DWQ contains requirements for soil stability and erosion control for commercial cannabis cultivation sites. These requirements include preparation of plans that address site erosion and sediment control, stabilization of disturbed areas, site closure procedures, and monitoring and reporting requirements. In addition, SWRCB Order WQ 2023-0102-DWQ contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance.

Future commercial cannabis projects located on post-fire land areas could further destabilize soil and slope conditions from site development. However, as discussed under Section 2.19.3.4, compliance with state and local regulations and General Plan policies would ensure that future commercial cannabis projects would not exacerbate existing wildfire hazards. In addition, future commercial cannabis projects would be required to comply with SWRCB Order WQ 2023-0102-DWQ; the County's Grading, Clearing, and Watercourses Ordinance; and the California Building Code, which includes implementation of soil stability and erosion control features and requirements. SWRCB Order WQ 2023-0102-DWQ contains provisions for commercial cannabis cultivation that require the use of soil erosion and sedimentation control

best management practices for soil stability, as well as implementation of a site erosion and sediment control plan and disturbed area stabilization plan for higher risk sites. Moreover, the Cannabis Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities that prohibit development on steep slopes, which would further reduce potential exacerbation of post-fire hazards in these areas.

Compliance with the state and local regulations and General Plan policies described above would ensure that future commercial cannabis projects would not 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.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow for expansion of their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Existing commercial cannabis facilities proposing physical expansion or improvements to their facilities would be required to comply with existing regulations addressing fire risk, including defensible space requirements of the Regulatory Code. Because these improvements would occur at existing commercial cannabis facilities located in urban and rural developed areas, they would not represent a new commercial cannabis use that would expose people or structures to significant risks from post-fire slope instability or drainage changes.

This impact would be less than significant under Alternative 1.

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements

The Cannabis Program under Alternative 2 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 2 would include 600-foot buffers from cannabis uses from certain state-defined sensitive uses, including schools, daycares, and youth centers.

As identified above and in Section 2.8, “Geology, Soils, and Mineral Resources,” and Section 2.11, “Hydrology and Water Quality,” new commercial cannabis facilities under Alternative 2 would be subject to soil stability and erosion control requirements of SWRCB Order WQ 2023-0102-DWQ and the County’s Grading, Clearing, and Watercourses Ordinance, which would also apply to post-fire conditions. Compliance with the state and local regulations and General Plan policies described above would ensure that future commercial cannabis projects would not 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.

This impact would be less than significant under Alternative 2.

Alternative 3: Cannabis Program with Expanded County Regulations

The Cannabis Program under Alternative 3 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, “Project Description, Location, and Environmental Setting,” for a full list of development assumptions). Alternative 3 additionally prohibits the development of cannabis facilities within

1,000 feet of expanded sensitive uses, including other cannabis facilities. Advertising of cannabis on billboards would also be prohibited within 1,000 feet of expanded sensitive uses.

Similar to Alternative 2, new commercial cannabis facilities under Alternative 3 would be subject to soil stability and erosion control requirements of SWRCB Order WQ 2023-0102-DWQ and the County's Grading, Clearing, and Watercourses Ordinance, which would also apply to post-fire conditions. Compliance with the state and local regulations and General Plan policies described above would ensure that future commercial cannabis projects would not 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.

This impact would be less than significant under Alternative 3.

Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition

The Cannabis Program under Alternative 4 is anticipated to accommodate up to 212 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 4 would allow mixed-light and indoor cannabis cultivation only when contained within a building. Alternative 4 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities.

Similar to Alternative 2, new commercial cannabis facilities under Alternative 4 would be subject to soil stability and erosion control requirements of SWRCB Order WQ 2023-0102-DWQ and the County's Grading, Clearing, and Watercourses Ordinance, which would also apply to post-fire conditions. Compliance with the state and local regulations and General Plan policies described above would ensure that future commercial cannabis projects would not 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.

This impact would be less than significant under Alternative 4.

Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

The Cannabis Program under Alternative 5 is anticipated to accommodate up to 372 cultivation and 170 noncultivation sites/licenses within the county in 2044 (refer to Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," for a full list of development assumptions). Alternative 5 additionally prohibits the development of cannabis facilities within 1,000 feet of expanded sensitive uses, including other cannabis facilities. Alternative 5 also limits the size of outdoor cannabis cultivation canopy to 1 acre.

Similar to Alternative 2, new commercial cannabis facilities under Alternative 5 would be subject to soil stability and erosion control requirements of SWRCB Order WQ 2023-0102-DWQ and the County's Grading, Clearing, and Watercourses Ordinance, which would also apply to post-fire conditions. Compliance with the state and local regulations and General Plan policies described above would ensure that future commercial cannabis projects would not 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.

This impact would be less than significant under Alternative 5.

2.19.4 Cumulative Impacts

The geographic scope of the cumulative impact analysis for wildfire is the San Diego County. The cumulative impact analysis below considers whether implementation of the Cannabis Program, when combined with cumulative projects described in Section 1.13.2, "Cumulative Projects," would result in a cumulatively considerable contribution to cumulative wildfire impacts.

2.19.4.1 *Issue 1: Increase Risk of Wildland Fire Ignition*

The San Diego County General Plan Update EIR identified cumulatively considerable impacts associated with wildland fires from implementation of the General Plan Update (County of San Diego 2011).

As previously discussed, the majority of the unincorporated area of the county is in WUI areas and High and Very High FHSZs. Past and present development within high fire risk areas has increased wildfire risk in the unincorporated county, and reasonably foreseeable development in these areas would likely continue this trend. Given the substantial amount of area designated as High and Very High FHSZs in the unincorporated county, cumulative impacts related to exacerbating wildfire risk from the cumulative projects described in Section 1.13.2, "Cumulative Projects," are significant.

Alternative 1 would allow for the 5 existing commercial cannabis facilities in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities located in urban and rural developed areas, they would not represent a new commercial cannabis use that would increase the risk of wildland fire ignition. Therefore, implementation of the Cannabis Program under Alternative 1 would not result in a cumulative impact related to increasing the risk of wildland fire ignition. This impact would not be cumulatively considerable for Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. The development of future commercial cannabis projects in these areas could have the potential to increase the risk of wildland fire ignition. As discussed in Section 2.19.3.4, "Issue 1: Increase Risk of Wildland Fire Ignition," proposed commercial cannabis facilities would be subject to compliance with the following fire regulations:

- PRC Sections 4290 and 4291, which require defensible space of 100 feet around all buildings and structures, adequate emergency access and egress, availability of emergency water, and building signage and number requirements.
- PRC Section 4427, which includes fire safety statutes that restrict the use of construction equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment with internal combustion engines; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on site for various types of work in fire-prone areas.

- CCR, Title 24, Section 701A.3, which contains additional building standards for new building construction located in any Fire Hazard Severity Zone within SRAs, any local agency Very High Fire Hazard Severity Zone, or any Wildland-Urban Interface Fire Area.
- CCR Title 4, Division 19, Section 15011, regarding the notification of the cannabis use to the local fire department.
- CCR Title 4, Division 19, Section 17202.1 and 17205, which include requirements for cannabis manufacturing facilities that use a volatile solvent, flammable liquid, solvents that creates an asphyxiant gas, or ethanol.
- County Regulatory Code Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance) and Sections 96.1.004 and 96.1.4907 (Removal of Fire Hazards).
- Amendments to County Regulatory Code, including Section 21.2508(a) as part of proposed in the Cannabis Program, which requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County.

Compliance with existing regulations and processes would ensure that cumulative contributions to wildfire hazards from implementation of the Cannabis Program under Alternatives 2 through 5 would be minimized and would not increase the risk of wildland fire ignition. Therefore, the contribution of the Cannabis Program to significant cumulative impacts related to increasing the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires would be less than cumulatively considerable for Alternatives 2 through 5.

2.19.4.2 *Issue 2: Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors*

The San Diego County General Plan Update EIR identified cumulatively considerable impacts associated with wildland fires from implementation of the General Plan Update (County of San Diego 2011).

Similar to Issue 1, the majority of the unincorporated county is in WUI areas and High and Very High FHSZs. Past and present development within high fire risk areas has increased wildfire risk in the unincorporated county, and reasonably foreseeable development in these areas would likely continue this trend. Given the substantial amount of area designated as High and Very High FHSZs in the unincorporated county, cumulative impacts related to exacerbating wildfire risk from the cumulative projects described in Section 1.13.2, “Cumulative Projects,” are significant.

Alternative 1 would allow the 5 existing commercial cannabis facility in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities currently served by existing infrastructure, they would not represent a new commercial cannabis use that would exacerbate existing wildfire hazards due to slope, prevailing winds, or other factors. Therefore,

implementation of the Cannabis Program under Alternative 1 would not result in a cumulative impact related to exacerbating wildfire hazards. This impact would not be cumulatively considerable for Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. The development of future commercial cannabis projects in these areas could have the potential to exacerbate wildfire hazards. As discussed in Section 2.19.3.5, "Issue 2: Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors," proposed commercial cannabis facilities would be subject to compliance with local and state regulations related to building construction and the provision of proper defensible space distances to minimize the potential exacerbation of wildfire hazards. These regulations include the CBC; CFC; PRC Sections 4290, 4291, and 4427; CCR Title 4, Division 19, Sections 17202.1 and 17205; CCR Title 17, Division 1, Chapter 13; Regulatory Code Sections 68.401–68.406 (Defensible Space for Fire Protection Ordinance) and Sections 96.1.004 and 96.1.4907 (Removal of Fire Hazards); and the 2023 Consolidated Fire Code, as well as applicable General Plan policies. In addition, the Cannabis Program proposes amendments to County Regulatory Code, including Section 21.2508(a), which requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County.

Compliance with existing regulations and processes would ensure that cumulative contributions to wildfire hazards from implementation of the Cannabis Program under Alternatives 2 through 5 would be minimized and would not exacerbate existing wildfire hazards. Therefore, the contribution of the Cannabis Program to significant cumulative impacts related to exacerbating wildfire hazards would be less than cumulatively considerable for Alternatives 2 through 5.

2.19.4.3 *Issue 3: Install Infrastructure That Exacerbates Wildfire Risk*

The San Diego County General Plan Update Final EIR identified cumulatively considerable impacts associated with wildland fires from implementation of the General Plan (County of San Diego 2011).

A vast majority of the county, including the program area, includes areas designated as Tier 3 and Tier 2 areas on the CPUC Fire-Threat Map. Tier 3 areas are at extreme risk for wildfire while Tier 2 areas are at elevated risk for wildfire. Similar to Issue 1, given the substantial amount of area designated as High and Very High FHSZs as well as Tier 2 and 3 areas in the unincorporated county, cumulative impacts related to exacerbating wildfire risk from the installation and maintenance of infrastructure within the geographic scope are cumulatively significant.

Alternative 1 would allow the 5 existing commercial cannabis facility in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities currently served by

existing infrastructure, they would not represent a new commercial cannabis use that would exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities). Therefore, implementation of the Cannabis Program under Alternative 1 would not result in cumulative impacts related to exacerbating wildfire hazards from the installation of infrastructure. This impact would not be cumulatively considerable for Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. The development of future commercial cannabis projects in these areas could include improvements, such as new buildings; water storage structures; maintenance of fuel breaks; on-site roadway improvements; and water, wastewater, stormwater drainage, electric power, natural gas (where available), and telecommunication facilities, as needed based on site-specific conditions. Extension of these infrastructure facilities is expected to be limited because they are generally available along roadway frontage of the parcels or may be accommodated on the site. As discussed in Section 2.19.3.6, “Issue 3: Install Infrastructure that Exacerbates Wildfire Risk,” proposed commercial cannabis facilities would be subject to compliance with the fire regulations identified above, including the fire protection requirements under PRC Section 4427, which would be implemented during construction of infrastructure improvements. Compliance with the state and local regulations would be minimized and would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities). Compliance with existing regulations and processes would ensure that implementation of the Cannabis Program under Alternatives 2 through 5 would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities). Therefore, the contribution of the Cannabis Program under Alternatives 2 through 5 to significant cumulative impacts related to installing infrastructure that would exacerbate wildfire hazards would be less than cumulatively considerable.

2.19.4.4 *Issue 4: Expose People or Structures to Post-Fire Risks*

Similar to Issue 1, given the substantial amount of area designated as High and Very High FHSZs in the unincorporated county, cumulative impacts related to exposing people or structures to post-fire hazards within the geographic scope are significant.

Alternative 1 would allow the 5 existing commercial cannabis facility in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities currently served by existing infrastructure, they would not represent a new commercial cannabis use that would have the potential to 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. Therefore, implementation of the Cannabis Program under Alternative 1 would not result in cumulative impacts related to post-fire hazards. This impact would not be cumulatively considerable for Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. Future commercial cannabis projects located on post-fire land areas could further destabilize soil and slope conditions from site development. The development of future commercial cannabis projects in these areas could have the potential to exacerbate post-fire hazards. As discussed in Section 2.19.3.7, "Issue 4: Expose People or Structures to Post-Fire Risks," proposed commercial cannabis facilities would be required to comply with SWRCB Order WQ 2023-0102-DWQ; the County's Grading, Clearing, and Watercourses Ordinance; and the California Building Code, which includes implementation of soil stability and erosion control features and requirements that would also apply to post-fire conditions. Compliance with existing regulations and processes would ensure that implementation of the Cannabis Program under Alternatives 2 through 5 would not 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. Therefore, the contribution of the Cannabis Program to significant cumulative impacts related to post-fire hazards would not be cumulatively considerable for Alternatives 2 through 5.

2.19.5 Significance of Impacts Prior to Mitigation

2.19.5.1 *Issue 1: Increase Risk of Wildland Fire Ignition*

Under Alternatives 1 through 5, the Cannabis Program would result in a less-than-significant impact related to increasing the risk of wildland fire ignition and exposing people or structures to significant risk of loss, injury, or death involving wildland fires. The Cannabis Program would not result in a cumulatively considerable impact related to increasing the risk of wildland fire ignition.

2.19.5.2 *Issue 2: Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors*

Under Alternatives 1 through 5, implementation of the Cannabis Program would result in a less-than-significant impact related to exacerbating wildfire hazards. The Cannabis Program would not result in a cumulatively considerable impact related to exacerbating wildfire hazards.

2.19.5.3 *Issue 3: Install Infrastructure That Exacerbates Wildfire Risk*

Under Alternatives 1 through 5, implementation of the Cannabis Program would result in a less-than-significant impact related to installing infrastructure that exacerbates wildfire risk. The Cannabis Program would not result in a cumulatively considerable impact related to installing infrastructure that exacerbates wildfire risk.

2.19.5.4 *Issue 4: Expose People or Structures to Post-Fire Risks*

Under Alternatives 1 through 5, implementation of the Cannabis Program would result in a less-than-significant impact related to exposing people or structures to post-wildfire hazards. The Cannabis Program would not result in a cumulatively considerable impact related to installing infrastructure that exposing people or structures to post-wildfire hazards.

2.19.6 Mitigation

2.19.6.1 *Issue 1: Increase Risk of Wildland Fire Ignition*

No mitigation is required.

2.19.6.2 *Issue 2: Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors*

No mitigation is required.

2.19.6.3 *Issue 3: Install Infrastructure That Exacerbates Wildfire Risk*

No mitigation is required.

2.19.6.4 *Issue 4: Expose People or Structures to Post-Fire Risks*

No mitigation is required.

2.19.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses.

2.19.7.1 *Issue 1: Increase Risk of Wildland Fire Ignition*

Alternative 1 would allow for the 5 existing commercial cannabis facilities in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities located in urban and rural developed areas, they would not represent a new commercial cannabis use that would increase the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, impacts would be less than significant under direct and cumulative conditions under Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. The development of future commercial cannabis projects in these areas would have the potential to increase the risk of wildland fire ignition. Proposed commercial cannabis facilities would be subject to state and local regulations and General Plan policies to ensure that they would not exacerbate existing wildfire hazards. In addition, the Cannabis Program proposes amendments to County Regulatory Code, which includes Section 21.2508(a) that requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County. Compliance with existing regulations and processes would ensure

that implementation of the Cannabis Program under Alternatives 2 through 5 would not increase the risk of wildland fire ignition that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, the impact would be less than significant under direct and cumulative conditions under Alternatives 2 through 5.

2.19.7.2 *Issue 2: Exacerbate Wildfire Risks Due to Slope, Prevailing Winds, and Other Factors*

Alternative 1 would allow for the 5 existing commercial cannabis facilities in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities located in urban and rural developed areas, they would not represent a new commercial cannabis use that would exacerbate wildfire risks due to slope, prevailing winds, or other factors. Therefore, impacts would be less than significant under direct and cumulative conditions under Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. The development of future commercial cannabis projects in these areas would have the potential to exacerbate wildfire hazards. Proposed commercial cannabis facilities would be subject to state and local regulations and General Plan policies to ensure that they would not exacerbate existing wildfire hazards. In addition, the Cannabis Program proposes amendments to the County Regulatory Code, which includes Section 21.2508(a) that requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire authority. As required by the San Diego County Fire Authority, building and grading plan forms, including fire code plan check requirements, would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County. Compliance with existing regulations and processes would ensure that implementation of the Cannabis Program under Alternatives 2 through 5 would not exacerbate existing wildfire hazards due to slope, prevailing winds, or other factors and therefore, would not expose project occupants to pollutant concentrations. Therefore, the impact would be less than significant under direct and cumulative conditions under Alternatives 2 through 5.

2.19.7.3 *Issue 3: Install Infrastructure That Exacerbates Wildfire Risk*

Alternative 1 would allow the 5 existing commercial cannabis facility in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities currently served by existing infrastructure, they would not represent a new commercial cannabis use that would exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities). Therefore, impacts would be less than significant under direct and cumulative conditions under Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. The development of future commercial cannabis projects in these areas could include improvements, such as new buildings, water storage structures, maintenance of fuel breaks, onsite roadway improvements, and water, wastewater, stormwater drainage, electric power, natural gas (where available), and telecommunication facilities, as needed based on site-specific conditions. Extension of these infrastructure facilities is expected to be limited because they are generally available along roadway frontage of the parcels or may be accommodated on the site. Proposed commercial cannabis facilities would be subject to state and local regulations and General Plan policies to ensure that they would not exacerbate existing wildfire hazards. In addition, the Cannabis Program proposes amendments to the Zoning Ordinance that would prohibit lights in agricultural shade/crop structures and require controls to mixed-light operations, which would reduce the potential creation of new ignition sources that could exacerbate wildfire hazards. Compliance with existing regulations and processes would ensure that implementation of the Cannabis Program under Alternatives 2 through 5 would not exacerbate existing wildfire hazards or result in temporary or ongoing impacts to the environment from the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities). Therefore, the impact would be less than significant under direct and cumulative conditions under Alternatives 2 through 5.

2.19.7.4 *Issue 4: Expose People or Structures to Post-Fire Risks*

Alternative 1 would allow the 5 existing commercial cannabis facility in the unincorporated county to expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed. Because these improvements would occur at existing commercial cannabis facilities currently served by existing infrastructure, they would not represent a new commercial cannabis use that would have the potential to 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. Therefore, impacts would be less than significant under direct and cumulative conditions under Alternative 1.

Implementation of the Cannabis Program under Alternatives 2 through 5 would provide a framework for the permitting and licensing of new commercial cannabis facilities in some areas of the unincorporated county designated as High and Very High FHSZs or WUI areas. Future commercial cannabis projects located on post-fire land areas could further destabilize soil and slope conditions from site development. The development of future commercial cannabis projects in these areas could have the potential to exacerbate post-wildfire hazards. Proposed commercial cannabis facilities would be required to comply with SWRCB Order WQ 2023-0102-DWQ; the County's Grading, Clearing, and Watercourses Ordinance; and the California Building Code, which includes implementation of soil stability and erosion control features and requirements that would also apply to post-fire condition. Compliance with existing regulations and processes would ensure that implementation of the Cannabis Program under Alternatives 2 through 5 would not 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. Therefore, the impact would be less than significant under direct and cumulative conditions under Alternatives 2 through 5.

Table 2.19.2 Wildfire Risk in the Unincorporated County

FHSZ Designation	Acreage
High	129,138
Moderate	184,346
Very high	879,265
Total	**1,192,749**

Sources: Data downloaded from CAL FIRE in 2023, SanGIS in 2021, and San Diego County in 2023; compiled by Ascent in 2024.

Table 2.19.3 Major Wildfires in San Diego County 2003–2024

Fire Name	Year	Acres Burned	Structures Destroyed	Structures Damaged
Cedar Fire	2003	280,278	5,171	63
Paradise Fire	2003	57,000	415	15
Otay Fire	2003	46,291	6	0
Roblar (Pendleton)	2003	8,592	0	0
Mataguay Fire	2004	8,867	2	0
Horse Fire	2006	16,681	NA	NA
Witch Creek Fire	2007	197,990	1,125	77
Harris Fire	2007	90,440	255	12
Poomacha Fire	2007	49,410	139	NA
Ammo Fire	2007	21,004	NA	NA
Rice Fire	2007	9,472	208	NA
May 2014 San Diego County Wildfires	2014	26,000	65	19
Border Fire	2016	7,609	18	4
Lilac Fire	2017	4,100	157	64
Valley Fire	2020	16,390	66	NA
Southern Fire	2021	5,366	5	NA
Border 32 Fire	2022	4,456	14	NA

Source: County of San Diego 2023a.

Table 2.19.4 Causes of Fire in San Diego County and the State within the SRA (2019–2023)

Year	Area	Total	Arson	Campfire	Debris Burning	Electrical Power	Equipment Use	Lightning	Misc.	Playing with Fire	Railroad	Smoking	Undetermined	Vehicle
2023	San Diego	220	26	1	16	14	24	4	63	3	0	1	43	25
2023	Statewide	3,236	359	47	591	176	348	197	819	32	2	27	321	310
2022	San Diego	239	22	11	12	6	25	6	73	7	0	1	51	25
2022	Statewide	3,333	358	86	488	228	370	89	824	55	6	44	435	350
2021	San Diego	208	22	9	13	16	20	16	26	3	0	3	49	31
2021	Statewide	3,054	386	104	476	284	329	152	269	54	6	60	515	419
2020	San Diego	179	11	2	19	8	28	1	20	7	0	0	56	27
2020	Statewide	3,501	320	110	579	335	381	264	326	80	6	47	604	449
2019	San Diego	128	2	2	17	5	14	9	14	2	0	2	48	13
2019	Statewide	3,086	284	122	468	304	354	195	280	52	3	41	607	376

Source: CAL FIRE 2023c, 2022, 2021, 2020, 2019b.

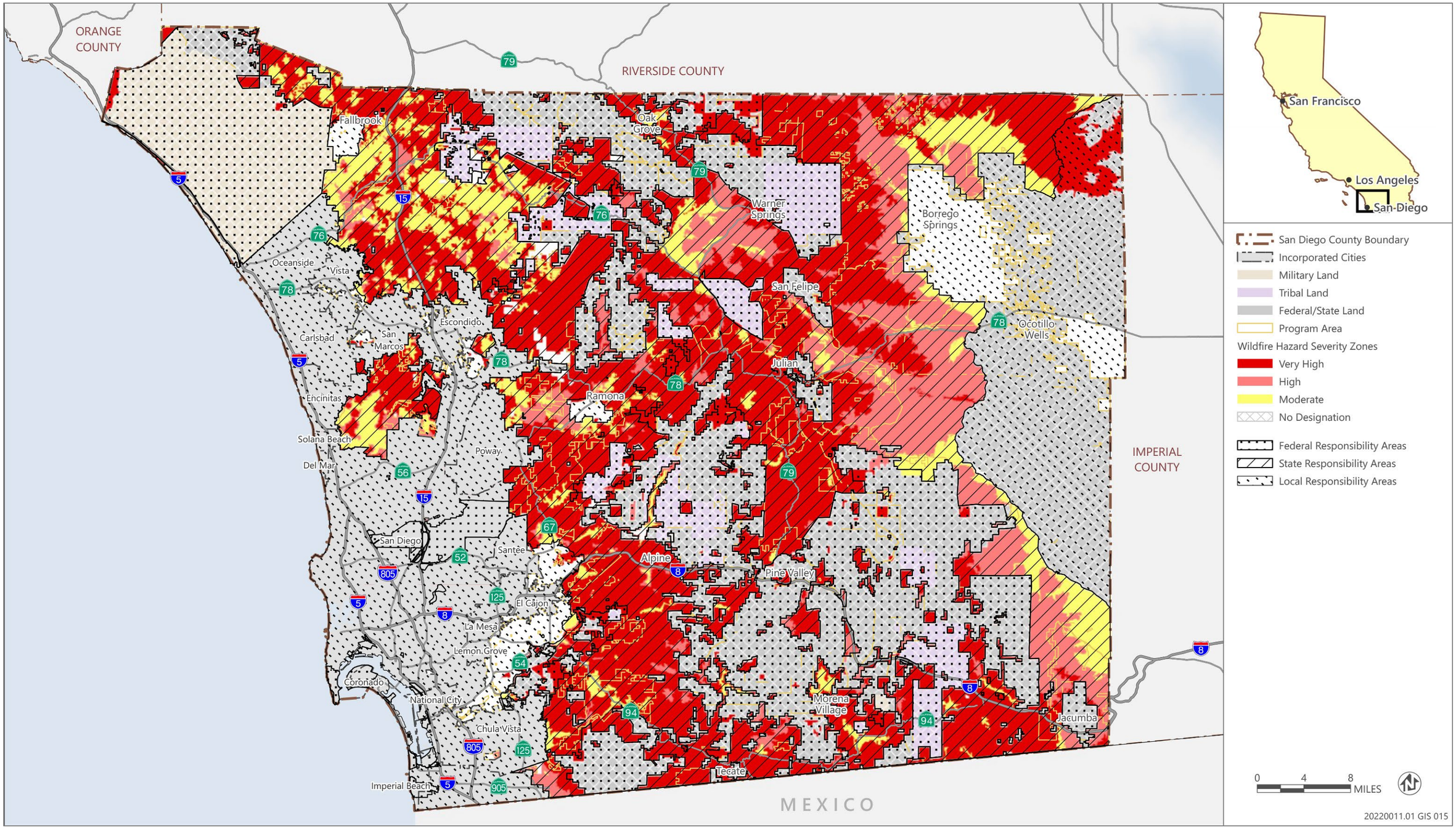
Table 2.19.5 Fire Hazard Severity Zone Area within the Program Area

	Zones	Total Acreage	SRA Very High	SRA High	SRA Moderate	LRA	FRA
Agricultural	A70, A72	489,394	430,398	46,723	4,830	6,999	443
Commercial	C35, C36, C37, C38, C40	2,576	1,048	272	49	1,207	1
Industrial	M50, 52, 54, 56, 58	2,622	1,588	133	107	795	0
	Total	494,592	433,034	47,128	4,985	9,001	444

Notes: SRA = state responsibility area; LRA = local responsibility area; FRA = federal responsibility area.

Source: Compiled by Ascent 2024.

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Sources: Data downloaded from CALFIRE in 2023, SanGIS in 2021, and San Diego County in 2023; adapted by Ascent in 2024.

Figure 2.19.1 **Fire Responsibility Area and Wildfire Hazard Severity Zones**

CHAPTER 3 ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

Pursuant to CEQA and the State CEQA Guidelines, a lead agency shall focus an EIR's discussion on significant environmental effects and may limit discussion on other effects to brief explanations about why they are not significant (Public Resources Code Section 21002.1; California Code of Regulations Section 15128). A determination of which impacts would be potentially significant was made based on a review of the Cannabis Program under each of the 5 alternatives evaluated; review of applicable planning documents and CEQA documentation; comments received as part of the public scoping process (Appendix A); and additional research and analysis of relevant project data during preparation of this PEIR. A review all of the CEQA resource topics identified in State CEQA Guidelines Appendix G are discussed and analyzed in Chapter 2, "Significant Environmental Effects of the Proposed Project," of this PEIR. No resource topics were scoped out during the NOP or preparation of this PEIR. However, within the resource sections, no impacts were identified for the following issue areas (see each section's subheading, "Issues Not Discussed Further," for a detailed discussion).

- Agricultural and Forest Resources: Forest Resources
- Air Quality: Carbon Dioxide Hot Spots
- Air Quality: Toxic Air Contaminants
- Geology, Soils, and Mineral Resources: Septic Systems
- Geology, Soils, and Mineral Resources: Mineral Resources
- Hydrology and Water Quality: Release of Pollutants in Flood Hazard Zone
- Hydrology and Water Quality: Release of Pollutants in Tsunamis and Seiches
- Land Use and Planning: Physically Divide an Established Community
- Noise: Operational Vibration
- Noise: Airport Noise
- Population and Housing: Displace Substantial Numbers of Existing People or Housing, Necessitating the Construction of Replacement Housing Elsewhere
- Public Services: Schools, Libraries, and Other Public Facilities
- Public Services: Parks and Recreation
- Utilities and Service Systems: Water, Wastewater, Drainage, Energy, and Telecommunication Infrastructure

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CHAPTER 4 ALTERNATIVES

4.1 Introduction

State CEQA Guidelines Section 15126.6(a) requires Environmental Impacts Reports (EIRs) to describe:

> a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

This section of the State CEQA Guidelines also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states the purpose of the alternatives analysis is as follows:

> Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resource Code [PRC] Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause 1 or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (Section 15126.6(d)).

The State CEQA Guidelines require that the “no-project” alternative be considered (Section 15126.6(e)). The purpose of describing and analyzing a no-project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. If the no-project alternative is the environmentally superior alternative, the State CEQA Guidelines require that the EIR “shall also identify an environmentally superior alternative among the other alternatives” (Section 15126.6(e)(2)).

In defining “feasibility” (e.g., “feasibly attain most of the basic objectives of the project”), State CEQA Guidelines Section 15126.6(f)(1) states, in part:

> Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects

with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In determining what alternatives should be considered in the EIR, it is important to consider the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency's decision-making body—here, the San Diego County Board of Supervisors (Board). (See PRC Sections 21081.5, 21081(a)(3).) The Board, for example, may conclude that a particular alternative is infeasible (i.e., undesirable) from a policy standpoint and may reject an alternative on that basis provided that the Board adopts a finding, supported by substantial evidence, to that effect and provided that such a finding reflects a reasonable balancing of the relevant economic, environmental, social, and other considerations supported by substantial evidence.

As described in Chapter 1, "Project Description, Location, and Environmental Setting," this PEIR evaluates the following 5 alternatives at an equal level of detail:

- Alternative 1: No Project—Retention of Current Cannabis Regulations
- Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements
- Alternative 3: Cannabis Program with Expanded County Regulations
- Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition
- Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy

This chapter compares the environmental impacts of the 5 program alternatives and identifies the environmentally superior alternative.

4.2 Rationale for Alternative Selection

4.2.1 Attainment of Project Objectives

As described above, one factor that must be considered in selection of alternatives is the ability of a specific alternative to attain most of the basic objectives of the project (State CEQA Guidelines, Section 15126.6(a)). Chapter 1, "Project Description, Location, and Environmental Setting," articulated the following project objectives, which are repeated below:

- develop a regulated and legal cannabis industry that allows for greater economic opportunity and safe access to cannabis;
- provide consistency with state law and County regulations associated with commercial cannabis operations;
- prioritize social equity, economic access, and business opportunities for those who have been impacted by cannabis-related criminalization and the War on Drugs;

- develop an efficient and user-friendly cannabis licensing and permitting system;
- develop a regulatory program that will assist in protecting public health, safety, and welfare;
- minimize the effects of commercial cannabis activities on sensitive populations and land uses;
- minimize the potential adverse effects of cannabis activities on the environment, natural resources, and wildlife, including wetlands and sensitive habitats, narrow endemic species, and vernal pools, as well as effects on water supply, water quality, and instream flows; and
- develop and implement a program designed to support and encourage farming in San Diego County, preserve agricultural land, and create new opportunities for farmers.

Alternative 1, the No-Project Alternative, would not meet any of the project objectives because it would not involve implementation of a cannabis program in San Diego County; rather, development and operation of new cannabis facilities would continue to be prohibited. Alternatives 2, 3, 4, and 5 differ in regard to the definition and buffer distance from sensitive uses, allowed license types, and allowed maximum outdoor cultivation canopy. However, these 4 alternatives would develop a cannabis program generally consistent with the project objectives listed above.

4.2.2 Environmental Impacts of the Cannabis Program

Sections 2.2 through 2.19 of this PEIR identify the environmental impacts of the proposed Cannabis Program and contain an equal-level evaluation of Alternative 1, the No-Project Alternative; Alternative 2, the proposed project; and Alternatives 3, 4, and 5, the program alternatives. A summary of the impacts of each alternative, compared to the existing conditions, can be found within each resource section (in the “Conclusion” subsection within Sections 2.2 through 2.19). Of the issues evaluated in Chapter 2, “Significant Environmental Effects of the Proposed Project,” of this PEIR, implementation of the Cannabis Program would result in the following significant and unavoidable impacts:

- Aesthetics, Issue 2: Substantially Degrade Visual Character or Quality (Alternatives 2, 3, 4, and 5)
- Air Quality, Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People (Alternatives 2, 3, and 5)
- Hydrology and Water Quality, Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge (Alternatives 2, 3, 4, and 5)
- Noise, Issue 1: Excessive Temporary (Construction-Related) Noise Levels (Alternatives 2, 3, 4, and 5)
- Transportation, Issue 2: Exceed the Threshold for Vehicle Miles Traveled (VMT) (Alternatives 2, 3, 4, and 5)
- Utilities and Service Systems, Issue 1: Adequate Water Supplies (Alternatives 2, 3, 4, and 5)

The remaining environmental effects of the program alternatives were determined not to be significant or could be reduced to a less-than-significant level after implementation of feasible

mitigation measures. As discussed throughout Chapter 2 of this PEIR, Alternative 1 would result in no significant environmental impacts. The development potential under Alternatives 3 and 5 would be the same as under Alternative 2; thus, impacts related to development area, operational demand for resources, earth-moving activities, and canopy area would generally be similar because the potential to affect these resources areas would be the same. In contrast, because the development potential of commercial cannabis cultivation sites under Alternative 4 would be less than proposed under Alternative 2, impacts related to development area, operational demand for resources, earth-moving activities, and canopy area would be less compared to Alternative 2 because the potential to affect these types of impacts would be less. Impacts related to development area, operational demand for resources, earth-moving activities, and canopy area consist of the following resource areas:

- aesthetics (with the exception of Issue 2, discussed in more detail below);
- air quality (with the exception of Issue 3, discussed in more detail below);
- biological resources;
- cultural and paleontological resources;
- energy;
- geology, soils, and mineral resources;
- greenhouse gas emissions and climate change
- hazards and hazardous materials;
- hydrology and water quality (with the exception of Issue 2, addressed in more detail below);
- noise (with the exception of Issue 1, addressed in more detail below);
- transportation (with the exception of Issue 2, addressed in more detail below);
- tribal cultural resources;
- utilities and service systems (with the exception of Issue 1, addressed in more detail below); and
- wildfire.

None of the alternatives would induce substantial unplanned population growth in the county because employment levels for potential cannabis facilities would be within regional growth projections; thus, the impacts would be similar among the program alternatives compared to Alternative 2. With respect to public services, compliance with state and local regulations applicable to the program alternatives would ensure that sufficient fire and law enforcement services are available to serve new cannabis facilities, such that no new fire or law enforcement facilities would need to be constructed to support new cannabis facilities; thus, impacts related to public services would be similar under the program alternatives compared to Alternative 2. Because the application requirements and performance standards of the Cannabis Program would be the same among the program alternatives, impacts to land use and planning would be similar under the program alternatives compared to Alternative 2. Finally, because cannabis would be considered an agricultural use, there would be no impacts to agricultural resources under any of the alternatives; thus, impacts under the program alternatives would be similar to Alternative 2.

4.3 Alternatives Considered but Not Evaluated Further

As described above, State CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen 1 or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. The EIR should also identify any alternatives that were considered by the lead agency but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination.

The following alternative was considered by San Diego County but is not evaluated further in this PEIR for the reasons described below.

4.3.1 Ban on Commercial Cannabis Activities in the County

Under this alternative, the County would implement a ban on commercial cannabis activities. No new commercial cannabis activities, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and on-site consumption, would be allowed. This alternative would also result in the cessation of commercial cultivation cannabis operations currently allowed under the County Zoning Ordinance Section 6861 (Nonconforming Cannabis Facilities) and under Title 2, Division 1, Chapter 25 of the County Code of Regulatory Ordinances (Regulatory Code). Under this alternative, the 5 existing commercial cannabis facilities, which are located in the unincorporated areas of El Cajon, Escondido, and Ramona, would be restored to their preexisting conditions. Enforcement activities would be undertaken by the County and other agencies, if necessary, to ensure proper closure of existing commercial cannabis operations.

This alternative was determined early on to be infeasible. It would be inconsistent with the passage of state Proposition 64 (Marijuana Legalization in 2016) and with San Diego County voter passage of Measure A (Cannabis Business Tax in 2022), authorizing the County to impose a general tax on the square footage of cultivation, as well as the gross receipts of commercial cannabis, including manufacturing, testing, distribution, and retail sales in unincorporated San Diego County. This alternative also would not be consistent with any of the project objectives listed above; thus, it is not considered further

4.4 Analysis of the Alternatives

As described above, the Cannabis Program would result in significant and unavoidable impacts associated with aesthetics, air quality, hydrology and water quality, noise, transportation, and utilities and service systems. Thus, these topics are the focus of the below alternatives analysis. Conclusions for each alternative are characterized as "greater," "similar," or "less" to describe conditions that are worse than, similar to, or better than those of Alternative 2.

4.4.1 Aesthetics, Issue 2: Substantially Degrade Visual Character or Quality

Cannabis facilities associated with the Cannabis Program consist of cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities; cannabis manufacturing facilities; cannabis distribution facilities; cannabis microbusinesses; cannabis testing laboratories; and cannabis temporary events. Compliance with regulations and regulatory processes would reduce the likelihood that commercial cannabis facilities would degrade visual character or quality throughout the unincorporated county, particularly in

agricultural and rural areas, or conflict with applicable zoning and other regulations governing scenic quality in urbanized areas. Nevertheless, aesthetic impacts are subjective, and cannabis uses have distinctly recognizable visual characteristics as compared to other traditional forms of agriculture in the unincorporated county (e.g., security fencing), as well as the potential for concentration of cannabis facilities in some areas of the county.

This impact would be significant and unavoidable under Alternative 2.

4.4.1.1 *Alternative 1 (Less than Significant)*

The Cannabis Program would have a less-than-significant impact on aesthetics resources under Alternative 1 because site expansion at each of the 5 sites would be limited to 10,000 square feet of building area and no new cannabis uses would be allowed in the county. Thus, impacts on visual character or quality under Alternative 1 would be less than under Alternative 2. (*Less, eliminates a significant and unavoidable impact*)

4.4.1.2 *Alternative 3 (Significant and Unavoidable)*

Alternative 3 would expand the definition of “sensitive uses” and increase buffers from these uses from 600 to 1,000 feet. A 600-foot buffer, or the length of 2 football fields, would generally be sufficient to limit detailed view of a billboard or business storefront, and although 1,000 feet would further limit the visual impact through minimizing the potential of the clustering of commercial cannabis facilities together, it would not substantially decrease the impact because businesses would not appear substantially different. (*Similar*)

4.4.1.3 *Alternative 4 (Significant and Unavoidable)*

Alternative 4 would implement the same setback and buffer requirements as described above under Alternative 3 but would also prohibit outdoor cultivation. As discussed above, expansion of buffers from 600 to 1,000 feet would not substantially affect visual character or quality, although 1,000 feet would further limit the visual impact through minimizing the potential of the clustering of commercial cannabis facilities together. While aesthetics are generally considered subjective, elimination of outdoor cannabis cultivation landscape features, such as agricultural shade or crop structures, storage buildings, and enclosed fenced cannabis cultivation areas, would result in a lesser impact than under Alternative 2 because these features would not be developed in the county under Alternative 4. (*Less*)

4.4.1.4 *Alternative 5 (Significant and Unavoidable)*

Alternative 5 would contain the same setback and buffer requirements as described above for Alternatives 3 and 4. As discussed above, expansion of buffers from 600 to 1,000 feet would not substantially affect visual character or quality, although 1,000 feet would further limit the visual impact through minimizing the potential of the clustering of commercial cannabis facilities together. While outdoor cultivation under Alternative 5 would be limited to 1 acre of total canopy area, or 25 percent of the lot size, whichever is less, landscape features such as agricultural shade or crop structures, storage buildings, and enclosed fenced cannabis cultivation areas would nevertheless be introduced into the county and would result in similar impacts to visual character and quality compared to Alternative 2. (*Similar*)

4.4.2 Air Quality, Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People

Commercial cannabis uses have the potential to generate nuisance odors. Cannabis plants are known to emit odors, especially during the final stages of the growing cycle (i.e., typically beginning in August and continuing through the harvest season, in September and October for outdoor cultivation). The potential for detected odors to be considered objectionable and an adverse effect would depend on the size of the cannabis-related operation, the location of the receptor, the presence of nearby vegetation, and topographic and atmospheric conditions. There are no feasible mitigation measures to avoid the potential for occasional odor nuisance impacts because there is no reliable method to contain odors on-site under all atmospheric conditions during harvest season. Thus, there are no effective mitigation measures to ensure elimination of cannabis odors.

This impact would be significant and unavoidable under Alternative 2.

4.4.2.1 *Alternative 1 (Less than Significant)*

The Cannabis Program would have less-than-significant impacts associated with odors under Alternative 1 because existing commercial cannabis facilities will continue to operate under the existing ordinances as well as expand their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis uses would be allowed. These expansions would not generate significant construction or operational odors beyond existing cannabis cultivation operations. Thus, odor-related impacts under Alternative 1 would be less than under Alternative 2. (*Less, eliminates a significant and unavoidable impact*)

4.4.2.2 *Alternative 3 (Significant and Unavoidable)*

Alternative 3 would expand the definition of “sensitive uses” and increase buffers from these uses from 600 to 1,000 feet. Although odor-related impacts would be significant and unavoidable under Alternative 3, the increased buffer for sensitive uses would minimize impacts. Thus, odor-related impacts would be less under Alternative 3 compared to Alternative 2. (*Less*)

4.4.2.3 *Alternative 4 (Less than Significant)*

Alternative 4 would prohibit outdoor cannabis cultivation. Thus, all cannabis cultivation operations would be contained within a building and would be subject to Cannabis Program and Regulatory Code requirements, which include the implementation of an odor mitigation plan and odor control requirements that prohibits cannabis odors from being detected outside of the cannabis premises. These requirements would reduce odor impacts to a less-than-significant level. Thus, impacts under Alternative 4 would be less than under Alternative 2. (*Less, eliminates a significant and unavoidable impact*)

4.4.2.4 *Alternative 5 (Significant and Unavoidable)*

Alternative 5 contains the same setback and buffer requirements as described above for Alternatives 3 and 4. Although odor-related impacts would be significant and unavoidable

under Alternative 5, the increased buffer for sensitive uses would minimize impacts. Thus, odor-related impacts would be less under Alternative 5 compared to Alternative 2. (*Less*)

4.4.3 Hydrology and Water Quality, Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge

New cannabis uses would increase water demand in the county, a portion of which would be derived from groundwater sources. The proposed zoning ordinance changes under the proposed Cannabis Program establish use types that would require issuance of a zoning verification permit that meet specified criteria. For zoning verification of use types that include cultivation less than 5,000 square feet or less in canopy area, distribution, manufacturing, testing laboratories and retail, this would require a letter report signed by a California Professional Geologist which concludes that extraction of groundwater is not likely to interfere with production and functioning of existing nearby wells and not likely to substantially decrease groundwater supplies. If a Cannabis Program applicant would require groundwater as a water supply for a discretionary permit, requirements would include evaluation of potential groundwater impacts. Although the Groundwater Ordinance contains standards for well construction, repair, reconstruction, and destruction, it does not place requirements on groundwater production rates or requirements concerning groundwater availability. Because of the uncertainty of available groundwater resources in fractured-rock aquifer conditions, additional groundwater draw down associated with a project approved under the proposed Cannabis Program may result in a groundwater overdraft condition, low well yield, or well interference. It cannot be known at this time where new wells may be constructed or where groundwater production may increase; thus, this impact would be potentially significant.

This impact would be significant and unavoidable under Alternative 2.

4.4.3.1 *Alternative 1 (Less than Significant)*

No new cannabis uses would be allowed in the county under Alternative 1. However, the existing 5 sites could expand up to 10,000 square feet each. All of the existing sites are supplied water through municipal services districts; thus, there would not be site-specific wells used for these operations. Thus, impacts on groundwater supplies under Alternative 1 would be less than under Alternative 2. (*Less, eliminates a significant and unavoidable impact*)

4.4.3.2 *Alternative 3 (Significant and Unavoidable)*

Under Alternative 3, future new cannabis uses in the county are projected to demand the same quantity of water (668 afy) and are estimated to require the same total building area as Alternative 2 (i.e., potential to affect groundwater recharge), as identified in Table 1.4; thus, there would be similar effects related to reduced groundwater supplies under Alternative 3 as under Alternative 2. (*Similar*)

4.4.3.3 *Alternative 4 (Significant and Unavoidable)*

Under Alternative 4, future new cannabis uses in the county are projected to demand a smaller quantity of water (614 afy under Alternative 4 versus 668 afy under Alternative 2); thus, there would be lesser potential for reduced groundwater supplies under Alternative 4 than under Alternative 2. (*Less*)

4.4.3.4 *Alternative 5 (Significant and Unavoidable)*

Under Alternative 5, future new cannabis uses in the county are projected to demand the same quantity of water (668 afy) and are estimated to require the same total building area (i.e., potential to affect groundwater recharge); thus, there would be similar effects related to reduced groundwater supplies under Alternative 5 as under Alternative 2. (*Similar*)

4.4.4 Noise, Issue 1: Excessive Temporary (Construction-Related) Noise Levels

Depending on the existing ambient noise levels of the proposed cannabis site, construction noise could result in a substantial temporary noise increase (i.e., +10 decibels [dBA]) in the project vicinity. In accordance with Section 36.408 of the Regulatory Code, construction activities would occur during daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.) when receptors are less sensitive to increased noise levels; however, the County has not adopted daytime construction noise exemptions. Commercial cannabis sites constructed under the Cannabis Program would be required to comply with Sections 36.408 and 36.409 of the Regulatory Code, which regulate construction-related noise to ensure that the applicable sound level standards would not be exceeded. However, considering that specific details of individual future commercial cannabis sites associated with the Cannabis Program—such as locations of future sites and their distance to sensitive receptors—are currently unknown, it cannot be guaranteed that construction noise would not result in a substantial temporary increase in noise at existing sensitive receptors as defined in the County's General Plan, which includes residential uses, either because the County's construction noise standard of 75 dBA equivalent continuous sound level (L_{eq}) would be exceeded or because construction activity would increase the ambient noise level at sensitive receptors beyond 10 dBA.

This impact would be significant and unavoidable under Alternative 2.

4.4.4.1 *Alternative 1 (Less than Significant)*

The Cannabis Program would have a less-than-significant impact on construction noise under Alternative 1 because site expansion at each of the 5 sites would be limited to 10,000 square feet of building area in areas where sensitive receptors would not be impacted and no new cannabis uses would be allowed in the county. Thus, construction noise impacts under Alternative 1 would be less than under Alternative 2. (*Less, eliminates a significant and unavoidable impact*).

4.4.4.2 *Alternative 3 (Significant and Unavoidable)*

Alternative 3 prohibits the development of cannabis facilities within 1,000 feet of sensitive uses beyond what is identified in Alternative 2. However, construction activities for future new cannabis uses in the county are anticipated to be similar to Alternative 2. Thus, there would be similar construction noise effects under Alternative 3 as under Alternative 2. (*Similar*)

4.4.4.3 *Alternative 4 (Significant and Unavoidable)*

Alternative 4 prohibits the development of cannabis facilities within 1,000 feet of sensitive uses beyond what is identified in Alternative 2 as well as prohibits the development of outdoor cannabis uses. However, construction activities for future new cannabis uses in the county are

anticipated to be similar to Alternative 2. Thus, there would be similar construction noise effects under Alternative 4 as under Alternative 2. (*Similar*)

4.4.4.4 *Alternative 5 (Significant and Unavoidable)*

Alternative 5 prohibits the development of cannabis facilities within 1,000 feet of sensitive uses beyond what is identified in Alternative 2. However, construction activities for future new cannabis uses in the county are anticipated to be similar to Alternative 2. Thus, there would be similar construction noise effects under Alternative 5 as under Alternative 2. (*Similar*)

4.4.5 Transportation, Issue 2: Exceed the Threshold for VMT

The County of San Diego Transportation Study Guidelines (adopted on September 2022) include a list of screening criteria for land use and transportation projects that are presumed to generate a less-than-significant VMT impact. Small projects that are estimated to generate less than 110 average daily vehicle trips (ADT) can be presumed to result in a less-than-significant VMT impact. For cannabis facilities located outside of a VMT efficient area, infill village area, or a transit accessible area, the VMT could exceed the allowable thresholds identified by the County and could potentially result in a significant VMT-related impact. However, cannabis projects that are not within a location-based screening criterion could still potentially be screened out via the Small Employment Project or the Locally Serving Retail Projects criteria, if they are within screening thresholds (i.e., facility size) presented in Table 2.16.2 in Section 2.16, “Transportation.”

Therefore, the potential for the Cannabis Program to exceed the County’s threshold for VMT under Alternative 2 would be significant and unavoidable.

4.4.5.1 *Alternative 1 (Less than Significant)*

The Cannabis Program would have a less-than-significant impact on transportation resources under Alternative 1 because site expansion at each of the 5 sites would be limited to 10,000 square feet of building area and no new cannabis uses would be allowed in the county. Thus, VMT impacts under Alternative 1 would be less than under Alternative 2. (*Less, eliminates a significant and unavoidable impact*).

4.4.5.2 *Alternative 3 (Significant and Unavoidable)*

As shown in Table 1.4, the development potential under Alternative 3 would be the same as under Alternative 2. Although commercial cannabis cultivation and noncultivation sites under Alternative 3 could potentially be screened out, there is a possibility that new cannabis facilities would not meet any of the screening criteria, and thus, their associated VMT output may exceed the allowable threshold identified by the County. This impact would be similar under Alternative 3 and Alternative 2. (*Similar*)

4.4.5.3 *Alternative 4 (Significant and Unavoidable)*

As shown in Table 1.4, the development potential under Alternative 4 would not include outdoor cultivation and would be greater for mixed-light and indoor cultivation than under Alternative 2. Although commercial cannabis cultivation and noncultivation sites under

Alternative 4 could potentially be screened out, there is a possibility that new cannabis facilities would not meet any of the screening criteria, and thus, their associated VMT output may exceed the allowable threshold identified by the County. This impact would be similar under Alternative 4 and Alternative 2. (*Similar*)

4.4.5.4 *Alternative 5 (Significant and Unavoidable)*

As shown in Table 1.4, the development potential under Alternative 5 would be the same as under Alternative 2. Although commercial cannabis cultivation and noncultivation sites under Alternative 5 could potentially be screened out, there is a possibility that new cannabis facilities would not meet any of the screening criteria, and thus, their associated VMT output may exceed the allowable threshold identified by the County. This impact would be similar under Alternative 5 and Alternative 2. (*Similar*)

4.4.6 Utilities and Service Systems, Issue 1: Adequate Water Supplies

As identified in Table 2.18.4, it is estimated that new commercial cannabis operations under Alternative 2 would have a total water demand of approximately 668 afy. The 2020 Urban Water Management Plans (UWMPs) concluded the Metropolitan Water District, the San Diego County Water Authority (SDCWA), and all SDCWA member agencies that serve the unincorporated county would have adequate water supplies that would meet or exceed water demand under normal water year, single dry water year, and multiple dry water year conditions through the year 2045. However, water supply availability varies in the county based on local conditions and water sources of the service provider.

It is unknown to what extent cultivation uses under Alternative 2 would obtain water supplies from municipal water districts. While noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. Therefore, water demand associated with Alternative 2 would be in addition to water demands already identified.

This impact would be significant and unavoidable under Alternative 2.

4.4.6.1 *Alternative 1 (Less than Significant)*

No new cannabis uses would be allowed in the county under Alternative 1. The existing 5 sites could expand up to 10,000 square feet each. Assuming that these expansions would involve new indoor cannabis cultivation uses, the potential expansion of the 5 sites could result as much as 5.6 afy of total water demand. This increase in water demand would be less than significant. This would also be less than the water demand of Alternative 2 (668 afy). Thus, impacts on water demand under Alternative 1 would be less than under Alternative 2. (*Less, eliminates a significant and unavoidable impact)*

4.4.6.2 *Alternative 3 (Significant and Unavoidable)*

Under Alternative 3, future new cannabis uses in the county are projected to demand the same quantity of water (668 afy). Thus, there would be similar effects related to municipal water supplies under Alternative 3 as under Alternative 2. (*Similar*)

4.4.6.3 *Alternative 4 (Significant and Unavoidable)*

Under Alternative 4, future new cannabis uses in the county are projected to demand a smaller quantity of water (614 afy under Alternative 4 versus 668 afy under Alternative 2). Thus, there would be reduced effects related to municipal water supplies under Alternative 4 as under Alternative 2. (*Less*)

4.4.6.4 *Alternative 5 (Significant and Unavoidable)*

Under Alternative 5, future new cannabis uses in the county are projected to demand the same quantity of water (668 afy). Thus, there would be similar effects related to municipal water supplies under Alternative 5 as under Alternative 2. (*Similar*)

4.5 Environmentally Superior Alternative

The County is considering 5 alternatives to the Cannabis Program, including the No-Project Alternative. Alternatives 2, 3, 4, and 5 would involve the same 3 components of the Cannabis Program (Social Equity Program, Cannabis Ordinance amendments, and a cannabis licensing and permitting system). The program alternatives differ in regard to the definition and buffer distance from sensitive uses, allowed license types, and allowed maximum outdoor cultivation canopy. Alternatives 2, 3, 4, and 5 would comply with State Water Resources Control Board Cannabis Cultivation General Order (Order No. WQ 2023-0102-DWQ) and other state operation requirements for cannabis facilities siting and design. An evaluation of these alternatives against the existing conditions is presented in Chapter 2, “Significant Environmental Effects of the Proposed Project.” Table 4.1, presented at the end of this section, summarizes the impact comparison to Alternative 2 (proposed project).

Under Alternative 1, the No-Project Alternative, the Cannabis Program would not be adopted. Alternative 1 would be the environmentally superior alternative because this alternative would reduce and avoid significant environmental impacts under Alternative 2. As discussed above, if the No-Project Alternative is the environmentally superior alternative, CEQA requires that the EIR “shall also identify an environmentally superior alternative among the other alternatives” (Section 15126.6(e)(2)). Of the remaining alternatives, Alternative 4 would eliminate significant impacts to odors associated with Alternative 2. In addition, Alternative 4 would reduce the severity of significant and unavoidable impacts related to hydrology and water quality and water supply compared to Alternative 2. Therefore, Alternative 4 is the environmentally superior alternative.

Table 4.1 Summary of the Environmental Effects of the Alternatives Relative to Those of the Proposed Project

Environmental Topic	Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements	Alternative 1: No Project—Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Aesthetics	Significant and unavoidable	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Agriculture and Forest Resources	No impact	Similar (NI)	Similar (NI)	Similar (NI)	Similar (NI)
Air Quality	Significant and unavoidable (odor impacts only)	Less (LTS, eliminates SU impact)	Less	Less (LTS, eliminates SU impact)	Less
Biological Resources	Less than significant (with mitigation)	Less	Similar	Less	Similar
Cultural and Paleontological Resources	Less than significant	Less	Similar	Less	Similar
Energy	Less than significant (with mitigation)	Less	Similar	Less	Similar
Geology, Soils, and Mineral Resources	Less than significant	Less	Similar	Less	Similar
Greenhouse Gas Emissions and Climate Change	Less than significant (with mitigation)	Less	Similar	Less	Similar
Hazards and Hazardous Materials	Less than significant	Less	Similar	Less	Similar
Hydrology and Water Quality	Significant and unavoidable (groundwater supply impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Land Use and Planning	Less than significant	Less (NI)	Similar	Similar	Similar
Noise	Significant and unavoidable (construction noise impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Population, and Housing	Less than significant	Less	Similar	Similar	Similar
Public Services	Less than significant	Less (NI)	Similar	Similar	Similar

Environmental Topic	Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements	Alternative 1: No Project—Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Transportation	Significant and unavoidable (vehicle miles traveled impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Tribal Cultural Resources	Less than significant	Less	Similar	Less	Similar
Utilities and Service Systems	Significant and unavoidable (water supply impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Wildfire	Less than significant	Less	Similar	Less	Similar

Notes: NI = no impact; LTS = less than significant; SU = significant and unavoidable.

Source: Compiled by Ascent in 2024.

CHAPTER 5 OTHER CEQA SECTIONS

5.1 Growth Inducement

CEQA specifies that the growth-inducing impacts of a project must be addressed in an EIR (California Code of Regulations Section 21100(b)(5)). Specifically, Section 15126.2(d) of the State CEQA Guidelines states that the EIR shall:

> Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can induce growth directly, indirectly, or both. Direct growth inducement would result if a project involved construction of new housing. Indirect growth inducement would result, for instance, if implementing a project resulted in any of the following:

- substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises);
- substantial short-term employment opportunities (e.g., construction employment) that indirectly stimulates the need for additional housing and services to support the new temporary employment demand; or
- removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

Growth inducement itself is not an environmental effect but may foreseeably lead to environmental effects. If substantial growth inducement occurs, it can result in secondary environmental effects, such as increased demand for housing, increased demand for other community and public services and infrastructure capacity, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, conversion of agricultural and open-space land to urban uses, and other effects.

5.1.1 Growth-Inducing Impacts

According to the California Department of Cannabis Control, a total of 35,093,495 plants were grown statewide, and 276,953 packages were processed in 2023 (DCC 2024a). This production contributed to an overall sum of $4.98 billion in sales of cannabis products (i.e., flower, vape, pre-roll, edible, extract/concentrate, edible, tincture/capsule, topical, plant, seeds, other). As shown in Table 5.1, presented at the end of the chapter, there has been a general decrease in the level of production and sales of cannabis products in the state in recent years (since 2022).

While the total sales throughout the state have varied over the years, as shown in Table 5.1, the cost of products has generally decreased from 2021 to 2023 as depicted in Figure 5.1, presented at the end of this chapter.

This data indicate that cannabis production and sales are not trending toward increased economic growth at the statewide level. Rather, the data suggest an oversupply of product due to the decreased product price. According to this information, it may be surmised that there is little capacity for increased cannabis business opportunities when considering statewide supply and demand.

Within San Diego County, there are currently 5 existing cannabis facilities that are authorized to operate in the unincorporated area of the county. These facilities were in operation prior to the County's 2017 ban on new medical facilities and operate in a nonconforming status in accordance with the County of San Diego Zoning Ordinance, which allows for the expansion of their existing facilities and operations to a total of 10,000 square feet of building area per facility. No new cannabis facilities or other cannabis operations are permitted under the existing ordinances.

Approval of the Cannabis Program would allow for development and operation of new commercial cannabis facilities in the unincorporated area of the county, including retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges. Operation of these new facilities would be in addition to businesses within cities that have allowed cannabis operations, including National City, Encinitas, Lemon Grove, Chula Vista, Imperial Beach, La Mesa, Oceanside, Vista, and San Diego and elsewhere in California. New cannabis operations within the unincorporated areas of the county could serve residents from these cities where cannabis uses are allowed, as well as the unincorporated county and cities where cannabis business operations are prohibited (e.g., Carlsbad, Coronado, Del Mar, El Cajon, Escondido, Poway, San Marcos, and Solano Beach) and areas outside of the county.

Table 1.4 in Chapter 1, "Project Description, Location, and Environmental Setting," provides development assumptions for estimating future commercial cannabis uses in the unincorporated area of the county in 2044. These assumptions are based on published estimates on statewide cannabis consumption by adults, cannabis production by cultivation type (outdoor, mixed-light, and indoor), and the current percentage of cultivation and noncultivation licenses statewide according to California Department of Cannabis Control data (DCC 2024b). Consistent with these development assumptions, some economic growth specific to the cannabis sector in San Diego County is reasonably foreseeable with approval of the Cannabis Program under Alternatives 2, 3, 4, and 5; however, economic growth is not likely to be substantial because data indicate a statewide oversupply of cannabis product in relation to demand in the regulated market.

Implementation of the Cannabis Program is intended to regulate all commercial cannabis activities, including commercial cultivation and noncultivation uses (nurseries, retail, cultivation, manufacturing, distribution, testing, microbusinesses, temporary events, and consumption lounges) in the unincorporated area of the county. Table 1.4 identifies the anticipated extent of development and employment associated with commercial cultivation and noncultivation uses under Alternatives 2, 3, 4, and 5. Depending on the alternative, the number of new permanent full-time equivalent employees generated with implementation of the Cannabis Program would range from none (Alternative 1) to 3,939 (Alternative 4). As discussed in Section 2.14,

"Population and Housing," 3,939 permanent jobs would represent an increase of approximately 0.3 percent from 2023 employment conditions and would account for only approximately 0.8 percent of the 524,818 total jobs projected to be added in the county by 2050. Therefore, these additional jobs would be well within the planned employment growth for the region, and additional construction of housing would not be fostered through implementation of the Cannabis Program. Therefore, the Cannabis Program under Alternatives 2, 3, 4, and 5 would not substantially contribute to direct growth-inducing effects.

Furthermore, the Cannabis Program would not remove barriers to population growth. No new or expanded (beyond what is currently planned) public infrastructure facilities would be installed to support implementation of the Cannabis Program because cannabis uses would operate similar to the way that existing land uses in the county operate. In addition, no new roadway improvements would be triggered from adoption of the Cannabis Program. It is expected that most cannabis facilities would use on-site wastewater treatment systems and wells for water supply. As discussed in Section 2.18, "Utilities and Service Systems," new commercial cannabis facilities may include construction or improvement of water, wastewater, stormwater drainage, electric power, natural gas (where available), and telecommunication facilities as needed based on site-specific conditions. Extension of these infrastructure facilities is expected to be limited because they are generally available along roadway frontages of the parcels or may be accommodated on individual project sites where uses are allowed. More generally, adoption of the Cannabis Program would not trigger the need for the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could remove a barrier to growth. Therefore, the Cannabis Program under Alternatives 2, 3, 4, and 5 would not contribute to indirect growth-inducing effects.

5.2 Significant and Unavoidable Adverse Impacts

State CEQA Guidelines Section 15126.2(c) requires EIRs to include a discussion of the significant environmental effects that cannot be avoided if the project is implemented. As documented throughout Chapter 2, "Significant Environmental Effects of the Proposed Project," which addresses project-level impacts, as well as cumulative impacts, after implementation of the identified mitigation measures, implementation of the Cannabis Program would result in the following significant and unavoidable impacts:

- Aesthetic Resources, Issue 2: Substantially Degrade Visual Character or Quality (Alternatives 2, 3, 4, and 5)
- Air Quality, Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People (Alternatives 2, 3, and 5)
- Hydrology and Water Quality, Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge (Alternatives 2, 3, 4, and 5)
- Noise, Issue 1: Excessive Temporary Construction-Related Noise Levels (Alternatives 2, 3, 4, and 5)
- Transportation, Issue 2: Exceed the Threshold for VMT (Alternatives 2, 3, 4, and 5)
- Utilities and Service Systems, Issue 1: Adequate Water Supplies (Alternatives 2, 3, 4, and 5)

5.3 Significant Irreversible Environmental Changes

The State CEQA Guidelines require a discussion of any significant irreversible environmental changes that would be caused by the project. Specifically, State CEQA Guidelines Section 15126.2(d) states:

> Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

5.3.1 Use of Nonrenewable Resources

The project would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation, including:

- construction materials, including such resources as soil, rocks, wood, concrete, glass, and steel;
- land area committed to new project facilities;
- water supply for project construction and operation; and
- energy expended in the form of electricity, natural gas, diesel fuel, gasoline, and oil for equipment and transportation vehicles that would be needed for project construction and operation.

The use of these nonrenewable resources is expected to account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region.

As identified in Section 2.11, "Hydrology and Water Quality," future new cannabis uses in the county would demand new water supplies, a portion of which would be derived from groundwater sources (see Issue 2). If a project applicant would require groundwater as a water supply, requirements would be limited to the County's County Grading, Clearing, and Watercourses Ordinance (Groundwater Ordinance) (Regulatory Code Section 67.701 et seq.). Although the Groundwater Ordinance contains standards for well construction, repair, reconstruction, and destruction, it does not place requirements on groundwater production rates or requirements concerning groundwater availability. Because of the uncertainty of available groundwater resources in fractured-rock aquifer conditions, additional groundwater draw down associated with a project approved under the proposed Cannabis Program may result in a groundwater overdraft condition, low well yield, or well interference. Although Mitigation Measure M-HYD.2-1 would reduce program and individual site impacts to a less-than-significant level, any drawdown of groundwater resources in the county could contribute to depletion of groundwater supplies where supplies are limited or yields of groundwater are low and would result in substantial long-term consumption of groundwater or other water supplies.

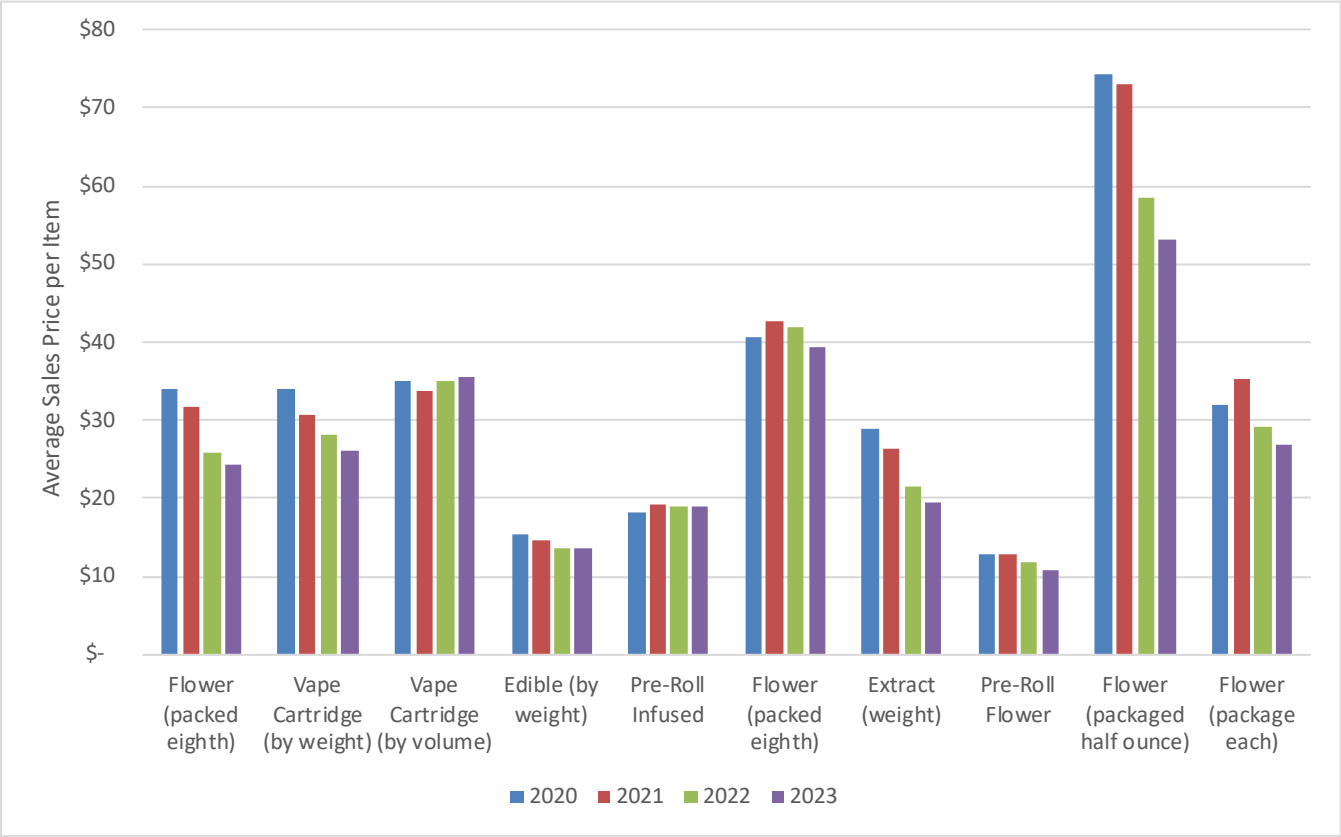
As identified in Table 2.18.4 in Section 2.18, “Utilities and Service Systems,” it is estimated that new commercial cannabis operations under the Cannabis Program could have a total municipal water demand of up to 668 acre-feet per year. The 2020 Urban Water Management Plans (UWMPs) concluded San Diego County Water Agency member agencies that serve the unincorporated county would have adequate water supplies that would meet or exceed water demand under normal water year, single dry water year, and multiple dry water year conditions through the year 2045. However, water supply availability varies in the county based on local conditions and water sources of the service provider. It is unknown to what extent cultivation uses would obtain water supplies from municipal water districts. While noncultivation uses are similar to other nonresidential commercial uses, cultivation uses were not factored into water demand assumptions identified in the UWMPs. Therefore, water demand associated with commercial cannabis uses would be in addition to water demands already identified.

As discussed in Section 2.7, “Energy,” construction and operation of commercial cannabis cultivation and noncultivation sites associated with adoption and implementation of the Cannabis Program would result in the consumption of fuel (gasoline and diesel), electricity, and natural gas (see Issue 1). As discussed therein, the energy needs for commercial cannabis cultivation would not require additional capacity or increased peak or base period demands for electricity or other forms of energy. All buildings constructed would be built to the California Energy Code in effect at the time of construction, as well as California Code of Regulations, Title 4, Section 16305 regarding energy sources that reduce greenhouse gas emissions. Future cultivation and associated energy expenditure under the Cannabis Program would be similar to those currently in the county. For this reason, construction and operation of cannabis facilities that would be licensed under the Cannabis Program would not result in substantial long-term consumption of energy and natural resources.

Table 5.1 Statewide Cannabis Harvest, Packaging, and Sales 2020–2023

Year	2020	2021	2022	2023
Plants	22,145,411	40,595,072	34,041,238	35,093,495
Packages	258,240	1,480,829	285,602	276,953
Total Sales (Billions)	$4.26	$5.35	$4.90	$4.89

Source: DCC 2024a.



Source: DCC 2024b.

Figure 5.1 Statewide Sales of Cannabis Products by Year

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CHAPTER 8 MITIGATION MEASURES

8.1 List of Mitigation Measures

8.1.1 Aesthetics

M-AE.2-1: Conduct Project-Level Visual Analysis for Cannabis Facilities

Each outdoor and mixed-light cannabis facility application that is located within public viewpoints (visible from public roads or other public viewpoints such as parks) shall include a visual analysis, photo simulation, or other appropriate level of review consistent with the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement–Visual Resources* to evaluate the potential for a proposed cannabis cultivation facility to substantially degrade the visual character or quality of public views. If the project site can be demonstrated to be outside of a public view, no further action is required. Potential visual impacts shall be addressed by siting outdoor and mixed-light cultivation facilities outside of public views. If this cannot be achieved, the applicant shall provide the reasoning in writing (e.g., all sites within the property are within public views, the site was previously farmed and selecting a new site would require additional grading, other sites contain sensitive resources, other sites do not contain fertile soils or other suitable conditions for growing cannabis). The siting of outdoor and mixed-light cultivation facilities will be subject to the County's review and approval during the permit application process.

8.1.2 Biological Resources

M-BI.1-1: Conduct Preapproval Reconnaissance-Level Surveys for Biological Resources

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County under the program if the application includes ground disturbance, vegetation removal, and/or grading. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ:

Reconnaissance-Level Survey

- A reconnaissance-level survey for biological resources shall be conducted by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in San Diego County) and approved by the County (i.e., on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*) prior to any staging or development activities. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. A qualified biologist would:
    - hold a wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university;
    - be knowledgeable in relevant species life histories and ecology;
    - be able to correctly identify relevant species and habitats;

- be knowledgeable about survey protocols;
- be knowledgeable about state and federal laws regarding the protection of special-status species; and
- have experience with CDFW's CNDDB and Biogeographic Information and Observation System (BIOS).

The reconnaissance-level survey shall include the following elements:

- Prior to the reconnaissance-level survey, the qualified biologist shall conduct a data review to determine the special-status plants; special-status wildlife; rare, narrow endemic plant and animal species; critical populations of sensitive plant species; sensitive habitats (e.g., federally protected wetlands, waters of the state, riparian habitat, sensitive natural communities); invasive plant species; and regional linkages/wildlife movement corridors that have the potential to occur within the proposed activity footprint of the cannabis use. This will include review of the best available, current data, including vegetation mapping data, the San Diego MSCP, the BMO, and database searches of the CNDDB, the CNPS Inventory of Rare and Endangered Plants of California, and the USFWS Inventory for Planning and Consultation.
- Prior to the reconnaissance-level survey, the qualified biologist shall determine whether the project constitutes an agricultural activity (i.e., cultivation) that would be exempt under the San Diego County MSCP, whether the project site is located within a PAMA or a Biological Resource Core Area as defined in the San Diego MSCP and BMO, and the tier level of vegetation on the project site ("List of San Diego County Vegetation Communities and Tier Levels within the San Diego MSCP").
- The qualified biologist shall map land cover, identify natural communities, and assess the habitat suitability of the proposed activity footprint of the cannabis use for special-status plants, special-status wildlife, and sensitive habitats identified as having potential to occur, consistent with the requirements of the San Diego MSCP and BMO for species covered by the plan, and consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ and Section 86.504 (Administrative Process and Evaluations; Environmental Initial Study) of the BMO.
- The biologist shall provide a report to the applicant and San Diego County Planning & Development Services with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed activity footprint of the cannabis use. The type of report will depend on the type of permit (i.e., ministerial, discretionary) and the size of the project, at the discretion of the County.
- If the reconnaissance-level survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant shall not be subject to additional biological resources protection measures.
- If special-status plants, special-status wildlife, habitat suitable for these species, or sensitive habitats are identified within or adjacent to the proposed activity footprint of the cannabis use, then additional mitigation measures would apply.

M-BI.1-2: Participate in the San Diego MSCP Including Payment of Fees and Implementation of Mitigation Measures for Covered Species

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with the following required compliance with SWRCB Order WQ 2023-0102-DWQ. County staff will review each project application and determine whether the project is in conformance with the MSCP and South County Subarea Plan and what is necessary (e.g., revisions, mitigation) for conformance with the MSCP plan and South County Subarea Plan.

Species Covered under the San Diego MSCP

If species covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use (during the initial biological survey described in M-BI.1-1), and the biologist determines that project activities may result in adverse effects on these species, the applicant shall assume presence of these species and satisfy the requirements of the San Diego MSCP, South County Subarea Plan, and the BMO. This measure applies to species currently covered under the South County Subarea Plan and species covered in the future under the North County Plan, East County Plan, and Butterflies HCP. This measure applies to cultivation and noncultivation activities that are not exempt from participation in the MSCP.

- If species covered under the San Diego MSCP or South County Subarea Plan that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation fees through purchase of mitigation credits, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and BMO habitat-based and species-based mitigation measures are required.
- If species covered under the San Diego MSCP or South County Subarea Plan that are listed under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the San Diego MSCP and South County Subarea Plan can be applied.
- Because some outdoor cultivation activities may be exempt from participation in the South County Subarea Plan, potential impacts on species covered under the South County Subarea Plan shall be addressed outside of the mitigation structure of the South County Subarea Plan and through implementation of the measures described below.

Special-Status Species Not Covered under the San Diego County MSCP

If species not covered under the San Diego MSCP or South County Subarea Plan are determined to be present or likely to be present within the proposed activity footprint of the cannabis use that is not exempt from participation in the MSCP, the applicant shall apply additional mitigation measures consistent with state and local requirements. This measure applies to all species not currently covered under the South County Subarea Plan. Should any of these species become subsequently covered under the North County Plan, East County Plan, or Butterflies HCP, the previous measure shall apply.

M-BI.1-3: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation for Plant Species Not Covered under the San Diego MSCP

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development activities associated with cultivation and noncultivation activities and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018).

  A qualified botanist would:

  - be knowledgeable about plant taxonomy;
  - be familiar with plants of the region, including special-status plants and sensitive natural communities;
  - have experience conducting floristic botanical field surveys as described in the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor;
  - be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/); and
  - be familiar with federal, state, and local statutes and regulations related to plants and plant collecting.
- If special-status plants are not found, the botanist shall document the findings in a report to CDFW, USFWS, the County, and the applicant, and no further mitigation will be required.
- If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. If special-status plants cannot be avoided, then the applicant shall consult with CDFW to determine if an incidental take permit should be obtained (i.e., for special-status species listed under CESA) or if compensatory mitigation would be required (for special-status plants with a CRPR of 1 or 2, and/or on the County of San Diego sensitive plant List A or List B). Impacts on these special-status plant species would be mitigated such that there would be no net loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the

site that is to be affected, and/or restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Habitat and individual plants lost shall be mitigated at a minimum 1:1 ratio (up to a 3:1 ratio), considering acreage as well as function and value. Success criteria for preserved and compensatory populations will include the following requirements:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.
- Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
    - plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and
    - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.
- Any mitigation plan for unavoidable impacts on special-status plants must be reviewed and approved by the County, and CDFW.

- If special-status plant species are found that have a CRPR of 3 or 4 and/or are on the County of San Diego sensitive plant List C or List D, the qualified botanist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species and shall prepare a report that contains evidence supporting the conclusion.
    - If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these plant species, the botanist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.
    - If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species, the botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. Impacts on these special-status plant species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

M-BI.1-4: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

This measure shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation shall be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council.

- The application will include identification of invasive plant species that occur on the site and where they are located. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- All invasive plant species shall be removed from the site to the extent practicable using measures appropriate to the species. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use and shall be cleaned before entering the site to reduce the risk of introducing invasive plant species.

M-BI.1-5: Conduct Preconstruction Surveys for Special-Status Amphibians

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status amphibians are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If arroyo toads or California red-legged frogs are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be assumed that cultivation and noncultivation activities could result in take of these federally listed species, and the application shall be denied.
- If western spadefoot toads are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual

animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.

- Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) is present in the proposed development area as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species (i.e., coast range newt, western spadefoot [if not listed under ESA at the time of the survey]) shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey and, for arroyo toad, California red-legged frog, or western spadefoot (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

M-BI.1-6: Conduct Surveys for Special-Status Reptiles and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status reptiles are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If southwestern pond turtles are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are

determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.

- Regardless of detection during the initial biological survey, if habitat suitable for special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) and including southwestern pond turtle (if not listed under ESA at the time of the survey) is present in the proposed development area, as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status reptile species shall be conducted throughout the proposed construction area, and a minimum 400-foot buffer, or other buffer size as recommended by CDFW, shall be established around the proposed development area. Surveys shall consist of "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for reptiles and visual searches for southwestern pond turtles in aquatic habitat and potential burrows.
- If special-status reptiles are not detected during the preconstruction survey and, for southwestern pond turtle (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status reptiles shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

M-BI.1-7: Conduct Preconstruction California Spotted Owl Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if California spotted owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If a qualified biologist determines that the project site contains or is adjacent to habitat suitable for California spotted owls during the initial biological survey (see M-BI.1-1), the qualified biologist will determine whether a documented California spotted owl nesting occurrence is present within 0.25 miles of a project site by reviewing California spotted owl occurrence data in the CNDDB and contacting biologists from adjacent public lands (e.g., US Forest Service land), as applicable, to obtain any recent survey and occurrence data for California spotted owl that have not been made publicly available (e.g., in the CNDDB).

- If a nesting occurrence is determined to be present or if nesting habitat suitable for California spotted owl as determined by a biologist during the initial biological survey (see M-BI.1-1) is present within or within 0.25 miles of a project site, then the following measures will be followed:
    - Protocol-level surveys for California spotted owl will be conducted by a qualified biologist within a 0.25-mile radius surrounding the project site prior to any construction or staging activities where a documented nest or nesting habitat is present within 0.25 miles of the project site. Surveys for California spotted owl will be conducted pursuant to the *Protocol for Surveying for Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas* (US Forest Service 1993) or any protocol subsequently developed by USFWS should the species be listed.
    - If California spotted owls are determined to be absent within 0.25 miles from the site, then further mitigation is not required.
    - If nesting California spotted owls are identified during protocol-level surveys and determined to be present within 0.25 miles of the project site, then it is presumed that cultivation and noncultivation activities, including development and operation, could result in take of California spotted owls through habitat modification or disturbance. Therefore, if California spotted owls are determined to be present within 0.25 miles of the project site, proposed cultivation and noncultivation activities will not be permitted.

M-BI.1-8: Conduct Take Avoidance Survey for Burrowing Owl and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if burrowing owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for burrowing owls is determined to be present on the site during the initial biological survey (see M-BI.1-1), a qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species (e.g., grasslands, agricultural areas) on and within a minimum of 1,640 feet (500 meters) of the cultivation or noncultivation site using survey methods described in Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of 4 surveys shall be conducted to determine whether burrowing owls occupy the site. If feasible, at least 1 survey should be conducted between February 15 and April 15, and the remaining surveys should be conducted between April 15 and July 15 and at least 3 weeks apart. Because burrowing owls may recolonize a site after only a few days, 1 of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.

- If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant, the County, and CDFW, and no further mitigation shall be required.
- If an active burrow is found within a minimum of 1,640 feet of ground-disturbing activities that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). The protection buffer shall be adjusted if, during consultation with the County and CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures.
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 1,640 feet (500 meters). There is an option for the size of the buffer to be adjusted depending on the time of year and level of disturbance as outlined in the burrowing owl staff report. The size of the buffer shall be reduced if a broad-scale, long-term monitoring program acceptable to the County and CDFW is implemented so that burrowing owls are not adversely affected.

M-BI.1-9: Conduct Preconstruction Special-Status Nesting Raptor Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status raptors are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for loss of nesting raptors, tree and other vegetation removal activities shall occur only during the nonbreeding season (September 1 through January 31), if feasible.
- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within a certain distance, depending on the species that are known or have potential to be present. The survey radius for American peregrine falcon, bald eagle, and golden eagle shall be a minimum of 0.5 miles from the proposed development area boundary. The survey radius for Swainson's hawk and white-tailed kite shall be a minimum of 0.25 miles from the proposed development area boundary. The survey radius for all other raptor species shall be a minimum of 500 feet from the proposed development area boundary. The surveys shall be conducted between February 1 and August 31.
- If nesting special-status raptors are determined to be absent, then further mitigation is not required.

- If active nests are identified during preconstruction raptor surveys, then impacts on nesting raptors shall be avoided by establishing appropriate buffers around the nests. Factors to be considered for determining buffer size shall include the presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, and baseline levels of noise and human activity. Buffer size may be adjusted if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Typical buffer sizes are 0.5 miles for American peregrine falcon, bald eagle, and golden eagle; 0.25 miles for Swainson's hawk and white-tailed kite; and 500 feet for other raptor species. No activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist during and after construction activities (e.g., ground disturbance, vegetation removal) shall be required if the activity has potential to adversely affect the nest.
- Removal of bald and golden eagle nests is prohibited regardless of their occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
- Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree.

M-BI.1-10: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status birds are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for disturbance to or loss of special-status birds or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 15 through January 31), if feasible.
- Because coastal California gnatcatcher is a resident species and may be present year-round, there is no reliable season during which all impacts on non-nesting coastal California gnatcatchers could be avoided. Coastal California gnatcatcher is listed under ESA, and USFWS requires protocol-level surveys to determine presence or absence of the species, and these surveys must be conducted by a Section 10(a)(1)(A) permitted biologist. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys. Furthermore, the San Diego County HLP Ordinance requires issuance of a take permit for coastal California gnatcatcher pursuant to the Special 4(d) Rule under ESA for projects that would directly or indirectly affect any coastal sage scrub habitat types. For the same reasons, cultivation and noncultivation activities would not be permitted on parcels that contain coastal sage scrub habitat (see M-BI.5-1).

- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or vegetation or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for special-status and common nesting birds on the site and within 1,000 feet of the site. The surveys shall be conducted no more than 3 days before construction begins.
- Surveys will follow established protocols, where these protocols exist (e.g., surveys for least Bell's vireo will follow the protocols in *Least Bell's Vireo Survey Guidelines* [USFWS 2001]).
- Because the nests of least Bell's vireo, southwestern willow flycatcher, and other riparian nesting birds are small and difficult to find, occupancy of habitat suitable for this species will be determined by a qualified RPF or biologist familiar with the life history and calls of these species. If least Bell's vireos, southwestern willow flycatcher, or other riparian nesting birds are observed calling, exhibiting territorial displays, carrying nest materials, carrying prey, or other signs of breeding behavior, the habitat will be considered occupied.
- If no active nests are found during focused surveys, then further mitigation is not required.
- If nests associated with species listed under both CESA and ESA or only under ESA (i.e., California least tern, coastal California gnatcatcher, least Bell's vireo, light-footed Ridgway's rail, southwestern willow flycatcher, western snowy plover, western yellow-billed cuckoo) are found during surveys, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. No-disturbance buffers for these species shall be at least 1,000 feet.
- If active nests of species not listed under ESA are located during the preconstruction surveys, the biologist shall notify CDFW. If deemed necessary by CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a no-disturbance buffer, the size of which shall be determined by the qualified biologist in consultation with CDFW. No-disturbance buffers shall be a minimum of 100 feet from the nest to avoid disturbance, depending on the species identified, until the nest is no longer active. No-disturbance buffers surrounding tricolored blackbird colonies shall be a minimum of 500 feet.

M-BI.1-11: Conduct Preconstruction Crotch's Bumble Bee Habitat Suitability Surveys and Focused Surveys

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if bumble bees are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before implementation of ground-disturbing activities, a qualified biologist shall conduct a habitat assessment for Crotch's bumble bee following the guidance in *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee*

Species (CDFW 2023). Results of the habitat assessment shall be submitted to the applicant, the County and CDFW before initiating ground-disturbing activities. If the area of proposed new development activities contains habitat suitable for Crotch's bumble bee (e.g., nesting habitat, foraging habitat, overwintering habitat), the following measures shall be followed:

- To avoid impacts on nesting Crotch's bumble bee, cultivation and noncultivation activities shall not occur in habitats suitable for this species from April through September (i.e., flight season) if feasible.
- Focused surveys for Crotch's bumble bees shall be conducted following the guidance in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). Crotch's bumble bee presence may also be assumed. If Crotch's bumble bees are determined to be absent during focused surveys, then further mitigation is not required. If Crotch's bumble bees are detected during focused surveys or presence is assumed, the following measure shall be implemented:
    - If Crotch's bumble bees are detected during review and surveys or presence is assumed, the qualified biologist shall contact CDFW for coordination regarding avoidance and mitigation. Avoidance and mitigation measures may include seasonal avoidance or physical avoidance of nest or overwintering sites.

M-BI.1-12: Conduct Preconstruction Special-Status Butterfly Habitat Suitability Surveys and Focused Surveys

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status butterflies are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To avoid impacts on overwintering monarch butterflies, new development related to cultivation and noncultivation activities shall not occur in monarch overwintering sites (Xerces Society 2018) and within a buffer surrounding the overwintering site, the size of which will be determined by the qualified biologist to avoid disturbance to the site (but at least 100 feet).
- If, during implementation of M-BI.1-1, a previously undetected monarch overwintering site is found by a qualified biologist, cultivation and noncultivation activities shall be prohibited in the overwintering site and within a buffer surrounding the overwintering site, the size of which will be determined by the qualified biologist to avoid disturbance to the site (but at least 100 feet).
- If, during implementation of M-BI.1-1, a qualified biologist determines that habitat suitable for overwintering monarchs is present on a site, a qualified biologist familiar with monarchs and monarch overwintering habitat will conduct focused surveys for monarch colonies in these areas between October 1 and March 31 and will identify any colonies found within the treatment area. Any identified colonies shall be avoided as described above. If no overwintering colonies are found, further mitigation to protect overwintering monarchs will not be required.

- Quino checkerspot butterfly is associated with coastal sage scrub habitats. Pursuant to M-BI.5-1, cultivation and noncultivation activities would not be permitted on parcels that contain coastal sage scrub habitat, which would help maintain habitat function and avoid impacts on this species.
- Established survey protocols for federally listed butterfly species, including *Quino Checkerspot Butterfly Survey Guidelines* (USFWS 2014), *Survey Guidelines for the Laguna Mountains Skipper* (USFWS 2004), and *Hermes Copper Butterfly Survey Protocol* (USFWS 2024b), require surveyors to have recovery permits for these species pursuant to Section 10(a)(1)(A) of ESA. If monarch butterfly is listed, a similar protocol and similar permit requirements may be established. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys for the project. Therefore, if habitat suitable for special-status butterflies is determined to be present on a site during the initial biological survey (see M-BI.1-1), before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct an additional habitat assessment to determine whether (1) the project site is within the limited range of any federally listed butterfly species and (2) the project site contains the microhabitat features suitable for these species (e.g., vegetation and habitat type, host plant availability, food plant availability). Surveys to determine host plant and food plant availability shall be conducted during the typical bloom period for these species to increase the chances of detecting the plants, if present.
- Because surveys (i.e., capture surveys) for nonfederally listed butterfly species (i.e., Thorne's hairstreak, wandering skipper, alkali skipper [*Pseudocopaeodes eunus eunus*], Harbison's dun skipper [*Euphyes vestris harbisoni*], Hilda greenish blue [*Plebejus saepiolus hilda*], peninsular metalmark [*Apodemia virgulti peninsularis*], two-tailed swallowtail [*Papilio multicaudata*], yucca giant-skipper [*Megathymus yuccae*]) could result in take of federally listed species where the ranges of these species overlap, this above protocol shall also apply to these species.
- If habitat for special-status butterflies is determined not to be present on a project site by the qualified biologist, a report shall be prepared by the qualified biologist and submitted to the County for approval. If approved, then further mitigation is not required.
- If habitat potentially suitable for Thorne's hairstreak, wandering skipper, alkali skipper, Harbison's dun skipper, Hilda greenish blue, peninsular metalmark, two-tailed swallowtail, yucca giant-skipper, or monarch (if the species is not listed under ESA at the time of the survey) and habitat for federally listed butterfly species is not present on the project site, then the host plants for the nonfederally listed species shall be avoided and retained on the project site.
- If habitat suitable for Quino checkerspot, Laguna Mountains skipper, Hermes copper, or monarch (if the species is listed under ESA at the time of the survey) is present on a project site, the habitat will be considered occupied, and because these species are listed under ESA, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. If the project cannot be redesigned to avoid all habitat suitable for these species and potential edge effects, then the application shall be denied.

M-BI.1-13: Conduct Habitat Assessment for Special-Status Terrestrial Invertebrates and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status terrestrial invertebrates are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for special-status terrestrial invertebrates (non-butterflies) is determined to be present on the site during the initial biological survey (see M-BI.1-1), the following measures shall apply.
    - If special-status terrestrial invertebrate species are found that are in the County of San Diego sensitive animal Group ll (i.e., all non-butterfly terrestrial invertebrate species that could occur in the program area), the qualified biologist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these species and shall prepare a report that contains evidence supporting the conclusion.
        - If the qualified biologist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these species, the biologist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.
        - If the qualified biologist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these species, the biologist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site that shall be reflected in application materials to the County. Impacts on these special-status invertebrate species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

M-BI.1-14: Avoid Special-Status Fairy Shrimp Habitat

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status fairy shrimp are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If vernal pool habitat suitable for special-status fairy shrimp is determined to be present on a site during the initial biological survey (see M-BI.1-1), a no-disturbance buffer will be implemented surrounding all vernal pool habitat, the size of which will be determined by a qualified biologist, and the project will be redesigned to completely avoid this

habitat. If the project cannot be redesigned to avoid all habitat suitable for these species, then the application shall be denied.

M-BI.1-15: Conduct Preconstruction Bat Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status bats are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further mitigation will be required.
- If special-status bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the County and CDFW by the qualified biologist subject to the review and approval of the County in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest that is large enough to prevent disturbance to the colonies during hibernation or while females in maternity colonies are nursing young.

M-BI.1-16: Conduct Preconstruction Survey for Special-Status Rodents and Rabbits and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status rodents and rabbits are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct focused surveys for kangaroo rat burrows or burrow complexes, rodent burrows (i.e., for pocket mice and grasshopper mice), woodrat nests, and jackrabbit nests no more than 14 days prior to development and staging activities associated with cultivation and noncultivation activities.
- If rodent burrows suitable for Pacific pocket mouse are found on a site within the limited range of the species (i.e. near Escondido Creek and the San Dieguito River) or kangaroo rat burrows and burrow complexes suitable for Stephen’s kangaroo rat are found on a site within the limited range of this species (i.e., the northern half of the county) (CWHR 2024b), the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols can be applied. If the project cannot be redesigned to avoid all habitat suitable for these species, then the application shall be denied.

- While these burrows may be associated with other mouse or kangaroo rat species that are not listed under ESA, live trapping surveys would be required to determine the species, which could result in take of ESA-listed species. Because of the current federal legal status of cannabis activities, USFWS would not permit these surveys.
- If rodent burrows outside of the range of Pacific pocket mouse and not associated with kangaroo rats, woodrat nests, or jackrabbit nests are detected during focused surveys, a no-disturbance buffer would be established around the burrow, the size of which would be determined by the qualified biologist to prevent burrow collapse and disturbance from cultivation and noncultivation development activities, and no project activities would occur within this buffer.

M-BI.1-17: Conduct Preconstruction American Badger Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if American badgers are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Before commencing any development related to cultivation and noncultivation activities, a qualified biologist shall conduct surveys of grassland or agricultural habitats within the site to identify any American badger burrows/dens. These surveys shall be conducted no more than 30 days prior to the start of construction.
- If occupied burrows are not found, further mitigation shall not be required.
- If occupied burrows are found, impacts on active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied.

M-BI.1-18: Conduct Preconstruction Southern California Ringtail Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if southern California ringtails are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development related to cultivation and noncultivation activities occurring within the southern California ringtail nesting season (April 15 through June 30), including tree or shrub removal, a qualified biologist shall conduct pre-construction surveys of all habitat suitable within the site and shall record sightings of individual ringtails, as well as potential dens.

- If individuals or potential or occupied dens are not found, further mitigation will not be required.
- If ringtails are detected or if potential dens of this species are detected, an appropriate method shall be used by the qualified biologist to confirm whether a ringtail is occupying the den. This may involve use of remote field cameras, track plates, or hair snares. Other devices, such as a fiber optic scope, may be utilized to determine occupancy. If no ringtail occupies the potential den, the entrance will be temporarily blocked so that no other animals occupy the area during ground disturbance, vegetation removal, or installation of cultivation sites, but only after it has been fully inspected. The blockage will be removed once these activities have been completed.
- If a den is found to be occupied by a ringtail, a no-disturbance buffer will be placed around the occupied den location. The no-disturbance buffer will include the nest tree (or other structure) plus a buffer the size of which shall be determined by the qualified biologist in coordination with CDFW. Construction activities in the no-disturbance buffer will be avoided until the den is unoccupied as determined by a qualified biologist in coordination with CDFW.

M-BI.1-19: Conduct Preconstruction Mountain Lion Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if mountain lions or signs of mountain lions (e.g., scat, prints) are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If potential nursey den habitat suitable for mountain lions is determined to be present on the site during the initial biological survey (see M-BI.1-1) within 7 days before commencement of development related to cultivation and noncultivation activities, a qualified biologist with familiarity with mountain lion and experience using survey methods for the species will conduct focused surveys in nursery den habitat suitable for the species adjacent to (i.e., within 2,000 feet of) the site to identify any potential mountain lion nurseries, as property access allows. Surveys will be conducted during dawn or dusk to increase the likelihood of detecting mountain lions.
- If no signs of a mountain lion nursery are found, then further mitigation would not be required for this species.
- If signs of a mountain lion nursery are found during surveys, further investigation will be required to determine if a mountain lion nursery is present. No staging or construction activities will occur in the area while further investigation is occurring. Survey methods will include the use of trail cameras, track plates, hair snares, and/or other noninvasive methods. Surveys using these noninvasive methods will be conducted for 3 days and 3 nights to determine whether a nursery may be present.
- If a nursery is known to occur in the area or further signs of a nursery are detected based on the surveys described above (e.g., lactating adult females or cubs on camera, repeated detections of an adult female in the area, growls or calls from cubs), a no-disturbance buffer of at least 2,000 feet will be implemented for a minimum of 10 weeks.

Staging and construction activities will not occur within this buffer during this time to avoid disturbance of mountain lion nurseries or injury or mortality of young. CDFW will be notified of the nursery and buffer location.

M-BI.2-1: Identify, Avoid, and Protect Riparian Habitat, Sensitive Natural Communities, and Oak Woodlands or Provide Compensation

As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1, General Requirements and Prohibitions, Terms 10 and 37), San Diego County shall require applicants to demonstrate compliance with the following measures for the protection of riparian habitat, sensitive natural communities, and oak woodlands from proposed cultivation and noncultivation activities:

- For cultivation and noncultivation activities that could disturb riparian habitat, sensitive natural communities, or oak woodlands, the application shall include a report prepared by a qualified biologist that summarizes the potential presence of any of these sensitive resources as identified during the biological survey conducted under M-BI.1-1. Furthermore, the qualified biologist shall perform a protocol-level survey following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (current version dated March 20, 2018) of the site before the start of any development or staging related to cultivation or noncultivation activities. Sensitive natural communities shall be identified using the best means possible, including keying them out using the most current edition of *A Manual of California Vegetation* (including updated natural communities data at http://vegetation.cnps.org/) or referring to relevant reports (e.g., reports found on the VegCAMP website).
- All sensitive habitats identified during the protocol-level survey described above shall be flagged or fenced with brightly visible construction flagging and/or fencing under the direction of the qualified biologist before development or staging activities associated with cannabis activities begin. Grading, excavation, other ground-disturbing activities, and vegetation removal shall not occur in these areas. Foot traffic by construction personnel shall also be limited in these areas to prevent the introduction of invasive or weedy species. Periodic inspections during construction shall be conducted by the qualified biologist to maintain the integrity of exclusion fencing/flagging throughout the period of construction involving ground disturbance.
- Impacts on habitat, including sensitive habitats, on the site shall be subject to mitigation ratios described in the MSCP and BMO (County of San Diego 2010a; see M-BI.1-2) as well as habitat mitigation ratios described in the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement – Biological Resources* (County of San Diego 2010b).
- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction by CDFW, the applicant shall abide by the conditions of any executed agreement before any ground disturbance.

- In consultation with CDFW, applicants shall compensate for permanent loss of riparian habitat at a minimum of a 2:1 ratio through contributions to a CDFW-approved wetland mitigation bank or through the development and implementation of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of riparian habitat through removal of nonnative species, where appropriate, and planting of additional native riparian plants to increase the cover, continuity, and width of the riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement, as required under Section 1602 of the Fish and Game Code and SWRCB Order WQ 2023-0102-DWQ.

The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall identify the following information:

- compensatory mitigation sites and criteria for selecting these mitigation sites;
- in-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- monitoring protocol, including schedule and annual report requirements (compensatory habitat shall be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer);
- ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80-percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period, or dead and dying trees shall be replaced and monitoring continued until 80-percent survivorship is achieved;
- corrective measures if performance standards are not met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

If the report documents that site development cannot avoid adverse effects on sensitive natural communities or oak woodlands, in consultation with CDFW, the applicant shall compensate for permanent loss of these habitats such that no net loss of habitat function occurs as follows:

- restoring sensitive natural community habitat function within the project site (e.g., using locally collected seed or cuttings);
- restoring degraded sensitive natural communities outside the project site at a sufficient ratio to offset the loss of habitat function (at least 3:1 for sensitive natural

communities with an S1 or S2 rank, and at least 1:1 for other sensitive natural communities); or

- preserving existing sensitive natural communities of equal or better value to the sensitive natural community affected through a conservation easement at a sufficient ratio to offset the loss of habitat function (at least 3:1 for coastal prairie and at least 1:1 for other sensitive natural communities).

The applicant shall prepare and implement a Compensatory Mitigation Plan that includes the following elements:

- For preserving existing habitat outside the project site in perpetuity, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The applicant will provide evidence in the plan that the necessary mitigation has been implemented or that the applicant has entered into a legal agreement to implement it and that compensatory habitat will be preserved in perpetuity.
- For restoring or enhancing habitat within the project site or outside the project site, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.
- The following success criteria would be required to maintain habitat function for preserved and compensatory populations:
    - The extent of occupied area and density of plants associated with the sensitive natural community (number of plants per unit area) in compensatory habitats would be equal to or greater than the affected occupied habitat.
    - Compensatory and preserved sensitive natural communities would be self-producing. Populations would be considered self-producing when (1) plants associated with sensitive natural communities reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding, and (2) reestablished and preserved habitats contain an occupied area and density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

M-BI.3-1: Identify State or Federally Protected Wetlands and Avoid These Features

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- The application shall include a report prepared by a qualified biologist that includes a summary of sensitive resources, including wetlands, streams, and rivers, that were identified during the biological survey conducted under M-BI.1-1.
- If the report documents that state or federally protected wetlands are present, a delineation of these resources, including wetlands that would be affected by the project, shall be prepared by a qualified biologist. The delineation shall be submitted to the County and the San Diego RWQCB.
- If, based on the delineation, it is determined that fill of any state or federally protected wetlands would result from implementation of the project, then the applicant shall modify the proposed project to avoid these resources by providing a buffer of at least 100 feet around these features. Depending on site features, a buffer of greater than 100 feet may be required. Buffer size shall be determined in consultation with CDFW and the San Diego RWQCB.
- Cannabis cultivation and noncultivation activities would be subject to Term 3 of Attachment A (Section 1, General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ, which requires operations to comply with Fish and Game Code Section 1602. When cultivation or noncultivation activities would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement before any ground disturbance in areas that are under Section 1600 et seq. jurisdiction.

M-BI.4-1: Utilize Wildlife-Friendly Building and Fencing Designs

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Buildings and other permanent structures that would be constructed for cultivation and noncultivation activities associated with the project shall be designed to minimize impacts on wildlife, including disruption to wildlife movement, bird strikes, and wildlife entanglement.
    - Building design shall utilize guidelines regarding building height, materials, external lighting, and landscaping provided in the American Bird Conservancy's Bird-Friendly Building Design (American Bird Conservancy 2015). The County shall require review of the design plans by a qualified biologist, who will determine whether the plans are sufficient to reduce the likelihood of bird strikes or recommend additional measures.
    - Fencing associated with cultivation and noncultivation activities associated with the project will utilize wildlife-friendly fencing design to minimize the risk of entanglement, entrapment, or impalement of wildlife, as well as interruption of wildlife movement corridors. The County shall require the review of fencing design by a qualified biologist prior to installation. The fencing design shall meet, but not be limited to the following standards:

- Minimize interruption of wildlife movement corridors by limiting fencing to the shortest length necessary, and properly siting fencing location such that established wildlife movement corridors are avoided.
- Minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale, snag, or entrap a leaping animal (e.g., wrought iron fencing with spikes).
- Allow wildlife to jump over easily without injury. Typically, fences should be no more than 40 inches high on flat ground to allow adult deer to jump over. The determination of appropriate fence height will consider slope, as steep slopes are more difficult for wildlife to pass. If fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e., greater than 6 feet tall).
- Allow smaller wildlife to pass under easily without injury or entrapment.

- Upon review of project-specific fencing design, the County and qualified biologist will require revisions to site plans if the proposed fencing design and/or location would result in impacts on wildlife movement.
- Polyethylene plastic used for agricultural shade or crop structures shall be properly fastened, maintained in good condition, and regularly inspected for degradation from weather to prevent introduction of plastic into the natural environment, including waterways.

M-BI.4-2: Retain Wildlife Nursery Habitat and Implement Buffers to Avoid Wildlife Nursey Sites

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

If after implementation of M-BI.1-1, a qualified biologist determines that wildlife nursery sites are present within a proposed project site, the following measures shall be implemented prior to and during construction of a project:

- A qualified biologist will identify the important habitat features of the wildlife nursery and, prior to commencement of project activities (e.g., ground disturbance, vegetation removal, staging), will mark these features for avoidance and retention during project implementation to maintain the function of the nursery habitat.
- A no-disturbance buffer will be established around the nursery site if project activities are required while the nursery site is active/occupied. The appropriate size and shape of the buffer will be determined by a qualified biologist based on potential effects of project-related habitat disturbance, noise, visual disturbance, and other factors but will typically be a minimum of 100 feet. No project activity will commence within the buffer area until a qualified biologist confirms that the nursery site is no longer active/occupied. Monitoring of the effectiveness of the no-disturbance buffer around the nursery site by a qualified biologist during and after project activities may be required. If project activities cause agitated behavior of the individual(s), the buffer distance will be increased or project activities modified until the agitated behavior stops. The qualified biologist will

have the authority to stop any project activities that could result in potential adverse effects on wildlife nursery sites.

M-BI.5-1: Prohibit Cultivation and Noncultivation Activities in Coastal Sage Scrub Habitat

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If after implementation of M-BI.1-1 and M-BI.2-1, a qualified biologist determines that a proposed cultivation or noncultivation site contains coastal sage scrub habitat, the project shall be designed such that direct and indirect impacts on this habitat would not occur as confirmed by the qualified biologist and the County. If the project cannot be redesigned to completely avoid direct and indirect impact on coastal sage scrub habitat, then the application will be denied, and cultivation and noncultivation activities will not be permitted on the site.

8.1.3 Cultural and Paleontological Resources

M-CR.1-1: Identify and Evaluate Historical Structures

- As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1 - Term 21) and County General Plan Policy COS-8.1, commercial cannabis cultivation and noncultivation sites in San Diego County would be required to identify and evaluate all historical (over 50 years in age) buildings and structures that are proposed to be removed or modified as part of commercial cannabis site operations.
- The applicant shall identify structures that are proposed to be removed or modified as part of the commercial cannabis site operations and the age of these structures. For all historic-age (over 45-years in age) buildings and structures, projects involving interior alterations, the addition of rooftop solar, or routine maintenance work, do not need evaluation of eligibility by an architectural historian in a historic report.
- For projects that involve modifications to structures over 45 years, excluding interior alterations, the addition of rooftop solar, or routine maintenance work, the applicant shall have the structure evaluated to determine their eligibility for listing on the National Register of Historic Places, California Register of Historical Resources, or County local official register of historic resources. The evaluation shall be prepared by an architectural historian or historical architect who meets the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards and is listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b). To qualify as a ministerial project, the evaluation must conclude that no historical resources are present or that the project would not result in a substantial adverse change to the significance of historical resources.
- If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural or built-environment resource is not feasible, additional

mitigation options include specific design plans for historic districts and plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

8.1.4 Energy

M-GC.1-1: Implement the requirements of the County's Climate Action Checklist

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

8.1.5 Greenhouse Gas Emissions

M-GC.1-1: Implement the requirements of the County's Climate Action Checklist

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

8.1.6 Hydrology and Water Quality

M-HYD.2-1: Establish No Net Increase in Groundwater Use

If it can be demonstrated to the satisfaction of the County that the project would not have a net increase in groundwater production from existing baseline groundwater use in accordance with CEQA, no further action is needed. This documentation shall take the form of a groundwater analysis or memorandum prepared by a California Professional Geologist from the *County of San Diego's CEQA Consultants List for Privately Initiated Projects.*

M-HYD.2-2: Additional Groundwater Use

If a new or additional groundwater supplies are needed to support a project, a groundwater analysis shall be prepared by a California Professional Geologist on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects* and provided with the cannabis facility application that is consistent with the *County's Guidelines for Determining Significance and Report Format and Content Requirements: Groundwater Resources*. The analysis shall identify whether groundwater use would be sustainable in accordance with County guidelines and if needed, provide mitigation measures to the extent feasible to reduce potential adverse effects on groundwater. This could include design modifications, such as limiting cultivation or using imported water if available. The groundwater analysis shall be submitted to the County for review and approval as part of the application process.

8.1.7 Noise

M-N.1-1: Incorporate Noise Reduction Measures into Construction Specifications

Applications for cannabis facilities shall include the following requirements into construction plan specifications/project plans.

- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with

manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.

- At no time shall noise levels exceed a community noise equivalent (CNEL) of 60 dBA or 10+ dBA above existing noise levels at any existing residence or other noise-sensitive land use. An existing residence shall be considered the property line of any residentially zoned area or, in the case of agricultural land, any occupied off-site residential structures. Achieving the noise standards could involve the use of the following noise reduction measures or other equally effective measures:
  - Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site, using electric powered equipment instead of pneumatic or internal combustion powered equipment) where feasible and consistent with building codes and other applicable laws and regulations.
  - Stationary noise sources, such as generators and pumps, shall be located as far away from noise-sensitive uses as feasible.
  - All construction equipment and equipment staging areas shall be located as far as possible from nearby structures and located to the extent feasible such that existing or constructed noise attenuating features (e.g., temporary noise wall or blankets) block line of site between affected land uses and construction staging areas.
  - Noise monitoring during construction will be conducted, and records of monitoring results shall be maintained by the applicant and provided to the County upon request.
- No less than 1 week prior to the start of construction activities at a particular location, notification shall be provided to nearby land uses (e.g., businesses, residential uses) that are located within 150 feet of the construction site (i.e., based on the construction noise modeling, which is distance at which nearby receptors would experience noise levels exceeding acceptable daytime construction-noise levels).
- For construction activity that would occur within a clear line of sight of off-site noise-sensitive receptors, temporary noise curtains shall be installed as close as possible to the noise-generating activity such that the curtains obstruct the direct line of sight between the noise-generating construction activity and the nearby sensitive receptors. Temporary noise curtains shall consist of durable, flexible, composite material featuring a noise barrier layer bound to sound-absorptive material on one side. The noise barrier layer shall consist of rugged impervious material with a surface weight of at least 1 pound per square foot and be designed to result in a 10-dB reduction at the sensitive receptor location. When installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dB (EPA 1971).

M-N.2-1: Implement Noise Reduction Measures to Reduce Operational Noise Impacts at Distribution Facilities

Whenever a cannabis distribution facility is proposed on a parcel within 30 feet (i.e., the distance at which loading activities could exceed county noise standards) of a noise-sensitive land use (residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, passive recreational parks, libraries, or other similar facilities where quiet is an important attribute of the environment, as defined by the *County of*

San Diego General Plan and the *County of San Diego Guidelines for Determining Significance - Noise*), a noise analysis shall be prepared by a consultant listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects* and submitted with the permit application. The noise analysis shall be prepared in accordance with *County of San Diego Guidelines for Determining Significance - Noise* and will evaluate the effect of project implementation on nearby land uses and shall identify appropriate measures (e.g., equipment enclosures, equipment location, noise barriers) that reduce noise to acceptable levels as presented in Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2. To meet these standards, noise levels will be modeled from the location of the loading activities to the parcel with the noise-sensitive land use.

8.1.8 Transportation

M-TR.2-1: Conduct VMT Analysis and Identify VMT Impacts

Applications for cannabis facilities shall demonstrate whether the proposed cannabis facility would meet the screening criteria outlined in the *County of San Diego Transportation Study Guidelines, January 2026*, or any subsequent updates to these guidelines, or other State or County regulations that provide clear standards for screening from VMT analysis requirements. Applications that meet objective screening criteria approved by the County shall not require further VMT analysis.

If the proposed commercial cannabis facility does not meet any of the objective screening criteria, the applicant shall submit a project-level VMT analysis prepared by a consultant listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects.* The analysis must identify VMT impacts associated with the cannabis facility and determine the significance of project impacts or provide substantial evidence to support a less than significant finding. If project impacts are significant, the project applicant shall reduce project-induced VMT impacts to the extent feasible through implementation of VMT-reducing infrastructure and/or strategies, such as Transportation Demand Management (TDM), or other measures acceptable to the County. TDM measures may include strategies such as ridesharing initiatives (e.g., carpooling), promoting alternative work schedules and telework, subsidizing employee use of public transit, and promoting bicycling, walking, and the use of public transit. The proposed mitigation is subject to the County's review and approval, and no development shall proceed until the County determines the proposed mitigation is acceptable.

8.1.9 Utilities and Service Systems

M-UT.1-1: Obtain a Will Serve Letter to Demonstrate Adequate Water Supply

For municipal water use, project applicants shall obtain a will serve letter to provide verification that adequate water supplies are available as part of cannabis facility application submittals.

M-UT.1-2: Implement Water Conservation Measures

For cannabis facilities proposing new water feature(s), applications shall include details on water conservation measures to be incorporated in the project plan set. Water conservation measures could include installation of water efficient plumbing fixtures and fittings, use of water-efficient landscaping, such as native plants and drip/subsurface irrigation, evaporative

barriers on exposed soils and pots, rainwater capture and reuse, recirculated irrigation water (zero waste), soil moisture controls, and recycled water use. This shall include documentation of compliance with all applicable water conservation requirements associated with building features and landscaping.

CHAPTER 9 COMMENT RESPONSES AND SUMMARY OF REVISIONS

This chapter contains comment letters received during the public review period for the Draft PEIR, which concluded on March 31, 2025, including transcribed comments received during the February 5, February 6, and February 12, 2025 virtual public meetings, comment cards received at the February 25, 2025 open house event held at the San Diego County Library - Lakeside Branch, and comments received through the use of Konveio (an online document engagement platform) provided on the County's website.[1] In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft PEIR. This chapter also summarizes all revisions made to the Draft PEIR since its release.

9.1 Comments on the Draft PEIR and Responses

Table 9-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

The verbal and written individual comments received on the Draft PEIR and the responses to those comments are provided below. The comment letters and verbal comments made at the public meetings are reproduced verbatim in their entirety and are followed by the response(s).

Table 9.1 List of Commenters

Letter No.	Commenter	Date
AGENCIES		
A1	Lakeside Union School District	March 26, 2025
A2	San Diego Air Pollution Control District	March 27, 2025
A3	San Diego Regional Water Quality Control Board, South Coast Regional Cannabis Unit	March 27, 2025
A4	Bonsall Unified School District	March 30, 2025
A5	Fallbrook Union High School District	March 31, 2025
A6	California Department of Fish and Wildlife	April 1, 2025
ORGANIZATIONS		
O1	Americans for Safe Access	February 7, 2025
O2	Fallbrook Land Conservancy	March 6, 2025
O3	Rainbow Community Planning Group	March 19, 2025
O4	Bonsall Community Sponsor Group	March 20, 2025
O5	Warner Springs Community Sponsor Group	March 24, 2025
O6	Lakeside Chamber of Commerce	March 26, 2025
O7	Fallbrook Community Planning Group	March 27, 2025
O8	Hidden Meadows Community Sponsor Group	March 31, 2025
O9	Valley Center Community Planning Group	March 31, 2025
O10	Farm Bureau of San Diego	April 1, 2025

[1] An open house event was also held on February 26, 2025 at the San Diego County Library - Valley Center Branch. However, no written comments or comment cards were received at this event.

Letter No.	Commenter	Date
INDIVIDUALS		
I1	Jennifer T.	January 30, 2025
I2	Keith Wilson	January 31, 2025
I3	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Michelle Kevorkian	February 1, 2025
I4	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Carleton Jones	February 1, 2025
I5	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Alan Toma	February 1, 2025
I6	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Geronimo Mejia	February 1, 2025
I7	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Malik King	February 1, 2025
I8	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Alfonso Huey	February 1, 2025
I9	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants William Hinks	February 1, 2025
I10	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Larry Molina	February 1, 2025
I11	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Andrew Banez	February 1, 2025
I12	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Jacob Raphael Moore	February 1, 2025
I13	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Ryan Larceval	February 1, 2025
I14	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Alexander Grable	February 1, 2025
I15	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Chauncie Martin	February 1, 2025
I16	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Steve Mora	February 1, 2025
I17	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Albert Pepi	February 1, 2025

Letter No.	Commenter	Date
I18	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Markus Haynes	February 1, 2025
I19	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Adriana Yañez	February 1, 2025
I20	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Darfetta Denise Muhammad	February 1, 2025
I21	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Raphyal Crawford	February 1, 2025
I22	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Lanell Brown	February 1, 2025
I23	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Brian Scott	February 1, 2025
I24	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Brian Goodin	February 1, 2025
I25	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Glynn Smith	February 1, 2025
I26	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Vincent Stalcup	February 1, 2025
I27	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Wiley Creeno	February 1, 2025
I28	County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants Ryan Carroll	February 1, 2025
I29	S. Edward Wicker	February 19, 2025
I30	Albert Pepi	February 20, 2025
I31	Larry Yafuso	February 20, 2025
I32	Nora Pradel	February 21, 2025
I33	Alexander Grable	February 25, 2025
I34	Becky Rapp	February 25, 2025
I35	Breanna Cota	February 25, 2025
I36	Chauncy Miller	February 25, 2025
I37	John Miller	February 25, 2025
I38	Karen Estes	March 14, 2025
I39	Don Weeks	March 15, 2025
I40	Jennifer Weeks	March 15, 2025
I41	Mark Mervich	March 17, 2025
I42	April Holemo	March 19, 2025

Letter No.	Commenter	Date
I43	Ariane Freville	March 19, 2025
I44	David and Nancy Riddlebarger	March 19, 2025
I45	Harry Bold	March 19, 2025
I46	Hazel Livingston-Jones	March 19, 2025
I47	Kelley Cuerva	March 19, 2025
I48	Markus Livingston	March 19, 2025
I49	Paul Lopez-Wood	March 19, 2025
I50	Arthur Rodriguez	March 20, 2025
I51	Jacci Eifler	March 22, 2025
I52	Brooke Carsey	March 23, 2025
I53	Juliana Hesselgesser	March 23, 2025
I54	Sarah Springston	March 23, 2025
I55	Suzanne Nixon	March 23, 2025
I56	Jacci Eifler	March 24, 2025
I57	Kathie Morris	March 29, 2025
I58	Chris Hasvold	March 25, 2025
I59	Dean Robinson	March 25, 2025
I60	Cynthia Hauff	March 25, 2025
I61	Erica Roberg Williams	March 25, 2025
I62	Frank Hilliker	February 25, 2025
I63	Harlee Robinson	March 25, 2025
I64	Jim Kabellis	March 25, 2025
I65	Phil Delaney	March 25, 2025
I66	Tracy Ellis	March 25, 2025
I67	Ian Murdock	March 27, 2025
I68	Jill DePalma	March 27, 2025
I69	Kathy Lemos	March 27, 2025
I70	Tony Lemos	March 27, 2025
	Bob Littlejohn	March 27, 2025
I72	Deanna Grant	March 28, 2025
I73	Dorothea and Gerald Flanigan	March 28, 2025
I74	Cathy Handzel	March 30, 2025
I75	Chris Grant	March 30, 2025
I76	Deborah Howard	March 30, 2025
I77	Denise and Ian Doyle	March 30, 2025
I78	Eddie Lain	March 30, 2025
I79	Luisa Veltmann	March 30, 2025
I80	mCraggs	March 30, 2025
I81	SanDee and Ray DeLautre	March 30, 2025
I82	Barbara Aldrich	March 31, 2025
I83	Carol DeMonde	March 31, 2025

Letter No.	Commenter	Date
I84	Cathy Plocki	March 31, 2025
I85	Chris Waterhouse	March 31, 2025
I86	Crystal Grobner	March 31, 2025
I87	Dave Gausepohl	March 31, 2025
I88	David Massa	March 31, 2025
I89	Derek Van Gompel	March 31, 2025
I90	Diane Strain	March 31, 2025
I91	Diane and Mike Hayden	March 31, 2025
I92	Donna and Robert Hein	March 31, 2025
I93	Eddie Lugan	March 31, 2025
I94	Eileen Delaney	March 31, 2025
I95	Jane Felton	March 31, 2025
I96	Jeniene Domercq	March 31, 2025
I97	Jenna Acevedo	March 31, 2025
I98	Jennifer Craw	March 31, 2025
I99	Jill Patchen	March 31, 2025
I100	Jim Waterhouse	March 31, 2025
I101	Jon Frandell	March 31, 2025
I102	Joshua Caruso	March 31, 2025
I103	Judith and Patrick Bresnahan	March 31, 2025
I104	Kim and Dave Olsen	March 31, 2025
I105	Kim Massa	March 31, 2025
I106	Lana Roberson	March 31, 2025
I107	Laura Gausepohl	March 31, 2025
I108	Lila Hargrove	March 31, 2025
I109	Linda and Jerry Gordon	March 31, 2025
I110	Mark Aldrich	March 31, 2025
I111	Martin Quiroz	March 31, 2025
I112	Michelle Smith	March 31, 2025
I113	Nancy Layne	March 31, 2025
I114	Pierre Domercq	March 31, 2025
I115	Randi Devine and Brian Lynch	March 31, 2025
I116	Rick Hasvold	March 31, 2025
I117	Samantha Barrymore	March 31, 2025
I118	Sarah Ankerman	March 31, 2025
I119	Scott Lewis	March 31, 2025
I120	Shanelle Jones	March 31, 2025
I121	Stephani Baxter	March 31, 2025
I122	Stephen Brown	March 31, 2025
I123	Steven Hutchison	March 31, 2025
I124	Summer Tracy	March 31, 2025

Letter No.	Commenter	Date
I125	Tami Oeschger	March 31, 2025
I126	Tami Warren	March 31, 2025
I127	Taylor Larson	March 31, 2025
I128	Terry Aaron	March 31, 2025
I129	Tiffany Sazon	March 31, 2025
I130	Tom Van Wie	March 31, 2025
I131	Wade Olsen	March 31, 2025
I132	Noah Friend	March 31, 2025
I133	Kelly Hayes	March 31, 2025
I134	Kori Jensen	April 1, 2025
I9135	Russell Palmer	April 1, 2025
PUBLIC MEETING ON THE DRAFT PEIR (February 5, 2025)		
PM 1	Armand King	February 5, 2025
PM 2	Shelby Huffaker	February 5, 2025
PM 3	Donavyn Dove	February 5, 2025
PM 4	Raphyal	February 5, 2025
PM 5	Thomas Lauerman	February 5, 2025
PM 6	Robert Wood	February 5, 2025
PM 7	Albert Pepi	February 5, 2025
PM 8	William Mitchell	February 5, 2025
PM 9	Michelle Kevorkian	February 5, 2025
PM 10	William Hinks	February 5, 2025
PM 11	Judi Strang	February 5, 2025
PM 12	Rashida Hameed	February 5, 2025
PM 13	Rudy Reyes	February 5, 2025
PM 14	Becky Rapp	February 5, 2025
PM 15	Eddie	February 5, 2025
PM 16	John Broaddus	February 5, 2025
PM 17	Andrew Banez	February 5, 2025
PM 18	Kelly McCormick	February 5, 2025
PM 19	Jacob Moore	February 5, 2025
PM 20	Brian Goodin	February 5, 2025
PM 21	Markus Haynes	February 5, 2025
PM 22	Kathleen Lippitt	February 5, 2025
PM 23	Steven Stuchell	February 5, 2025
PM 24	Vincent Stalcup	February 5, 2025
PM 25	Malik King	February 5, 2025
PM 26	Devin Rapp	February 5, 2025
PM 27	Eduardo Batista	February 5, 2025
PM 28	Peggy Walker	February 5, 2025
PM 29	Cynara Velazquez	February 5, 2025

Letter No.	Commenter	Date
PM 30	Joe Ryan	February 5, 2025
PM 31	Joshua Valdez	February 5, 2025
PM 32	Adriana Yanez	February 5, 2025
PM 33	Dory Laramore	February 5, 2025
PM 34	Chris Adams	February 5, 2025
PM 35	Jerome Edwards	February 5, 2025
PM 36	Larry Molina	February 5, 2025
PM 37	Charles Alexander	February 5, 2025
PM 38	Levon	February 5, 2025
PM 39	Terrie Best	February 5, 2025
PM 40	Evelyn Irving	February 5, 2025
PM 41	Steve Mora	February 5, 2025
PM 42	Darfetta Muhammad	February 5, 2025
PUBLIC MEETING ON THE DRAFT PEIR (February 6, 2025)		
PM 43	Damien Johnson	February 6, 2025
PM 44	Vincent Stalcup	February 6, 2025
PM 45	Peggy Walker	February 6, 2025
PM 46	Raphyal Crawford	February 6, 2025
PM 47	Cynara Velazquez	February 6, 2025
PM 48	Robert Wood	February 6, 2025
PM 49	Judi Strang	February 6, 2025
PM 50	Thomas Lauerman	February 6, 2025
PM 51	Albert Pepi	February 6, 2025
PM 52	Joe Ryan	February 6, 2025
PM 53	Armand King	February 6, 2025
PM 54	Malik King	February 6, 2025
PM 55	Alex Grebel	February 6, 2025
PM 56	Lanell Brown	February 6, 2025
PM 57	Madison	February 6, 2025
PM 58	Michelle Kevorkian	February 6, 2025
PM 59	Mike P.	February 6, 2025
PM 60	Ronnie	February 6, 2025
PM 61	Jacob Moore	February 6, 2025
PM 62	Terrie Best	February 6, 2025
PM 63	Andrew Banez	February 6, 2025
PM 64	Eric Lieber	February 6, 2025
PM 65	Eddie	February 6, 2025
PM 66	Rashida Hameed	February 6, 2025
PM 67	Alfonso	February 6, 2025
PM 68	Kathleen Lippitt	February 6, 2025
PM 69	Shelby Huffaker	February 6, 2025

Letter No.	Commenter	Date
PM 70	Howard Haynes	February 6, 2025
PM 71	Anna Lamanna	February 6, 2025
PM 72	Russ Havens	February 6, 2025
PM 73	Brian	February 6, 2025
PM 74	Becky Rapp	February 6, 2025
PM 75	Ty Freeman	February 6, 2025
PM 76	Virgil Grant	February 6, 2025
PM 77	Alex/Breanna	February 6, 2025
PUBLIC MEETING ON THE DRAFT PEIR (February 12, 2025)		
PM 78	Barbara Gordon	February 12, 2025
PM 79	Vincent Stalcup	February 12, 2025
PM 80	Nathaniel Shuflin	February 12, 2025
PM 81	Terrie Best	February 12, 2025
PM 82	Judi Strang	February 12, 2025
PM 83	William Hinks	February 12, 2025
PM 84	Madison	February 12, 2025
PM 85	Shelby Huffaker	February 12, 2025
PM 86	Sarah	February 12, 2025
PM 87	Michelle Kevorkian	February 12, 2025
PM 88	Andrew Banez	February 12, 2025
PM 89	Kathleen Lippitt	February 12, 2025
PM 90	Peggy Walker	February 12, 2025
PM 91	Joe Ryan	February 12, 2025
PM 92	Nathaniel Shuflin	February 12, 2025
PM 93	Albert Pepi	February 12, 2025
PM 94	Becky Rapp	February 12, 2025
PM 95	Michelle Kevorkian	February 12, 2025
PM 96	Keith Wilson	February 12, 2025
PM 97	Sarah	February 12, 2025
PM 98	Heidi Whitman	February 12, 2025
PM 99	Bill Richardson	February 12, 2025
OPEN HOUSE ON THE DRAFT PEIR (February 25, 2025)		
PM 100	Breanna Cotu	February 25, 2025
PM 101	Alexander Grable	February 25, 2025
PM 102	Frank Hilliker	February 25, 2025
PM 103	John Miller	February 25, 2025
PM 104	Becky Rapp	February 25, 2025
COMMENTS RECEIVED ON KONVEIO		
K1	Keith	January 30, 2025
K2	Courtney Hall	January 31, 2025
K3	Vincent Stalcup	February 1, 2025

Letter No.	Commenter	Date
K4	Kathleen Lippitt	February 3, 2025
K5	John	February 5, 2025
K6	Joe Eberstein	February 12, 2025
K7	Albert	February 20, 2025
K8	Shelby Huffaker	March 6, 2025
K9	Richard	March 9, 2025
K10	Peggy Brown	March 17, 2025
K11	Ashley	March 18, 2025
K12	Kathy Lemos	March 18, 2025
K13	Stephen drozd	March 19, 2025
K14	Tasha Estes	March 19, 2025
K15	Maria Aguirre	March 19, 2025
K16	Blythe Peel	March 19, 2025
K17	Courtney Kowalchuk	March 19, 2025
K18	Kimberly Dick	March 19, 2025
K19	Douglas Bryant	March 19, 2025
K20	Nancy Riddlebarger	March 19, 2025
K21	Dana Bonwell	March 19, 2025
K22	Kim	March 19, 2025
K23	Markus	March 20, 2025
K24	Mandy Rodgers	March 21, 2025
K25	Terese Kristensen	March 22, 2025
K26	Cynara Kidwell	March 23, 2025
K27	Brooke	March 23, 2025
K28	Cynara Kidwell	March 23, 2025
K29	Casey	March 24, 2025
K30	Ruth	March 24, 2025
K31	Paul the Bold	March 24, 2025
K32	Taro Murano	March 28, 2025
K33	Cynara Kidwell	March 29, 2025
K34	Terrie Best	March 30, 2025
K35	Kathleen Lippitt	March 30, 2025
K36	Ennis Pipe	March 31, 2025
K37	Armand	March 31, 2025
K38	Joseph Ryan	March 31, 2025
K39	Noah Friend	March 31, 2025
K40	Armand	March 31, 2025
K41	Christopher Adams	March 31, 2025
K42	Vincent Stalcup	March 31, 2025
K43	Jerome Edwards	March 31, 2025
K44	Dawn Apsley	March 31, 2025

Letter No.	Commenter	Date
K45	Jeff Apsley	March 31, 2025
K46	Nancy McRae	April 1, 2025
K47	Kristen Friend	April 1, 2025
K48	Aldo Alvidres	April 1, 2025

Source: Compiled by Ascent in 2025.

9.1.1 Master Responses

The following master responses provide clarification on topics raised in multiple comments. These master responses address comments related to cannabis odor impacts; consideration of the range of alternatives evaluated in the Draft PEIR; future decision-making regarding the proposed Socially Equitable Cannabis Program (Cannabis Program) by the Board of Supervisors (Board); crime and code enforcement concerns; legal status of cannabis; evaluation of the physical environmental impacts of cannabis uses; public health effects of cannabis use; and cannabis product safety and contamination concerns. Responses to detailed comments are provided individually below, with references to the relevant master responses provided, as appropriate.

9.1.1.1 MASTER RESPONSE: CANNABIS ODORS

Many comments addressed concerns related to exposure to cannabis odors, including how emissions would affect nearby residents, diminish enjoyment of outdoor spaces, impact quality of life, cause long-term public health issues, and affect students at school, particularly during outdoor activities. As summarized below, significant and unavoidable odor impacts are identified under Alternatives 2, 3, and 5 (see Section 2.4, “Air Quality,” in the Draft PEIR).

Section 2.4.1.6, “Odors,” in the Draft PEIR provides an overview of how odors are perceived, the scientific understanding of odors, and the potential for public health and nuisance issues. As discussed in the second paragraph on page 2.4-5 of the Draft PEIR, “the ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals can smell very minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; an odor that is offensive to one person may be perfectly acceptable to another (e.g., fast food restaurant).” The discussion continues to address cannabis-related odors, which are associated with approximately 140 different terpenes (i.e., volatile unsaturated hydrocarbons that are found in essential oils of plants, especially conifers and citrus trees). Some terpenes are identified explicitly in research (myrcene, pinene, limonene). Although there are methods to generally define odor detection thresholds, there is not a clear or consistent numerical threshold to use for cannabis odors (paragraph 4 on page 2.4-5 of the Draft PEIR).

The potential for the program alternatives to cause odors affecting a substantial number of people is addressed in Issue 3 in Section 2.4, “Air Quality,” of the Draft PEIR. As discussed therein, and consistent with commenters, commercial cannabis uses (especially cannabis cultivation) have the potential to generate nuisance odors. These odors may be recognizable or detectable up to as far as approximately 2 miles, depending on topography and meteorology (Kern County 2017). However, recognition of an odor does not imply that the odor is a

nuisance, only that it can be identified or detected as cannabis. Typically, the odor is detectable much closer to the source, such as adjacent to or on a commercial cannabis cultivation site. The distance for odor detection is very site-specific and can be affected by many variables, including meteorology, topography, and how ready plants are for harvesting at cultivation sites. In addition, human perception of cannabis plant odors may be influenced by personal views regarding cannabis. Whether the odor is acceptable and the level at which it should be defined as objectionable at various strengths and distances as perceived by individual sensitive receptors varies.

The proposed Cannabis Program includes amendments to the Regulatory Code that include the following performance standards to address odors:

- Section 21.2510(a)(6): Odor Mitigation Plan.

  (A) All cannabis businesses shall prepare, implement, and maintain, a site-specific odor mitigation plan.

  (B) The plan shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

    a. A description of on-site odor sources; and,

    b. A description of the air treatment system or other best management practices that will be implemented to prevent cannabis odors from being detected outside the licensed premises.

  (C) The odor mitigation plan shall be reviewed annually by the licensee to determine if any revisions are necessary.

- Section 21.2525: General Operating Requirements.

  (o) Odor Control

  (1) Odor control devices and techniques shall be incorporated in all Cannabis Businesses in accordance with the business's approved Odor Mitigation Plan to ensure that odors from cannabis are not detectable outside the licensed premises.

  (A) Cannabis Businesses sited on a parcel with other commercial uses, consumption lounges, indoor, greenhouse, and mixed-light cultivation activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside of the licensed premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Cannabis Business.

  (2) Cannabis Businesses as described in Section 21.2525(o)(1)(A) must install and maintain the following equipment, or any other equipment which the Director or their designee(s) determine is a more effective method or technology:

> (A) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;
>
> (B) An air system that creates negative air pressure between the Cannabis Business's interior and exterior, so that the odors generated inside the Cannabis Business are not detectable on the outside of the Cannabis Business.

Section 21.2528: Consumption Lounges.

> (k) The licensee shall provide an adequate odor mitigation plan so as to prevent any detectable odor immediately outside of the premises (this shall include within business suites that may be located adjacent to the consumption lounge). Within twenty-four (24) hours of any complaint concerning odors emanating from or originating within the facility, the licensee shall respond to the complaint in question, and shall within one (1) business day file a written disclosure to the County documenting any and all actions taken and planned to address the odor complaints. If the odor complaints persist, the facility shall be closed until the situation is resolved.
>
> (q) Additional requirements for Type B Licenses:
>
> (5) Smoking Room Ventilation Plan Application:
>
> (A) An application for a Type B license shall be submitted to the Director or designee(s) prior to mechanical system approval from the PDS Building. The application must include a Cannabis Smoking Room Ventilation Plan.

A discussion of how the odor control plan under the proposed Cannabis Program would be reviewed is addressed in the second paragraph on page 1-14 of the Draft PEIR, reproduced as follows.

> An odor control plan would be submitted as part of the license application and would include an air treatment system or other methods to prevent cannabis odors from being detected outside the facility. Types of central odor control systems to be installed on-site may include technology such as odor-absorbing ventilation and exhaust systems, negative air pressure systems, or other acceptable odor control systems to prevent cannabis odors from being detected outside the facility.

As discussed under Issue 3 in Section 2.4, "Air Quality," of the Draft PEIR, the standard listed above would effectively reduce odor emissions from cannabis cultivation to a less-than-significant level under Alternatives 1 and 4. In contrast, under Alternatives 2, 3, and 5, outdoor commercial cannabis cultivation would be allowed. Outdoor cannabis odors cannot be controlled in the same way as indoor cultivation odors can be (i.e., air filtration systems are not feasible outside of buildings). Although buffers from sensitive uses under the alternatives (600 feet for Alternative 2 and 1,000 feet for Alternatives 3 and 5) would reduce odor levels off-site, detectable cannabis odors from outdoor and mixed-light commercial cannabis cultivation operations not contained within buildings with odor control features cannot be completely eliminated in all circumstances. Additionally, Alternative 2 would allow for events, which could introduce temporary odors from the combustion of cannabis products. There are no effective mitigation measures to ensure elimination of cannabis odors from outdoor sources (i.e., cultivation or combustion of products). For these reasons, this impact is identified as significant

and unavoidable for Alternatives 2, 3, and 5 (pages 2.4-24 through 2.4-28, 2.4.-32, and 2.4-33 of the Draft PEIR).

9.1.1.2 MASTER RESPONSE: RANGE OF ALTERNATIVES CONSIDERED IN THE DRAFT PEIR

Several comments raised concerns or support for certain alternatives included in the PEIR. State CEQA Guidelines Section 15126.6(c) addresses the selection of a range of reasonable alternatives. The range of potential alternatives to a proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. "[T]here is no ironclad rule governing the nature or scope of the alternatives to be discussed in an Environmental Impact Report (EIR or EIA in this case), other than the rule of reason" (*Citizens of Goleta Valley v. Board of Supervisors* [1990] 52 Cal.3d 553, 576; *In re Bay-Delta* [2008] 43 Cal.4th 1143, 1162–1164; State CEQA Guidelines, Section 15126.6(a)). Section 15126(a) states the "EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives."

Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts. As described in Chapter 1, "Project Description, Location, and Environmental Setting," of the Draft PEIR the following 5 alternatives were evaluated at an equal level of detail:

- Alternative 1: No Project—Retention of Current Cannabis Regulations
- Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements, which includes 600-foot buffers from certain state-defined sensitive uses, including schools, daycares, and youth centers.
- Alternative 3: Cannabis Program with Expanded County Regulations, which expands definition of "sensitive uses" and increase buffers from these uses from 600 to 1,000 feet.
- Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition, which has the same setback and buffers as Alternative 3, but would also prohibit outdoor cultivation.
- Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy, which has the same setbacks and buffers as Alternatives 3 and 4.

Ultimately, the Draft PEIR presents a reasonable range of alternatives, evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the proposed Cannabis Program in compliance with CEQA requirements. In addition, the

alternatives analyzed provide options for setbacks and buffers to further analyze impacts, such as odors. Therefore, no revisions to the PEIR are necessary.

During the public hearing, the Board will decide on which alternative or variation of an alternative to approve. All comments received on the Draft PEIR will be reviewed by decision makers for consideration during deliberation.

9.1.1.3 MASTER RESPONSE: BOARD OF SUPERVISORS DIRECTION AND FUTURE DECISION-MAKING

Several commenters referenced previous Board direction and raised concerns that the proposed Cannabis Program does not reflect subsequent Board direction. Specifically, some commenters expressed that the June 15, 2022 (Minute Order No. 7), Board direction was not incorporated into the Cannabis Program.

On January 27, 2021 (Minute Order No. 4), the Board provided the original direction for the development of the Cannabis Program. This direction included requiring a 600-foot buffer from cannabis facilities to state-sensitive uses, including schools, daycares, and youth centers. This direction is reflected and was analyzed in the Draft PEIR Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements.

Later, on June 15, 2022 (Minute Order No. 7), the Board provided further direction that asked staff to analyze additional program design features for the Cannabis Program PEIR and alternatives. This included the expansion of the definition of “sensitive uses,” an increase in the buffer from cannabis facilities to sensitive uses, and the expansion of cannabis billboard regulations. These program features were incorporated into Alternatives 3, 4, and 5, which were evaluated at an equal level as the proposed Cannabis Program under Alternative 2.

The Board has the discretion to choose any of the project alternatives or any variation of the project alternatives that are within the extent of the PEIR impact analysis. The Board is not restricted in its consideration of an alternative or of changes to the ordinances under any of the alternatives. The proposed ordinances would be updated to appropriately reflect the project alternative that the Board selects.

9.1.1.4 MASTER RESPONSE: CODE ENFORCEMENT AND CRIME

Several comments raised concerns regarding code enforcement associated with cannabis sites; how the County addresses complaints, and how to make complaints or obtain cannabis information from the County; and crime associated with cannabis sites.

Some of these comments state that the allowance of commercial cannabis would result in an increase in crime in the county. However, no specific technical studies were provided to suggest that a significant number of cannabis-related crimes would occur in the county. As a comparison, Sonoma County initially allowed cannabis uses in 2007 and expanded the range of cannabis uses in 2018 that includes uses currently proposed in the Cannabis Program. Between January 1, 2019, and December 31, 2024, a total of 41,897 incident reports were filed by the Sonoma County Sheriff, Sonoma Police Department, and Windsor Police Department. Of these reports, incidents related to cannabis involved one alcohol violation, two burglaries (i.e., entering a structure to commit a crime), one drug offence, one case of fraud,

three larceny (stealing), and two non-criminal incidents. These incidents occurred in Penngrove, Santa Rosa, Sebastopol, Geyserville, and Sonoma, at dispensaries (burglary, fraud, larceny, non-criminal) and cultivation sites (drug offences, larceny, non-criminal). By comparison, non-cannabis related incident reports during this time period included 49 alcohol offences, 3,215 burglaries, 3,468 drug offenses, 2,083 cases of fraud, 3,697 cases of larceny, and 16,237 non-criminal incidents (Sonoma County 2025: 3.13-13).

The San Diego County Planning & Development Services Code Compliance Division is responsible for the administration of the cannabis operating certificates and code enforcement in the unincorporated areas of the county and works with state and local law enforcement entities, counsel, the District Attorney's Office, and other agencies to address unlicensed cannabis activities.

As discussed in Section 2.15, "Public Services," in the Draft PEIR, California Code of Regulations (CCR), Title 4, Sections 15036, 15042, and 15601 require security measures of the facility and reporting procedures in the case of theft, loss, or criminal activities. In addition, the proposed amendments to the County Regulatory Code contain requirements for a detailed security plan (Section 21.2510(a)(3)) and preparation of a Neighborhood Compatibility Plan (Section 21.210(a)(5)). Compliance with these requirements would ensure that on-site security measures are provided and site access is sufficient. In addition, Section 21.2537 would require quarterly inspections of cannabis businesses to verify compliance with County requirements, and implementation Section 21.2538 would identify remedies for cannabis businesses that are not in compliance with County standards.

The proposed amendments to the County Regulatory Code also contains additional security measures and infrastructure requirements (Section 21.2526) such as sufficient Sheriff Department-licensed 24 hour video surveillance at all points of access and areas where cannabis is present, having a licensed security personnel on site during hours of operation, various other security requirements specific to doors and windows, and a description of measures the facility will take to prevent unauthorized access through entrances, exits, windows, and roofs.

Code Enforcement, under the San Diego County Code of Regulations (Title 1, Division 8, Chapters 1 to 3), can pursue enforcement towards licensed facilities should they become non-compliant with Chapter 25 of the San Diego County Code of Regulations. Non-compliance can be observed through routine quarterly inspections or through investigations resulting from a complaint intake.

Given these provisions, no substantial demands on local law enforcement would be expected such that construction of new facilities (e.g., sheriff stations) would be necessary from implementation of the Cannabis Program. Compliance with existing regulations and San Diego County General Plan policies would ensure that the Cannabis Program would not result in adverse physical impacts associated with the provision of new or physically altered fire protection and emergency services or result in the need for new or physically altered police protection services.

CEQA focuses EIR analysis of law enforcement on impacts resulting from physical improvements of needed facilities, essentially construction impacts. Consistent with this mandated focus, impacts on law enforcement associated with implementation of the Cannabis Program are addressed on Draft PEIR pages 2.18-21 through 2.18-23.

In general, the focus of CEQA is on the disclosure of significant adverse physical effects. Economic and social concerns are not CEQA topics. However, they are relevant project considerations that will be considered by staff and the Board in their deliberations.

9.1.1.5 MASTER RESPONSE: LEGAL STATUS OF CANNABIS

Cannabis regulation is currently both challenging and unique for a variety of reasons. Foremost among these is the fact that cannabis is currently regulated as a Schedule 1 drug under the federal Controlled Substances Act. In California, the passage of Proposition 215 in 1996 legalized medical marijuana, and the passage of Proposition 64 in 2016 decriminalized recreational marijuana for adults over 21 years of age. Its change from illegal to legal in the state of California and elsewhere reflects the rapidly changing regulatory environment. As of June 2025, cannabis is legal for adult recreational use in 24 states plus Washington, DC. Medical cannabis is legal in 39 states. This leaves 11 states and the federal government where it remains illegal.

In California, cannabis is legal based on the will of the voters. The history of the County's cannabis program is summarized in Section 1.11 of the Draft PEIR, "History of Cannabis Program Development," as provided below.

> The County's approach to the regulation of cannabis uses has been evolving since initial actions in 2010 that established licensing and operational requirements for medical cannabis facilities in the Regulatory Code and Zoning Ordinance. In 2016, the Board enacted a moratorium on the establishment of medical marijuana collective facilities. The following year, in 2017, the Board approved amendments to the Zoning Ordinance repealing medical marijuana collective facility regulations and banning all medical and nonmedical marijuana facilities, collectives, dispensaries, and cultivation within the unincorporated areas of the county, including a clause to shut down existing facilities within 5 years.

According to Board direction, County staff developed the Cannabis Program. This PEIR addresses 5 alternative variations to the Cannabis Program. The County staff acknowledge the strongly held beliefs of some commenters fundamentally opposed to cannabis activities as well as others who support cannabis and commercial cannabis uses in the County. Comments submitted on the Cannabis Program alternatives and this document will help the Board decide whether the PEIR should be certified and whether an alternative, or variation of one of the alternatives, should be adopted.

The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," for more information on the next steps in the approval process for the Cannabis Program.

9.1.1.6 MASTER RESPONSE: CONSIDERATION OF ENVIRONMENTAL IMPACTS OF CANNABIS

Several comments expressed concern over the level of detail and specificity included in the Draft PEIR regarding impacts from the development and operation of cannabis uses. The Draft PEIR presents a programmatic analysis of reasonably foreseeable compliance responses for implementation of the proposed Cannabis Program under 5 alternatives. The Draft PEIR

Sections 2.1 through 2.19 describe the potential for adverse environmental impacts for each environmental issue area and, if the impact is potentially significant, potentially feasible mitigation measures.

The overall approach to the environmental analysis is described in Section 1.9 of the Draft PEIR, "EIR Impact Analysis Methodology." As discussed therein, the PEIR has been prepared to determine the overall environmental effects of future development in the unincorporated areas that would be allowed under the proposed Cannabis Program. On a programmatic level, the PEIR does not, and cannot, speculate on the individual environmental impacts of specific future commercial cannabis projects in the county. However, implementation of all components of the Cannabis Program were considered during preparation of the Draft PEIR, including future commercial cannabis uses anticipated through the year 2044, as described in Section 1.12, "Projected Future Cannabis Uses Under the Cannabis Program." Technical analyses, such as air quality and greenhouse gas modeling, are based on the estimated future commercial cannabis uses identified in Draft PEIR Table 1.4.

The PEIR was prepared at the program "first-tier" level of environmental review consistent with the requirements of State CEQA Guidelines Sections 15152 and 15168. The program-level analysis considered the broad environmental impacts of the overall Cannabis Program. The PEIR acknowledged that subsequent projects/actions of the adopted program would occur in multiple years and locations (see Table 1.4 in the Draft PEIR for the projected development assumptions through 2044). As individual projects are proposed, they would be evaluated to determine whether the entitlements/actions fall within the scope of the certified PEIR and incorporate all applicable performance standards and mitigation measures identified therein. Should the subsequent projects/actions not be consistent with the approved Cannabis Program, additional environmental review through the subsequent review provisions of CEQA may be warranted (State CEQA Guidelines Sections 15162 through 15164).

9.1.1.7 MASTER RESPONSE: PUBLIC HEALTH EFFECTS OF CANNABIS USE

Several comments raised concerns about public health and safety with the operations and use of cannabis, with increased concerns for the youth.

As discussed in Draft PEIR Chapter 1, "Project Description, Location, and Environmental Setting," California allows for the cultivation, manufacturing, and consumption of cannabis by adults. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA. A key project objective of the proposed Cannabis Program is to develop a regulatory program that will assist in protecting public health, safety, and welfare. In addition, all of the proposed alternatives, with the exception of Alternative 1, include buffers and setbacks to help address community impacts.

Furthermore, as mentioned in the Draft PEIR, there are several state regulations that aim to protect public safety. The proposed amendments to the Zoning Ordinance under Sections 6129, "Temporary Cannabis Events," and 6995, "Cannabis Facilities," define the standards and regulations for commercial cannabis facilities to protect public health, safety, and welfare; ensure compliance with local and state laws; and minimize the potential for negative impacts on communities and the environment by establishing land use requirements for cannabis facilities.

In addition, as discussed in Section 2.15, “Public Services,” in the Draft PEIR, CCR, Title 4, Sections 15036, 15042, and 15601 require security measures of the facility and reporting procedures in the case of theft, loss, or criminal activities. In addition, the proposed amendments to the County Regulatory Code contain requirements for a detailed security plan (Section 21.2510(a)(3)) and preparation of a Neighborhood Compatibility Plan (Section 21.210(a)(5)). Compliance with these requirements would ensure that on-site security measures are provided and site access is sufficient.

9.1.1.8 MASTER RESPONSE: COMMENTS ON PROPOSED COUNTY CODE CHANGES UNDER THE SOCIALLY EQUITABLE CANNABIS PROGRAM

Several commenters recommended changes to the draft Regulatory Code and Zoning Ordinance that are related to the proposed Cannabis Program. Staff are currently in the process of refining the ordinances based on best practice research, public feedback, and alignment with previous Board direction. The final ordinances, along with the Final PEIR, will be presented to the Planning Commission and to the Board for their review and adoption. The Planning Commission will consider project documents in addition to public and agency comments in formulating its recommendation to the Board. The recommendations from the Planning Commission, in addition to public and agency comments, will be considered by the Board in making its final decision regarding the proposed ordinances.

9.1.1.9 MASTER RESPONSE: CANNABIS PRODUCT SAFETY AND TESTING

Several comments identified concerns regarding the safety of cannabis products from contamination from pesticides and other constituents and associated cannabis testing issues based on 2024 articles published in the *Los Angeles Times* newspaper.

The testing of cannabis products is handled through the state licensing process, which is overseen by the California Department of Cannabis Control (DCC). Testing is required under CCR, Title 4, Section 15719. Licensed laboratories are required to analyze representative samples of cannabis and cannabis products to determine whether residual pesticides are present. Pesticides are divided into 2 categories along with their action levels. The sample shall be deemed to have passed the residual pesticide testing if both of the following conditions are met: (1) the presence of any residual pesticide listed in Category I, identified in Section 15719, is not detected, and (2) the presence of any residual pesticide listed in Category II, identified in Section 15719, does not exceed its indicated action level.

As of January 1, 2024, state-licensed laboratories are required to use DCC-standardized cannabinoids test methods and standardized operating procedures for testing dried flower, including non-infused pre-rolls. Testing labs test cannabis goods for:

- cannabinoids and terpenes,
- residual solvents and processing chemicals,
- residual pesticides,
- heavy metals,
- microbial impurities,

- mycotoxins,
- moisture content and water activity, and
- foreign material.

Testing labs report results on a certificate of analysis, which indicates whether a batch has passed or failed for each substance. The certificate of analysis must be uploaded to the DCC's track-and-trace system. If a batch fails testing standards, it must be either destroyed or remediated by a manufacturer, with approval from DCC. Remediated products must undergo further testing to ensure they are no longer contaminated.

When necessary, DCC issues recalls—either mandatory or voluntary—if products are known to contain microbial contamination or have other issues, such as misbranding.

Mandatory recalls:

- Occurs when there is an immediate and serious threat to human life or health, and other remedies would cause an unreasonable delay.
- Initiated and ordered by DCC.
- DCC notifies licensees that a mandatory recall is being ordered.
- Licensee(s) are required to immediately cease distribution and recall the cannabis or cannabis product from the commercial supply chain.
- DCC posts the recall information to the list of mandatory recalls on its website and sends a consumer advisory to provide information to licensees and consumers about the recall.
- DCC works with licensees to ensure the recalled cannabis and cannabis products are properly handled, remediated, and/or disposed of.

Voluntary recalls

- Occurs when the licensee identifies that their product is mislabeled, defective, or unsafe for consumption (adulterated or misbranded).
- Initiated and implemented by the licensee.
- The licensee notifies DCC that they are initiating a recall.
- DCC posts the recall information to the list of voluntary recalls on its website and sends a consumer advisory to provide information to licensees and consumers about the recall.
- DCC works with licensees to ensure the recalled cannabis and cannabis products are properly handled, remediated, and/or disposed of.

Recall notices are posted on the DCC website, where information is made available related to the specific product type, location of sale, and recall reason. The cannabis recall process plays an important role in ensuring that defective or potentially unsafe products are removed from the commercial market.

9.1.2 Agency Comments and Responses

9.1.2.1 *LETTER A1 LAKESIDE UNION SCHOOL DISTRICT*

Lara Hoefer Moir, Board President
March 26, 2025

Comment A1-1
On behalf of the Lakeside Union School District, we are writing to express our concerns regarding the Proposed Project Alternative included in the draft Environmental Impact Report (EIR). The draft fails to incorporate critical recommendations that the Board clearly intended to serve as defining components of the preferred project. Instead, these elements have been placed in a separate alternative, contrary to the Board's explicit direction that they be evaluated as part of the Proposed Project. Similarly, the draft Zoning Ordinance amendments do not reflect the features the Board unanimously approved.

Response A1-1
The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment A1-2
Given the Board's clear guidance, we firmly believe that the Proposed Project Alternative and all associated documents, including the zoning ordinance amendments, should have incorporated these items from the outset.

Response A1-2
The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment A1-3
We are also deeply concerned about the potential impacts of cannabis cultivation near our school communities, particularly the possibility of up to 346 outdoor licenses. The draft EIR correctly concludes that commercial cannabis operations would result in significant and unavoidable nuisance odors. In communities such as Lakeside, where agricultural and residential zones are closely interwoven-including near our schools-these impacts are especially troubling.

Response A1-3
Consistent with this comment, the Draft PEIR indicates that approval of the Cannabis Program would result in significant and unavoidable impacts on odor. As described in Section 2.4, “Air Quality,” under Issue 3, “Result in Emissions of Odors Adversely Affecting a Substantial Number of People,” odor emissions would be less than significant under Alternatives 1 and 4 and significant and unavoidable under Alternatives 2, 3, and 5. Cannabis odors are further discussed in Section 9.1.1.1, “Master Response: Cannabis Odors.”

Comment A1-4
Outdoor cultivation presents additional concerns related to groundwater usage. The draft EIR identifies significant and unavoidable impacts on groundwater supplies and water availability.

These consequences would disproportionately affect unincorporated communities, many of which are home to the students and families we serve. Reliable access to clean air and water is essential for public health and creating a safe and supportive learning environment for our students.

These environmental and community impacts have the potential to interfere with our schools' educational mission and diminish the well-being of our students, staff, and families. Our communities' rural character and quality of life are vital to the learning environments we strive to maintain.

Response A1-4
Impacts associated with decreased groundwater supplies or interference with groundwater recharge are discussed in Section 2.11, “Hydrology and Water Quality,” under “Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge.” As discussed there, impacts on groundwater supplies or recharge would be less than significant under Alternative 1 and significant and unavoidable under Alternatives 2, 3, 4, and 5.

Concerns related to neighborhood compatibility are noted. A person may apply for a County cannabis land use permit and cannabis business license by filing an application with the County of San Diego Department of Planning and Development Services (PDS). Applications may require, but are not limited to, any or all of the following information be submitted depending on permit type and location: premises diagram, evidence of sensitive use buffer compliance, security plan, lighting plan, Neighborhood Compatibility Plan, odor mitigation plan, and documentation of water use and storage. In preparation of a Neighborhood Compatibility Plan, the applicant is responsible for providing specific procedures related to nuisance avoidance, including responding to noise- and light-related complaints, public consumption, loitering, littering, vehicle and pedestrian traffic, and any other potential nuisance that may be received. Procedures outlined in the applicant’s Neighborhood Compatibility Plan shall be incorporated into the terms and conditions under which the business will operate with the County’s approval, if and when a Cannabis Business License is issued.

Comment A1-5
In light of the analysis presented in the draft EIR and the Board's previous actions, we respectfully urge that Alternative 4 be adopted as the preferred alternative. We also strongly recommend that the final decision include a prohibition on outdoor cultivation to protect the health, safety, and well-being of our students and communities.

Response A1-5
The commenter’s preference for Alternative 4 has been noted and will be reviewed by the Board during future decision-making activities.

9.1.2.2 *LETTER A2 SAN DIEGO AIR POLLUTION CONTROL DISTRICT*

Eric Luther, Supervising Air Resources Specialist
March 27, 2025

Comment A2-1
The San Diego County Air Pollution Control District (APCD) appreciates the opportunity to provide comments on the Socially Equitable Cannabis Program Draft Environmental Impact

Report (DEIR) and related amendments to the San Diego County Code of Regulatory & Zoning Ordinances. Below are the SDAPCD's comments concerning the evaluation of potential air quality impacts presented in the DEIR.

Response A2-1
This comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Comment A2-2
General Comments

The APCD is mandated under federal and state law to regulate air pollutant emissions and improve air quality to protect public health and the environment. Accordingly, the APCD operates countywide air quality permitting, monitoring, and enforcement programs to ensure compliance with applicable air pollution regulations for healthful air quality. The APCD's jurisdiction covers all of San Diego County, including both the incorporated and unincorporated areas.

Specific to this charge, is the importance of addressing the variety of emissions, along with their sources, that contribute to diminished air quality. This includes analyzing all potential emissions, including solvent recovery, volatile organic compounds (VOC's) and Toxic Air Contaminants (TAC's) in conjunction with other emission sources. Upon review, it appears that the analysis of emissions related manufacturing operations was not included in the analysis and is therefore insufficient. We recommend inclusion of manufacturing operations, as outlined below:

Rules and Regulations-Rule 1200

SDAPCD believes the environmental impact from the air emissions from manufacturing operations should be considered in the EIR. Including discussion of these emissions in the EIR would also benefit future permitting actions by SDAPCD.

Section 2.4.2.3 should include a discussion of SDAPCD Rule 1200 (Toxic Air Contaminants-New Source Review)1 as manufacturing operations can be subject to permitting through District Rule 10 and therefore also subject to Rule 1200. Manufacturing operations are known by The District to use compounds such as isopropyl alcohol, hexane, and methylene chloride with are considered toxic air contaminants (TACs).

Response A2-2
In response to this comment, the following bullet point has been added to Section 2.4, "Air Quality," on page 2.4-12 following the bullet point that summarizes SDAPCD Regulation IV: Prohibitions; Rule 67.01.1: Architectural Coatings:

- **SDAPCD Regulation XII: Toxic Air Contaminants; Rule 1200: Toxic Air Contaminants – New Source Review.** Regulates emissions of toxic air contaminants (TACs) from new, relocated, or modified stationary sources in San Diego County. It aims to reduce public exposure to TACs by requiring facilities to implement measures to minimize potential health risks. The rule applies when an

Authority to Construct or Permit to Operate is required, including projects reviewed by the California Energy Commission.

This revision to the Draft PEIR does not alter the significance conclusions of Section 2.4, "Air Quality." No further response is required.

Comment A2-3
Toxic Air Contaminants related to Manufacturing Equipment

Further, Section 2.4.3.2 should discuss the possibility of TAC emissions from manufacturing equipment. Some cannabis manufacturing facilities involve the extraction of cannabis compounds from plant matter using solvents and extraction equipment. Many of these solvents, while not only being VOCs are also TACs including compounds such as isopropyl alcohol, hexane, and methylene chloride. Operations requiring district permit would be subject to District Rule 1200 as previously discussed and would limit the health risks from these types of operations to below significant levels.

Response A2-3
In response to this comment, the language discussing toxic air contaminants on page 2.4-15 has been updated as follows:

Text as presented in Draft PEIR:

Toxic Air Contaminants

Construction and operation of the new licensed commercial cannabis cultivation and noncultivation operations may involve the use of diesel-powered equipment that emits diesel PM. However, the amount of construction activity at any single location would not be intensive (i.e., approximately 1 piece of off-road equipment being used at 1 specific time during overall site construction), would be temporary, and would not take place at the same site for longer than a few months. Operational activities would not include any major sources of TACs, and all operations would be required to comply with setback distances specified for the alternatives (i.e., a minimum 600-foot buffer or a 1,000-foot buffer between operations and existing sensitive land uses depending on the alternative) that would allow dispersion of TAC emissions. Given the minimal construction activities required for the Cannabis Program, the lack of newly introduced major sources of TACs, and the setback requirements, the construction and operation of new cannabis facilities would not expose existing receptors to substantial TAC concentrations (i.e., expose sensitive receptors to substantial pollutant concentrations). Individual commercial cannabis cultivation sites may include emergency backup diesel generators but would not include new stationary sources (e.g., smokestack operations permitted through the air district subject to best available control technology) that could potentially exceed established emissions limits for reactive organic gases (ROG), NO_X, PM_{10}, $PM_{2.5}$, CO, or SO_2. These impacts are not discussed further.

Text as presented in Final PEIR:

> **Toxic Air Contaminants**
>
> Construction and operation of the new licensed commercial cannabis cultivation and noncultivation operations may involve the use of diesel-powered equipment that emits diesel PM. However, the amount of construction activity at any single location would not be intensive (i.e., approximately 1 piece of off-road equipment being used at 1 specific time during overall site construction), would be temporary, and would not take place at the same site for longer than a few months. Operational activities would not include any major sources of TACs, and all operations would be required to comply with setback distances specified for the alternatives (i.e., a minimum 600-foot buffer or a 1,000-foot buffer between operations and existing sensitive land uses depending on the alternative) that would allow dispersion of TAC emissions. Given the minimal construction activities required for the Cannabis Program, the lack of newly introduced major sources of TACs, and the setback requirements, the construction and operation of new cannabis facilities would not expose existing receptors to substantial TAC concentrations (i.e., expose sensitive receptors to substantial pollutant concentrations). Individual commercial cannabis cultivation sites may include emergency backup diesel generators but would not include new stationary sources (e.g., smokestack operations permitted through the air district subject to best available control technology) that could potentially exceed established emissions limits for reactive organic gases (ROG), NO_X, PM_{10}, $PM_{2.5}$, CO, or SO_2. Cannabis manufacturing facilities would be allowed under the Cannabis Program; however, these facilities would be subject to permitting through SDAPCD Rule 1200, which would require the use of filtration and emissions scrubbing technologies to minimize release of TACs from the facility. These impacts are not discussed further.

This revision to the Draft PEIR does not alter the significance conclusions of Section 2.4, “Air Quality.” No further response is required.

Comment A2-4

Impact Assessment for Alternatives (Section 2.4.3.5)

The impact assessment for operations for alternatives 2-5 do not include the VOC and TAC emissions from manufacturing operations. Section 2.4.3.5 of the DEIR states:

> Therefore, because operation of individual outdoor, San Diego County Socially Equitable Cannabis Program Draft EIR Page 2.4-23 mixed-light, and indoor cultivation sites and noncultivation uses would not exceed SDAPCD’s screening thresholds, emissions would not adversely affect human health under Alternative 2. Therefore, the contribution to operational criteria pollutants and precursors would not result in greater acute or chronic health impacts compared to existing conditions under Alternative 2.

Of note, the SDAPCD has received applications for solvent extraction operations using solvent recovery systems that have emissions up to 60 lbs. of VOC’s a day, although most yield less than 10 lbs. per day of VOC. Given the potential for emissions from cannabis manufacturing operations, we further recommend inclusion of these VOC and TAC emissions in the impact assessment for comparison to screening thresholds for each of these alternatives.

Consideration of these emissions in the EIR would also streamline the CEQA review timeline for applicants also requiring SDAPCD permits.

Response A2-4
In response to this comment, the language of paragraph 5 of Section 2.4.3.5 has been updated on page 2.4-22 as follows:

Text as presented in Draft PEIR:

> Development of future licensed commercial cannabis operations could result in operational emissions of VOCs, NO_X, $PM_{2.5}$, and PM_{10} similar to those used for other agricultural activities. These include the combustion of natural gas for heating and emergency generators, use of consumer products and fertilizers, application of architectural coatings, and use of heavy-duty equipment for agricultural purposes. Table 2.4.7, included at the end of this section, presents the levels of criteria air pollutants and precursors associated with operation of each new individual commercial cannabis use type. Emissions were estimated for each commercial cannabis cultivation type using the range of assumed future cannabis cultivation sites identified in Table 1.4.

Text as presented in Final PEIR:

> Development of future licensed commercial cannabis operations could result in operational emissions of VOCs, NO_X, $PM_{2.5}$, and PM_{10} similar to those used for other agricultural activities. These include the combustion of natural gas for heating and emergency generators, use of consumer products and fertilizers, application of architectural coatings, and use of heavy-duty equipment for agricultural purposes. Cannabis manufacturing would be allowed under the Cannabis Program, which would be source of VOC emissions; however, these processes would be regulated under SDAPCD Rule 1200. In consultation with SDAPCD, permits acquired through Rule 1200 demonstrate a range of VOC emissions from 2.9–62.7 pounds per day, which would be below SDAPCD's threshold of significance (Amberg, pers. comm., 2025). Table 2.4.7, included at the end of this section, presents the levels of criteria air pollutants and precursors associated with operation of each new individual commercial cannabis use type. Emissions were estimated for each commercial cannabis cultivation type using the range of assumed future cannabis cultivation sites identified in Table 1.4.

This revision to the Draft PEIR does not alter the significance conclusions of Section 2.4, "Air Quality." No further response is required.

9.1.2.3 *LETTER A3 SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD, SOUTH COAST REGIONAL CANNABIS UNIT*

Maher Zaher, Water Resource Control Engineer & Brian M. Covellone, Senior Engineering Geologist
March 27, 2025

Comment A3-1
The South Coast Regional Cannabis Unit staff (Cannabis Unit), working on behalf of the San Diego Regional Water Quality Control Board, have reviewed the draft Environmental Impact Report (EIR), a California Environmental Quality Act (CEQA) document, pertaining to the

County of San Diego's Socially Equitable Cannabis Program. Cannabis Unit staff appreciate the opportunity to provide input and provide the following comments in response to the draft EIR:

Response A3-1

The commenter's introductory comments are noted. The reader is referred to the responses to Comments A3-2 through A3-5.

Comment A3-2

1) Biological Resources, Page 2.5-29: Outdoor cannabis cultivation areas must be fenced. Fencing cannot consist of razor wire, barbed wire, electrical-fencing, or similar types of materials.

    - Comment: Installation of any fencing material should not occur within any waters of the State or in any manner that could alter or obstruct the natural flow of surface water. Please ensure that installation of fencing complies with State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ - General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) and the Cannabis Cultivation Policy.

Response A3-2

The commenter's concern that fencing material may obstruct the natural flow of surface water is noted. The potential effects on state and federally protected wetlands are discussed under Issue 3 in Section 2.5, "Biological Resources," in the Draft PEIR. As discussed therein, the proposed Cannabis Program would result in potentially significant direct impacts on state and federally protected wetlands under Alternatives 2 through 5. It would also have the potential to result in significant cumulative impacts associated with state and federally protected wetlands (see first paragraph on page 2.5-84 of the Draft PEIR). As discussed in Section 2.5.7, "Conclusion," implementation of Mitigation Measures M-BI.1-1 and M-BI.3-1 would reduce potentially significant program-level and cumulative impacts on state and federally protected wetlands to a less-than-significant level because wetlands would be identified through reconnaissance-level surveys and wetland delineation surveys, and wetlands would be avoided through project redesign. Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Comment A3-3

2) Hydrology and Water Quality, Page 2.11-13: *SWRCB, in coordination with CDFW, has identified "Cannabis Priority Watersheds" throughout the state. All Cannabis Priority Watersheds contain a high concentration of commercial cannabis cultivation; noncompliant commercial cannabis cultivation in these high-value areas has the potential to cause severe environmental impacts. Pursuant to Business and Professions Code Section 26060(a)(1), if SWRCB or CDFW notifies the Department of Cannabis Control (DCC) in writing that commercial cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, DCC shall not issue new licenses or increase the total number of plant identifiers in that watershed or area while the moratorium is in effect. There are currently no Cannabis Priority Watersheds designated in San Diego County.*

- Comment: This information was likely obtained through the California Priority Watersheds webpage published on the SWRCB's website (Cannabis - CA Priority Watersheds | California State Water Resources Control Board). The referenced map is out of date and does not reflect the current priorities of the South Coast Cannabis Program, which represents the San Diego Regional Water Quality Control Board, for San Diego County. The SWRCB and CDFW coordinate on an annual basis to determine Cannabis Priority Watersheds on a regional scale, and Cannabis Priority Watersheds have been identified in San Diego County. There are ongoing discussions between the SWRCB, the South Coast Cannabis Program, and CDFW to address the referenced map.

Response A3-3

The commenter's concern regarding the Cannabis Priority Watersheds designated in San Diego County were addressed during a meeting between the County and RWQCB on June 5, 2025, to discuss the contents of Comment Letter A3. RWQCB staff clarified that Cannabis Priority Watersheds are identified on an annual basis, and are considered based on factors including the presence and density of higher order streams, 303(d)-listing status, designation as wild and scenic waters, and RWQCB-designated high-quality/high-priority streams. In addition, in consultation with CDFW, RWQCB considers the size and density of cultivation sites, threatened drinking water supplies, disadvantaged communities, overdrafted groundwater basins, habitat connectivity, observations of listed species, critical habitat for listed species, ecoregions weighted species biodiversity, alignment with habitat conservation clans, and proximity to other conserved lands. Finally, surface water diversions, though rare in these watersheds, are elevated priorities for both agencies. To address this comment, the text on page 2.11-13 has been modified to read as follows:

> SWRCB, in coordination with CDFW, has identified "Cannabis Priority Watersheds" throughout the state. All Cannabis Priority Watersheds contain a high concentration of commercial cannabis cultivation; noncompliant commercial cannabis cultivation in these high-value areas has the potential to cause severe environmental impacts. Pursuant to Business and Professions Code Section 26060(a)(1), if SWRCB or CDFW notifies the DCC in writing that commercial cannabis cultivation is causing significant adverse impacts on the environment in a watershed or other geographic area, DCC shall not issue new licenses or increase the total number of plant identifiers in that watershed or area while the moratorium is in effect. Cannabis Priority Watersheds are designated by the RWQCB on an annual basis in San Diego County.

The above text modifications do not affect the impact conclusions presented in the Draft PEIR. No further changes to the document are necessary.

Comment A3-4

3) General Comment: The definition of commercial indoor cannabis cultivation, and consequent requirements, may differ significantly among regulating entities. The SWRCB's Cannabis General Order and Cannabis Cultivation Policy define commercial indoor cannabis cultivation activities for applicants seeking coverage under the Cannabis General Order's Waiver of Waste Discharge Requirements as, cannabis cultivation that occurs within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), and either 1) discharges all industrial wastewaters generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater; or 2) collects all industrial wastewater in an appropriate storage

container to be collected and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater. Further, indoor cannabis cultivation structures are exempt from certain requirements if the conditions of Term 38 of the Cannabis Cultivation Policy are met.

Response A3-4
Section 1.5.1.1, "Cultivation Operations," generally summarizes the types of equipment and activities that area associated with nursery, outdoor, mixed-light, and indoor cultivation structures. The County relies on definitions outlined in the SWRCB's Cannabis General Order and Cannabis Cultivation policy. To provide clarity, the following paragraph has been added as the second paragraph on page 1-6 of the PEIR:

> An indoor cultivation is defined as an operation that occurs within a structure with a permanent roof; a permanent, relatively impermeable floor (e.g., concrete or asphalt paved); and either (1) discharges all industrial wastewater generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater or (2) collects all industrial wastewater in an appropriate storage container to be collected and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater. Further, indoor cannabis cultivation structures are exempt from certain requirements if the conditions of Term 38 of the Cannabis Cultivation Policy are met.

The above text modifications do not affect the impact conclusions presented in the Draft PEIR. No further changes to the document are necessary.

9.1.2.4 *LETTER A4 BONSALL UNIFIED SCHOOL DISTRICT*

Heather Golly, Superintendent
March 30, 2025

Comment A4-1
The Bonsall Unified School District (BUSD) respectfully submits the following public comments regarding the Socially Equitable Cannabis Program (SECP) and the accompanying Environmental Impact Report (EIR) currently open for public review. As educational leaders responsible for the safety, well-being, and development of the children in our community, we share significant concerns with those expressed by other local community groups, such as the Bonsall Community Sponsor Group and Fallbrook Community Sponsor Group, regarding various aspects of the SECP and its potential impacts on our schools, students, families, and the broader community.

Response A4-1
The commenter's introductory comments are noted. The reader is referred to the responses to Comments A4-2 through A4-10.

Comment A4-2
Support for Alternative 1: No Project Alternative

After careful review of the SECP and its alternatives, the Bonsall Unified School District strongly supports **Alternative 1: The No Project Alternative**.

Response A4-2
The commenter's preference for Alternative 1 has been noted and will be reviewed by the Board during future decision-making activities.

Comment A4-3
Student Safety and Educational Environment Concerns

1. Proximity of Cannabis Operations to Schools and Youth Facilities

The SECP proposes allowing cannabis operations in various zones within the county, including areas that may be in proximity to schools, school bus routes, parks, and other places where children gather. While we acknowledge that state law requires setbacks from schools, we believe these minimum distances are insufficient to protect our students from the potentially harmful effects of exposure to cannabis products, odors, and related activities.

We strongly recommend:

- Establishing more than 1,000-foot buffer between any cannabis-related business and schools, bus stops, parks, libraries, and other locations frequented by minors
- Implementing more stringent restrictions on outdoor cultivation that may impact school properties through odors or visual exposure
- Prioritizing student safety in any zoning decisions related to cannabis operations

Response A4-3
The commenter requests a 1,000-foot buffer between any cannabis-related business and schools, bus stops, parks, libraries, and other locations frequented by minors. Alternatives 3, 4, and 5 would implement the Cannabis Program with incorporation of Measures 1, 2, and 3 from the June 15, 2022, Board direction (Draft PEIR page 1-19). With inclusion of Measures 1 and 2, the definition of “sensitive uses” would be expanded beyond schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities. The required sensitive use buffer would be expanded to 1,000 feet. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” and Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment A4-4
2. Impact on School Climate and Youth Prevention Programs

BUSD has invested significant resources in substance abuse prevention programs to educate our students about the dangers of drug use, including cannabis, especially for developing brains. The normalization of cannabis businesses in our community could undermine these educational efforts and send mixed messages to our youth.

Response A4-4
Concern related to normalization of cannabis businesses is noted. The reader is referred to Section 9.1.1.5, “Master Response: Legal Status of Cannabis,” on the current status of

cannabis and Section 9.1.1.7, “Master Response: Public Health Effects of Cannabis Use,” regarding health concerns.

Comment A4-5
Should **Alternative 1: The No Project Alternative** not be adopted, we support **Alternative 4** as the environmentally superior alternative that would minimize negative impacts on our educational community.

Response A4-5
The commenter’s support for Alternative 4, if Alternative 1 is not adopted, is noted and will be reviewed by the Board during future decision-making activities.

Comment A4-6
Environmental Concerns Affecting School Operations

1. Air Quality and Odor Problem

As noted in comments from other local community groups, cannabis cultivation operations, particularly outdoor grows, produce strong odors that can significantly impact surrounding areas. We are concerned about:

- The potential for cannabis odors to reach school campuses, which could disrupt the learning environment and trigger respiratory complications in sensitive students
- Reference to the Curtis v. Valley Crest Farms class-action lawsuit, which demonstrates the real impact of cannabis odors on community quality of life
- The inadequate mitigation measures for controlling odors, especially from outdoor cultivation sites

Response A4-6
The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.” As discussed in this master response, odor impacts from outdoor cultivation are identified as significant and unavoidable impacts in the Draft PEIR. No specific issues pertaining to the contents of the Draft PEIR are presented in this comment; thus, no further response can be provided.

Comment A4-7
2. Water Usage and Environmental Impact

Our district properties rely on local water resources, and we share the concerns expressed by others regarding:

- The significant water usage required for cannabis cultivation in an already water-stressed region
- Potential groundwater impacts noted in the EIR as "significant and unavoidable" for Alternative 2
- The need for more sustainable agricultural practices that consider our region's limited resources

Response A4-7
As discussed in Section 2.11, “Hydrology and Water Quality,” in the Draft PEIR, development and operation of cannabis facilities under Alternatives 2 through 5 could require groundwater resources as a water supply. The use of groundwater resources could result in reduced groundwater storage, groundwater overdraft conditions, and well interference. These types of impacts are possible throughout the unincorporated area where there is excessive groundwater use by a single user or due to the unique physical geologic properties affecting the groundwater storage for a particular site (e.g., fractured-rock aquifer conditions). Mitigation Measure M-HYD.2-2 would require applicants to provide a groundwater study or memorandum for review and approval by the County that would address groundwater overdraft, low well yield, and well interference. As appropriate, recommendations to reduce potential adverse effects on groundwater would be implemented by the applicant to reduce impacts. However, it cannot be stated with certainty that a groundwater analysis could establish or provide sufficient project modifications to eliminate the potential for groundwater overdraft, low well yield, and well interference. Therefore, any use of groundwater resources in the unincorporated area could contribute to depletion of groundwater supplies where supplies are already limited or yields of groundwater are low. Consequently, program and cumulative impacts would be significant and unavoidable under Alternatives 2 through 5.

No specific issues pertaining to the contents of the Draft PEIR are presented in this comment; thus, no further response can be provided.

Comment A4-8
Public Safety Concerns for Student Transportation and Activities

1. Traffic Safety and Impaired Driving

BUSD transports hundreds of students daily on rural roads throughout our district. The potential increase in cannabis-related traffic and the risk of impaired driving presents serious safety concerns:

- Rural roads in our district are often narrow, winding, and lack adequate lighting, making them particularly dangerous for impaired drivers
- The SECP does not adequately address the potential increase in impaired driving and its impact on student transportation routes
- Temporary cannabis events could generate significant traffic and create hazards for school buses and student drivers

Response A4-8
The commenter expresses concerns about illegal activities resulting from allowing cannabis licenses, including driving while under the influence. This concern is noted for the record. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” which addresses code enforcement and crime. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

Comment A4-9

2. Law Enforcement and Emergency Services

Our schools rely on timely response from local law enforcement and emergency services. We are concerned that:

- The proposed addition of only two code compliance officers is wholly inadequate for monitoring and enforcing regulations across the entire unincorporated area
- Increased demands on law enforcement could reduce response times to school safety incidents
- Emergency services may be strained by increased calls related to cannabis businesses and consumption lounges

Response A4-9

As discussed in Section 2.15, "Public Services," in the Draft PEIR, CCR, Title 4, Sections 15036, 15042, and 15601 require security measures of the facility and reporting procedures in the case of theft, loss, or criminal activities. In addition, the proposed amendments to the County Regulatory Code contain requirements for a detailed security plan (Section 21.2510(a)(3)) and preparation of a Neighborhood Compatibility Plan (Section 21.210(a)(5)). Compliance with these requirements would ensure that on-site security measures are provided and site access is sufficient. Given these provisions, no substantial demands on local law enforcement would be expected such that construction of new facilities (e.g., sheriff stations) would be necessary from implementation of the Cannabis Program. Compliance with existing regulations and General Plan policies would ensure that the Cannabis Program would not result in adverse physical impacts associated with the provision of new or physically altered fire protection and emergency services or result in the need for new or physically altered police protection services.

The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," which addresses code enforcement and crime.

The commenter does not provide evidence to suggest that law enforcement or emergency services could be impaired such that an environmental impact occurs. No further response can be provided.

Comment A4-10

Conclusion and Recommendation

The Bonsall Unified School District's primary responsibility is to ensure a safe, healthy learning environment for all students. Based on our review of the SECP and EIR, we believe the program as currently proposed poses significant risks to our educational mission and the well-being of our students.

We therefore strongly recommend that the County adopt **Alternative 1: The No Project Alternative**. Should the Board of Supervisors proceed with implementing a cannabis program, we strongly urge the adoption of **Alternative 4** with additional modifications and mitigation measures to better protect students, schools, and youth facilities, including:

1. Increased setbacks to more than 1,000 feet from all schools, bus stops, and youth facilities

2. Prohibition of outdoor cultivation to minimize odor and visual impacts

3. Stricter regulations on cannabis business hours, particularly for retail and consumption lounges

4. Enhanced enforcement resources specifically allocated to ensuring compliance near educational facilities

5. Additional traffic safety measures on school transportation routes

Response A4-10
The commenter's concerns for school and youth safety and alternative preferences are noted. While the commenter recommends additional modification and mitigation measures to better protect students, schools, and youth facilities, no specific mechanisms have been suggested. Alternative 4 would include a 1,000-foot buffer from sensitive uses, defined as schools, daycares, and youth centers to also include regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, places of worship, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities (Draft PEIR page 1-20). Thus, no further response can be provided.

Comment A4-11
We appreciate the opportunity to provide input on this important issue and look forward to the County's careful consideration of these concerns in the final SECP and EIR.

Response A4-11
The comments provided in this letter have been reviewed and will be considered during deliberation of the proposed Cannabis Program's merits.

9.1.2.5 *LETTER A5 FALLBROOK UNION HIGH SCHOOL DISTRICT*

Ilsa Garza-Gonzalez, Superintendent
March 31, 2025

Comment A5-1
As Superintendent of Fallbrook Union High School District, I write to express my position regarding the Socially Equitable Cannabis Program Draft Environmental Impact Report (EIR). While I have significant reservations about the broader implementation of this program due to concerns over youth exposure, educational impacts, and community safety, I recognize the need to engage constructively in the public process to support the most responsible path forward.

Given the options outlined in the Draft EIR, I urge the County to adopt **Option 1 (No Project – Retention of Current Cannabis Regulations)** as the **first choice**. Maintaining the existing regulatory framework ensures that cannabis-related businesses do not proliferate in ways that might undermine the well-being of our students and families. The current regulations provide necessary safeguards that limit accessibility and exposure while allowing for measured oversight of existing businesses. Keeping these controls in place aligns with our district's commitment to fostering a safe and healthy learning environment for all students.

Response A5-1
The commenter's preference for Alternative 1 has been noted and will be reviewed by the Board during future decision-making activities.

Comment A5-2
If the County is determined to proceed with changes to the current cannabis regulatory framework, I strongly advocate for **Option 4 (Cannabis Program with Outdoor Cultivation Prohibition)** as the **second choice**. Prohibiting outdoor cultivation is critical to mitigating risks associated with unauthorized access, odor emissions, and potential impacts on surrounding residential communities and schools. Indoor cultivation offers a more controlled environment that minimizes unintended exposure and aligns with public health and safety priorities.

Response A5-2
The commenter's preference for Alternative 4, in the case that Alternative 1 is not approved, has been noted and will be reviewed by the Board during future decision-making activities.

Comment A5-3
I appreciate the opportunity to provide input on this matter and urge decision-makers to prioritize the well-being of our youth and school communities. Thank you for your consideration, and I look forward to continued dialogue on this important issue.

Response A5-3
The commenter's concerns for the well-being of youth and school communities is noted and will be reviewed by the Board during future decision-making activities.

9.1.2.6 *LETTER A6 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE*

Andrew Valand, Environmental Scientist
April 1, 2025

Appendix E contains the attachments to this comment letter.

Comment A6-1
The California Department of Fish and Wildlife (CDFW) received a Draft Program Environmental Impact Report (DPEIR) for the Socially Equitable Cannabis Program (SECP or Project) with the County of San Diego (County) as lead agency pursuant to the California Environmental Quality Act (CEQA) (CEQA Guidelines, §§15367, 15051). CDFW supports the regulated cannabis market and seeks to maximize conservation efforts through collaboration with partner agencies. We recognize the challenges in regulating a growing industry in cannabis and appreciate the ongoing working partnership with the County to prepare an environment document and regulatory structure that can most effectively protect and conserve California's natural resources while providing opportunities for growth in local communities.

Response A6-1
These introductory remarks are acknowledged for the record.

Comment A6-2
CDFW CEQA ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. [a] & 1802;

Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subd. [a]). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). For purposes of CEQA, CDFW is directed to provide available biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State of California (State) fish and wildlife resources. CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, §15381, 15096). CDFW expects that it may need to exercise regulatory authority as provided by the FGC, including lake and streambed alteration (LSA) regulatory authority (Fish & G. Code, § 1600 et seq.). To the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), adopted Natural Community Conservation Plan (Fish & G. Code, § 2800 et seq.) or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), CDFW recommends the Project obtain appropriate authorization under FGC (Fish & G. Code, §§ 2080.1, 2081, 2835).CDFW also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program (Fish and Game Code 2800 et seq.). The County participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) South County Subarea Plan (SAP) and Implementing Agreement (IA) under the Subregional Multiple Species Conservation Program (MSCP) and the Fully Signed Third Restated and Amended CDFW and the United States Fish and Wildlife Service (USFWS) for the draft North and East County MSCP Plans (North County Plan, East County Plan) (Planning Agreement; March 2021).

CDFW anticipates using the Final Program Environmental Impact Report (FPEIR) to facilitate implementation of LSA and CESA review for the State's cannabis permitting program. To minimize the need for additional CEQA review when issuing LSA Agreements or Incidental Take Permits (ITPs) under CESA, CDFW recommends the FPEIR fully identify the potential impacts to sensitive plant and animal species, lakes, rivers and streams and wildlife connectivity and provide corresponding avoidance, mitigation, monitoring, and reporting commitments to reduce potential impacts to less than significant for County approvals at the site level and to support CDFW actions for cannabis projects including issuance of Agreements or CESA authorizations (CEQA Guidelines, § 15096, 15381, and 15063).

Response A6-2
This comment describes CDFW's role as a CEQA responsible agency. These introductory remarks are acknowledged for the record.

Comment A6-3
PROJECT DESCRIPTION SUMMARY

Proponent: The County of San Diego Planning & Development Services Department

Objective: The DPEIR evaluates the environmental impacts associated with the implementation of the Socially Equitable Cannabis Program (SECP); specifically, it analyzes the Regulatory Code and Zoning Ordinance amendments that would allow for adult-use commercial cannabis uses within the unincorporated San Diego County (County). Adoption of the proposed Cannabis Program will require amendments to the Regulatory Code and Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation

and noncultivation uses authorized under State law. The amendments to the Zoning Ordinance that are needed to implement Board direction are considered a "Project" under CEQA and must comply with CEQA regulations. The County is considering 5 alternative variations of the Cannabis Program (DEIR Section 1.6.1.6 and Table 1.4), all of which rely on regulatory requirements that would address cannabis activities through land use, zoning, development standards, and licensing. The alternatives vary based on allowed cannabis license types, allowed locations based on zoning, controls on locations, and required buffers from identified sensitive uses.

Outdoor cannabis cultivation is proposed to be only allowed in areas zoned as Agriculture (A). Indoor cannabis cultivation and microbusinesses would be allowed in Commercial (C) zoning. Indoor cultivation, microbusiness, processing, packaging, distribution, and retail would be allowed in areas zoned as Manufacturing and Industrial (M). It is CDFW's understanding from the DPEIR and collaboration with the County that microbusiness do not include situations where a warehouse has an outdoor component (e.g., hoop houses) (Section 1.5.1.7).

Proposed Project

Section 1.6.1.6 Cannabis Program Alternatives identifies Alternative 2, Cannabis Program Consistent with State Requirements, as the Proposed Project. Under Alternative 2, outdoor cultivation will be permitted in Agricultural zones (A70 and A72) through a ministerial permit for crop canopies under 5,000 square feet or an administrative (discretionary) permit for crop canopies over 5,000 square feet. Indoor cultivations and microbusinesses can be permitted in Commercial zones (C35, C36, C37, C38, and C40) and Manufacturing and Industrial zone (M52, M54, M56, and M58). Five existing indoor cannabis cultivations with a maximum 10,000 square feet crop canopy will be grandfathered. Alternative 2 would maintain a 600-feet buffer from areas with State-defined sensitive uses.

Location: Unincorporated areas of San Diego County

Response A6-3
This comment summarizes the program description and location. These introductory remarks are acknowledged for the record.

Comment A6-4
Biological Setting:

The County is a regional biodiversity hotspot that is able to provide habitat to support breeding, migration, and good conditions for a high density of sensitive species; over 200 wildlife species occur in the greater San Diego area, many of which are considered sensitive under CEQA (CEQA Guidelines, § 15380). Twenty-six sensitive natural communities are recorded on the California Natural Diversity Database (CNDDB) as occurring in the County. The Project area contains approximately 56,130 acres of grasslands, vernal pools, meadows, and other herb communities. It also contains roughly 48,503 acres of woodland habitat and 20,443 acres of riparian and bottomland habitat (DEIR Section 2.5.1.1). The SECP area also includes major streams and associated tributaries such as the San Luis Rey River, the San Diego River, and the Santa Margarita River. Agriculture is a prominent land use in the County and is largely concentrated in the northern half of the County, particularly along the San Luis Rey River, and in the communities of Fallbrook, Bonsall, and Del Luz; it also occurs in other areas including Valley Center, San Pasqual Valley, Ramona, Julian, Warner Springs, Alpine, Jamul and

Dulzura. Many sensitive fish, plant, and wildlife species are associated with these agricultural areas. These biological conditions in San Diego County, along with economic development, have driven several cooperative long-term habitat conservation efforts, including the County's adopted MSCP a subregional plan which guides development and conservation within the plan area. The County is also actively developing the draft Plan in collaboration with CDFW and USFWS. The draft East County Plan is scoped to reinitiate active planning in 2027. In addition, the County is also in development of the Butterflies Habitat Conservation Plan and have established a draft plan area that spans the majority of unincorporated San Diego County; the plan area for this HCP has not yet been finalized. San Diego County contains several large areas of relatively undisturbed wildlife habitat, including Cleveland National Forest, Anza-Borrego Desert State Park, land managed by the Bureau of Land Management (e.g., Carrizo Gorge Wilderness, Sawtooth Mountains Wilderness, Hauser Mountain Wilderness Study Area, Otay Mountain Wilderness), and land managed by CDFW (e.g., Hollenbeck Canyon Wildlife Area, Sycuan Peak Ecological Reserve, Crestridge Ecological Reserve, Canada de San Vicente Ecological Reserve, San Felipe Valley Wildlife Area). These State and federal lands contribute significantly to these existing and future NCCP plan areas and are often located adjacent to agriculture communities supporting connectivity and wildlife movement.

Response A6-4
This comment summarizes the biological setting for the proposed Cannabis Program, including an excerpt from the Draft PEIR. These introductory remarks are acknowledged for the record.

Comment A6-5
There are many CESA-listed, Fully Protected, and federal Endangered Species Act (ESA)-listed species within the Project area. These include but are not limited to: southwestern willow flycatcher (*Empidonax traillii extimus*); ESA-listed and CESA-listed least Bell's vireo (*Vireo bellii pusillus*); ESA-listed and CESA-listed Stephens' kangaroo rat (*Dipodomys stephensi*); ESA-listed and CESA-candidate southern California steelhead (*Oncorhynchus mykiss irideus*); CESA-listed tricolored blackbird (*Agelaius tricolor*); CESA-listed California jewelflower (*Caulanthus californicus*); CESA-candidate mountain lion (*Puma concolor*); California Fully Protected golden eagle (*Aquila chrysaetos*); CESA-candidate Crotch's bumble bee (*Bombus crotchii*); ESA-listed quino checkerspot butterfly; (*Euphydryas Editha quino*), ESA-listed Hermes copper butterfly (*Lycaena hermes*); ESA-listed Braunton's milk-vetch (*Astragalus brauntonii*); ESA-listed and California Species of Special Concern (SSC) arroyo toad (*Anaxyrus californicus*); ESA-listed and SSC California red-legged frog (*Rana draytonii*); ESA-listed and SSC coastal California gnatcatcher (*Polioptila californica californica*); CESA-candidate burrowing owl (*Athene cunicularia*); SSC western pond turtle (*Emys marmorata pallida*); SSC yellow-breasted chat (*Icteria virens*); SSC San Diego desert woodrat (*Neotoma lepida intermedia*); SSC coast horned lizard (*Phrynosoma blainvillii*); SSC western spadefoot (*Spea hammondii*); and, SSC southern California legless lizard (*Anniella stebbinsi*).

Response A6-5
This comment summarizes the listed and fully protected species that may occur in the program area. The comment does not indicate any deficiencies in the Draft PEIR regarding inclusion of listed and fully protected species. These introductory remarks are acknowledged for the record.

Comment A6-6
Project History: The San Diego County Board of Supervisors (Board) initiated the SECP in October 2021 by adopting ordinance amendments to allow the five existing cannabis

dispensaries that were in operation in unincorporated areas prior to the County's 2017 prohibition on new medical facilities. On January 27, 2021, the Board provided direction on the allowable cannabis zones, use types and activities with setbacks from State-defined "sensitive uses". On June 15, 2022, the Board provided further direction on an alternative for inclusion in the Project that expands the definition of "sensitive uses," increases setback to 1,000 feet for sensitive uses, and prohibits cannabis billboards within 1,000 feet of sensitive uses.

The Notice of Preparation (NOP) for the DPEIR was received September 15, 2023, and CDFW submitted comments on October 31, 2023. The NOP identified two scoping meetings to solicit input on the Project and scope of analysis to be included in the DPEIR (CCR §§ 15082[a], 15103, 15375). CDFW attended a NOP scoping meeting on October 17, 2023. On March 3, 2025, the County provided a meeting with CDFW to introduce the DPEIR.

Response A6-6
This comment summarizes history of the Cannabis Program, including the SECP, the notice of preparation for the Draft PEIR, and meetings with CDFW. These introductory remarks are acknowledged for the record.

Comment A6-7
CDFW appreciates the County incorporating many of our NOP comments into the DPEIR including analyzing and addressing impacts to non-covered species, identifying steps for resource agency review of individual projects, and an alternative that expands the definition of sensitive uses to include preserve areas and other biologically sensitive lands.

Response A6-7
These introductory remarks are acknowledged for the record.

Comment A6-8
COMMENTS AND RECOMMENDATIONS

The DPEIR received provides the first-tier analysis for the cannabis ordinance provisions and identifies regulations, rules, and other criteria to for program implementation at the individual level. The DPEIR indicates that "[w]hile the program area is defined, the potential future locations, footprint, and design details of site-specific cultivation and noncultivation activities would be identified during project-specific CEQA analysis…this analysis assumes that development (e.g., buildings, infrastructure, drainage improvements, utilities, cultivation activities) and operation associated with these activities could occur anywhere within the program area (except for aquatic habitats where development would not be possible)." (Program Draft EIR Page 2.5-24).

Moreover, the DPEIR acknowledges that similar environmental impacts can be analyzed and mitigated in similar ways and structures mitigation accordingly in 8.1.2. The cornerstone of programmatic measure 8.1.2 is use of a written checklist/tool to evaluate whether the environmental effects of individual cannabis operations will be within the scope of the PEIR and identifying the steps to determine whether an additional environmental document must be prepared for later activities (CEQA Guidelines, § 15168).

CDFW offers the comments and recommendations below on the DPEIR, including proposed text amendments to the zoning ordinance(s), to assist the County in further developing the SECP and to adequately identify, avoid, and/or mitigate the Project's significant, or potentially

significant, direct, indirect, and cumulative impacts on fish and wildlife (biological) resources, and to ensure regional conservation objectives in the County's adopted and draft NCCPs would not be eliminated by implementation of the Project. Our current comments focus on the regional analyses in the DPEIR and are intended to improve its use for later individual review. DPEIR comments include: 1) the addition of species to be considered; 2) and clarification of points of collaboration; and 3) mitigation tools available in the review process for later projects. CDFW recommends the FPEIR provide adequate and complete disclosure of the Project's potential impacts fish wildlife resources (biological resources) including the effects documented by CDFW [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003, subd. (i), & 15151, 15063].

Response A6-8
This comment introduced CDFW's comments and recommendations, which are provided in subsequent comments in full. These introductory remarks are acknowledged for the record.

Comment A6-9
COMMENT #1: Consistency with NCCPs

Issue: The proposed Project presented in the DPEIR is not fully consistent with habitat conservation plans and NCCPs, specifically the adopted MSCP SAP (CEQA Guidelines, § 15125(d)) and does not provide sufficient information to ensure the conservation goals and objectives of the draft North and East County plans would not be precluded by implementation of the Project.

Specific impact: The DPEIR mitigation measures for project-level compliance with the MSCP SAP may not meet coverage standards for all Covered Species and their habitats. Provisions of the DPEIR may be noncompliant with the County's NCCP Permit and IA, and also proposes activities that may require a major amendment to the MSCP SAP. In addition, proposed activities described in the DPEIR may not be in compliance with the North and East County Plan Planning Agreement.

Why impact would occur: The DPEIR proposes to avoid all federally listed species. Measures laid out in Section 8.1.2 Biological Resources of the DPEIR may not provide adequate protection for covered species and proposed covered species in San Diego County. The measures identify potential mitigation not currently available in the MSCP SAP and presents County approval processes that may not be compliant with the MSCP SAP NCCP permit and IA, as well as the North and East County Plan Planning Agreement. Furthermore, as proposed, cannabis activities may not qualify as a Covered Activity under the MSCP SAP.

Response A6-9
This comment introduced CDFW's comments regarding consistency of the Draft PEIR with the MSCP, and specific issues are addressed in subsequent comments in full. These introductory remarks are acknowledged for the record and will be reviewed by decision makers for consideration, and specific comments are addressed below. Mitigation Measure M-BI.1-2 requires all applicants to participate in the MSCP, where applicable, including implementation of mitigation measures for covered species as outlined in the MSCP. Therefore, mitigation would be consistent with the mitigation measures in the MSCP.

Comment A6-10
Environmental Review

Mitigation Measure M-BI.1-1 indicates that "[a] reconnaissance-level survey for biological resources shall be conducted on the parcel of the cannabis use by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in San Diego County) and approved by the County (i.e., on the County approved CEQA consultant list) prior to any staging or development activities." Based on the review of the DPEIR mitigation measures, including those in 8.1.2 Biological Resources Bullets 2 and 3, it is unclear when CDFW will be included in the project-level environmental review. CDFW is concerned that the process identified in the DPEIR for environmental review places the most responsibility to the County biologist without significant collaboration with CDFW until too late in the process to provide meaningful feedback, especially where project may occur in areas with significant biological resources.

Response A6-10
The Draft PEIR mitigation measures related to biological resources include requirements to consult with and seek input from CDFW for many different purposes, including to report the results of resource-specific surveys (e.g., protocol-level surveys for special-status plants, surveys for special-status wildlife where wildlife species under the jurisdiction of CDFW [listed species, fully protected species, species of special concern] are detected), to provide concurrence regarding the size of protective buffers for special-status plants or buffer adjustments for special-status wildlife, to review mitigation plans for impacts on special-status plants, as well as to report streambed alteration notification according to Section 1600 et seq. of the Fish and Game Code.

Details regarding the application review process have not been finalized and will depend on multiple factors. These details will be finalized at a later date, and the County of San Diego will coordinate with CDFW to establish CDFW's role in this review process. This issue is unrelated to the adequacy of the Draft PEIR and to the significance of impacts on biological resources, and further response is not warranted.

Comment A6-11
Agricultural Exemptions

Mitigation Measure M-BI.1-1 states that "the qualified biologist shall determine whether the project constitutes an agricultural activity (i.e. cultivation) that would be exempt under the San Diego MSCP". The DPEIR further states, "outdoor cultivation activities would be considered agricultural activities that would be exempt from regulations under the [Biological Mitigation Ordinance], as described in Section 86.503." The agricultural exemptions allowed under the SC MCSP include traditional agricultural operations (e.g., orchards, row crops) of up to 2 acres within Preapproved Mitigation Areas and up to 5 acres outside of Preapproved Mitigation Areas to be exemption from mitigation requirements. Proposed cannabis operations under the Proposed Project, and all other Alternatives, have a maximum size of 5,000 square feet (~0.12 acres) of cultivation area for outdoor grows and 10,000 square feet (~0.23 acres) for indoor cultivation and microbusinesses. While those limitations would keep cannabis cultivation operations relatively small, it presents a greater likelihood that they could be deemed exempt from mitigation requirements. Additional analysis at the site level when specific locations for cultivation are known would be needed for cannabis to be considered a Covered Activity or for it to qualify for the agricultural exemption in MSCP SAP.

Response A6-11
As described in the Draft PEIR, as a condition for exemption under the MSCP, as described in Section 86.503 of the Biological Mitigation Ordinance (BMO), outdoor cultivation activities would be prohibited in areas designated as Preapproved Mitigation Areas (PAMAs) under the MSCP. Furthermore, the comment mentions indoor cultivation and microbusinesses, which would not qualify for exemptions under the MSCP; only outdoor cultivation activities have the potential to be exempt under the MSCP.

The draft Zoning Ordinance amendments recognize cannabis cultivation as an agricultural activity, and the definition of "agriculture" in the MSCP is broad enough to incorporate cannabis cultivation. The BMO (Section 86.503) states that an exemption would apply to "agriculturally related clearing" and does not specify that this exemption is limited to "traditional agricultural operations (e.g., orchards, row crops)" as stated in this comment. According to definitions in the Section 87.803 of the San Diego County Code of Regulatory Ordinances, "agricultural operations" or "agricultural production" is "routine and ongoing commercial operations associated with a farm, grove, dairy, or other agricultural business…" that includes "the cultivation and tillage of the soil; crop rotation; fallowing for agricultural purposes; the production, cultivation, growing, replanting and harvesting of any agricultural commodity including viticulture, vermiculture, apiculture, or horticulture." "Clearing" is defined as "the removal or destruction of natural vegetation by any means, including brushing and grubbing."

Furthermore, projects using this PEIR for CEQA coverage that are deemed exempt from the MSCP are not exempt from mitigation requirements. As stated throughout the biological resources impact discussion in the Draft PEIR, for projects exempt from participation in the MSCP, potential impacts on species covered under the MSCP shall be addressed outside of the mitigation structure of the MSCP and through implementation of the measures outlined in the PEIR. This requirement was included in the Draft PEIR to ensure that impacts on biological resources would be reduced to a less-than-significant level under CEQA when mitigation through the MSCP could not be relied upon.

Comment A6-12
Approved Land Uses and Assumed Conservation of the MSCP SAP

Avoidance, minimization, and mitigation measures and preserve management standards were established in the MSCP SAP based on the land uses and conditions at the time of permit issuance. The Project activities as proposed in the DPEIR were not contemplated in the development of the MSCP SAP and thus the measures therein may be inadequate to offset the impacts that can occur to sensitive species and their supportive habitats. Additional analysis at the site level when specific locations for cultivation are known would be needed for cannabis to be considered a Covered Activity in MSCP SAP.

Response A6-12
This comment recommends additional analysis at the project level to determine whether each project is a covered activity under the MSCP. Mitigation Measure M-BI.1-2 requires every applicant to participate in the MSCP, and the measure has been revised to state that County staff will review each project application to determine whether the project is in conformance with the MSCP and if not, what is necessary (e.g., revisions, mitigation) for conformance with the MSCP Plan.

Comment A6-13
In-lieu Fees

Mitigation Measure M-BI.1-2 states that "[i]f species covered under the San Diego MSCP that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation fees, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and Biological Mitigation Ordinance (BMO) habitat based and species-based mitigation measures are required." Based on the analysis provided in the DPEIR, it is unclear how the payment of fees would be sufficient to offset impacts resulting from the Project. Furthermore, the adopted MSCP SAP does not currently provide an in-lieu fee option for mitigation, and CDFW does not typically accept in-lieu fees as a substitute for mitigation for sensitive and listed species or impacts to lake, rivers, or streams.

Response A6-13
References of "payment" of fees have been replaced with "purchase of mitigation credits" to clarify the mitigation process under the MSCP in the description of BMO requirements in the impact discussion on pages 2.5-30, 2.5-31, 2.5-32, 2.5-33, 2.5-35, 2.5-36, and 2.5-37, as well as in M-BI.1-2 on page 2.5-67 and the "Cumulative Impacts" discussion regarding habitat conservation plants on page 2.5.-64 of the Draft PEIR.

Text as presented in the Draft PEIR in the fifth paragraph on page 2.5-30:

> Requirements under the BMO, including habitat-based mitigation and payment of fees, would reduce impacts on special-status plants covered under the MSCP. Applicants would be required to participate in the plan, implement habitat-based measures, and pay associated fees for activities that are not exempt under the MSCP (i.e., indoor cultivation, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as modified in the Final PEIR:

> Requirements under the BMO, including habitat-based mitigation and purchase of mitigation credits, would reduce impacts on special-status plants covered under the MSCP. Applicants would be required to participate in the plan, implement habitat-based measures, and purchase mitigation credits for activities that are not exempt under the MSCP (i.e., indoor cultivation, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as presented in the Draft PEIR in the last paragraph on page 2.5-31:

> Requirements under the BMO, including species-specific mitigation and payment of fees, would reduce impacts on amphibians covered under the MSCP. While both MSCP-covered amphibian species (arroyo toad and California red-legged frog) are federally listed and applicants would not be able to obtain take coverage for these species under the MSCP due to the federal legal status of cannabis activities, applicants would still be required to participate in the plan and pay associated fees for activities that are not exempt under the MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as modified in the Final PEIR:

> Requirements under the BMO, including species-specific mitigation and/or purchase of mitigation credits, would reduce impacts on amphibians covered under the MSCP. While both MSCP-covered amphibian species (arroyo toad and California red-legged frog) are federally listed and applicants would not be able to obtain take coverage for these species under the MSCP due to the federal legal status of cannabis activities, applicants would still be required to participate in the plan and/or purchase associated mitigation credits for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as presented in the Draft PEIR in the last paragraph on page 2.5-32:

> Requirements under the BMO, including species-specific mitigation and payment of fees, would reduce impacts on western pond turtle. Western pond turtle is currently proposed for listing under ESA, and if the species is listed, applicants would not be able to obtain take coverage for this species under the MSCP due to the federal legal status of cannabis activities. However, applicants would still be required to participate in the plan and/or purchase associated mitigation credits for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as modified in the Final PEIR:

> Requirements under the BMO, including species-specific mitigation and/or purchase of mitigation credits, would reduce impacts on western pond turtle. Western pond turtle is currently proposed for listing under ESA, and if the species is listed, applicants would not be able to obtain take coverage for this species under the MSCP due to the federal legal status of cannabis activities. However, applicants would still be required to participate in the plan and/or purchase associated mitigation credits for activities that are not exempt under the South County Subarea Plan MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as presented in the Draft PEIR in the last paragraph on page 2.5-33:

> Requirements under the BMO, including habitat-based mitigation and payment of fees, would reduce impacts on bird species covered under the MSCP. While several MSCP-covered bird species are federally listed (California least tern, coastal California gnatcatcher, least Bell's vireo, light-footed Ridgway's rail, southwestern willow flycatcher, western snowy plover, western yellow-billed cuckoo) and while applicants would not be able to obtain take coverage for these species under the MSCP due to the federal legal status of cannabis activities, applicants would still be required to participate in the plan and pay associated fees for activities that are not exempt under the MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as modified in the Final PEIR:

> Requirements under the BMO, including habitat-based mitigation and purchase of mitigation credits, would reduce impacts on bird species covered under the MSCP. While several MSCP-covered bird species are federally listed (California least tern, coastal California gnatcatcher, least Bell's vireo, light-footed Ridgway's rail, southwestern willow flycatcher, western snowy plover, western yellow-billed cuckoo) and while applicants would not be able to obtain take coverage for these species under the MSCP due to the federal legal status of cannabis activities, applicants would still be required to participate in the plan and purchase mitigation credits for activities that are not exempt under the MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption).

Text as presented in the Draft PEIR in the first paragraph on page 2.5-35:

> Requirements under the BMO, including habitat-based mitigation and payment of fees, would reduce impacts on the butterfly species covered under the MSCP (Thorne's hairstreak and wandering skipper) for activities that are not exempt under the MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption). However, several other butterfly species and Crotch's bumble bee are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in direct mortality of special-status insects, removal of host plants for special-status butterflies, destruction of underground Crotch's bumble bee nests, or removal of habitat for these species, if present on an individual project site, through vegetation removal or ground disturbance. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Text as modified in the Final PEIR:

> Requirements under the BMO, including habitat-based mitigation and purchase of mitigation credits, would reduce impacts on the butterfly species covered under the MSCP (Thorne's hairstreak and wandering skipper) for activities that are not exempt under the MSCP (i.e., indoor cultivation activities, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption). However, several other butterfly species and Crotch's bumble bee are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in direct mortality of special-status insects, removal of host plants for special-status butterflies, destruction of underground Crotch's bumble bee nests, or removal of habitat for these species, if present on an individual project site, through vegetation removal or ground disturbance. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Text as presented in the Draft PEIR on page 2.5-36:

> Requirements under the BMO, including habitat-based mitigation and payment of fees, would reduce impacts on the Pacific pocket mouse for activities that are not exempt under the MSCP (i.e., indoor cultivation, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption). However, most of the special-status rodents that may occur in the program area are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in direct mortality of special-status rodents, destruction of occupied underground burrows, destruction of above-ground nests (i.e., San Diego desert woodrat, San Diego black-tailed jackrabbit), or removal of habitat for these species, if present on an individual project site, through vegetation removal or ground disturbance. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Text as modified in the Final PEIR:

> Requirements under the BMO, including habitat-based mitigation and purchase of mitigation credits, would reduce impacts on the Pacific pocket mouse for activities that are not exempt under the MSCP (i.e., indoor cultivation, noncultivation activities, outdoor cultivation that does not meet the requirements in the BMO to qualify for exemption). However, most of the special-status rodents that may occur in the program area are not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP. As a result, cultivation and noncultivation activities associated with the program could result in direct mortality of special-status rodents, destruction of occupied underground burrows, destruction of above-ground nests (i.e., San Diego desert woodrat, San Diego black-tailed jackrabbit), or removal of habitat for these species, if present on an individual project site, through vegetation removal or ground disturbance. In addition, the use of plastic for cultivation activities (e.g., polyethylene plastic for agricultural shade or crop structures) may result in indirect effects on wildlife (e.g., through entrapment, entanglement, or ingestion) if these materials are introduced into the environment.

Text as presented in the Draft PEIR in the third paragraph on page 2.5-37:

> Requirements under the BMO, including habitat-based mitigation and payment of fees, would reduce impacts on American badger and mountain lion, which are covered under the MSCP. However, southern California ringtail is not covered under the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP.

Text as modified in the Final PEIR:

> Requirements under the BMO, including habitat-based mitigation and purchase of mitigation credits, would reduce impacts on American badger and mountain lion, which are covered under the MSCP. However, southern California ringtail is not covered under

the MSCP, and some outdoor cultivation activities would be exempt from the requirements of the MSCP.

Text as presented in the Draft PEIR on page 2.5-64:

Issue 6: Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with conflicts with adopted HCPs and NCCPs from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts related to conflicts with the MSCP. Cultivation and noncultivation activities associated with Alternatives 2 through 5 would be required to participate in the MSCP, including payment of associated fees and implementation of species-based and habitat-based mitigation, which would offset the project's contribution to this significant cumulative impact, and no conflict with the MSCP would occur; therefore, this impact would be less than significant. Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts from conflicts with adopted HCPs or NCCPs would be less than cumulatively considerable under Alternatives 2, 3, 4, and 5.

Text as modified in the Final PEIR:

Issue 6: Conflict with Adopted Habitat Conservation Plans and Natural Community Conservation Plans

The San Diego County General Plan Update Draft EIR did not identify any cumulatively considerable impacts associated with conflicts with adopted HCPs and NCCPs from implementation of the General Plan (County of San Diego 2009).

Under Alternative 1, there could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts related to conflicts with the MSCP. Cultivation and noncultivation activities associated with Alternatives 2 through 5 would be required to participate in the MSCP, including purchase of mitigation credits and implementation of species-based and habitat-based mitigation, which would offset the project's contribution to this significant cumulative impact, and no conflict with the MSCP would occur; therefore, this impact would be less than significant. Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts from conflicts with adopted HCPs or NCCPs would be less than cumulatively considerable under Alternatives 2, 3, 4, and 5.

Text as presented in the Draft PEIR on page 2.5-67:

M-BI.1-2: Participate in the San Diego MSCP Including Payment of Fees and Implementation of Mitigation Measures for Covered Species

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with the following required compliance with SWRCB Order WQ 2023-0102-DWQ.

Species Covered under the San Diego MSCP

If species covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use, the applicant shall assume presence of these species and satisfy the requirements of the San Diego MSCP and the BMO. This measure applies to species currently covered under the South County Subarea Plan and species covered in the future under the North County Plan, East County Plan, and Butterfly HCP. This measure applies to cultivation and noncultivation activities that are not exempt from participation in the MSCP.

- If species covered under the San Diego MSCP that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and BMO habitat-based and species-based mitigation measures are required.
- If species covered under the San Diego MSCP that are listed under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the San Diego MSCP can be applied.
- Because some outdoor cultivation activities may be exempt from participation in the MSCP, potential impacts on species covered under the MSCP shall be addressed outside of the mitigation structure of the MSCP and through implementation of the measures described below.

Text as modified in the Final PEIR:

M-BI.1-2: Participate in the San Diego MSCP Including Purchase of Mitigation Credits and Implementation of Mitigation Measures for Covered Species

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with the following required compliance with SWRCB Order WQ 2023-0102-DWQ. County staff will review each project application and determine whether the project is in conformance with the MSCP and what is necessary (e.g., revisions, mitigation) for conformance with the MSCP plan.

Species Covered under the San Diego MSCP

If species covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use, the applicant shall assume presence of these species and satisfy the requirements of the San Diego MSCP and the BMO. This measure applies to species currently covered under the South County Subarea Plan and species covered in the future under the North County Plan, East County Plan, and Butterfly HCP. This measure applies to cultivation and noncultivation activities that are not exempt from participation in the MSCP.

- If species covered under the San Diego MSCP that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation fees through purchase of mitigation credits, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and BMO habitat-based and species-based mitigation measures are required.
- If species covered under the San Diego MSCP that are listed under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the San Diego MSCP can be applied.
- Because some outdoor cultivation activities may be exempt from participation in the MSCP, potential impacts on species covered under the MSCP shall be addressed outside of the mitigation structure of the MSCP and through implementation of the measures described below.

Comment A6-14
Covered and Non-covered Species

The DPEIR on page 2.5-24 indicates that "[c]ultivation and noncultivation activities associated with the project would be required to participate in the San Diego County MSCP, including the adopted South County Subarea Plan and future North County and East County Plans, which are under development, as well as the San Diego County Butterflies HCP. Participation in these HCPs includes incorporation of mitigation requirements into project design and payment of applicable mitigation fees. The mitigation measures included in the analysis below are consistent with MSCP mitigation requirements where applicable given the federal status of cannabis activities. The identified mitigation measures are structured to provide appropriate mitigation under the existing conditions wherein cannabis activities cannot be treated as a Covered Activity for federally listed species, as well as under possible future conditions where cannabis activities are legalized by the federal government."

Since the MSCP SAP was executed in 1998, some of the measures to cover impacts from agriculture did not contemplate some of the unique aspect of cannabis cultivation (e.g., fencing), and since that time, new species have been listed under CESA. The existing measures in the MSCP SAP are not sufficient to provide coverage for all sensitive species and habitat currently recognized by the State. Multiple species, such as burrowing owl and steelhead, have since been listed under CESA or as SSC by the State and are not adequately addressed in the DPEIR. Additional analysis at the site level when specific locations for

cultivation are known would be needed for species impacted by cannabis activities to be considered covered under MSCP SAP.

Response A6-14
Mitigation Measure M-BI.4-1 requires both cultivation and noncultivation activities to use wildlife-friendly fencing design, and requires applicants to submit fencing designs for review and approval by the County and a qualified biologist. Mitigation Measure M-BI.4-1 has been revised to include additional detail to further provide protection for wildlife movement. Mitigation Measure M-BI.1-1 is intended to be the project-level review for biological resources, and implementation of this measure, which is required for every future project seeking CEQA coverage under the PEIR, would include an analysis of biological resources on the project site. Furthermore, the Draft PEIR acknowledges that multiple special-status species are not covered under the MSCP, and provides mitigation measures outside of the framework of the MSCP for these species. The Draft PEIR also provides mitigation measures for burrowing owl, given that this species is now a candidate for listing under CESA. No additional response is required because the PEIR has already incorporated these recommendations.

Comment A6-15
Evidence impact may be significant:

To ensure compliance with the CEQA Guidelines Section 15125(d), the FPEIR shall discuss any inconsistencies between the proposed Project and applicable general plans and regional plans, such as the MSCP SAP, draft North County Plan, and draft East County Plan.

Furthermore, the Planning Agreement outlines an Interim Review Process to ensure that preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures are not precluded and that Project impacts are adequately mitigated. Projects subject to the Interim Review Process are partly defined within the Planning Agreement as projects subject to discretionary permits. The proposed Project includes a ministerial component that would potentially remove a significant portion of land formerly subject to the County's discretionary permitting process and thereby the Interim Review Process. CDFW requests that the FPEIR include a mechanism to provide supplemental analysis for Biological Resources at the site-level to ensure regional conservation objectives of the draft North County and East County plans would not be eliminated by implementation of the Project.

Response A6-15
Mitigation Measure M-BI.1-1 is intended to be the project-level review for biological resources, and implementation of this measure, which is required for every future project seeking CEQA coverage under the PEIR, would include an analysis of biological resources on the project site. Furthermore, as described on page 1-18 in Chapter 1, "Project Description, Location, and Environmental Setting," of the Draft PEIR, all projects, including ministerial projects, will involve preparation of a site-specific CEQA evaluation, and Mitigation Measure M-BI.1-1 will also apply to these projects.

Comment A6-16
Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #1: The FPEIR should include a mechanism in 8.1.2 to include CDFW Cannabis Program review and input on individual projects that come under the SECP as early

in the process as possible. Prior to the issuance of administrative or ministerial permits, the County should coordinate with CDFW regarding appropriate enforceable measures to address and mitigate for site-specific impacts to biological resources. Coordination should include review of individual written checklists, project-specific site plans, biological assessments, habitat protection plans, wildlife protection plans, tree protection plans, and water use plans. Measures in these plans should be integrated into the County's land use entitlement and business licensing for projects to address site-specific conditions. Of particular concern is the determination in Section 8.1.2 (bullet No. 3) on whether a project in MSCP SAP constitutes an agricultural activity (i.e., cultivation) that would be exempt under the MSCP SAP, whether the project site is located within a PAMA or a Biological Resource Core Area as defined in the MSCP SAP and BMO, and the tier level of vegetation on the project site.

Response A6-16
The reader is referred to the responses to Comments A6-10 and A6-11.

Comment A6-17
Recommendation #2: The FPEIR should include analysis of direct and indirect impacts to sensitive wildlife (plant and animal) species in the County from implementation of the SECP. The adopted MSCP SAP should be used to guide analysis in the southern part of the County. For non-covered species in MSCP SAP, such as steelhead and Stephens' Kangaroo rat, those species should be analyzed in the FPEIR separately from the MSCP SAP. All wildlife species in the northern and eastern areas of the County should be analyzed independently from MSCP SAP since there are currently no adopted NCCP plans for those areas.

Response A6-17
Section 2.5.3.3, "Issue 1: Special-Status Plant and Wildlife Species," includes a detailed analysis of direct and indirect impacts on special-status species in the Program area, and specifically considers species covered under the MSCP separately from species that are not covered under the MSCP. Portions of the Program area that are not currently within an adopted MSCP plan area are also considered outside of the framework of the MSCP. No additional response is required because the PEIR has already incorporated these recommendations.

Comment A6-18
Recommendation #3: Based on meetings with the County, it is CDFW's understanding that mitigation measures presented in the DPEIR to address consistency with MSCP SAP, including the BMO, will be applied in the future to North County and East County Plans areas. Until those plans are formally executed, the measures identified in the DPEIR are expected to address impacts to species anticipated to be covered under those future plans until they are adopted. It is unclear from the Project Description and mitigation proposed in 8.1.2 how the BMO, which implements the MSCP SAP, will be applied to the cover the entire county. The County should clarify the process for how measures discussed in the MSCP SAP will function in the interim and be applied to the entire County. CDFW notes that the proposed text changes to the zoning ordinance do not include any proposed changes to the BMO. In addition, additional requirements for cannabis use to be considered a Covered Activity in the draft North County and East County Plans may be required as part of that habitat conservation planning process.

Response A6-18
Mitigation Measure M-BI-1.2 requires all projects to comply with the MSCP if these projects are within the plan area of the adopted MSCP and have not been determined to be exempt from the requirements of the MSCP. Mitigation Measure M-BI-1.2 states that the requirements therein apply only to the currently adopted MSCP SAP, and that species not covered under the currently adopted MSCP SAP need to be addressed through additional mitigation measures. This measure states that should any species become subsequently covered under the North County Plan, East County Plan, or Butterfly HCP, then Mitigation Measure M-BI-1.2 shall apply.

When the North County Plan, East County Plan, and Butterfly HCP are approved, they will each have a standalone BMO for public review, and the Regulatory Code will eventually be revised to amend the BMO to have just 1 ordinance for all existing plans. The County is in coordination with MSCP staff for these future plans to ensure that cannabis cultivation will be considered a covered activity under the plans.

Comment A6-19
Mitigation Measure #1: Measures to avoid impacting sensitive wildlife species should be identified in the FPEIR for implementation at the site level. Measures could include the need to conduct site-specific protocol surveys, prepare and implement habitat protection plans, wildlife protection plans, tree protection plans, or water use plans. Where listed species may be impacted, the FPEIR should identify appropriate avoidance and mitigation, including land preservation with funding, to support State and federal permitting that may be needed. The coverage requirements, including avoidance setbacks, for the MSCP SAP should apply to all federally listed species that are covered in all alternatives that allow cultivation. In order to provide adequate coverage for MSCP-covered species, complete site-specific and project-level biological reports should be included as part of the package of materials submitted to the County and resource agencies, such as CDFW, for subsequent review prior to the initiation of a project.

Response A6-19
The Draft PEIR “Biological Resources” section includes project-specific mitigation as described in this comment, including focused and protocol-level surveys and protective measures if biological resources are detected on a project site. Mitigation Measure M-BI.1-1 requires project-specific review of biological resources and preparation of a report summarizing this assessment. As described in the Draft PEIR, complete avoidance of federally listed species is required for cannabis-related activities because cannabis cultivation is currently illegal under federal law. No additional response is required because the PEIR has already incorporated these recommendations.

Comment A6-20
COMMENT #2: Fencing

Issue: Fencing needed for cannabis security can result in wildlife mortality, impede wildlife movement throughout the County, and also materially affect species and wildlife connectivity.

Specific impact: Fencing required for cannabis uses, if not designed appropriately, can result in direct impacts to wildlife including entrapment and mortality, create barriers to movement, and significantly alter wildlife connectivity at the local and regional level.

Why impact would occur: Fencing can be a hazard to wildlife causing entanglement and mortality (van der Ree 1999, Stuart et al. 2001, Harrington and Conover 2006). Running animals and low-flying birds may not see a wire fence clearly against the landscape. Birds can collide with fences, breaking wings, impaling themselves on barbs, and tangling in wires. Large, low-flying birds such as ducks, geese, cranes, grouse, hawks, and owls are especially vulnerable. Waterfowl can fly into fences that run near or across waterways, and low-flying hawks and owls may careen into fences when swooping in on prey. As is generally required by most local enforcement agencies, cannabis cultivation operations require the installation of security fencing around cannabis cultivation areas. Security fencing is generally expected to be at least 6 feet high with a solid material covering to obstruct views of the site from the outside. According to mitigation measure M-BI.4-1, to reduce impacts to wildlife to less than significant, "[i]f fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e. greater than 8 feet tall)."

In CDFW's experience in the cannabis industry, cultivation operations often require the installation of security fencing around cannabis cultivation areas. Security fencing is typically at least 6 feet high with a solid material covering to obstruct views of the site from the outside. New cannabis cultivation, whether on a new site or existing agricultural fields, would need to comply with County standards for security fencing, which are typically greater than that of a typical agricultural operation. The additional security required for cannabis agricultural operations may introduce new impediments in the landscape that do not currently exist that directly affect local wildlife in all areas of the County directly through entrapment and/or mortality and indirectly through altering available habitat for movement at the site and regional/NCCP level. This type of fencing for security can cause inadvertent injury and loss of wildlife resulting in a significant impact on fish and wildlife resources.

Evidence impact would be significant: The Project may interfere substantially with the movement of wildlife. The Project has the potential to 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; or substantially reduce the number or restrict the range of an endangered, rare, or threatened species (CEQA Guidelines, §§ 15065, 15380). As a result, the Project will have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Recommended Potentially Feasible Mitigation Measure(s):

Recommendation #4: The FPEIR should analyze impacts from security and other fencing/barriers required for cannabis projects to animal species and wildlife movement/connectivity including effects to MSCP SAP preserve design and connectivity. The FPEIR should include information on the height, length, type of materials, maintenance requirements, and location of fencing that would be needed for cannabis uses in all areas of the County.

Mitigation Measure #2: A fencing plan should be provided for each cannabis operation at the site level to demonstrate that wildlife entrapment and mortality and connectivity are mitigated to less than significant. Should any subsequent proposed project occur in a location that has been identified as a MSCP SAP wildlife movement corridor or found to impede the free movement of wildlife, the FPEIR should include mechanisms at the site level to provide

compensatory mitigation measures for the Project's significant impacts (direct and/or through habitat modification) to sensitive and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring.

Mitigation Measure #3: CDFW recommends the County require a wildlife movement plan for each outdoor cannabis cultivation project in all areas of the County. The wildlife movement plan should identify the specific location and design of any fencing or other barrier associated with cultivation activities, including operational activities, that may impact wildlife movement directly or indirectly. Some design considerations to avoid impacts to special-status species that have the potential to occur on project sites may include fencing design and materials, fencing height, fencing location, gaps in fenced areas, or exclusionary materials. We also recommend frequent monitoring of the fence line to inspect for trapped animals and release any wildlife that may be caught in the perimeter fencing. The wildlife movement plan should be submitted, along with biological reports, to the County and resource agencies, including CDFW, for review and concurrence on a project-to-project basis. For cannabis projects within the MSCP SAP area, should any project occur in a location that has been identified as a wildlife movement corridor or found to impede the free movement of wildlife from project fencing or operations, a boundary line adjustment may be required to mitigate for impacts to wildlife movement.

Response A6-20

As described in the Draft PEIR biological resources analysis, regional habitat linkages and corridors have been identified in the MSCP, and under the BMO, development projects must generally avoid corridors and linkages within the MSCP to the maximum extent practicable. Additionally, as described in Chapter 1, "Project Description, Location, and Environmental Setting," fencing around outdoor cannabis cultivation areas is required, but cannot consist of razor wire, barbed wire, electric fencing, or similar types of materials, and must consider wildlife movement. Furthermore, Mitigation Measure M-BI.4-1 requires both cultivation and noncultivation activities to use wildlife-friendly fencing design, and describes examples of material and height considerations. Mitigation Measure M-BI.1-1 requires a qualified biologist to identify regional linkages/wildlife movement corridors that have the potential to occur within the proposed activity footprint of the cannabis use. Mitigation Measure M-BI.4-1 has been revised to incorporate some of the recommendations of this comment to strengthen the existing measure.

Text as presented in the Draft PEIR:

> **M-BI.4-1: Utilize Wildlife-Friendly Building and Fencing Designs**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application

materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Buildings and other permanent structures that would be constructed for cultivation and noncultivation activities associated with the project shall be designed to minimize impacts on wildlife, including disruption to wildlife movement, bird strikes, and wildlife entanglement.
- Building design shall utilize guidelines regarding building height, materials, external lighting, and landscaping provided in the American Bird Conservancy's Bird-Friendly Building Design (American Bird Conservancy 2015). The County shall require review of the design plans by a qualified biologist, who will determine whether the plans are sufficient to reduce the likelihood of bird strikes or recommend additional measures.
- Fencing associated with cultivation and noncultivation activities associated with the project will utilize wildlife-friendly fencing design to minimize the risk of entanglement, entrapment, or impalement of wildlife. The County shall require the review of fencing design by a qualified biologist prior to installation. The fencing design shall meet, but not be limited to the following standards:
- Minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale, snag, or entrap a leaping animal (e.g., wrought iron fencing with spikes).
- Allow wildlife to jump over easily without injury. Typically, fences should be no more than 40 inches high on flat ground to allow adult deer to jump over. The determination of appropriate fence height will consider slope, as steep slopes are more difficult for wildlife to pass. If fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e., greater than 86 feet tall).
- Allow smaller wildlife to pass under easily without injury or entrapment.
- Polyethylene plastic used for agricultural shade or crop structures shall be properly fastened, maintained in good condition, and regularly inspected for degradation from weather to prevent introduction of plastic into the natural environment, including waterways.

Text as presented in the Final PEIR:

M-BI.4-1: Utilize Wildlife-Friendly Building and Fencing Designs

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Buildings and other permanent structures that would be constructed for cultivation and noncultivation activities associated with the project shall be designed to minimize impacts on wildlife, including disruption to wildlife movement, bird strikes, and wildlife entanglement.

- Building design shall utilize guidelines regarding building height, materials, external lighting, and landscaping provided in the American Bird Conservancy's Bird-Friendly Building Design (American Bird Conservancy 2015). The County shall require review of the design plans by a qualified biologist, who will determine whether the plans are sufficient to reduce the likelihood of bird strikes or recommend additional measures.
- Fencing associated with cultivation and noncultivation activities associated with the project will utilize wildlife-friendly fencing design to minimize the risk of entanglement, entrapment, or impalement of wildlife, as well as interruption of wildlife movement corridors. The County shall require the review of fencing design by a qualified biologist prior to installation. The fencing design shall meet, but not be limited to the following standards:
- Minimize interruption of wildlife movement corridors by limiting fencing to the shortest length necessary, and properly siting fencing location such that established wildlife movement corridors are avoided.
- Minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale, snag, or entrap a leaping animal (e.g., wrought iron fencing with spikes).
- Allow wildlife to jump over easily without injury. Typically, fences should be no more than 40 inches high on flat ground to allow adult deer to jump over. The determination of appropriate fence height will consider slope, as steep slopes are more difficult for wildlife to pass. If fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e., greater than 86 feet tall).
- Allow smaller wildlife to pass under easily without injury or entrapment.
- Upon review of project-specific fencing design, the County and qualified biologist will require revisions to site plans if the proposed fencing design and/or location would result in impacts on wildlife movement.
- Polyethylene plastic used for agricultural shade or crop structures shall be properly fastened, maintained in good condition, and regularly inspected for degradation from weather to prevent introduction of plastic into the natural environment, including waterways.

Comment A6-21

Comment #3: Impacts to Southern California Steelhead (*Oncorhynchus mykiss*)

Issue: Several watercourses in the County support southern California steelhead (steelhead), a CESA-listed endangered species that is not covered under the MSCP SAP or planned for coverage in the draft North County or East County Plans. Examples of steelhead streams in San Diego include Santa Margarita, San Luis Rey, and Sweetwater Rivers (CDFW 2021). CDFW is concerned that the Project could directly or indirectly impact steelhead.

Specific Impacts: Project construction and operational activities, including site access and water use, may result in injury or mortality of steelhead, temporary loss of rearing habitat, changes in stream water temperatures, and temporary loss of food sources.

Why impacts would occur: Run sizes of southern California DPS steelhead rivers have declined significantly since historical levels (Good et al. 2005, NMFS 2016). Habitat for

steelhead has suffered destruction and modification, and anthropogenic activities have reduced the amount of habitat available to steelhead (Boughton et al. 2005). The DPEIR does not analyze the potential effect to steelhead and other aquatic species from water use, diversions, and fish passage (Fish & G. Code, § 5901) associated with site operations and access needed for cannabis cultivation and currently provides no mitigation for steelhead in 8.1.2.

The Project may cause indirect impacts to steelhead from project water use affecting instream flows where steelhead occur or temporarily removing riparian vegetation. Riparian vegetation provides habitat for macroinvertebrates which are a food source for steelhead and shading of the creek which sustains lower creek temperatures for steelhead survival. Although the DPEIR addressed and provided measures to minimize impacts to water quality due to increased turbidities, temporary loss of vegetation, and avoiding take of sensitive species, the Project may still impact steelhead from water use, access and site operations. San Luis Rey River is an example where cannabis uses permitted under SECP may have the potential to substantially adversely affect surface flows in the river from water use, site access and site operations on a project and/or cumulative basis (Figure 9-1).

Evidence impact would be significant: The CESA-listed endangered status of southern California steelhead qualifies it as a special status species under CEQA (CEQA Guidelines, §15380). The Project contains structures for stream crossings (culverts and bridges) that could threaten the ability for steelhead to migrate. Per Fish and Game Code section 5901, it is unlawful to construct or maintain in any stream any device or contrivance the prevents, impedes, or tends to prevent or impeded, the passing of fish up and downstream. Per Fish and Game Code section 5937, the owner of any dam shall allow sufficient water at all times to pass through a fishway, or to keep in good condition any fish that may be planted or exists below the dam.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #4: The DPEIR should analyze potential impacts from the Project to steelhead including creation of fish passage barriers from site access, effects to instream flow from water demand and diversions, erosion and sedimentation from site activities and impacts to spawning habitats, changes to water temperature, and effects from use of fertilizers, pesticides, herbicides, and rodenticides to stream areas. In areas of the County where steelhead may be present, a water use plan should be provided for each individual project under the SECP to evaluate potential impacts to instream flows. and submitted the County and CDFW for review. Barriers to fish passage could be evaluated in the wildlife movement plan for each project.

Mitigation Measure #5: For projects that may impact steelhead, or any other CESA-listed species that is not covered under a NCCP, County applicants should seek appropriate take authorization from CDFW, and early consultation is encouraged. The requirement to demonstrate that consultation has occurred for this species and appropriate authorization has been obtained from CDFW and provided to the County should be included in individual SECP approvals prior to initiation of the project. CDFW may consider the Lead Agency's CEQA documentation for its CESA-related actions if it adequately analyzes/discloses impacts and mitigation to CESA-listed species. Additional documentation may be required as part of an ITP application for the Project in order for CDFW to adequately develop an accurate take analysis and identify measures that would fully mitigate for take of CESA-listed species.

Response A6-21

Section 2.5.3.3 of the Draft PEIR, "Issue 1: Special-Status Plant and Wildlife Species," includes an analysis regarding special-status fish, including the steelhead southern California DPS. As noted in the Draft PEIR, cultivation and noncultivation activities are required to comply with SWRCB Order WQ 2023-0102 Term 37 of Attachment A (Section 1, General Requirements and Prohibitions), which requires setback areas from the edge of surface water of at least 50 feet, dependent on the type of stream (e.g., ephemeral, perennial) and requires water quality control measures. The Resource Protection Ordinance (RPO) also requires protection of wetlands and adjacent buffers of 50–200 feet. Furthermore, cultivation and noncultivation activities associated with the Cannabis Program would be subject to SWRCB numeric and narrative instream flow requirements or required to obtain coverage under the waiver of waste discharge requirement (WDR) (i.e., sites smaller than 2,000 square feet in area). Surface water instream flow requirements apply to anyone diverting water for cannabis cultivation from a waterbody, and prohibit diversion of surface water for cannabis cultivation activities at any time from April 1 through October 31 of each calendar year. These requirements are designed to maintain minimum instream flow requirements during the wet season to maintain life history requirements for anadromous salmonids. SWRCB flow standards and diversion requirements were developed to protect fish spawning, migration, and rearing for endangered anadromous salmonids, as well as flows needed to maintain natural flow variability in each watershed. The requirements in Attachment A of SWRCB Order WQ 2023-0102-DWQ also place limitations of work in watercourses and permanently ponded areas. Standard practices are provided to address the design of watercourse crossings and necessary maintenance activities. Guidance is also provided to address temporary watercourse diversion and dewatering.

As described in the Draft PEIR, with implementation of the SWRCB Order WQ 2023-0102-DWQ requirements, impacts on special-status fish, including steelhead, are not expected to occur.

Comment A6-22

ADDITIONAL COMMENTS

Habitat Classification

Based on the information provided, CDFW cannot make a conclusion on the environmentally superior alternative without a detailed breakdown of impacts to each habitat classification. Table 2.5.2 Habitat and Land Cover Types in the Program Area indicates that the County has existing datasets for habitat mapping per vegetation alliance according to the Manual of California Vegetation (MCV). It is our understanding that the total acreages of potential impacts are known, as shown in Table 1.4, but they lack further description.

Recommendation #5: The DPEIR should include a more robust analysis of impacts by using data presented in Table 1.4 and Table 2.5.2 to identify the acreage of potential impacts to each vegetation classification and habitat type resulting from each of the proposed alternatives. As mentioned in our NOP comment letter, such information could include the amount and location of acreage by community plan area that could be converted to cannabis uses with corresponding loss of habitat and impacts to species using the most recent vegetation and species occurrence data. The analysis of proposed alternatives should be updated to reflect the impacts to habitat in order to help identify the environmentally superior alternative in the final CEQA document.

Response A6-22
As described throughout the Draft PEIR, the specific locations of future cultivation and noncultivation activities are not known at this time and have not been evaluated as part of the programmatic environmental analysis in the Draft PEIR other than the zoning areas where these activities would be allowed and any applicable buffers. Draft PEIR Figure 1-2 identifies areas in the county where zoning would allow cannabis uses under the proposed Cannabis Program. Therefore, quantifying the potential impact of these future activities on vegetation and habitat types would happen at the project level. Given this limitation, a comparative impact analysis among the different project alternatives was provided in the Draft PEIR qualitatively, with the information that is currently available. Mitigation Measure M-BI.1-1 requires a qualified biologist to map land cover and identify natural communities on each project site. Mitigation Measure M-BI.2-1 requires avoidance of impacts on riparian habitat, sensitive natural communities, and oak woodlands or compensation for impacts that cannot be avoided. M-BI.3-1 requires complete avoidance of state and federally protected wetlands. The Draft PEIR provided an analysis of impacts related to vegetation types and land cover using the information currently available about the Program area, and the recommendations in this comment for a more detailed, qualitative analysis are not currently possible. However, this analysis will be provided at the project level in accordance with mitigation measures in the Draft PEIR, and mitigation measures related to impacts on vegetation communities and habitats will be applied.

Comment A6-23
Zoning Ordinance

Recommendation #6: The FPEIR and Zoning Ordinance should incorporate language that is referred to in the associated BMO and Resource Protection Ordinance (RPO). The County's RPO provides special controls on development in all areas of the County to address impacts to wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric and historic sites to guarantee the preservation of these sensitive lands. The RPO is important in addressing potential impacts to lake, river and stream areas. For example, the definition of, "sensitive uses" in the Zoning Ordinance should include, "environmentally sensitive lands" as defined by section 86.602 – Definitions. Section 86.604 (Permitted Uses and Development Criteria) provide site design criteria for wetland stream crossings, setbacks and mitigation where impacts cannot be avoided. Appropriate setbacks 1). The DPEIR should clearly identify how BMO and RPO will be used in individual projects. If the BMO is intended to apply Countywide as a mitigation measures, CDFW recommends the avoidance criteria in the BMO and RPO be carried forward into the ordinance amendments.

Response A6-23
The County of San Diego Code of Regulatory Ordinances Sections 86.601–86.608 RPO is described in the biological resources regulatory setting on page 2.5-22 of the Draft PEIR, and the applicability of the RPO is described under each issue related to biological resources. All individual projects would be required to comply with the RPO and BMO, as applicable, and this requirement is described in the Draft PEIR. No additional response is required because the PEIR has already incorporated these recommendations.

Comment A6-24
Impacts to Streams

Mitigation Measure M-BI-.2-1 identifies the need for a Lake and Streambed Alteration Agreement (LSAA) Notification, per Fish and Game Code Section 1602, should a site impact

the bed, bank, channel, or associated riparian habitat. However, as currently written, the measure may lack further recommendations necessary for a complete LSAA notification package. Business and Professions Code 260.60.1 (Licensed Cultivation Sites) provides that, "the (State) license shall not be effective until the licensee has demonstrated compliance with Section 1602 of the Fish and Game Code or receives written verification from the Department that a streambed alternation agreement is not required." CDFW recommends the following measures:

Mitigation Measure #6: For individual cultivation projects under the SECP, the Project applicant (or "entity") must provide notification to CDFW pursuant to Fish and Game Code, section 1600 et seq. (Business and Professions Code 260.60.1). Based on this notification and other information, CDFW determines whether an LSA Agreement with the applicant is required prior to conducting the proposed activities. Please visit CDFW's Lake and Streambed Alteration Program webpage to for information about LSA Notification and online submittal through the Environmental Permit Information Management System (EPIMS) Permitting Portal (CDFW 2021).

Mitigation Measure #7: CDFW recommends the submittals for individual SECP projects include a stream delineation and hydrology report to evaluate whether the Project would alter, divert, or impair stream flow and alignment. The hydrology report should include a scour analysis to demonstrate that stream banks and stream bed would not erode under different storm events for proposed conditions both up and downstream of the Project area. The hydrology report should also include an analysis as to whether the placement and installation of staging areas, parking areas, and security fencing would impact the unnamed drainage on site and up and downstream. Also, CDFW requests a hydrological evaluation of any potential scour or erosion at the Project site and downstream due to a 100, 50, 25, 10, 5, and 2-year frequency storm event for existing and proposed conditions to determine how the Project activities may change the hydrology on site.

Response A6-24

Mitigation Measure M-BI.2-1 has been revised to clarify that CDFW would determine whether an individual project would require a Lake or Streambed Alteration (LSA) Agreement after the applicant provided notification. Mitigation Measure M-BI.3-1 requires preparation of a wetland delineation, which would include delineation of streams. The reader is referred to the response to Comment A6-21 regarding the requirement for projects to comply with SWRCB Order WQ 2023-0102 Term 37 of Attachment A (Section 1, General Requirements and Prohibitions), which would prevent impacts related to alteration, diversion, or impairment of stream flow and alignment.

Text as presented in Draft EIR in the first bullet on page 2.5-83:

- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement before any ground disturbance.

Text as presented in the Final EIR:

- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction by CDFW, the applicant shall abide by the conditions of any executed agreement before any ground disturbance.

Comment A6-25

Recommendation #7: CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the County for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement. To compensate for any on- and off-site impacts to aquatic and riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: erosion and pollution control measures, avoidance of resources, protective measures for downstream resources, on- and/or off-site habitat creation, enhancement or restoration, and/or protection, and management of mitigation lands in perpetuity.

Response A6-25

This comment describes the CDFW LSA Agreement process. These administrative remarks are acknowledged for the record.

Comment A6-26

Stream Crossings and Dams

Construction or maintenance of dams and stream crossings used for cannabis cultivation may cause negative impacts on stream and adjacent upland habitat through the removal of habitat and alteration of on-site hydrology and water quality. Cannabis projects often require crossings over streams and through sensitive habitat to provide access for operations. Crossings can be at-grade, culverts, and bridges to allow access to growing locations, water sources, and other cultivation activities. If not designed properly, site access can create or exacerbate fish passage issues (Fish & G. Code § 5901), alter the flow of streams, erode stream banks, impede wildlife movement, and create scour and increase sedimentation to streams.

Recommendation #8: The DPEIR should analyze the potential effect to stream habitat/resources, including steelhead and other aquatic species, from construction and maintenance of stream crossings for site access. Potential impacts include fish passage, wildlife use and movement, wetland vegetation, bank erosion, and stream hydrology.

Recommendation #9: The DPEIR should identify the need for each individual SECP project to obtain LSA authorization for stream crossings and include adequate information to support permitting by State and federal agencies. For unavoidable "take" of any listed species (e.g., steelhead, western pond turtle) during construction, submit a CESA ITP. The review process for individual SECP projects should include a required stream delineation and hydrology report to identify the extent of stream resources onsite and to evaluate whether the Project would alter, divert, or impair stream flow and alignment, or otherwise impact stream resources. These

reports should be submitted to CDFW for review prior to the initiation of any Project activities. This step would be included as part of the County review process described above in Recommendation #1.

Recommendation #10: The DPEIR should include siting/design criteria for individual projects to avoid impacting stream to the maximum extent practicable. Where stream resources cannot be avoided, impacts should be minimized and mitigation in the same watershed if possible. Measures for fish passage should be incorporated into the design of all project crossings to ensure that sufficient in-stream flows are provided, and barriers are not created. All crossings related to cannabis operations should be developed in consultation with an engineer or other appropriate licensed professional for all construction and maintenance of dams and stream crossings to ensure they are constructed to minimize impacts to streams and relevant fish and other wildlife habitats.

Recommendation #11: Limiting water use during certain periods of the year (forbearance period) consistent with State regulations should also be included as mitigation.

Response A6-26

The reader is referred to the response to Comment A6-21 regarding the requirement for projects to comply with SWRCB Order WQ 2023-0102 Term 37 of Attachment A (Section 1, General Requirements and Prohibitions), which would prevent impacts related to alteration, diversion, or impairment of stream flow and alignment. Furthermore, Mitigation Measure M-BI.2-1 outlines requirements for an LSA authorization, and M-BI.1-6 requires surveys and avoidance of southwestern pond turtles. However, although the comment notes that a CESA ITP would be required for take of western pond turtle, this species is not listed or a candidate under CESA, and the take provisions under CESA would not apply to this species. Regardless, impacts on this species would be avoided with implementation of Mitigation Measure M-BI.1-6.

Comment A6-27

Water Use

Water use and diversions for cannabis cultivation, especially when clustered along a stretch of a stream or river, can substantially reduce water availability in streams and reduce suitable habitat and movement for species including aquatic and avian wildlife. Sufficient flows are essential for fish passage and breeding habitat for steelhead and other aquatic species.

Recommendation #12: The FPEIR should provide a mechanism for analysis of water use from individual cannabis cultivation projects that have potential to impact instream flows and water availability for aquatic-dependent wildlife and habitat including steelhead, sensitive frogs, and other fish and amphibians. CDFW also recommends the County assess the aquatic carrying capacity of watersheds where cannabis would be allowed. The focus of the assessment should be to determine the maximum water use availability from watersheds to maintain adequate water supply for fish and wildlife resources, considering the cumulative demand from existing and future permitted cannabis cultivation projects. The review process for individual SECP projects should include a required water use and hydrology study to evaluate whether the Project would alter, divert, or impair stream flow and alignment, or otherwise impact stream resources. These reports should be submitted to CDFW for review prior to the initiation of any project activities. This step would be included as part of the County review process further described in the section below titled Agency Collaboration.

Mitigation Measure #8: CDFW recommends the County require all commercial cannabis cultivation projects disclose all sources of water and expected demand by season and annually. Outdoor projects with water use should include a well completion report, and potentially a hydrologic study by a qualified entity that analyzes potential impacts to in-stream flow from water use. Measures to manage water to protect habitat and wildlife species for each SECP project should include forbearance periods consistent with SWRCB and CDFW requirements.

Response A6-27
The reader is referred to the response to Comment A6-21 regarding the requirement for projects to comply with SWRCB Order WQ 2023-0102 Term 37 of Attachment A (Section 1, General Requirements and Prohibitions), which would prevent impacts related to alteration, diversion, or impairment of stream flow and alignment.

Comment A6-28
Burrowing Owl

Mitigation measure M-BI.1-8 for burrowing owls includes guidance provided by the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012), as has been consistently recommended by CDFW. However, as of October 2024 the status of burrowing owls was elevated to candidate species by the Fish & Game Commission due to decreasing population throughout the State.

Recommendation #13: Mitigation measures related to burrowing owls may evolve as their status is updated as part of the Petition to List California Populations of the Western Burrowing Owl as Endangered or Threatened under CESA (CBC 2024) to reflect best practices according to the most recent research available. Please be advised that the 2012 Staff Report on Burrowing Owl Mitigation, and measure identified therein, may be amended as part of the BUOW listing process.

Mitigation Measure #9: If take or adverse impacts to burrowing owl cannot be avoided during Project activities or over the life of the Project, the County should require the Project applicant to consult CDFW to determine if a CESA ITP is required, as appropriate.

Response A6-28
Burrowing owl is included in the biological resources analysis in the Draft PEIR, and mitigation for potential impacts on this species are included in Mitigation Measure M-BI.1-8, “Conduct Take Avoidance Survey for Burrowing Owl and Implement Avoidance Measures.” Although this measure references the *2012 Staff Report on Burrowing Owl Mitigation*, it does not include elements of this guidance that may now be considered take under CESA. Implementation of this mitigation measure would result in avoidance of take, and incidental take permitting would not be required.

Comment A6-29
Tricolored Blackbird

A review of CNDDB indicates recorded observations of tricolored blackbird, a CESA-listed threatened species, in multiple locations throughout the County. Due to the presence of riparian vegetation and documented occurrence of tricolored blackbirds in the area, the Project has a potential to impact this bird species from the loss of foraging and nesting habitat and indirect effects (noise, lighting, introduction of non-native flora and fauna).

Mitigation Measure #10: The DPEIR should contain avoidance measures to tricolored blackbirds in rural areas as recommended in the Department (CDFW 2015). If take of tricolored blackbird would occur from Project construction or operation, CDFW recommends the Project obtain appropriate take authorization under CESA which may include an ITP. The requirement to demonstrate that consultation for this CESA-listed species has occurred and appropriate CDFW authorization has been obtained and provided to the County should be included in individual SECP approvals prior to initiation of the Project. Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields, March 19, 2015 (CDFW 2015). If take of tricolored blackbird would occur from Project construction or operation, CDFW recommends the Project obtain appropriate take authorization under CESA which may include an ITP. The requirement to demonstrate that consultation for this CESA-listed species has occurred and appropriate CDFW authorization has been obtained and provided to the County should be included in individual SECP approvals prior to initiation of the Project.

Response A6-29
Tricolored blackbird is included in the biological resources analysis in the Draft PEIR, and mitigation for potential impacts on this species is included in Mitigation Measure M-BI.1-10, "Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers." Implementation of this mitigation measure would result in avoidance of take, and incidental take permitting would not be required.

Comment A6-30
Scientific Collecting Permit

Mitigation Measure #11: A scientific collecting permit would be necessary if there is a plan to capture and relocate wildlife. Pursuant to the California Code of Regulations, title 14, section 650, qualified biologist(s) must obtain appropriate handling permits to capture, temporarily possess, and relocated wildlife to avoid harm or mortality in connection with Project-related activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). A Scientific Collecting Permit is required to monitor Project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage for information.

Response A6-30
Mitigation Measures M-BI.1-5 and M-BI.1-6 for special-status amphibians and reptiles, respectively, have been revised to add that any relocation of individual animals will be conducted by a biologist with an appropriate CDFW scientific collecting permit.

Text as presented in the Draft PEIR:

> **M-BI.1-5: Conduct Preconstruction Surveys for Special-Status Amphibians**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

If arroyo toads or California red-legged frogs are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be assumed that cultivation and noncultivation activities could result in take of these federally listed species, and the application shall be denied.

If western spadefoot toads are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.

If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, shall be necessary and appropriate.

Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) is present in the proposed development area, a qualified biologist familiar with the life cycle of these species (i.e., coast range newt, western spadefoot [if not listed under ESA at the time of the survey]) shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).

If special-status amphibians are not detected during the preconstruction survey and, for arroyo toad, California red-legged frog, or western spadefoot (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.

If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the site, or relocating individual animals.

Text as presented in the Final PEIR:

M-BI.1-5: Conduct Preconstruction Surveys for Special-Status Amphibians

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

If arroyo toads or California red-legged frogs are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be assumed that cultivation and noncultivation activities could result in take of these federally listed species, and the application shall be denied.

If western spadefoot toads are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.

If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.

Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) is present in the proposed development area, a qualified biologist familiar with the life cycle of these species (i.e., coast range newt, western spadefoot [if not listed under ESA at the time of the survey]) shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).

If special-status amphibians are not detected during the preconstruction survey and, for arroyo toad, California red-legged frog, or western spadefoot (if listed under ESA at the

time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.

If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

Text as presented in the Draft PEIR:

M-BI.1-6: Conduct Surveys for Special-Status Reptiles and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

If southwestern pond turtles are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.

If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, shall be necessary and appropriate.

Regardless of detection during the initial biological survey, if habitat suitable for special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) and including southwestern pond turtle (if not listed under ESA at the time of the survey) is present in the proposed development area, a qualified biologist familiar with the life cycle of these species shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status reptile species shall be conducted throughout the proposed construction area, and a minimum 400-foot buffer, or other buffer size as recommended by CDFW, shall be established around the proposed development area. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for reptiles and visual searches for southwestern pond turtles in aquatic habitat and potential burrows.

If special-status reptiles are not detected during the preconstruction survey and, for southwestern pond turtle (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.

If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status reptiles shall be avoided by modifying project design, relocating the site, or relocating individual animals.

Text as presented in the Final PEIR:

M-BI.1-6: Conduct Surveys for Special-Status Reptiles and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

If southwestern pond turtles are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.

If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.

Regardless of detection during the initial biological survey, if habitat suitable for special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) and including southwestern pond turtle (if not listed under ESA at the time of the survey) is present in the proposed development area, a qualified biologist familiar with the life cycle of these species shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status reptile species shall be conducted throughout the proposed construction area, and a minimum 400-foot buffer, or other buffer size as recommended by CDFW, shall be established around the proposed development area. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for reptiles and visual searches for southwestern pond turtles in aquatic habitat and potential burrows.

If special-status reptiles are not detected during the preconstruction survey and, for southwestern pond turtle (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.

If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status reptiles shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

Comment A6-31
Public Lands

Section 2.5.3.2 Approach to Analysis of the DPEIR states,"[t]he program does not apply to the incorporated cities; coastal zone; tribal lands; military lands; or to public lands managed by the US Forest Service, the California Department of Parks and Recreation (California State Parks), the US Bureau of Land Management, or CDFW. Impact mechanisms for development under the program could include clearing of native vegetation; tree removal; grading, trenching, or tilling associated with new buildings or outdoor cultivation areas; ground disturbance from construction of storage ponds; installation of irrigation systems, drainage improvements, and water storage; road and building construction; extension of electrical facilities and infrastructure; installation of fencing; and operation of artificial nighttime lighting and generators. Project implementation associated with cultivation and noncultivation activities may include conversion of natural habitats to developed or agricultural land covers" (Program Draft EIR Page 2.5-24). CDFW has multiple ecological reserves, wildlife areas, mitigation banks, conserved land throughout SD County. Many of these locations, such as Rancho Jamul and Ramona Grasslands, may be in proximity to potential cannabis sites and should be documented. Please visit CDFW's Lands website (CDFW 2025) for more information. CDFW has concerns that these activities, if located adjacent or proximal to CDFW and other conserved lands, could result in potentially significant impacts from access, pesticide drift, runoff, lighting, fencing and conversion of land.

Recommendation #14: CDFW has multiple ecological reserves, wildlife areas, mitigation banks, conserved land throughout SD County. Many of these locations, such as Rancho Jamul and Ramona Grasslands, may be in proximity to potential cannabis sites and should be documented. Please visit CDFW's Lands website (CDFW 2025) for more information. All cannabis facilities should be located sufficiently away from CDFW and other public lands to prevent direct and indirect impacts to those lands. Such impacts include impacts from access, pesticide drift, runoff, lighting, fencing and conversion of land. Include mapping of public lands by ownership the project area for each individual operation and ensure that appropriate buffers and setbacks are established to prevent impacts due to proximity.

Response A6-31
The draft Zoning Ordinance amendments require outdoor and mixed-light cannabis cultivation areas to be set back a minimum of 100 feet from all lot lines and a minimum of 300 feet from legal residences on adjoining parcels existing at the time of permit application submittal. Furthermore, Alternatives 3, 4, and 5 would require larger setbacks (1,000 feet) from sensitive uses, including regional parks, local parks, public trails, recreation facilities, and preserves with

visitor-serving amenities. Requirements in the ordinance and Draft PEIR mitigation measures would reduce direct and indirect impacts on adjacent land described in this comment.

Comment A6-32
Mitigation and Monitoring Reporting Plan

CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A). CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB website provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the Combined Rapid Assessment and Relevé Form.

The County should ensure data collected for the preparation of the FPEIR is properly submitted.

Response A6-32
This comment describes that CDFW's recommended mitigation measures are provided in a table at the end of the comment letter, and requests that occurrences of special-status species documented during implementation of the project be submitted to the CNDDB. Response to requested refinements to mitigation measures are provided in the responses above. These administrative remarks are acknowledged for the record.

Comment A6-33
FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response A6-33
These administrative remarks are acknowledged for the record.

Comment A6-34
CDFW believes having the appropriate analysis and mitigation in the DPEIR is essential for SECP program implementation to distinguish between individual projects that would not require additional/subsequent review and those that would require additional assessments, and potentially CEQA review, to address sensitive resources and to minimize the environmental impacts of cannabis cultivation. This will allow SECP projects to confidently move forward with licensing under the DCC and ensure compliance with the FGC. Our comments on the DPEIR are intended to identify situations where individual projects should be excluded from any ministerial process unless sufficient information is provided to assure that all impacts to sensitive resources can be avoided, and where unavoidable, can be adequately mitigated to less than significant. CDFW recommends that individual SECP projects, in particular those with outdoor components, be evaluated on a case-by-case basis in coordination with the resource agencies to develop project specific avoidance and mitigation measures for individual projects. CDFW believes the DPEIR, with incorporation our comments and collaboration at the appropriate time of individual project review, would help to facilitate and support SECP implementation for local and State permitting and licensing. CDFW prefers being involved in the County's individual project review as early as possible to maximize resource protection, minimize project cost, and streamline use of documentation for local and State permitting.

CDFW appreciates the opportunity to comment on the DPEIR for the SECP and values working with the County to support the regulation of commercial cannabis cultivation, and future cannabis grant opportunities, while protecting the fish and wildlife resources held in trust for all Californians. CDFW is available for consultation during all stages of the CEQA process, to share information related to fish and wildlife resources, and discuss potential impacts and proposed mitigation. We look forward to receiving notice of the FPEIR and continuing our partnership with the County. If you have any questions regarding this letter, please contact Environmental Scientist Andrew Valand in the Cannabis Program at (562) 292-6821 or Andrew.Valand@wildlife.ca.gov.

Response A6-34
This comment provides a summary of the comments provided in full above. These closing remarks are acknowledged for the record and will be reviewed by decision makers prior to consideration of approval of a program alternative.

Comment A6-35
Attachment 1

APPENDIX B

Proposed Amendments to the San Diego County Zoning Ordinance and Code of Regulatory Ordinances for Cannabis Uses (October 2024 version)

CDFW recommends the following text be included in the final proposed amendments to the zoning ordinance, which comprises the proposed project under CEQA (State CEQA Guidelines §§ 15378 and 15124).

- Section 1110 (Definitions)
    - The definition for microbusiness should clarify if it could include an outdoor component. For example, an existing warehouse that has an adjacent outdoor (hoop) component within the same premise.
    - Hoop Houses. The definition section and ordinance should address the use of hoop houses if they are anticipated to be used.
- Section 6995 (Cannabis Facilities)
    - Item c (conformance with County plans) should reference MSCP, BMO and RPO
    - Items e (development standards) should incorporate the design criteria in the BMO including 86.505 (Project Design Criteria), 85.606 (Habitat Based Mitigation) and 86.507 (Species Based Mitigation)
    - Item e 3 (Location) should include biological minimization measures including BMO 86.505 (Project Design Criteria) and 85.606 (Habitat Based Mitigation) and 86.507 (Species Based Mitigation)
    - Item 4 (Buffer) should acknowledge biological habitat, MSCP pre-approved mitigation areas (PAMA), biological core resources areas (BCRA)s, and lakes, rivers and streams as sensitive uses with corresponding setbacks.
    - Item f (performance standards)
        - 2 (fencing) should specify that wildlife compatible fencing is required in all cases.
        - 5. (water source) should include the annual reporting of usage and use of forbearance if needed to protect the environment. RPO should also be incorporated here.
    - Item g (Activity Specific Standards)
        - 2. Cultivation. This section should incorporate the biological setbacks in the BMO for areas in the County's MSCP SAP. viii (enclosed fencing) should identify the need for wildlife compatible fencing.
    - Item h (permitting requirements). This section should acknowledge that other state approvals/authorization other than DCC include CDFW and Water Boards (BPC § 26060.1).
        - 1 (Cultivation), i. (Outdoor). The criteria for the administrative permit should be expanded to incorporate RPO and BMO siting criteria for the least sensitive portion of the site, avoidance and mitigation.
            - i. Since site specific mapping of biology resources will not occur until the individual project level and it is not known where the exact locations of cultivation would occur at the site level, the

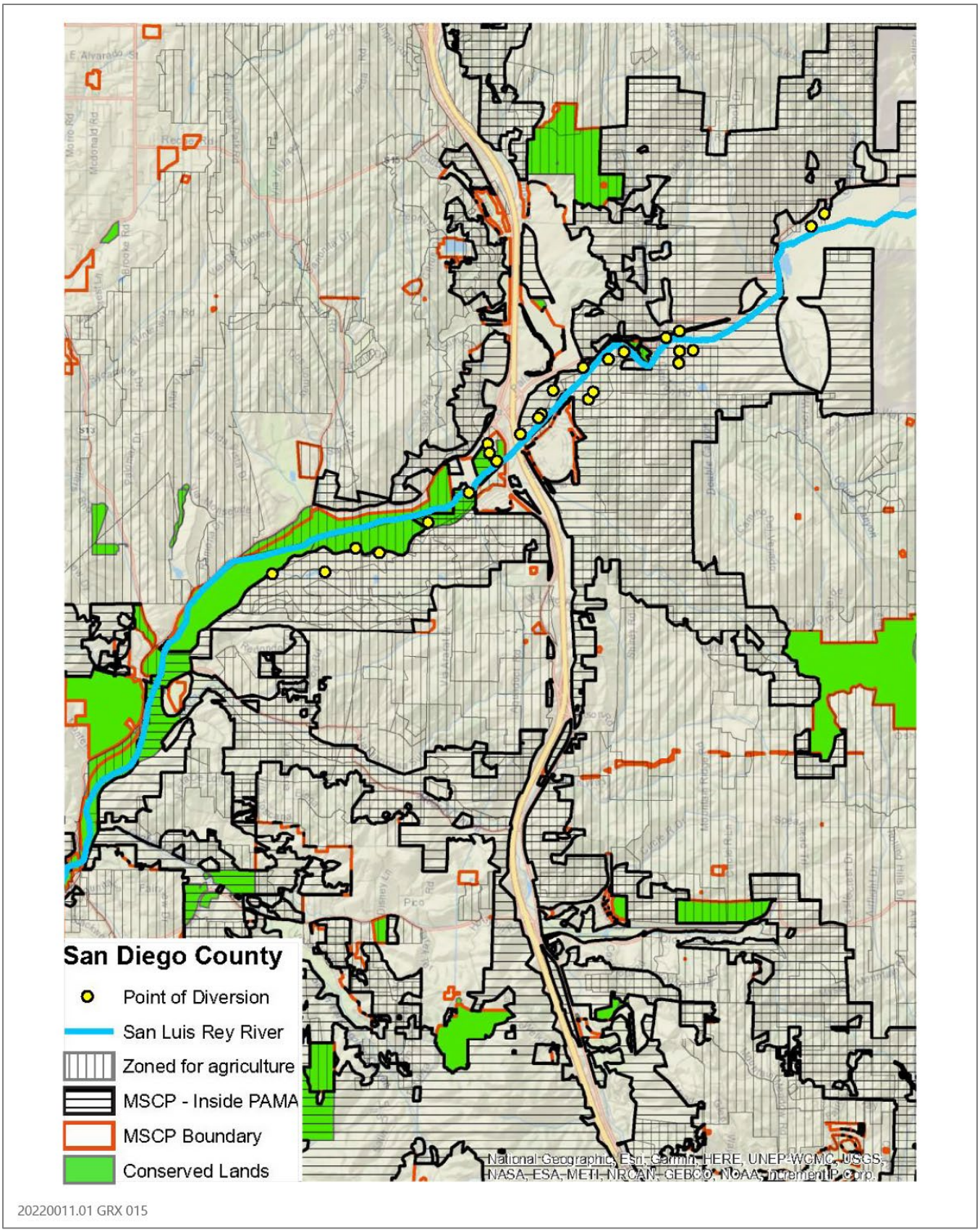
determination of whether 5,000 square could be ministerial, considering license may be stacked, should occur in all locations where there could be potential impacts to biological resources.

- a), the F (floodplain) and W (flood channel) special areas designators should all be included here to indicate site with these designators would require discretionary review.

- b) existing operations that use water from wells or otherwise would be located adjacent to lakes, rivers or streams should require discretionary review.

Response A6-35

The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” regarding potential refinement of the proposed Cannabis Program.



Source: Image produced and provided by SWRCB in 2023; Adapted by Ascent in 2025.

Figure 9-1 **San Luis Rey River Points of Diversion**

9.1.3 Organization Comments and Responses

Letter O1 Americans for Safe Access

Shelby L. Huffaker, Chair
February 7, 2025

Comment O1-1
As a respected non-profit organization working to advance safe access to cannabis for therapeutic use and research, the San Diego chapter of Americans for Safe Access submits this comment on the proposed regulatory and zoning changes in response to the County's draft Cannabis Environmental Impact Report. We support Alternative 2 for the following reasons:

Response O1-1
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O1-2
State Regulations for Buffer Standards

State regulations for buffer standards align with public health objectives and are essential to ensuring safe access for patients and consumers, promoting equity for communities disproportionately impacted by cannabis criminalization, minimizing underage access, and conserving limited public services resources while presenting opportunities for revenue generation.

Response O1-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. Because no comments on the Draft PEIR were provided, no further response is provided.

Comment O1-3
Safe Access for Patients and Consumers

Stringent licensing caps and zoning restrictions severely limit access to legal cannabis and cannabinoid products in San Diego County. With just five licensed cannabis facilities serving over half a million residents in the unincorporated areas,[1,2] this equates to only one licensed cannabis business for every 100,000 residents. This scarcity forces medical cannabis patients and consumers to travel long distances to access regulated products, resulting in added automobile-related carbon emissions and disproportionately burdening individuals with mobility restrictions and limited transportation options.

Consequently, many consumers turn to unlicensed operators, who currently account for twice the annual cannabis sales of the licensed market in California ($8 billion in sales).[3] Meanwhile, an analysis found that California cannabis consumers overwhelmingly prefer to shop from legal sources when they are accessible.[4]

If access to pharmacies were as restricted as cannabis businesses, it would be considered a public health crisis (almost half of U.S. residents live within one mile of a pharmacy; three-quarters live within two miles).[5] Adopting state regulations for buffer standards would ensure safe, equitable access to licensed cannabis retail outlets for patients and consumers. A similar premise holds true for other types of cannabis business licenses, including those for cultivation, manufacturing, processing, distribution, and consumption lounges, all of which are equally vital components of the regulated supply chain.

Response O1-3
The comment provides general statements regarding cannabis facilities in the county and the state. Because no comments on the Draft PEIR were provided, no further response is provided.

Comment O1-4
Cannabis Social Equity

Achieving the County's equity goals requires increasing business licenses and easing zoning restrictions to accommodate more Socially Equitable Cannabis Program (SECP) applicants. The County's Cannabis Social Equity Assessment reveals stark racial disparities in cannabis-related arrests from 2012 to 2017:

- Black individuals were arrested at **4.85 times** the rate of white individuals.
- Pacific Islanders: **3.08 times** the rate.
- Latiné individuals: **2.17 times** the rate.
- Indigenous individuals: **30% higher** than white individuals.[6]

The lasting impacts of incarceration are severe and include loss of opportunities related to employment, education, housing, and capital.6 Incarceration deprives individuals and communities of invaluable time with loved ones and is associated with poor mental and physical health outcomes (e.g., depression, PTSD, substance use disorders, HIV, hepatitis C, tuberculosis).[7] Aligning the County's Cannabis Program with state regulations for buffer standards would create pathways to cannabis business ownership and employment for those disproportionately affected by the War on Drugs, driving economic investment, advancing restorative justice, and enhancing public health outcomes.

Response O1-4
The comment provides general statements regarding cannabis social equity in the County and the State. Because no comments on the Draft PEIR were provided, no further response is provided.

Comment O1-5
Youth Access to Cannabis and Cannabinoid Products

While concerns about youth substance use are valid, the data suggest that the liberalization of cannabis laws has not contributed to an increase in use among young people. In fact, the regulation and enforcement of age restrictions appear to be having a positive impact in reducing access among minors. For example, findings from the 2024 Monitoring the Future Survey, an annual National Institutes of Health-sponsored study that tracks substance use behaviors and beliefs among youth and adults across the U.S, reveal that cannabis use remains at historically low levels—even showing a decline among 12th graders between 2023 and 2024.[8] Additionally, overall substance use among teens remains lower than it was before the pandemic, including in states (e.g., Washington, Colorado, California) where cannabis has been legalized for both medical and adult use.[9–11]

The evidence is clear: the expansion of legal cannabis markets has not resulted in increased youth consumption. In fact, audits show licensed retailers consistently comply with age verification, with compliance rates between 90 and 100%.[12–14] Meanwhile, a study in the Journal of the American Medical Association found higher delta-8-THC use among 12th graders in states where cannabis is still criminalized.[15] Therefore, adopting state regulations for buffer standards would not conflict with public health goals surrounding underage access to cannabis and cannabinoid products.

Response O1-5
The comment provides general statements regarding youth access to cannabis and cannabinoid products in the county and the state. Because no comments on the Draft PEIR were provided, no further response is provided.

Comment O1-6
Use of Riskier Substances and Public Service Sector Savings

The liberalization of cannabis laws has been associated with reductions in the use of more harmful substances, including alcohol, opioids, and other prescription drugs. For example, states with legal cannabis programs have reported decreases in prescription opioid use and overdose mortality.[16,17] In Oregon, proximity to a cannabis retail outlet correlated with a 1-3.9% reduction in per capita opioid prescriptions.[18] Additionally, Medicaid data from 2011-2019 indicate that recreational cannabis legalization is associated with reductions in the prescribing of drugs for pain, depression, anxiety, sleep, psychosis, and seizures.[19] In Canada, where cannabis was legalized for adult use in 2016, the country has seen significant decreases in beer sales in every region except for the Atlantic provinces, where access to cannabis retail outlets is comparatively more restricted than in other regions.[20,21] These trends are consistent with surveys of cannabis consumers who use cannabis to substitute other drugs including opiates, alcohol, and benzodiazepines.[22–24] On a population level, this evidence suggests that increased access to cannabis does not support the “gateway drug” theory and may in fact facilitate transitions away from substances that pose greater risks to public health.

Beyond improved health outcomes and reduced use of riskier substances, expanding access to the legal cannabis market through the adoption of state regulations for buffer standards

could also lead to cost savings for public services, including law enforcement and healthcare. For example, within the City of San Diego, there was a 4.23% decrease in domestic violence-related calls for assistance in the four years following cannabis legalization compared to the four years prior.[25]

In addition, the dominance of the unlicensed cannabis market presents a significant missed opportunity for local revenue generation. High barriers to entry, restrictive zoning laws, and exorbitant licensing costs ($49,460 for a medical cannabis license in the County) drive businesses into the illicit market.[6] To fully realize the revenue potential of cannabis legalization, the County should reduce barriers to entry and encourage the transition of unlicensed operators into the legal market.

Expanding access through the adoption of state regulations for buffer standards would enable the County to collect taxes on cannabis purchases that would otherwise occur in the unregulated market or neighboring jurisdictions. The City of Vista provides a strong example of how a thriving legal cannabis market benefits local economies, including the public service sector.[26]

Response O1-6
The comment provides general statements regarding use of cannabis and cannabinoid products in the county and the state. Because no comments on the Draft PEIR were provided, no further response is provided.

Comment O1-7
Outdoor Cultivation

Outdoor cannabis cultivation offers significant environmental and health benefits compared to indoor-only operations alone. Prohibiting outdoor cultivation is not justified based on available evidence.

As a whole, cannabis uses similar amounts of water as other crops in California.[27] However, outdoor cultivation can be a more environmentally responsible alternative, particularly when regenerative farming techniques are employed. Organic pest control, soil regeneration, and advanced water conservation methods reduce cannabis' ecological footprint, making it an ideal model for sustainable agriculture.[28] In addition, outdoor farms utilize significantly less energy and emit fewer carbon emissions than indoor farms.[29]

Furthermore, much of the environmental degradation posed by cannabis cultivation in California can be attributed to illicit cannabis production.[27] Expanding entry into the licensed, regulated market would allow the County to enforce responsible farming practices, mitigating environmental damage and promoting sustainable agriculture.

Beyond environmental benefits, outdoor cultivation enhances the therapeutic quality of cannabis. Sun-grown plants develop a richer, more diverse profile of cannabinoids and terpenes—compounds crucial to cannabis' medicinal properties.[30,31] This diversity can amplify therapeutic effects while mitigating potential adverse reactions for consumers, especially medical patients.[32]

Response O1-7
The comment expresses general support for outdoor cultivation and for general cannabis cultivation practices. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR evaluates the range of alternatives at an equal level of detail of analysis, their potential to achieve most of the basic project objectives, and whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. Alternatives 2, 3, and 5 would allow outdoor cannabis cultivation, while Alternative 4 would prohibit outdoor cultivation. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O1-8
Conclusion

In sum, aligning county policies with state buffer standards and allowing for outdoor cannabis cultivation are essential steps toward promoting public health, equity, and environmental sustainability. For these reasons, we support Alternative 2. We appreciate the opportunity to submit this public comment and welcome further discussion on these critical issues.

Response O1-8
The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” and Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O1-9
About the San Diego Chapter of Americans for Safe Access

The San Diego Chapter of Americans for Safe Access (ASA) is the local chapter of the largest national member-based organization of patients, medical professionals, scientists, and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research. ASA works to overcome political and legal barriers by creating policies that improve access to medical cannabis for patients and researchers through legislation, education, litigation, grassroots actions, advocacy, and services for patients and their caregivers. ASA has over 150,000 active members with chapters and affiliates in all 50 states. San Diego ASA helps protect the rights of cannabis patients. We are working to change local and federal policy to meet the immediate needs of patients as well as create long-term strategies for safe access and programs that encourage research.

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Response O1-9
Information regarding the San Diego Chapter of Americans for Safe Access and the reference materials are noted. Because no comments on the Draft PEIR were provided, no further response is provided.

Letter O2 Fallbrook Land Conservancy

Karla Ibarra, Executive Director
March 6, 2025

Comment O2-1
The following letter is submitted by Fallbrook Land Conservancy (FLC) in response to public comment on the Draft EIR for the San Diego County Socially Equitable Cannabis Program (SCH # 2023090330).

FLC urges the County to adopt Alternative 1 No Project, Retention of Current Cannabis Regulations, due to the significant impacts on aesthetics, biological resources, and water resources to the unincorporated communities of San Diego County.

Response O2-1
The commenter's preference for Alternative 1: No Project, Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR evaluates a reasonable range of alternatives at an equal level of detail of analysis, evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O2-2
The following comments are respectfully submitted as related to Table S.1, Summary of Impacts and Mitigation Measures, in the Draft EIR:

Issue 2.2, Aesthetics, Topic, 2. Substantially Degrade Visual Character or Quality.

Even after mitigation measures, Alternatives 2-5 are still found to have Significant and Unavoidable impacts on visual character or quality. This impact will negatively affect unincorporated community's ability to govern through the community planning process, and has significant potential to have negative economic effects, as many unincorporated, rural towns rely on tourist-based industry, agritourism, and eco-tourism.

Response O2-2
The comment correctly indicates that Draft PEIR identifies significant and unavoidable impact on visual character or quality under Alternatives 2, 3, 4, and 5 (see Section 2.2, "Aesthetics," in the Draft PEIR). The commenter's concerns related to governance through effects on the community planning process are unclear. Additionally, approved land uses must be consistent with adopted Community Plans and the San Diego County General Plan.

With regard to potential adverse economic effects on tourist-based industry, agritourism, and eco-tourism, State CEQA Guidelines Section 15131(a) states that economic or social effects of a project shall not be treated as significant effects on the environment.

Comment O2-3
Issue 2.2, Aesthetics, Topic, 3. Adversely Affect Views due to New Light and Glare.

We strongly disagree with the findings of Less than Significant for Alternatives 1-5 as it relates to lighting and glare. We believe that the proposed project fails to sufficiently address the risks it poses to Fallbrook's goal of becoming an International Dark Sky Community. Cannabis greenhouses, with their high-intensity lighting requirements, pose a significant threat to the quality of night skies. Sky glow, a form of light pollution that causes the brightening of the night sky, is a serious concern. Fallbrook's proximity to the Palomar Observatory, one of the most

important astronomical research facilities in the world, heightens the urgency of protecting the area's dark skies. Light pollution from greenhouse operations could interfere with astronomical observations, harming research and the local community's enjoyment of the night sky.

Response O2-3
Under Alternative 1, there would not be new sources of light and glare; thus, impacts were determined to be less than significant. The comment does not offer any evidence to suggest that implementation of Alternative 1 would increase light such that dark skies could be adversely affected.

The potential for new sources of light to affect nighttime views and dark skies is addressed in Draft PEIR Section 2.2, "Aesthetics," Section 2.2.3.6, "Issue 3: Adversely Affect View due to New Light and Glare." As discussed in this section, cannabis cultivation facilities would be subject to the California Energy Commission's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and DCC regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purposes of minimizing light pollution in San Diego County and of protecting astronomical research at the Palomar and Mount Laguna Observatories from its detrimental effects. The Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors; LED bulbs; and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Further, Regulatory Code Section 21.2510(3)(B) is proposed and requires establishment of a lighting plan showing existing and proposed exterior and interior lights that would provide security lighting for use and compliance with the San Diego County Zoning Ordinance sections 6233-6326, the Light Pollution Ordinance, and San Diego County Code of Regulatory Ordinances sections 51.201-51.209. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards.

The comment does not offer any evidence to suggest that implementation of Alternatives 2, 3, 4, or 5 would increase light such that dark skies could be adversely affected. No changes to the document are required.

Comment O2-4
Issue 2.3, Air Quality, Topic 3. Result in Emissions of Odors Adversely Affecting a Substantial Number of People.

Alternatives 2, 3, and 5 are shown to have **Significant and Unavoidable** impacts, and **no mitigation measures are available** for these alternatives to reduce the impacts. This is

concerning and should not be taken lightly. Once established, cannabis operations will have and continue to have unavoidable negative impacts on air quality that cannot be mitigated, negatively impacting all residents within proximity of a cannabis operation.

Response O2-4
The comment correctly states that the Draft PEIR identifies significant and unavoidable impacts associated with odors for Alternatives 2, 3, and 5. These odor impacts are due to the emissions from outdoor cannabis cultivation. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors."

Comment O2-5
Issue 2.5, Biological Resources, Topics 1-6.

Alternatives 2-5 are shown to have a **Significant** effect on biological resources before mitigation measures. FLC strongly disagrees with the findings that, after mitigation measures, Alternatives 2–5 will have a Less than Significant on biological resources. While mitigation measures are in place to guide the avoidance of impacting sensitive resources or, when impacts are unavoidable, to offset the impacts through agency approved offsite mitigation measures, the potential for cumulative impacts may still be significant. Habitat fragmentation, degradation of native vegetation communities, and introduction of non-native species are unavoidable local impacts, and, without proper knowledge of the locations and extent of proposed cannabis operations, a determination cannot be reasonably made to assume less than significant effects on local resources. Additionally, as stated in the Draft EIR, the North and East County MSCPs are not yet approved and adopted documents. The Draft EIR assumes compliance with adopted policies and assumes that the North and East County MSCPs will be adopted and implemented in a timely manner, consistent with adoption of any policy related to cannabis cultivation. This assumption is overarching and may lead to significant impacts to biological resources if no MSCP or similar document is in place.

Response O2-5
Section 2.5 in the Draft PEIR addresses effects on biological resources. Issue 1 addresses special-status plant and wildlife species, including individuals and habitats, which is summarized in the Draft PEIR in Section 2.5.7.1, "Issue 1: Special-Status Plant and Wildlife Species," as follows:

> Alternative 1 would have no impacts on special-status plant and wildlife species.
>
> Cultivation and noncultivation activities associated with Alternatives 2, 3, 4 and 5 would have the potential to directly and indirectly adversely affect special-status plant and wildlife species. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 through M-BI.1-19 would reduce potentially significant program-level and cumulative impacts on special-status plant and wildlife species to a less-than-significant level because special-status plant and wildlife species would be identified through reconnaissance-level and focused or protocol-level surveys (as applicable), avoidance measures would be implemented to prevent impacts on these species, and appropriate permitting or compensation would be obtained or provided for impacts on special-status species that cannot be avoided.

> Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

Issue 2 addresses the potential to cause habitat fragmentation, which is summarized as follows in Section 2.5.7.2, "Issue 2: Riparian-Habitat and Other-Sensitive Natural Communities":

> Alternative 1 would have no impacts to riparian habitat and other sensitive natural communities.
>
> Cultivation and noncultivation activities associated with Alternatives 2, 3, 4 and 5 would have the potential to result in direct and indirect impacts on riparian habitat, sensitive natural communities, and oak woodlands. Therefore, the project would result in a potentially significant impact on these resources. Implementation of Mitigation Measures M-BI.1-1 and M-BI.2-1 would reduce potentially significant program-level and cumulative impacts on riparian habitat, sensitive natural communities, and oak woodlands to a less-than-significant level because these resources would be identified through reconnaissance-level and focused surveys, avoidance measures would be implemented to prevent removal or degradation of the habitats, and appropriate permitting and compensation would be required for impacts on these resources. Thus, this impact would be less than significant for Alternatives 2, 3, 4, and 5. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

The comment states that there may be residual cumulative effects on biological resources after mitigation due to habitat fragmentation, degradation of native vegetation communities, and introduction of nonnative species. Existing County regulations require avoidance of wildlife movement corridors and habitat linkages, and mitigation measures in the Draft PEIR require additional project siting requirements to avoid habitat fragmentation and impacts on wildlife movement; mapping, avoidance, or compensation for loss of sensitive natural communities and other sensitive habitats; and measures to avoid introduction or spread of nonnative species. These requirements are among other measures listed in Section 2.5 of the Draft PEIR, "Biological Resources." The effectiveness of mitigation measures in reducing environmental effects is addressed in Section 2.5.7, "Conclusion," in the Draft PEIR.

The potential to conflict with the County's MCSP is addressed in Issue 6 in Section 2.5 of the Draft PEIR, "Biological Resources," and summarized in the third paragraph on page 2.5-64 as follows (Note that this text reflects staff initiated changes consisting of changing the would payment to purchase and fees to mitigation creds. Please refer to Section 9.2, Staff Initiated Text Changes to the Draft PEIR Outside of Comments Received," for more details on this modified text.):

> Under Alternative 1, could be expansion of existing sites; however, these sites are already developed and disturbed. Therefore, there would be no contribution to cumulative impacts related to conflicts with the MSCP. Cultivation and noncultivation activities associated with Alternatives 2 through 5 would be required to participate in the MSCP, including purchase of associated mitigation credits and implementation of species-

based and habitat-based mitigation, which would offset the project's contribution to this significant cumulative impact, and no conflict with the MSCP would occur; therefore, this impact would be less than significant. Thus, the contribution of cultivation and noncultivation activities associated with the program to significant cumulative impacts from conflicts with adopted HCPs or NCCPs would be less than cumulatively considerable under Alternatives 2, 3, 4, and 5.

The Draft PEIR does require participation and compliance with the North and East County MSCPs, when those plans are approved; however, the mitigation measures also include requirements in the interim period prior to approval, or should the plans not be approved. Therefore, the less-than-significant conclusion does not depend on approval of these plans. The comment does not provide specific examples or evidence to indicate how a significant environmental effect may occur. Thus, no further response can be provided.

Comment O2-6

Issue 2.11, Hydrology and Water Quality, Topic 2. Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge.

Alternatives 2-5 will have **Significant and Unavoidable** impacts after mitigation measures on groundwater supplies. In areas such as Fallbrook, where the Santa Margarita River, through the Conjunctive Use Project, provides water supply to residents, this could lead to significant water reliability issues for residents.

Response O2-6

The comment correctly states that the Draft PEIR identifies significant and unavoidable impacts on groundwater supplies. This comment is general and does not address specific points for which further response can be provided. The reader is referred to the impact discussion under Issue 2 in Draft PEIR Section 2.11, "Hydrology and Water Quality."

Comment O2-7

In addition to the above comments, the following concerns are raised:

Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements:

This alternative does not implement the Cannabis Program with incorporation of Measures 1, 2, and 3 from the June 15, 2022, Board direction and, therefore, does not take into consideration the location of regional parks, local parks, public trails, recreation facilities, preserves with visitor-serving amenities, religious assembly, childcare centers, public libraries operated by the County or other cities, residential care facilities, and other cannabis facilities when approving new cannabis operations.

The Board of Supervisors approved Measures 1, 2, and 3 to specifically protect sensitive uses above and beyond those defined by the state.

Response O2-7

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of

detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. Alternatives 3, 4, and 5 would implement the Cannabis Program with incorporation of Measures 1, 2, and 3 from the June 15, 2022, Board direction (Draft PEIR page 1-19). The Board will provide further direction on which program elements, evaluated in the Draft PEIR, will be considered for approval during future decision-making. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O2-8
Alternatives 3-5:

While these alternatives incorporate Measures 1, 2, and 3 as directed by the Board, FLC feels that a 1,000-foot buffer from preserve with visitor serving amenities is not adequate to protect the best interest of the public and preserve users, especially given the significant and unavoidable impacts of the proposed program.

Please let me know if you have any questions.

Response O2-8
The comment provides an opinion regarding the merits or qualities of Alternatives 3, 4, and 5. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter O3 Rainbow Community Planning Group

Martin Kurland, Chair
March 19, 2025

Comment O3-1
COMMENTS ON THE COUNTY OF SAN DIEGO SOCIALLY EQUITABLE CANNABIS PROGRAM DRAFT EIR, REGULATORY AMENDMENTS.AND ZONING AMENDMENTS

The Rainbow Community Planning Group has worked with the Fallbrook Community Planning Group to review the SECP Draft EIR and prepared these comments for the PDS to review. Please note that the Rainbow CPG has added additional comments which are shown in RED.

DRAFT EIR

ALTERNATIVE 4 IS THE MOST ENVIRONMENTALLY SUPERIOR ALTERNATIVE

THIS IS CITED IN THE DEIR- CHAPTER 4 ALTERNATIVES 4.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

There is substantial evidence throughout the DEIR that Alternative 4 is reasonable and feasible and accomplishes the basic objectives of the Social Equity Cannabis Program.

Response O3-1
The comment correctly identifies that Alternative 4 is identified as the environmentally superior alternative. The reader is referred to Chapter 4 of the Draft PEIR, "Alternatives," for more information regarding the program alternatives.

Comment O3-2
However, from more recent studies, facts and information obtained from municipalities that have had cannabis programs for a number of years, we conclude that facts used to generate the DEIR were outdated and deficient and we question its accuracy.

Response O3-2
The comment states that the facts used to generate the Draft PEIR were outdated and deficient, but does not provide examples of where information is not adequate. The Draft PEIR presents a good-faith effort at evaluating the environmental effects of the program alternatives based on substantial evidence. Throughout the document, citations have been added within the discussions, and full reference information is presented in Chapter 6, "References." This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. No further response can be provided.

Comment O3-3
It is very important to note that even with Alternative 4, there are many questions and concerns regarding setbacks, outdoor temporary events, retail hours and locations where cannabis can be cultivated, that need to be revised.

The single most environmentally detrimental element in Alternative 2, which is being called "The Program", is outdoor cultivation. Alternative 4 prohibits outdoor cultivation. Data from other municipalities that have had cannabis programs for a number of years and that was not included in this DEIR, as well as new data that is just being discovered, shows that odors, pesticides, water, runoff and other factors from outdoor cultivation have had and continue to have substantially negative effects and threaten the health and safety of residents, especially growing children. In addition, in looking at the trend for indoor cultivation licenses in regions like Riverside County show that outdoor cultivation licenses are minimal, thus no real impact in removing outdoor grow option by selecting Alternative 4.

Residents that will be subjected to the Cannabis Program in their unincorporated areas should have a major weighted say in deciding whether or not indoor or outdoor cultivation will be allowed, because the agriculturally zoned lands where any type of cannabis cultivation is allowed in Alternatives 2,3,4,5 are adjacent to residential zones where families live.

Topics in "The Program", which are consistent with state requirements, appear to be based more on urban areas. Since this Program is in rural areas, these topics, especially outdoor cultivation, setbacks and sensitive areas, should be adjusted to reflect the rural setting for this Program.

Alternative 4 is the most environmentally superior alternative. It is also the alternative that is least damaging to the unique, unincorporated rural lifestyle.

Alternative 4, with certain revisions should be chosen for this Cannabis Program.

HOWEVER, OTHER MUNICIPALITIES WITH PROGRAMS THAT HAVE ALLOWED CANNABIS CULTIVATION FOR MANY YEARS, HAVE FOUND IT TO BE SO EXTREMELY PROBLEMATIC WITH DEVASTATING IMPACTS ON THEIR COMMUNITES THAT THEY ARE NOW REVISING THEIR PROGRAMS.

BECAUSE OF THIS, CULTIVATION SHOULD BE REMOVED FROM ANY OF THE ALTERNATIVES UNTIL FURTHER UP TO DATE ANALYSIS, RELIABLE STUDIES AND INFORMATION CAN BE OBTAINED.

RATIONALE FOR ALTERNATIVE 4

Chapter 4 4.2.1

ATTAINMENT OF PROJECT OBJECTIVES

Alternative # 4 would develop a cannabis program generally consistent with the project objectives However, more research and emphasis need to be directed toward developing the regulatory program that will assist in protecting public health, safety and welfare, and protecting resources including power and water. *****See comments in the Regulatory Code Amendment

This program needs to be flexible and be able to adapt to new technologies and changing community needs. (Adaptive regulations)

ENVIRONMENTAL IMPACTS OF THE CANNABIS PROGRAM

A70 and A72 Agriculture Zones as well as other C and M Zones, are interspersed and are often adjacent to residential areas in the unincorporated areas. Buffer distances as currently listed in all the Alternatives would provide little, if any real protection for residents in terms of odor, traffic, pollution run-off, fire hazards and other adverse effects from Cultivation in these zones.

More up to date studies indicate that cannabis farming, particularly outdoor cultivation does have adverse effects on other crops.

Cannabis cultivation and other cannabis businesses are different in nature than other agricultural products that are farmed and used by consumers. Cannabis Cultivation in particular has more negative environmental impacts than most other agriculture. As such, they should have more stringent regulations and inspections. Additionally, under federal law, cannabis is not legal.

Response O3-3
The comment states that studies indicate that cannabis farming, particularly outdoor cultivation, has adverse effects on other crops. However, no data or technical analysis is provided to support this statement.

As described in Draft PEIR Section 2.3, "Agricultural and Forest Resources," because cannabis cultivation would be considered an agricultural use, which may be enrolled in a land conservation program, the Cannabis Program would be consistent with General Plan Policy COS-6.2. Additionally, the Cannabis Program noncultivation cannabis uses allowed in agricultural zones (A70 and A72) and are limited to nonvolatile manufacturing, distribution, and non-storefront retail associated with a microbusiness. These uses are considered supportive agricultural activities similar to packing and processing uses allowed in these zones as provided in Sections 2702 and 2722 of the Zoning Ordinance and are not considered development that results in the conversion of agricultural resources or conflicts with existing agricultural operations (pages 2.3-13 to 2.3-14 of the Draft PEIR). These noncultivation uses would also be consistent with General Plan Policy COS-6.2. For these reasons, the proposed Cannabis Program would not result in the loss of agricultural lands or result in conflicts with agricultural uses under any of the alternatives evaluated.

Consistent with CEQA requirements, Sections 2.2 through 2.19 of the Draft PEIR present a discussion of the existing conditions; regulatory framework; environmental impacts associated with implementation of the Cannabis Program under Alternatives 1 through 5, which are evaluated at an equal level of detail (as described in Chapter 1, "Project Description, Location, and Environmental Setting"); mitigation measures to reduce the level of impact; and residual level of significance (i.e., after application of mitigation, including impacts that would remain significant and unavoidable after application of all feasible mitigation measures). No specific comments on the Draft PEIR are provided for which further response can be provided.

The comment indicates support for Alternative 4. The commenter's preference for Alternative 4 has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Comment O3-4
How is crop residue disposed of to prevent contamination from pesticides and other chemicals?

https://www.swansea.ac.uk/media/Environmental-Impacts-of-the-Legalization-of-Cannabis-in-California.pdf

Response O3-4
Proposed commercial cannabis operations would generate solid waste from cannabis plant and product waste, as well as non-cannabis waste (e.g., vegetation clearing and other related solid waste). As described in Section 2.18.2, "Regulatory Framework," CCR, Title 4, Section 17223 requires cultivation facilities to have a cannabis waste management plan that identifies methods for managing cannabis waste, including on-premises composting, collection and processing by an agency, or self-hauling to a permitted facility. Transportation of self-hauled cannabis waste

shall be performed only by the licensee or employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, into the state's track-and-trace system. CCR, Title 4, Division 19, Section 15049 requires that all disposed cannabis is entered into the track-and-trace system for disposal purposes. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Please refer to Issue 3 in Section 2.18, "Utilities and Service Systems," for additional information related to cannabis waste management.

Comment O3-5
DEVELOPMENTAL IMPACTS

Related to development area, operational demand or resources, earth moving, etc. (top page 4-4)

Alternative #4 impacts would be less than the Programs (as stated in the DIER)

Response O3-5
The comment addresses the impacts of Alternative 4, but does not provide any specific point for which further response can be provided. Draft PEIR Table 1.4 does identify that Alternative 4 would have a reduced activity footprint (738 acres) as compared to Alternatives 2, 3, and 5 (1,032 acres).

Comment O3-6
PUBLIC SERVICES

The conclusions in the DEIR appear to be inconsistent with studies and information that are just now coming to light based on other areas with Cannabis Programs. More up to date studies need to be conducted.

The unincorporated areas have a total population of over 500,000 residents. While none of the alternatives might require additional law enforcement facilities, hiring only 2 additional code compliance officers would not serve the public in dealing with hundreds of potential complaints that could be generated for theft, noise, odor and other health and safety concerns caused by this program.

For reference, Santa Barbara County's total population is under 500,000, with their unincorporated population area being approximately 150,000. This is important to know because 4,000 odor complaints were filed in Santa Barbara County's unincorporated areas. None of these complaints were ever resolved. (Santa Barbara County Code Enforcement)

More impaired drivers could cause more accidents and put greater demands on our fire and paramedic first responders. California is the most dangerous state for freeway driving. One of

the deadliest freeways is the I-15. There are no known tests to determine a person's impairment.

Consumer Affairs Website- Deadliest Roads
https://www.consumeraffairs.com/automotive/deadliest-roads-in-california.html

Studies now show that hospital ER visits have increased with the increase in cannabis use as well, especially in older adults.
https://pubmed.ncbi.nlm.nih.gov/36622838/#:~:text=Conclusion%3A%20Cannabis%2Drelated%20ED%20visits,m edical%20care%20for%20older%20adults

This program could severely strain already understaffed law enforcement.

Enclosed cultivation would be required in Alternative #4. This would help prevent crime associated with outdoor grows. This is evidenced by crimes already faced by current citrus, avocado and other outdoor groves.

Response O3-6
As discussed in Section 2.15 of the Draft PEIR, "Public Services," and according to Appendix G of the State CEQA Guidelines, the proposed Cannabis Program would have a significant impact if it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, and other performance objectives for police protection services. As described in Section 2.15 of the Draft PEIR, "Public Services," under Issue 2, expanded or new cannabis facilities would be required to comply with state and local regulations and standards related to security and site access, which would minimize impacts related to police protection services. While the comment provides general opinions of the workload that may be faced by County Code Compliance or other law enforcement agencies, the comment provides no evidence to suggest that new or physically altered government facilities would be necessary due to implementation of any of the program alternatives.

The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," regarding enforcement measures and security measures. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

Comment O3-7
The DEIR states that because Cannabis would be considered an agricultural use, it would not have an impact on agricultural resources. (Chapter 4, bottom page 4-4) While Cannabis may not have an impact of agricultural resources, the strong and pungent odor from Outdoor Cannabis cultivation appears to have a more significant negative effect on other crops, especially vineyards that are close by. For example, it has recently been observed that the odor from cannabis can be so strong that it can permeate the skin of the grapes being grown close by and alter their flavor.

If food crops are replaced by cannabis for financial incentives, it could affect our local production and availability of food crops further driving up food costs.

Response O3-7
The reader is referred to the response to Comment O3-3. The comment states that cannabis odors could have negative effects on other crops. This is often referred to as “taint,” where the smell or taste of one agricultural product affects the smell or taste of another agricultural product. The commenter does not provide data or technical analysis to support this statemen. Cannabis contains terpenes, the chemical compounds associated with scent and flavor. A recent study evaluated the potential of hemp terpenes to taint wine grapes planted in close proximity to a hemp field. Wine grapes samples were collected from the vineyard over a five-week period when both the hemp plants and wine grapes were nearing harvest. Overall, the study indicated that hemp plants contained high levels of terpenes; however, using a headspace gas-chromatography/mass spectrometry analysis, there were no detectable levels of hemp terpenes on the wine grapes or the resultant wine made from the vineyard in the study (Sellu 2020).

Comment O3-8
4.4.1 AESTHETICS, ISSUE 2

The impact would be significant and unavoidable in Alternative 2 (The Program) Impact would be LESS in Alternative 4

Response O3-8
The comment correctly identifies the comparative severity of impacts related to aesthetics, as identified in Chapter 4 of the Draft PEIR, “Alternatives.” Because no comments on the adequacy of the Draft PEIR were provided, no further response is provided.

Comment O3-9
4.4.2 AIR QUALITY, ISSUE 3

The impact would be significant and unavoidable in Alternative 2 because outdoor cultivation would require outdoor spraying of pesticides and other chemicals.

Impact would be LESS in Alternative # 4 because all spraying would be indoors.

Alternative # 4 would result in the LEAST emissions of odors from pesticides (overspray), chemicals and cannabis plants, adversely affecting substantial number of people.

Other municipalities that allow outdoor grows have suffered significant environmental impact due to odors. For example, children in Santa Barbara County at times have been unable to play outdoors at recess due to odors.

https://enewspaper.latimes.com/infinity/article_share.aspx?guid=5de42829-8623-4ff9-88af-35f90aa5bb97

Additionally, Alternative 4, with the 1000 ft buffer, also helps ensure that the concentration of cultivation sites in any given area is minimized. Although not mentioned in the impact analysis, this helps to ensure issues like increased VOCs from concentration of cultivation sites, or impact from increased use of Nitrogen fertilizers impacting air quality are minimized compared to Alternative 2.

Response O3-9
The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding odors from cannabis cultivation. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

The comment states that the use of nitrogen fertilizers would impact air quality, but provides no data or technical analysis to support this statement. As identified in Section 2.4, “Air Quality,” no significant construction or operational air quality emission impacts are expected to occur under any of the alternatives. As described in Section 2.11, “Hydrology and Water Quality,” a nitrogen management plan is required for commercial cannabis cultivation sites SWRCB Order WQ 2023-0102-DWQ.

Comment O3-10
4.4.3 HYDROLOGY AND WATER QUALITY, Issue 2 Substantial Decrease in Groundwater Supplies or Interfere Substantially with Groundwater Recharge

The impact would be significant and unavoidable in Alternative 2 (The Program)

Impact would be LESS in Alternative # 4

4.4.6 UTILITIES AND SERVICE SYSTEMS ISSUE 1: ADEQUATE WATER SUPPLIES

The impact would be significant and unavoidable in Alternative 2 (The Program)

4.4.6.3 Impact would be LESS in Alternative # 4

4. 5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 4 is the environmentally superior alternative as stated in the DEIR TABLE 4.1 (pp 4-13-4-14)

Summary of the Environmental Effects of Alternative 4 Relative to Those of the Proposed project

Alternative 2 (The Program) 6- Significant

8-Less than significant

3- Less than significant with mitigation

Alternative 4- ENVIRORNMENTALLY SUPERIOR

12- Less than Significant 5- Similar to Alternative 2

Alternative 3

16- Similar to Alternative 2/ Program 1- Less

Alternative 5

16- Similar to Alternative 2/Program 1- Less

Response O3-10
The comment indicates that some environmental effects would be less under Alternative 4 than under Alternative 2. The commenter's preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O3-11
COMMENTS ON THE DRAFT REGULATORY CODE AMENDMENT

21.2504 MAXIMUM NUMBER & TYPE OF AUTHORIZED CANNABIS BUSINESSES

Limits on total number of dispensaries in each community

The regulatory program/zoning needs to establish limits on the total number of dispensaries/lounges in each community. It is recommended that this be based on the population of each unincorporated community. For example, 1 per 20,000 residents.

Location of Cultivation in A70 & A72

Additionally, the regulatory program/zoning needs to establish not only the location of grows within the A70 and A72 Zones but establish a limit on the total number of grows allowed in each unincorporated Community.

Cultivation adjacent to residential areas has the potential to destroy a town's residential areas, neighborhoods and rural way of life.

A remediation program should be required as part of licensing and permitting for Cannabis Cultivation. This program would ensure that when cannabis cultivation operations on a property cease, the property is cleared of any trash, pesticides and remaining buildings, and are not left in disrepair. See more under 21.2510 APPLICATION SUBMITTAL REQUIREMENTS

Limits on Cultivation

There should be a limit on the total number of acres for cultivation in each community and in the total unincorporated areas.

Setbacks

Setbacks should be a minimum of 1,000 ft from sensitive areas which should include residences, schools, daycare, churches, parks, and any areas or businesses that cater to families and especially children.

d) Limits on the maximum number of retail storefront uses in any one of the planning areas or unincorporated communities are essential so that one community doesn't take the brunt of these retail dispensaries and consumption lounges and the associated traffic, law enforcement needs and other environmental impacts.

e) There must be limits on the maximum total number of non-storefront retail cannabis businesses. Without these limits the consequences could be devastating to entire communities and their residents and businesses, especially those that are adjacent to or near cannabis cultivation and other non-retail cannabis businesses. Example: A70 and A72 Zoning is interspersed throughout residential zones in the unincorporated areas. With no limits, this could cause irreparable harm to the health and safety of children, adults and animals with odors, traffic, lights, noise, pollution and crime and other environmental impacts. Residents could conceivably no longer be able to enjoy the peace and tranquility of their rural lifestyle due to these environmental impacts.

f) Modification of the maximum number of Cannabis Business licensed should never be increased.

21.2508 BUILDING PERMITS AND INSPECTIONS

Must be subject to Design Standards where there is a B Designator.

21.2510 APPLICATION SUBMITTAL REQUIREMENTS

(3) SECURITY

b) Light plan

Must comply with the Community's lighting regulations

(5) Neighborhood Compatibility Plan

How would this function? Who with knowledge of the neighborhood will review? Will neighbors have input?

Any Cultivation/grows on A70 and A72 should have 24-hour on-site security.

(6) Odor Mitigation Plan

How will this be enforced? Will APCD be involved? Neighbors or community members should be involved in a quarterly review. These should be publicly posted ahead of time and the results published after.

(E) How will the Director or their designee determine if the Cannabis business is following procedures established by the licensee? Quarterly, unannounced inspections should be required. How will access to locked properties be handled?

Additionally, a remediation program which includes a “remediation” bond should be required as part of licensing and permitting for Cannabis Cultivation. This program would ensure that when cannabis cultivation operations on a property cease, the property is cleared of any trash, pesticide and remaining buildings, and is not left in disrepair. Once cultivation has ceased, all grow houses and associated materials (lights, fans, irrigation, pots, tables, trash, PVC piping, landscape fabric, tarps, etc.) must be disassembled and stored out of sight or properly disposed of within 90 days of operations ending. A post-inspection would determine compliance.

THE WALL STREET JOURNAL

https://www.wsj.com/us-news/marijuana-weed-economy-colorado-pueblo-a8b89091?mod=Searchresults_pos1&page=1

21.2520 SUSPENSION OR REVOCATION OF CANNABIS BUSINESS LICENSE

(b) What is considered a major violation?

21.2525 GENERAL OPERATING REQUIREMENTS

(d) This contradicts the County’s Live Well Program “Smoke is Smoke” and no smoking ordinances. Secondhand Cannabis smoke contains cancer causing chemicals and some at higher amounts than tobacco.

https://www.cdc.gov/cannabis/health-effects/secondhand-smoke.html

https://www.uclahealth.org/news/article/secondhand-marijuana-smoke-what-are-the-risks-to-your-health

https://no-smoke.org/secondhand-marijuana-smoke-fact-sheet/

(j) This is not realistic. How will businesses be responsible for safely controlling loitering without having to call already understaffed Law Enforcement if the loiterers do not comply?

(m) Signage and notices

Must comply with Design Standards

(o) Odor Control-

Code compliance should be available 24 hours a day to investigate odor complaints in real time. Unannounced inspections should take place quarterly or more often if there have been any complaints.

In other municipalities with Cannabis Programs, this has been shown to be nearly impossible to control. Please see previous information under Air Quality.

www.coastalview.com/news/county-planners-support-tough-odor-controls-for-all-cannabis-greenhouses/article

https://www.independent.com/2025/03/06/landmark-ruling-certifies-a-class-action-against-valley-crest-for- nuisance-odor-in-carpinteria-valley/

https://www.independent.com/2025/01/15/the-coming-crackdown-on-greenhouse-cannabis/

https://www.independent.com/2025/03/12/public-invited-to-community-forum-on-cannabis-odor-in-carpinteria/

21.2527 RETAIL HOURS

Closing time of 8:00 pm is a more reasonable time. In rural communities, there are very few businesses that stay open late into the night. Having an earlier closing time could help prevent crime. Additionally, our roads are dark and often windy. Impaired drivers would make them even more dangerous than they already are.

21.2528 CONSUMPTION LOUNGES

(f) What measures will be used to determine if a patron is impaired?

Many of the rural unincorporated communities do not have ride share services for consumers who are impaired after consuming cannabis products. Consumption Lounges should be prohibited in areas that do not have or have limited ride share services such are Uber of Lift. Consumption lounges should close at 8:00pm.

Are Consumption lounges liable for impaired patrons? Will there be training for bud tenders?

Impaired drivers

https://aaafoundation.org/development-and-validation-of-messaging-to-deter-cannabis-impaired-driving/

Consumer Affairs Website- Deadliest Roads
https://www.consumeraffairs.com/automotive/deadliest-roads-in-california.html

Consumption Lounges should be prohibited from selling or allowing sampling of any injectable cannabis products. https://www.sfgate.com/cannabis/article/california-injectable-cbd-gets-fda-warning-

20219801.php?utm_campaign=CMS%20Sharing%20Tools%20(Premium)&utm_source=share-by- email&utm_medium=email

c.xii What will be the maximum occupant load for the designated cannabis smoking room?

21.2529- 2533 WHEN WILL THESE SECTIONS BE AVAILABLE FOR COMMENTS? Also missing section for

Processing

21.2534 TEMPORARY CANNABIS EVENTS

The number of Temporary Cannabis Events should be limited to a total for all licensees to 6 times per year. This would prevent the possibility of temporary events being held by many different licensees on so many dates throughout the year that local businesses and residents could be unduly disrupted by crowds, traffic, noise, odors and other negative factors.

Neighbors or businesses within a 1,000 ft radius should be notified when the permits are applied for, prior to the event so that they can comment during the approval process.

Because of the rural nature of the unincorporated areas, sound, noise, lights and other environmental impacts carry quite a distance more than in an urban area. Because of this, large outdoor events should end at dusk.

The maximum number of attendees should be limited to a reasonable number. Will the licensees be required to have special event training for their staff?

How would the odor and other effects of large amounts of secondhand cannabis smoke be mitigated for surrounding neighbors and businesses?

Outdoor smoking contradicts the smoking-room requirements of The Program.

There will be significant negative impacts to the roads that were not designed to handle large increases in traffic associated with temporary events. Traffic control plans, law enforcement, noise and other requirements/regulations are needed.

Temporary Events should not be allowed in communities that do not have sufficient ride share services.

In addition to the regulations for Temporary Cannabis Events that are listed, these events should also be subject to all the other regulations that are required for other temporary community events.

No Temporary Events should be allowed on rural roads that do not have multiple routes of egress for emergencies similar to any MUP requirements as defined by Fire Code.

21.2537 INSPECTIONS

Inspections should be unannounced and quarterly. There should never be any reduced inspections.

COMPLAINTS

Hiring 2 extra Code Compliance Officers will be insufficient. Currently Code Compliance is understaffed and cannot efficiently and effectively handle the complaints they already receive.

Subsequent iterations of the regulatory codes should include weighted comments from PGs/SGs and the Public who live in the unincorporated areas.

Changes to the current noise regulations and ordinance may need to be revised for this program. While noise levels from Cannabis cultivation may not exceed the maximum decibels, they can still be annoying and disruptive to the peace and tranquility of residents who live adjacent to grows.

The industry oversight committee should also include representatives from PGs/SGs.

COMMENTS ON THE DRAFT ZONING ORDINANCE AMENDMENTS

General

Terminology of Administrative Permit and Discretionary Administrative Permit needs to be consistent such that the Discretionary Administrative Permit is not confused with a Ministerial Administrative Permit

6129

The number of Temporary Cannabis Events should be limited to a total for all licensees to 6 times per year. This would prevent the possibility of temporary events being held by many different licensees on so many dates throughout the year that local businesses and residents could be unduly disrupted by crowds, traffic, noise, odors and other negative factors.

Event facilities with Major Use Permits should be included in the total limit of 6 times a year for Cannabis events.

6861 NON-CONFORMING

f) Exemptions

Just like any other business, exterior building modifications or additions should not be exempt from any Design Standards if subject to B Designator.

6995 Cannabis Facilities

f) Performance Standards

Missing line item which reiterates the Performance Standard of section 1.6.1.4 stating no generators shall be used except for emergency situations

g) Activity Specific Standards 2i & 2ii)

Cultivation setbacks between adjacent parcels based on residence versus vacant parcel lend itself to significant issues for both licensee and neighbor if owner of vacant parcel decides to develop adjacent vacant parcel.

Licensee would be required to remove crops to adjust for change of 100ft setback to 300ft setback. This could prove to be a significant amount of crops if for example properties abut by a 1000ft boundary which is not uncommon in rural setting and 20 acre lots. This would translate to about 2 acres of crop that would need be removed to comply with setback change. In addition, there will be high likelihood of dealing with enforcement by code enforcement and litigation surrounding such events. To avoid these potential issues, it is recommended that all setbacks, independent of adjacent parcel being vacant or developed be set at 300 ft.

2vi.) Given all cannabis processing must be performed in an enclosed structure, also implies that now odor mitigation must be managed and a new license with APCD acquired to monitor and enforce such odor mitigation efforts.

Response O3-11
The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” regarding potential refinement of the proposed Cannabis Program; Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis,” regarding environmental impact evaluation of the implementation of the proposed Cannabis Program; Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding the Draft PEIR cannabis odor impact analysis; and Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” regarding various state regulations and proposed regulations in the Cannabis Program to address compliance issues.

Comment O3-12
SUMMARY

While our recommendation is Alternative 4, we conclude that the DEIR fails to adequately address topics which have been discussed in the DEIR and Regulatory comments. In particular:

1. The effects and impacts to our rural roads and infrastructure.

2. The negative effects from impaired drivers who have visited cannabis lounges and temporary events.

3. The negative environmental effects of cannabis cultivation on utilities, rural aesthetics and surrounding residents and businesses.

4. The negative impacts of outdoor temporary events.

5. The negative environmental effects of cannabis cultivation odors.

6. Negative effects on other crops.

7. Negative effects on law enforcement, first responders and public services.

We recommend that the EIR be revised to include a more thorough and up to date analysis of these topics and their negative environmental impacts on our unincorporated communities.

OTHER REFERENCES

FEDERAL LAW

Federal law (21 USC § 860) is clear: no alcohol, drugs of ANY kind are to be sold, grown, manufactured, or processed within 1000 feet of a school facility or club.

All setbacks/buffers should be a minimum of 1,000 ft for the protection of residences and businesses.

ILLEGAL CANNABIS OPERATIONS

The idea that legal cannabis businesses will help prevent illegal cannabis business appears to be flawed. https://www.wsj.com/us-news/marijuana-weed-economy-colorado-pueblo-a8b89091?mod=Searchresults_pos1&page=1

According to NBC News 2022, 70-80% of MJ sold in state-LEGAL dispensaries in Calif was produced and grown ILLEGALLY (SOURCE: https://learnaboutsam.org/wp-content/uploads/2023/04/2023-Report.pdf)

Siskiyou County Sheriff, “We have definitive proof of illegal, toxic pot going to a Los Angeles ``dispensary". https://www.ganjingworld.com/video/1g8ntrcvb523T6Ky2i0Ptv06e1oi1c

CARTELS & HUMAN TRAFFICING

https://www.latimes.com/california/story/2023-05-05/california-weed-regulators-confront-human- trafficking?utm_id=96600&sfmc_id=2400471

ECONOMIC VIABILITY- MAY COST MORE TO REGULATE THAN TAX REVENUE

https://pasoroblesdailynews.com/grand-jury-finds-legal-cannabis-has-not-been-economically-viable-for-slo- county/193704/

PESTICIDES

https://www.latimes.com/california/story/2024-12-19/california-weed-cleanup

GRAND JURY INDICTS 51 IN EAST VILLAGE OPEN AIR DRUG MARKET CRACKDOWN LOCAL – fox 5 kusi – April 25, 2024

https://fox5sandiego.com/news/local-news/grand-jury-indicts-51-in-east-village-open-air-drug-market- crackdown/

Journal of CannabisResearch. A narrative review on environmental impacts of cannabis cultivation https://jcannabisresearch.biomedcentral.com/articles/10.1186/s42238-021-00090-0#:~:text=2013).,in%20state%20or%20federal%20agencies

Response O3-12
The comment provides a summary of the comment letter, concluding with a general opinion that several topics were not adequately addressed in the Draft PEIR and a list of references. The reader is referred to the responses to Comments O3-1 through O3-11 as well as Draft PEIR Sections 2.2, "Aesthetics"; 2.3, "Agricultural and Forest Resources"; Section 2.13, "Noise"; 2.15, "Public Services"; 2.16, "Transportation"; and 2.18, "Utilities and Service Systems," which provide technical analyses of the items listed in the comment.

Letter O4 Bonsall Community Sponsor Group

Larissa Anderson, Interim Chair; Michael Collier, Member; Jared Rowley, Member; Steven B. Norris, Member; Jennifer Haider, Member; Meghan Van Leeuwen, Member
March 20, 2025

Comment O4-1
Reference: Curtis v. Valley Crest Farms, LLC, Santa Barbara County Superior Court, Case No. 21 CV04272, class-action lawsuit, certified in March 2025.

Dear Members of the San Diego County Planning Commission, The Bonsall Community Sponsor Group (BCSG) respectfully submits the following public comments regarding the Socially Equitable Cannabis Program (SECP) and the accompanying Environmental Impact Report (EIR) currently open for public review. The BCSG has significant concerns regarding various aspects of the SECP and its potential impacts on our community, public safety, the environment, and the broader County of San Diego.

Response O4-1
This comment is noted. This comment is introductory in nature and does not address the adequacy of the Draft PEIR. Therefore, no further response is required.

Comment O4-2
Comment 1: Concerns Regarding the Inclusion of Diversity, Equity, and Inclusion (DEI) Elements

The SECP incorporates aspects of Diversity, Equity, and Inclusion (DEI) within its framework. However, it is important to note that DEI principles are no longer permissible under federal policy due to recent executive orders, which have deemed such provisions discriminatory. The County must carefully evaluate the potential consequences of including DEI principles in the SECP, particularly considering the risks of future legal challenges.

Moreover, the inclusion of DEI provisions may create complications in funding aspects of the SECP. Under the current federal administration, any program that incorporates DEI may be ineligible for certain federal grants or funding, which could significantly affect the program's future sustainability and oversight.

While DEI principles are important in many social programs, their incorporation into the SECP may expose the County to costly lawsuits, particularly if they result in discrimination claims under federal guidelines. The County should address these potential legal liabilities and evaluate the costs of defending potential lawsuits, which could strain taxpayer resources.

Response O4-2
The purpose of the PEIR is addressed in Section 1.7 of the Draft PEIR, "Purpose and Use of this Program Environmental Impact Report." As discussed in the third paragraph on page 1-20 of the Draft PEIR, the basic purposes of CEQA are to inform government decision makers about potential environmental impacts of projects, identify ways the impacts can be reduced or avoided, prevent significant unavoidable environmental damage through alternatives and mitigation, and disclose to the public the reason that decision makers approved a project that may result in environmental impacts, and disclose what those potential impacts may be. CEQA requires the preparation of an EIR for projects that require a discretionary action by government decision makers and that may result in a significant environmental impact. Consideration of potential legal liability and the costs of defending potential lawsuits are not subject to review under CEQA. No changes to the document are necessary.

Comment O4-3
Comment 2: Concerns About Cannabis Grow Operations on Agricultural Land

The SECP proposes permitting cannabis grow operations on agricultural-zoned land within the County, raising several significant concerns related to public safety, environmental degradation, and the wellbeing of nearby communities. Currently, the program involves minimal county review of these grow operations, which may increase the risk of theft and other criminal activity.

The EIR should provide a detailed analysis of the environmental impacts associated with cannabis grow operations, including the safety risks posed by these operations, such as theft, trespassing, and other unlawful activities. Additionally, the SECP does not adequately address the environmental impacts of cannabis cultivation, such as water usage, pesticide application, and resource concerns. The EIR must ensure that cannabis cultivation complies with environmental protection standards to avoid harm to local ecosystems.

Response O4-3
The Draft PEIR contains an analysis of the overall environmental effects of future development in the unincorporated area that would be allowed under the proposed Cannabis Program.

The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," regarding enforcement measures and security measures. Water usage is addressed in Section 2.18, "Utilities and Service Systems," under Issue 1. Pesticide application is addressed in Section 2.10, "Hazards and Hazardous Materials," under Issue 1. Other potential effects on resources are addressed throughout the Draft PEIR. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or

biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Comment O4-4
Furthermore, the strong odors produced by cannabis grow operations have been a source of significant concern. The **Curtis v. Valley Crest Farms** class-action lawsuit is a pertinent example, where residents argued that persistent "sewer-like" odors from a cannabis greenhouse operation disrupted their quality of life. The Santa Barbara County Superior Court's decision to certify this lawsuit demonstrates the potential for similar legal and environmental challenges in San Diego County. The EIR must evaluate how these odors could affect surrounding properties, potentially reducing property values and affecting public health.

Response O4-4
As of June 2025, the case of *Curtis v. Valley Crest Farms* is ongoing. A judge recently certified a class action related to cannabis odor from the site for homes within a 1-mile radius of Valley Crest Farms, a cannabis greenhouse operation in the Carpinteria Valley, in which residents in those homes can collectively seek damages for the pervasive smell of cannabis invading their properties. Although odor is considered to cause an environmental effect, issues pertaining to property values are economic and social issues that are not environmental in nature.

The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding the Draft PEIR cannabis odor impact analysis associated with cannabis cultivation would be considered a significant and unavoidable impact. This ruling does not affect the content or conclusions presented in the Draft PEIR, and no changes to the document are required.

Comment O4-5
Comment 3: Concerns About Future Litigation and Costs

The BCSG believes that the SECP, as currently framed, is likely to face significant legal challenges. The inclusion of DEI principles, the permitting of cannabis grow operations on agricultural land, and the potential for environmental harm could result in costly litigation for the County. While the EIR focuses on environmental impacts, the County should also recognize the indirect costs associated with legal challenges.

The EIR should assess the potential financial impacts of litigation arising from the SECP, including the costs of defending lawsuits and possible settlements or damages. These legal risks should be fully considered as part of the overall program costs, which may ultimately affect San Diego County taxpayers.

Response O4-5
The reader is referred to the response to Comment O4-2.

Comment O4-6
Comment 4: Impact of Cannabis Grow Operations on Surrounding Properties

The persistent odor associated with cannabis grow operations is a critical issue that needs to be addressed in the EIR. The **Curtis v. Valley Crest Farms** lawsuit exemplifies how odors

from cannabis cultivation can negatively impact surrounding properties, causing diminished property values and a decreased quality of life for nearby residents.

The EIR should evaluate the potential for similar odor issues in San Diego County and assess how cannabis grow operations in agricultural zones could affect surrounding properties. The County should not only consider the environmental impact but also the economic and social consequences of these operations, including potential legal action and the long-term effects on local property markets.

Response O4-6
The reader is referred to the response to Comment O4-4. State CEQA Guidelines Section 15131 states that the economic and social effects of a project shall not be treated as significant effects on the environment.

Comment O4-7
Conclusion and Final Recommendation

In conclusion, the Bonsall Community Sponsor Group strongly urges the County to reconsider several aspects of the SECP, particularly those related to the inclusion of DEI principles, the permitting of cannabis grow operations outdoors on agricultural land, the long-term costs of potential litigation and the impact on law enforcement. Given the concerns outlined in this letter, and as voted by the BSG (6 -0) on our March 18, 2025 special meeting, we respectfully unanimously recommend that the County support **Alternative 1: The No Project Alternative**.

The No Project Alternative provides a prudent course of action that avoids the potential legal, financial, and environmental risks associated with implementing the SECP as proposed. By choosing this alternative, the County would maintain the status quo, which has allowed the existing regulatory framework to function without introducing the risks of litigation and the challenges associated with cannabis cultivation on agricultural lands.

Comment on the BCSG Vote and the Importance of Addressing the "Project" as Described in the EIR

The Bonsall Community Sponsor Group's vote in favor of recommending the No Project Alternative is based on a comprehensive evaluation of the entire SECP as described in the EIR, including the new "Socially Equitable Elements" and other provisions of the program. The group carefully considered the potential environmental, social, and legal impacts of the project as presented in the EIR and provided comments based on these concerns.

The BCSG's concerns are grounded in the overall impacts of the SECP as currently proposed, rather than opposition to cannabis regulation itself. These considerations emphasize the importance of evaluating the full scope of the project, as described in the EIR, and addressing the potential risks that these provisions pose to the community.

We appreciate the opportunity to provide input on this important issue and look forward to the County's careful consideration of these concerns in the final SECP and EIR.

Response O4-7
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," regarding of the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter O5 Warner Springs Community Sponsor Group

Kathryn Fletcher, Chair
March 24, 2025

Comment O5-1
The Warner Springs Community Sponsor Group (WS CSG) met on March 20, 2025, to present, discuss, and seek input from the community on the Socially Equitable Cannabis Program Draft Environmental Impact Report. Upon consideration, our recommendation to the County is to pursue Alternative 4.

The primary concerns expressed at the meeting were:

Response O5-1
The commenter's preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," regarding of the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O5-2
1. Groundwater contamination (as our residents are all on wells): Anza residents have seen that cannabis grow facilities use large amounts of fertilizers, herbicides/pesticides and the like.

2. Surface water contamination: Ephemeral/seasonal creek contaminants can flow large distances. Wildlife (flora/fauna) will suffer.

Response O5-2
The potential to affect water quality is addressed in Section 2.11 of the Draft PEIR, "Hydrology and Water Quality," under Issue 1. The existing regulatory requirements that address surface and groundwater contamination are discussed, beginning in the last paragraph on page 2.11-39, as reproduced below:

> …SWRCB Order WQ 2023-0102-DWQ contains requirements for commercial cannabis cultivation. These requirements include plans that address site erosion and sediment control, disturbed areas stabilization, nitrogen management, implementation of best

practical treatment or control measures, site closure procedures, and monitoring and reporting requirements. In addition, the order contains requirements for land development maintenance, erosion control, drainage features, stream-crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. Cannabis cultivation operations that cover less than 2,000 square feet are conditionally exempt, are required to obtain coverage under the waiver, and are still subject to standards in SWRCB Order WQ 2023-0102-DWQ. These requirements include implementation of the best practical treatment or control measures provided in Attachment A of SWRCB Order WQ 2023-0102-DWQ, which address:

- riparian and wetland protection and management;
- water diversion, storage, and use;
- irrigation runoff;
- land development and maintenance, erosion control, and drainage features;
- soil disposal;
- stream crossing installation and maintenance;
- fertilizer and soil use and storage;
- pesticide and herbicide application and storage;
- petroleum products and other chemical use and storage;
- cultivation-related waste disposal (including cannabis wastewater);
- refuse and human waste disposal; and
- winterization.

These required best practical treatment or control measures contain specific procedures, associated with the topics listed above, to prevent direct discharge of waste to surface waters and stormwater mobilization of constituents of concern (e.g., nitrogen, pathogens, phosphorus, salinity, and turbidity) to waters of the state, which includes groundwater and surface waterbodies.

The comment does not provide any evidence that surface or groundwater contamination may occur with implementation of these requirements. No further response can be provided.

Comment O5-3

3. Air quality: Burning and burying wastes have occurred in many of the grows that exist(illegally) in our area. Also, the odor of the mature plants gives many people headaches and nausea.

Response O5-3

The Draft PEIR addresses legal cannabis cultivation. Transportation of self-hauled cannabis waste must be performed by only the licensee or the employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, into the state's track-and-trace system. CCR, Title 4, Division 19, Section 15049 requires that all disposed cannabis is entered

into the track-and-trace system for disposal purposes. Cannabis is not allowed to be burned as part of its disposal. For further discussion regarding waste management, please see Issue 3 in Section 2.18 of the Draft PEIR, "Utilities and Service Systems." This comment does not address any specific issue for which further response can be provided.

Comment O5-4

4. Traffic: As with any large-scale agricultural endeavor, large truck traffic causes unsafe road conditions and erosion of dirt roads that access adjacent residents, at times making them impassable.

Response O5-4

The comment provides general comments regarding truck movement along roadways associated with agricultural uses. Transportation is assessed in Section 2.16 of the Draft PEIR, "Transportation." Traffic safety is addressed under "Issue 3: Substantially Increase Hazards due to a Design Feature." As discussed in the last paragraph on page 2.11-39 of the Draft PEIR, SWRCB Order WQ 2023-0102-DWQ contains requirements for land development maintenance, erosion control, drainage features, stream-crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. No specific comments on the PEIR are provided for which further response can be provided.

Comment O5-5

5. Lights: In Warner Springs, a candidate for dark-sky region recognition and within the restricted lighting zone for Palomar Observatory, night-lighting is a problem. Light-blocking materials must be used for greenhouse construction.

Response O5-5

Please refer to Response O2-3. The potential for new sources of light to affect nighttime views and dark skies is addressed in Section 2.2.3.6, "Issue 3: Adversely Affect View due to New Light and Glare." As discussed in this section, cannabis cultivation facilities would be subject to the California Energy Commission's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and DCC regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purposes of minimizing light pollution in San Diego County and of protecting astronomical research at the Palomar and Mount Laguna Observatories from its detrimental effects. The Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses.

Comment O5-6

6. Noise: Increased noise due to general business access would present a problem to the backcountry community.

Response O5-6

The potential for long-term operation noise is addressed in Section 2.13, "Noise," under Issue 2. The potential effects of long-term noise are summarized on page 2.13-45 of the Draft PEIR, reproduced as follows.

2.13.7.2 Issue 2: Excessive Long-Term Stationary Noise Levels

Alternative 1 would have less-than-significant stationary noise impacts.

Implementation of Mitigation Measure M-N.2-1 would provide substantial reductions in operational noise associated with loading activities at cannabis distribution facilities by requiring a noise analysis and implementation of noise reduction measures for proposed facilities located within 30 feet of an adjacent land use. In addition, the Cannabis Program proposes amendments to the Zoning Ordinance (Section 6995(f)(3)) and the Regulatory Code (Section 21.2510(5)(A)) that would include noise standards to reduce excessive noise levels associated with cannabis facilities consistent with County General Plan policy and noise regulations. Therefore, permanent operational stationary noise levels associated with operation of Alternatives 2 through 5 would be less than significant with mitigation. In addition, the proposed Cannabis Program would not contribute to a significant cumulative impact.

No specific comments on the PEIR are provided for which further response can be provided.

Comment O5-7

7. Demographic changes: Dangerous elements of the population often frequent cannabis grow areas. A mass shooting occurred a few years ago at a grow operation in a neighboring community. Safety of hikers and horseback riders could be another problem if security for the grows are vigilante in nature.

Response O5-7

The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” regarding various state regulations and proposed regulations in the Cannabis Program to security issues.

Comment O5-8

8. Aesthetics: Large sites with greenhouses can overtake the scenery and cause backcountry areas to become industrialized. This has happened where nurseries such as Altman Plants near Escondido have changed the whole character of a valley and negatively impacted the quality of life and lowered property values there. 0.5 acres of greenhouses should be the limit with vegetative screening and air filters for odor reduction installed. The number of projects should be strictly limited in a particular valley or geographic region.

9. Residences should be considered as "sensitive" and an increased buffer of ¼ mile applied.

Response O5-8

Section 2.2 of the Draft EIR, “Aesthetics,” contains an evaluation of the programs effects on scenic vistas and scenic resources (Issue 1) and the potential to substantially degrade visual character and quality (Issue 2). As discussed on pages 2.2-13 through 2.2-22, cannabis facilities would resemble existing uses in agricultural, commercial, and industrial zones. Cannabis cultivation and microbusiness uses are assumed to have similar characteristics as existing agricultural and rural uses that currently occur in the unincorporated county, except for enclosed fencing around outdoor cultivation areas. Indoor cultivation and noncultivation uses would likely locate into existing industrial and retail buildings in the unincorporated area;

however, any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use to existing commercial and industrial buildings. Additionally, commercial cannabis facilities implemented under any of the alternatives would be subject to local regulations adopted for the purpose of preserving scenic views and protecting scenic resources within viewsheds of the unincorporated County. For these reason, impacts on scenic vistas and scenic resources would be less-than-significant.

With regard to degradation of visual character and quality (Issue 2 in Section 2.2 of the Draft EIR, "Aesthetics"), while compliance with regulations and regulatory processes involving aesthetics (e.g., site-specific review during the application process, setbacks, zoning ordinance and regulatory code requirements for site development) would reduce potential effects, because cannabis uses have distinctly recognizable visual characteristics as compared to other traditional forms of agriculture in the unincorporated county (e.g., security fencing and business signage) impacts were determined to be potentially significant. Mitigation Measure M-AE.2-1 would require applicants to site outdoor and mixed-light cultivation facilities outside of public views. However, site-specific conditions may not always allow project proponents to locate agricultural shade or crop structures away from public viewpoints. For example, there may be instances in which all developable sites on a property are within public view or the sites outside of public view contain sensitive resources, require extensive grading, or do not contain fertile soils or other suitable conditions for growing cannabis. Overall, the potential for aesthetics impacts to occur is conservatively identified as significant and unavoidable under Alternatives 2 through 5 because aesthetic impacts are subjective, and cannabis uses would continue to have distinctly recognizable visual characteristics compared to other traditional forms of agriculture in the county.

The potential effects on nighttime lighting are addressed in Issue 3 of Section 2.2 of the Draft PEIR, "Aesthetics."

Comment O5-9
10. All night-time commercial activity should be prohibited.

Response O5-9
The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," regarding potential refinement of the proposed Cannabis Program.

Comment O5-10
The above concerns should be addressed in the EIR. Only small operations that are manageable for the impacts above should be considered. Strict oversight by county personnel shall be maintained at every site. Each site must be evaluated individually for environmental impact due to the highly variable conditions present in our backcountry. Large-scale operations need to be considered industrial in nature and do not belong in the rural and remaining wild areas which comprise Warner Springs.

Response O5-10
Responses to each comment in this letter are provided above. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the

Socially Equitable Cannabis Program," regarding potential refinement of the proposed Cannabis Program and Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Letter O6 Lakeside Chamber of Commerce

Cassandra Usry, President & CEO
March 26, 2025

Comment O6-1
On behalf of the Lakeside Chamber of Commerce, I am writing to provide the following comments regarding the County of San Diego's Draft Environmental Impact Report (EIR) relating to the Socially Equitable Cannabis Program (Program). While we are neither opposed to the County developing a Cannabis Equity Policy, nor debating the merits of the use of cannabis, we have concerns that the safeguards that were to be researched by staff did not have adequate public outreach, and the adoption of piecemeal cannabis policy does not serve the best interests of residents in the unincorporated areas.

Response O6-1
The commenter's overall summary of concerns are noted. The reader is referred to the responses to the comments below.

Comment O6-2
On June 15, 2022, Supervisor Joel Anderson introduced a Board Letter that specifically requested three program design features be included within the Program EIR. These items include:

1. Expand the definition of "sensitive" uses to include the following (as defined by the General Plan and/or Zoning Ordinance that can also be further refined by staff):

    a. regional parks, local parks, trails, recreation facilities, and preserves (if preserve has visitor-serving amenities)

    b. places of worship (churches, temples, etc.)

    c. childcare centers

    d. public libraries operated by the County and/or other cities

    e. residential care facilities

    f. schools (including public, private, and charter)

    g. other cannabis facilities

2. Increase the setback of any cannabis facility from "sensitive" land uses from 600 feet to 1,000 feet (measured at the property line)

3. Expand existing County billboard regulations to prohibit advertising of cannabis on a billboard within 1,000 feet of a "sensitive" use

The Board unanimously approved this request.

We are concerned that the Proposed Project Alternative within the draft EIR does not include these recommendations. Rather, these recommendations are included in a separate alternative, despite clear direction that the intent of the Board was to support these specific recommendations as preferred characteristics of the Proposed Project to be evaluated in the draft EIR. In addition, the draft Zoning Ordinance amendments do not include the features unanimously approved by the Board.

We believe the Proposed Project Alternative and all associated documents, including zoning ordinance amendments, should have included these items at the express direction of the Board.

Response O6-2
As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. Alternatives 3, 4, and 5 would implement the Cannabis Program with incorporation of Measures 1, 2, and 3 from the June 15, 2022, Board direction (Draft PEIR page 1-19). The Board will provide further direction on which program elements, evaluated in the PEIR, will be considered for approval during future decision-making. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O6-3
Furthermore, we have serious concerns regarding the potential impacts related to cannabis cultivation and the potential for as many as 346 outdoor licenses. The draft EIR rightly concludes commercial cannabis operations would generate nuisance odors that would be significant and unavoidable. Outdoor cultivation in the unincorporated areas, such as Lakeside, are very concerning because agricultural zones are interspersed throughout our town with residential zones. Additionally, the significant and unavoidable impact these operations would have on our groundwater supplies and the availability of water would place an undue burden on the county's unincorporated populations versus those in incorporated jurisdictions. These negative impacts, correctly outlined as significant within the draft EIR, would hinder the enjoyment of the outdoors and our rural way of life.

Response O6-3
Consistent with this comment, the Draft PEIR indicates that approval of the Cannabis Program would result in significant and unavoidable impacts on odor and groundwater. As described in Section 2.4, “Air Quality,” under “Issue 3: Result in Emissions of Odors Adversely Affecting a Substantial Number of People,” odor emissions would be less than significant under

Alternatives 1 and 4 and significant and unavoidable under Alternatives 2, 3, and 5. Cannabis odors are further discussed under Section 9.1.1.1, “Master Response: Cannabis Odors.” Impacts associated with decreased groundwater supplies or interference with groundwater recharge are discussed in Section 2.11, “Hydrology and Water Quality,” under “Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge.” As discussed there, impacts on groundwater supplies or recharge would be less than significant under Alternative 1 and significant and unavoidable under Alternatives 2, 3, 4, and 5.

Comment O6-4
Based on the analysis presented and past actions of the Board, we believe staff should amend the draft EIR to have Alternative 4 serve as the preferred alternative, and the Board should include the prohibition of outdoor cultivation within any decision made.

Response O6-4
The commenter’s preference for Alternative 4 has been noted and will be reviewed by the Board during future decision-making activities.

Letter O7 Fallbrook Community Planning Group

March 27, 2025

Comment O7-1

Comments on the County of San Diego Socially Equitable Cannabis Program Draft EIR, Regulatory Amendments and Zoning Amendments.

Based on community input, we oppose this project and support
Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior
Alternative to the “No Project” as cited in the DEIR- Chapter 4.
Therefore, our DEIR comments are on Alternative 4.

There is substantial evidence throughout the DEIR that Alternative 4 is reasonable and feasible and accomplishes the basic objectives of the Social Equity Cannabis Program. Aside from Alternative 1, Alternative 4 is not only the most environmentally superior Alternative, it is also the least damaging to the unique, unincorporated rural lifestyle.

However, from more recent studies, facts and information obtained from municipalities that have had cannabis programs for a number of years, we conclude that the facts used to generate the entire DEIR were outdated and deficient and we question its accuracy.

It is very important to note that even though our second choice would be Alternative 4, there are still many questions and concerns regarding all of the project objectives and the environmental analysis of them. Of particular concern is Cannabis cultivation and temporary Cannabis events. Comments, questions and concerns are discussed further throughout this document.

Response O7-1
The commenter's preferences for the program alternatives have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR regarding the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O7-2
Alternative 2 "The Program" allows outdoor cultivation, Alternative 4 prohibits it. Data from other municipalities that have had cannabis programs for a number of years, which was not included in this DEIR, as well as new data that is just being discovered, shows that odors, pesticides, water, drainage and other factors from outdoor cultivation have had, and continue to have substantially negative environmental effects. These effects threaten the health and safety of residents, especially growing children. In addition, trends for cultivation licenses in regions like Riverside County show that outdoor cultivation licenses are minimal, thus no real impact to this Program in removing outdoor grows by selecting Alternative 4.

A70 and A72 agriculturally zoned lands where Cannabis cultivation will be allowed in Alternatives 2,3,4,5 are adjacent to residential zones where families live throughout unincorporated San Diego County. Residents who will be subjected to the Cannabis Program in these unincorporated areas should have a major weighted say in deciding whether or not indoor or outdoor cultivation will be allowed,

Response O7-2
The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process and Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," regarding potential refinement of the proposed Cannabis Program.

Comment O7-3
Objectives in "The Program", which are consistent with state requirements, appear to be based more on urban areas. Since this Program is in rural areas, these objectives, especially outdoor cultivation, setbacks and sensitive areas, should be adjusted to reflect the rural setting for this Program.

Response O7-3
The comment expresses concerns related to the objectives of the Program, but does not offer any examples of objectives. Under CEQA, project objectives are intended to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and decision makers in preparing findings or a statement of overriding considerations (CEQA Guidelines Section 15124[b]). The program objectives are listed in Section 1.2 of the Draft PEIR, "Project Objectives." The comment does not provide any examples of how the objectives could be adjusted to help inform decision-making and no further response can be provided.

Comment O7-4

COMMENTS ON ALTERNATIVE 4

Chapter 4
4.2.1 ATTAINMENT OF PROJECT OBJECTIVES

Alternative 4 would develop a Cannabis program generally consistent with the project objectives

However, more research and emphasis needs to be directed toward developing the regulatory program that will assist in protecting public health, safety and welfare, and protecting resources including power and water.
*****See comments in the Regulatory Code Amendment

This program needs to be flexible and be able to adapt to new technologies and changing community needs. (Adaptive regulations)

Response O7-4
The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process and Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," regarding potential refinement of the proposed Cannabis Program.

Comment O7-5
ENVIRONMENTAL IMPACTS OF THE CANNABIS PROGRAM

A70 and A72 Agriculture Zones as well as other C and M Zones in unincorporated San Diego County are interspersed and are often adjacent to residential areas. Buffer distances as currently listed in all the Alternatives would provide little, if any real protection for residents in terms of odor, traffic, pollution run-off, fire hazards and other adverse effects from Cultivation in these zones.

Response O7-5
The comment provides general opinions on how buffers may affect impacts related to odor, traffic, pollution run-off, fire hazards, and other adverse effects. Environmental impacts associated with cannabis operational odors, traffic, pollution runoff, and fire hazards are addressed in the Draft PEIR in Sections 3.2, "Air Quality;" 2.16, "Transportation;" 2.11, "Hydrology and Water Quality;" and 2.19, "Wildfire," respectively. No specific comments on the PEIR are provided; thus, no further response can be provided.

Comment O7-6
More up to date studies indicate that Cannabis cultivation, particularly outdoor cultivation does have adverse effects on other crops.

Cannabis cultivation and other Cannabis businesses are different in nature than other agricultural products that are farmed and used by consumers. Cannabis cultivation in particular has more negative environmental impacts than most other agriculture in terms of odor, water

usage, security requirements and chemical use. As such, they should have more stringent regulations and inspections.

Response O7-6
The comment states that cultivation of cannabis has adverse impacts on other crops, but provides no evidence or technical studies supporting this statement. As described in Draft PEIR Section 2.3, “Agricultural and Forest Resources,” the proposed Cannabis Program would not result in the loss of agricultural lands or result in conflicts with agricultural uses under any of the alternatives evaluated.

Consistent with CEQA requirements, Sections 2.2 through 2.19 of the Draft PEIR present a discussion of the existing conditions; regulatory framework; environmental impacts associated with implementation of the Cannabis Program under Alternatives 1 through 5, which are evaluated at an equal level of detail (as described in Chapter 1, “Project Description, Location, and Environmental Setting”); mitigation measures to reduce the level of impact; and residual level of significance (i.e., after application of mitigation, including impacts that would remain significant and unavoidable after application of all feasible mitigation measures). No specific comments on the PEIR are provided; thus, no further response can be provided.

Comment O7-7
Additionally, under federal law, cannabis is not legal.
https://www.reuters.com/legal/litigation/federal-court-dismisses-challenge-cannabis-prohibition-analyzing-canna-2024-07-10/

https://www.marijuanamoment.net/feds-say-marijuana-can-be-summarily-seized-from-state-legal-businesses-but-not-if-its-rescheduled/

Response O7-7
The reader is referred to Section 9.1.1.5, “Master Response: Legal Status of Cannabis,” regarding the legal status of cannabis.

Comment O7-8
How is crop residue disposed of to prevent contamination from pesticides and other chemicals?

https://www.swansea.ac.uk/media/Environmental-Impacts-of-the-Legalization-of-Cannabis-in-California.pdf

Response O7-8
Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Proposed commercial cannabis operations would generate solid waste from cannabis plant and product waste, as well as non-cannabis waste (e.g., vegetation clearing and other related solid waste). As described in Section 2.18.2, “Regulatory Framework,” CCR, Title 4, Section 17223 requires cultivation facilities to have a cannabis waste management plan that identifies methods for managing cannabis waste, including on-premises composting, collection and processing by an agency, or self-hauling to a permitted facility. Transportation of self-hauled cannabis waste shall be performed by only the licensee or the employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, in the state’s track-and-trace system. CCR, Title 4, Division 19, Section 15049 requires that all disposed cannabis is entered into the track-and-trace system for disposal purposes.

The reader is referred to Issue 3 in Section 2.18, “Utilities and Service Systems,” for additional information related to cannabis waste management.

Comment O7-9
DEVELOPMENTAL IMPACTS

Related to development area, operational demand or resources, earth moving, etc. (top page 4-4)

Alternative # 4 impacts would be less than the Programs (as stated in the DIER)

Response O7-9
The comment addresses the impacts of Alternative 4, but does not provide any specific point for which further response can be provided. The reader is referred to Draft PEIR Chapter 5, “Alternatives,” for a comparative analysis of the alternatives evaluated in the PEIR.

Comment O7-10
PUBLIC SERVICES

The conclusions in the DEIR appear to be inconsistent with studies and information that are just now coming to light based on other areas with Cannabis Programs. More up to date studies need to be conducted.

The unincorporated San Diego County has a total population of over 500,000 residents. While none of the alternatives might require additional law enforcement facilities, hiring only 2 additional code compliance officers would not serve the public in dealing with hundreds of potential complaints that could be generated for theft, noise, odor and other health and safety concerns caused by this Program.

For reference, Santa Barbara County’s total population is under 500,000, with their unincorporated population area being approximately 150,000. This is important to know because 4,000 odor complaints have been filed in Santa Barbara County’s unincorporated areas. None of these complaints were ever resolved. (Santa Barbara County Code Enforcement)

More impaired drivers could cause more accidents and put greater demands on our fire and paramedic first responders. California is the most dangerous State for freeway driving. One of

the deadliest freeways is the I-15. There are no known tests to determine a person's level of impairment.

Consumer Affairs Website- Deadliest Roads
https://www.consumeraffairs.com/automotive/deadliest-roads-in-california.html

Studies now show that hospital ED visits have increased with the increase in Cannabis use as well, especially in older adults.
https://pubmed.ncbi.nlm.nih.gov/36622838/#:~:text=Conclusion%3A%20Cannabis%2Drelated%20ED%20visits,medical%20care%20for%20older%20adults

This program could severely strain already understaffed law enforcement.

Indoor cultivation required in Alternative 4 could help prevent crime associated with outdoor grows. This is evidenced by crimes already faced by current citrus, avocado and other outdoor groves.

Response O7-10
The reader is referred to the response to Comment O4-6.

Comment O7-11
The DEIR states that because Cannabis would be considered an agricultural use and it would not have an impact on agricultural resources. (Chapter 4, bottom page 4-4) , However, if food crops are replaced by cannabis for financial incentives, it could affect our local production and availability of food crops further driving up food costs.

As previously discussed, recent studies indicate that outdoor Cannabis cultivation does have adverse effects on other crops. For example, it has recently been observed that the odor from Cannabis can be so strong that it can permeate the skin of the grapes being grown close by and alter their flavor. Indoor cultivation would help eliminate these negative impacts.

Pesticide overspray, pollution, chemical usage, drainage and odors from outdoor Cannabis cultivation could have detrimental impacts on adjacent open space, conservancy lands, parks and agricultural or natural resources.

Response O7-11
The reader is referred to the response to Comment O4-7.

Comment O7-12
4.4.1 AESTHETICS, ISSUE 2

The impact would be significant and unavoidable in Alternative 2 (The Program)

Impact would be LESS in Alternative 4

Response O7-12
The comment correctly identifies the comparative severity of impacts related to aesthetics, as identified in Chapter 4 of the Draft PEIR, "Alternatives."

Comment O7-13
4.4.2 AIR QUALITY, ISSUE 3

The impact would be significant and unavoidable in Alternative 2- The Program.

Impact would be LESS in Alternative 4 because all spraying would be indoors.

Alternative 4 would result in the LEAST emissions of odors from pesticides (overspray), chemicals and Cannabis plants, adversely affecting substantial number of people.

Other municipalities that allow outdoor grows have suffered significant environmental impact due to odors. For example, children in Santa Barbara County at times have been unable to play outdoors at recess due to odors.
https://enewspaper.latimes.com/infinity/article_share.aspx?guid=5de42829-8623-4ff9-88af-35f90aa5bb97

Additionally, Alternative 4 with the 1,000 foot buffer would also help to ensure that the concentration of cultivation sites in any given area is minimal. Although not mentioned in the impact analysis, this helps to ensure that VOCs from concentration of cultivation sites, or impact from increased use of nitrogen fertilizers impacting air quality are minimized compared to Alternative 2.

Response O7-13
The reader is referred to the response to Comment O4-9.

Comment O7-14
4.4.3 HYDROLOGY AND WATER QUALITY, Issue 2 Substantial Decrease in Groundwater Supplies or Interfere Substantially with Groundwater Recharge

The impact would be significant and unavoidable in Alternative 2 (The Program)

Impact would be LESS in Alternative # 4

4.4.6 UTILITIES AND SERVICE SYSTEMS ISSUE 1: ADEQUATE WATER SUPPLIES

The impact would be significant and unavoidable in Alternative 2 (The Program)

4.4.6.3 Impact would be LESS in Alternative # 4

4. 5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 4 is the environmentally superior alternative as stated in the DEIR.

TABLE 4.1 (pp 4-13-4-14)
Summary of the Environmental Effects of Alternative 4 relative to those of the proposed project

Alternative 2 (The Program)
6- Significant
8-Less than significant

3- Less than significant with mitigation

Alternative 3
16- Similar to Alternative 2/ Program
1- Less

Alternative 4- ENVIRORNMENTALLY SUPERIOR
12- Less than Significant
5- Similar to Alternative 2

Alternative 5
16- Similar to Alternative 2/Program
1- Less

Response O7-14
The reader is referred to the response to Comment O4-10.

Comment O7-15

COMMENTS ON THE DRAFT REGULATORY CODE AMENDMENT

21.2504 MAXIMUM NUMBER & TYPE OF AUTHORIZED CANNABIS BUSINESSES

Limits on total number of dispensaries in each community

The regulatory program/zoning needs to establish limits on the total number of dispensaries/lounges in each community. It is recommended that this be based on the population of each unincorporated community. For example, 1 dispensary per 20,000 residents.

Location of Cultivation in A70 & A72
The regulatory program/zoning needs to establish not only the location of grows within the A70 and A72 Zones but establish a limit on the total number of grows allowed in each unincorporated Community. Cultivation adjacent to residential areas has the potential to destroy a town's residential areas, neighborhoods and rural way of life.

A remediation program should be required as part of licensing and permitting for Cannabis cultivation. This requirement would ensure that when Cannabis cultivation operations on a property cease, the property is cleared of any trash and pesticides and remaining buildings are not left in disrepair. See more under 21.2510 APPLICATION SUBMITTAL REQUIREMENTS

Limits on Cultivation
There should be a limit on the total number of acres for cultivation in the entire unincorporated San Diego County as well as in each Community or Planning area.

Setbacks
Setbacks should be a minimum of 1,000 ft from sensitive areas which should include residences, schools, daycare, churches, parks, and any areas or businesses that cater to families, especially children.

d) Limits on the maximum number of retail storefront uses in any one Planning Area or unincorporated communities are essential so that one community doesn't take the brunt of these retail dispensaries and consumption lounges and the associated traffic, law enforcement needs and other environmental impacts.

e) There must be limits on the maximum total number of non-storefront retail Cannabis businesses. Without these limits the consequences could be devastating to entire communities and their residents and businesses, especially those that are adjacent to or near Cannabis cultivation and other non retail Cannabis businesses. Example: A70 and A72 Zoning is interspersed throughout residential zones in the unincorporated San Diego County. With no limits, this could cause irreparable harm to the health and safety of children, adults and animals with odors, traffic, lights, noise, pollution and crime and other environmental impacts. Residents could conceivably no longer be able to enjoy the peace and tranquility of their rural lifestyle due to these environmental impacts.

f) Modification of the maximum number of Cannabis business licenses should never be increased.

21.2508 BUILDING PERMITS AND INSPECTIONS

Must be subject to Design Standards where there is a B Designator.

21.2510 APPLICATION SUBMITTAL REQUIREMENTS

(3) SECURITY

b) Light plans must ensure that they not only comply with any dark sky ordinances, but also do not disrupt any nearby residents from enjoying the beauty of the nighttime stars.

(5) NEIGHBORHOOD COMPATIBILITY PLAN
How would this function? Who with knowledge of the neighborhood will review? Will neighbors have input?

Any Cultivation/grows on A70 and A72 should have 24-hour on-site security.

(6) ODOR MITIGATION PLAN
How will this be enforced? Will APCD be involved? Neighbors or community members should be involved in a quarterly review. Quarterly reviews should be publicly posted ahead of the review and the results published after.

(E) How will the Director or their designee determine if the Cannabis business is following procedures established by the licensee? Quarterly, unannounced inspections should be required. How will inspectors access to locked properties be handled?

Additionally, a remediation program which includes a "remediation" bond should be required as part of licensing and permitting for Cannabis cultivation. This program would ensure that when Cannabis cultivation operations on a property cease, the property is cleared of any trash, pesticide and remaining buildings are not left in disrepair. Once cultivation has ceased, all

grow houses and associated materials (lights, fans, irrigation, pots, tables, trash, PVC piping, landscape fabric, tarps,etc) must be disassembled and stored out of sight or properly disposed of within 90 days of operations ending. A post-inspection would determine compliance.

THE WALL STREET JOURNAL
https://www.wsj.com/us-news/marijuana-weed-economy-colorado-pueblo-a8b89091?mod=Searchresults_pos1&page=1

21.2520 SUSPENSION OR REVOCATION OF CANNABIS BUSINESS LICENSE

(b) What is considered a major violation?

21.2525 GENERAL OPERATING REQUIREMENTS

(d) This contradicts the San Diego County's Live Well Program "Smoke is Smoke" and no smoking ordinances. Secondhand Cannabis smoke contains cancer causing chemicals. Some of these chemicals are in higher amounts than in tobacco.
https://www.cdc.gov/cannabis/health-effects/secondhand-smoke.html

https://www.uclahealth.org/news/article/secondhand-marijuana-smoke-what-are-the-risks-to-your-health

https://no-smoke.org/secondhand-marijuana-smoke-fact-sheet/

(j) This is not realistic. How will businesses be responsible for safely controlling loitering without having to call already understaffed Law Enforcement if the loiterers do not comply?

(m) Signage and notices
Must comply with Design Standards for retail businesses.

(o) Odor Control
Code Compliance should be available 24 hours a day to investigate odor complaints in real time. Unannounced inspections should take place quarterly or more often for particular business if there have been any complaints about that business.

In other municipalities with Cannabis Programs, odors and odor complaints have been shown to be nearly impossible to control. Please see previous information under Air Quality.
www.coastalview.com/news/county-planners-support-tough-odor-controls-for-all-cannabis-greenhouses/article

https://www.independent.com/2025/01/15/the-coming-crackdown-on-greenhouse-cannabis/

https://www.independent.com/2025/03/12/public-invited-to-community-forum-on-cannabis-odor-in-carpinteria/

21.2527 RETAIL HOURS

Closing time of 8:00 pm is a more reasonable time. In rural communities, there are very few businesses that stay open late into the night. Having an earlier closing time could help prevent crime. Additionally, unincorporated, rural roads are dark and often windy. Impaired drivers would make them even more dangerous than they already are.

21.2528 CONSUMPTION LOUNGES

(f) What measures will be used to determine if a patron is impaired?

Many of the rural unincorporated communities in San Diego County do not have ride share services for consumers who would be impaired after consuming Cannabis products. Consumption Lounges should be prohibited in areas that do not have a minimum number of full time ride share services such are Uber of Lyft. Consumption lounges should close at 8:00pm.

Are Consumption lounges liable for impaired patrons? Will there be training for bud tenders?

Impaired drivers
https://aaafoundation.org/development-and-validation-of-messaging-to-deter-cannabis-impaired-driving/

Consumer Affairs Website- Deadliest Roads
https://www.consumeraffairs.com/automotive/deadliest-roads-in-california.html

Consumption Lounges should be prohibited from selling or allowing sampling of any injectable cannabis products.
https://www.sfgate.com/cannabis/article/california-injectable-cbd-gets-fda-warning-20219801.php?utm_campaign=CMS%20Sharing%20Tools%20(Premium)&utm_source=share-by-email&utm_medium=email

c.xii What will be the maximum occupant load for the designated cannabis smoking room?

21.2529- 2533 WHEN WILL THESE SECTIONS BE AVAILABLE FOR COMMENTS?

21.2534 TEMPORARY CANNABIS EVENTS

The number of temporary Cannabis events should be limited to a total for all licensees to 6 times per year. This would prevent the possibility local businesses and residents from being unduly disrupted by crowds, traffic, noise, odors and other negative factors of temporary events being held on so many dates throughout the year.

Neighbors or businesses within a 1,000 ft radius should be notified when applicants apply for permits so that they can comment during the review process.

Because of the rural nature of San Diego County’s unincorporated areas, sound, noise, lights and other environmental impacts carry much further of a distance than in an urban area.

Because of this, large outdoor events should end at dusk. This would also help prevent accidents caused by attendees (whether they're impaired or not), who are driving on dark often narrow and windy rural roads. For example, the Fallbrook Avocado Festival ends at 5:00 PM to help prevent nighttime accidents caused by drivers unfamiliar with Fallbrook's rural roads.

The maximum number of attendees should be limited to a reasonable number. Will the licensees be required to have special event training for their staff?

How would the odor and other effects of large amounts of secondhand Cannabis smoke be mitigated for surrounding neighbors and businesses?

Outdoor smoking contradicts the smoking-room requirements of The Program.

Temporary events could have significantly negative environmental impacts on rural roads that were not designed to handle large increases in traffic associated with numerous events. Traffic control plans, law enforcement, noise and other requirements/regulations are needed.

Temporary events should not be allowed in communities that do not have sufficient full time ride share services.

In addition to the regulations for Temporary Cannabis Events that are listed in this section, these events should also be subject to all the other regulations that are required for other temporary community events.

No Temporary Events should be allowed on rural roads that do not have multiple routes of egress for emergencies, similar to any MUP requirements as defined in the Fire Code.

<u>21.2537 INSPECTIONS</u>

Inspections should be unannounced and quarterly. There should never be any reduced inspections.

COMPLAINTS
Hiring two extra Code Compliance Officers will not be sufficient. Currently Code Compliance is understaffed and cannot efficiently and effectively handle the complaints they already receive.

Subsequent iterations of the regulatory codes should include weighted comments from Community Planning and Sponsor Groups and the Public who live in the unincorporated areas of San Diego County.

The Industry Oversight Committee should also include representatives from Community Planning Groups and Sponsor Groups.

Changes to the current noise regulations and ordinance need to be revised for this program. While noise levels from Cannabis cultivation may not exceed the maximum decibels, they can still be annoying and disruptive to the peace and tranquility of residents who live adjacent to grows. Further, barking from guard dogs protecting Cannabis grows could not only be disturbing to nearby residents and businesses, but could also be a danger to families,

especially children if these dogs get out of their secure areas. Nuisance barking is already a problem in rural communities and the noise regulations do not address this satisfactorily.

COMMENTS ON THE DRAFT ZONING ORDINANCE AMENDMENTS

6129
The number of Temporary Cannabis Events should be limited to a total for all licensees to 6 times per year. This would prevent the possibility of temporary events being held by many different licensees on so many dates throughout the year that local businesses and residents could be unduly disrupted by crowds, traffic, noise, odors and other negative factors.

Event facilities with Major Use Permits or who operate by right should be included in the total limit of 6 times a year for licensees who use these facilities for temporary Cannabis events.

6861 NON-CONFORMING

f) Exemptions
Just like any other business, exterior building modifications or additions should not be exempt from any Design Standards if subject to B Designator.

6995 CANNABIS FACILITIES

f) Performance Standards 1.6.1.4
No generators shall be used except for emergency situations.

g) Activity Specific Standards
2i & 2ii)
Cannabis cultivation setbacks between adjacent parcels, based on residence versus vacant parcel lend themselves to significant issues for both licensee and neighbor if owner of vacant parcel decides to develop adjacent vacant parcel. To avoid these potential issues, it is recommended that all setbacks, independent of adjacent parcel being vacant or developed be set at least 300 ft from the lot line.

2vi.) Given all Cannabis processing must be performed in an enclosed structure, also implies that now odor mitigation must be managed and a new permit with APCD acquired to monitor and enforce such odor mitigation efforts.

Response O7-15
The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” regarding potential refinement of the proposed Cannabis Program; Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis,” regarding environmental impact evaluation of the implementation of the proposed Cannabis Program; Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding the Draft PEIR cannabis odor impact analysis; and Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” regarding various state regulations and proposed regulations in the Cannabis Program to address compliance issues.

Comment O7-16

SUMMARY and CONCLUSIONS

We note that other municipalities which for years have allowed Cannabis cultivation have found it to be extremely problematic with devastating impacts on their communities. As a result, they are now revising their programs. Because of this, cultivation should be removed from any of the Alternatives until further up to date analyses, reliable studies and information can be obtained.

***** Special attention should be given to a recent "Landmark" Ruling in a Class Action Suit in Carpinteria where the Class prevailed for nuisance odor of "pervasive smell of pot" invading their properties.**
https://www.independent.com/2025/03/06/landmark-ruling-certifies-a-class-action-against-valley-crest-for-nuisance-odor-in-carpinteria-valley/

Response O7-16
The commenter's opinion on cannabis cultivation is noted. The reader is referred to the response to Comment O5-4 regarding ongoing litigation in Carpinteria, California.

Comment O7-17
Additionally, we conclude that this Project and the environmental impacts will affect all property owners, residents and businesses in the unincorporated San Diego County. Public notices should have been sent out to all of them, informing them about this Project and the DEIR. Public Notice of this Project and the DEIR was deficient.

Response O7-17
The process for public review is summarized in Section 1.8 of the Draft PEIR, "EIR Review Process." The Notice of Availability for the Draft EIR was posted and made available consistent with State CEQA Guidelines Section 15087. The comment provides no information that identifies noticing in conflict with these provisions of CEQA.

Comment O7-18
We recommend that the DEIR also be revised to include a more thorough and up to date analysis of these topics and their negative environmental impacts on the unincorporated San Diego County Communities:

1. The effects and impacts to our rural roads and infrastructure.

2. The negative effects from impaired drivers who have visited cannabis lounges and temporary events.

3. The negative environmental effects of Cannabis cultivation on utilities, rural aesthetics and surrounding residents and businesses.

4. The negative impacts of outdoor temporary events.

5. The negative environmental effects of Cannabis cultivation odors.

6. Negative effects on other crops.

7. Negative effects on law enforcement, first responders and public services.

FINAL COMMENT

Before proceeding any further, the entirety of the County of San Diego Socially Equitable Cannabis Program and Project should be paused, and be reevaluated based on current comparative program failures and court rulings in other Counties, Cities and States. For example, the idea that legal Cannabis businesses will help prevent illegal Cannabis businesses, appears to be flawed.

ILLEGAL CANNABIS OPERATIONS
The idea that legal cannabis businesses will help prevent illegal cannabis business appears to be flawed. https://www.wsj.com/us-news/marijuana-weed-economy-colorado-pueblo-a8b89091?mod=Searchresults_pos1&page=1

According to NBC News 2022, 70-80% of MJ sold in state-LEGAL dispensaries in Calif was produced and grown ILLEGALLY (SOURCE: https://learnaboutsam.org/wp-content/uploads/2023/04/2023-Report.pdf)

Siskiyou County Sheriff, “We have definitive proof of illegal, toxic pot going to a Los Angeles ``dispensary". https://www.ganjingworld.com/video/1g8ntrcvb523T6Ky2i0Ptv06e1oi1c

OTHER REFERENCES

FEDERAL LAW
Federal law (21 USC § 860) is clear: no alcohol, drugs of ANY kind are to be sold, grown, manufactured, or processed within 1000 feet of a school facility or club.
All setbacks/buffers should be a minimum of 1,000 ft for the protection of residences and businesses.

CARTELS & HUMAN TRAFFICING https://www.latimes.com/california/story/2023-05-05/california-weed-regulators-confront-human-trafficking?utm_id=96600&sfmc_id=2400471

ECONOMIC VIABILITY- MAY COST MORE TO REGULATE THAN TAX REVENUE
https://pasoroblesdailynews.com/grand-jury-finds-legal-cannabis-has-not-been-economically-viable-for-slo-county/193704/

PESTICIDES
https://www.latimes.com/california/story/2024-12-19/california-weed-cleanup

GRAND JURY INDICTS 51 IN EAST VILLAGE OPEN AIR DRUG MARKET CRACKDOWN
LOCAL – fox 5 kusi – April 25, 2024

IMPAIRED DRIVERS
https://fox5sandiego.com/news/local-news/grand-jury-indicts-51-in-east-village-open-air-drug-market-crackdown/

https://www.forbes.com/sites/dariosabaghi/2025/03/19/nearly-85-of-cannabis-users-drive-the-same-day-they-consume-survey-finds/

Response O7-18
The comment provides a summary of the comment letter, concluding with a general opinion that several topics were not adequately addressed in the Draft PEIR and a list of references. The reader is referred to the responses to Comments O4-1 through O4-11 and O9-1 through 09-17.

Letter O8 Hidden Meadows Community Sponsor Group

Bret A. Sealey, Chair
March 31, 2025

Comment O8-1
On March 27, 2025, the Hidden Meadows Community Sponsor Group completed their review of the Draft Environmental Impact Report for the San Diego County Socially Equitable Cannabis Program SCH # 2023090330. As part of the public comment period, we are submitting the below as our official feedback.

Response O8-1
The comment includes introductory statements and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, a response is not provided here.

Comment O8-2
As stated on page S-3, “the project alternatives differ in regard to the definition and buffer distance from sensitive uses…” The Group recommends including Residential Areas to the definition of Sensitive Uses for each alternative utilizing their respective buffer distances. Due to the density variety of residential types and high likelihood of at-risk populations within each area, the group feels that potential odors from grow facilities could easily impact nearby residents.

Response O8-2
The comment includes input regarding aspects of the proposed Cannabis Program and expresses concerns related to odors. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding the Draft PEIR cannabis odor impact analysis and Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” regarding potential refinement of the proposed Cannabis Program.

Comment O8-3
Although technical mitigation measures have been explored, the recent related issues experienced by the City of Encinitas show that they are not always effective. Additionally, The National Institute of Health has shown that the content of the odors generated by cannabis growing facilities still requires further investigation.1 As technical mitigations have been implemented, new elements causing odor and potential harm continue to be discovered.

For these reasons, the Group recommends including Residential Areas to the definition of Sensitive Uses for each alternative allowing odors and their respective chemical makeups to disburse over a larger air volume before encountering residential units.

Please let me know if you have any questions.

Response O8-3
No specific comments on the PEIR analysis are included for which a response can be provided. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," regarding the Draft PEIR cannabis odor impact analysis and Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," regarding potential refinement of the proposed Cannabis Program.

Letter O9 Valley Center Community Planning Group

Dori Rattray, Chair
March 31, 2025

Comment O9-1
I am writing to formally express the Valley Center Community Planning Group's decision regarding the Socially Equitable Cannabis Program in the unincorporated area of Valley Center. Our Planning Group has decided on Alternative One (1) in a 11 to 1 vote.

On January 27, 2021, the Board of Supervisors voted 4-1 for a set of policies intended to improve economic and social equity to Cannabis. These policies were led by "then Chair" Nathan Fletcher and Co-Author Nora Vargas, who are no longer on the board. Our current Supervisor, Jim Desmond, opposed the policies and we plan to stand in alignment with Supervisor Demond.

While there is a push to place these programs in the unincorporated areas of San Diego County, the potential risks associated with cannabis businesses and growers outweigh the benefits, especially in Valley Center, which holds a large section of A70 and A72 agricultural zones, as well as other C & M zones.

I am providing our concerns, additional explanations, and references on why we have taken the position to choose Alternative One (1). These reasons are attached to this letter. The residents of Valley Center, along with the Valley Center Community Planning Group would like to thank the Planning and Development Services for their ongoing engagement of this topic and encourage you to consider the concerns of our community for years to come.

Response O9-1
The statements regarding history of the proposed Cannabis Program and concerns are noted. The comment identifies support for Alternative 1. The reader is referred Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," regarding the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O9-2

1. Environmental Impacts: Cannabis cultivation and other Cannabis businesses are different in nature than other agricultural products. Our concerns are odor emissions and air quality conflicts, increased noise, water depletion, aquafer depletion, ground water management, adequate water supply (6 gallons per plant per day), soil erosion due to water run-off, pesticide and hazardous chemical use, electrical grid demands, introduction of nonnative species, light pollution, loss of agricultural lands food production, adverse effects on aesthetic character and impact to soil and water supply due to waste and disposal of plant pesticides. The proper hazardous materials waste needs to be controlled, stored, and then disposed of properly (depending on what waste they produce). In addition, we only have one water treatment facility in Valley Center and reclaimed water is used on agriculture locations which will impact all species human and otherwise.

Response O9-2

The comment identifies environmental concerns associated with aesthetics (character and lighting), air quality, odor, loss of agricultural lands, biological resources associated with nonnative species, energy use, hazards associated with pesticides and other hazardous materials, groundwater resources, water quality, noise, and water supply. The issues are addressed in Draft PEIR Sections 2.1, "Aesthetics," 2.2, "Agricultural and Forest Resources," 2.3, "Air Quality," 2.4, "Biological Resources," 2.7, "Energy," 2.8, "Geology, Soils, and Mineral Resources," 2.10, "Hazards and Hazardous Materials," 2.11, "Hydrology and Water Quality," 2.13, "Noise," and 2.18, "Utilities and Service Systems." The reader is also referred Section 9.1.1.1, "Master Response: Cannabis Odors," and Section 9.1.1.9, "Cannabis Product Safety and Testing." The comment cites a water demand of 6 gallons per plant per day, but provides no source for this water demand. Water demand for cannabis cultivation varies by the type of cannabis cultivation operation. Draft PEIR Table 2.11.7 provides water demands by cannabis cultivation use type based on information from existing cannabis cultivation operations in other counties in northern and central California.

Comment O9-3

2. Safety Concerns: Cannabis cultivation and other Cannabis businesses will affect our roads with increased vehicle miles traveled, add more vehicles on our one laned roads, additional larger vehicles will degrade our roadways more rapidly, additional vehicles will affect roadway safety and provide transportation hazards, increase DUI incidents, crime, inability to adequately regulate compliance operations and most importantly wildfire risk during operation of cannabis facilities – especially during harvest season which coincides with our Santa Ana wind season. In one study, 84.8% of consumers indicated that they drive the same day that they consume cannabis, compared to never driving after use (defined by either waiting 8 hours or more and sleeping or not the same day). In addition, due to our limited resources in emergency services (fire & police), Valley Center would be the least appropriate location for Cannabis cultivation and businesses.

Response O9-3

The comment identifies concerns regarding increased vehicle miles traveled and associated impacts on roadway conditions from large vehicles and roadway safety. The comment also identifies concerns regarding impaired driving (from cannabis use), wildfire risk, and impacts to emergency services. Draft PEIR Section 2.16, "Transportation," does identify a significant and

unavoidable impact associated with increases in VMT for Alternatives 2 through 5. However, no significant impacts associated with deterioration of roadway conditions or traffic safety were identified in the Draft PEIR. Cannabis operations are expected to use vehicle types and sizes that are commonly used by other agricultural operations and businesses. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county. No significant wildfire impacts from implementation of the proposed Cannabis Program were identified in Draft PEIR Section 2.18, "Wildfire."

Comment O9-4

3. Habitat Risks: Cannabis cultivation and other Cannabis businesses will affect the health of our wild life by impacting sensitive habitats and species, the introduction of nonnative species, alteration of plant life due to pollination, most importantly if consumed by animals, there is no cure or reversal and any animal that has consumed can pass it on to another species by consumption, therefore creating a detriment to the circle of life in the habitat in Valley Center.

Response O9-4

The comment identifies concerns regarding impacts to biological resources, including habitats, wildlife, and plant species. Biological resources are addressed in Section 2.4, "Biological Resources." While cross-pollination can impact the quality and value of cannabis crops (e.g., cross-pollination between cannabis and hemp), it is not expected to result significant impacts to natural habitat conditions in the county. Outdoor cannabis cultivation sites are fenced to avoid wildlife interaction, while cannabis waste us subject to CCR, Title 4, Section 17223 that requires cultivation facilities to have a cannabis waste management plan that identifies methods for managing cannabis waste, including on-premises composting, collection and processing by an agency, or self-hauling to a permitted facility. Transportation of self-hauled cannabis waste is performed only by the licensee or employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, into the state's track-and-trace system.

Comment O9-5

4. Legal Risks: Drug level in Cannabis have been rising significantly since California voted to legalize Cannabis. DEA and USDA oversight is needed to protect the public. Limitation must be made by USDA to control the level of THC as it is a Class One Drug with long- and short-term safety studies not completed. THC is a drug, and all drugs require a special DEA license and background checks to manage. Scheduled drugs require pharmacists with Federal licenses to distribute. California is ignoring the law by permitting and taxing the sale of THC under the umbrella of cannabis.

Response O9-5

The comment states concerns regarding the legal issues of allowing cannabis in California. The reader is referred to Section 9.1.1.5, "Master Response: Legal Status of Cannabis."

Comment O9-6

5. Revenue Risks: The consideration of Cannabis cultivation and Cannabis businesses may impact the valuation of real estate in Valley Center. If assessed valuations decline or are litigated due to the negative impact of Cannabis cultivations or businesses, the impact

could reduce County Budgets, School Districts Budgets, Water Districts Budgets, and already limited - Emergency Services Budgets.

Response O9-6
The comment identifies economic impacts associated with decreased property values and litigation costs. Economic issues are not subject to environmental review as provided under State CEQA Guidelines Section 15131.

Comment O9-7
6. Health Risks: Cannabis is the most commonly consumed illicit drug in several countries around the world, including the United States and the United Kingdom, and approximately 3.8% of the world's population are recreational. These high rates of cannabis use are a matter of concern, given evidence showing unfavorable cognitive, behavioral, and mental health issues attributed to cannabis use, mainly with frequent and heavy use, among youths. In fact, a range of adverse outcomes, such as poor social and academic functioning, cognitive impairment, and mental heal th problems such as psychosis, cannabis dependence, depression, and suicidality, have been shown to be significant among young people. In addition, these adverse effects often continue throughout the lifespan, leading to enduring physical and psychological difficulties, other substance misuse, and involvement with the criminal justice system. THC is absorbed into various body tissues and organs (e.g., the brain, heart, and in fat) or metabolized by the liver into 11-hydroxy-THC and carboxy-THC (metabolites). Typically, THC, the psychoactive component of marijuana, is detectable for up to 90 days in hair, anywhere between 1 day to a month or longer in urine (depending on how often the individual uses it), up to 24 hours in saliva, and up to 12 hours in blood. Cannabis consumption amongst youths have increased and more access to our youth would negatively impact our community. As sited by one of our constituents, Cannabis use in the junior high and high school level is at a record high due to the marketing technics and creative containers used. Studies have sited frequent consumption may significantly increase a person's risk for heart attack and stroke which if driving on our country roads could cause more collisions.

Response O9-7
The comment identifies health concerns regarding the use of cannabis products. The reader is referred to Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use."

Letter O10 Farm Bureau of San Diego

Dana Groot
April 1, 2025

Comment O10-1
On behalf of the San Diego County Farm Bureau (SDCFB), we would like to express our sincere appreciation to the staff at Planning and Development Services (PDS) for their hard work and due diligence throughout this process. We have worked closely with PDS staff and greatly appreciate their courtesy, professionalism, and willingness to listen to all stakeholders.

After careful consideration, SDCFB strongly supports Alternative 2 as the most reasonable and balanced approach to cannabis cultivation in San Diego County. Alternative 2 aligns most

closely with state regulations and provides a viable pathway for the legal cannabis industry—specifically cultivation—to succeed. Furthermore, this proposal directly addresses the concerns we have raised with county staff in a manner that cultivators can work with while also considering community interests.

Other alternatives impose greater restrictions on cultivation, including increased setbacks from sensitive use areas, which we know from past ordinances severely limit the amount of available land for cannabis cultivation. Under previous regulations, these restrictions left only a handful of viable properties, many of which were already occupied or undevelopable for cannabis. If San Diego farmers are to have any realistic opportunity to cultivate cannabis legally, Alternative 2 is the only option that provides a fair and workable solution.

Response O10-1
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," regarding the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment O10-2
We acknowledge that cannabis cultivation is a topic of debate, but at its core, cannabis is simply another agricultural crop. San Diego County is one of the largest greenhouse-growing regions in the nation, and cannabis should be recognized as part of that legacy. The county already enforces strict regulations regarding water use, traffic, pesticide application, and land grading, all of which ensure that cannabis cultivation adheres to established environmental and safety standards. Additionally, at the state level, cannabis is subject to the strictest pesticide regulations in the country, ensuring minimal environmental impact.

Response O10-2
Comment noted. No specific comments on the Draft PEIR analysis are included for which a response can be provided.

Comment O10-3
One frequently raised concern is odor. However, it is important to recognize that agriculture often comes with inherent smells, whether from row crops, orchards, or livestock operations. When the county rapidly developed and adopted hemp regulations in less than a year, odor mitigation was never a consideration—despite hemp and cannabis having virtually identical scents. Requiring cannabis growers to install costly odor mitigation systems adds an unnecessary financial burden on legal cultivators, further increasing start-up costs and ongoing expenses such as electricity and maintenance. Given that odor was not addressed in hemp regulations, we strongly urge the county to remove any requirement for odor mitigation in the new cannabis ordinance.

Response O10-3
The comment expresses concern related to cannabis odors and requests removal of odor mitigation measures provided in the Draft PEIR. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors." As discussed in this master response, odor impacts from outdoor cultivation are identified as significant and unavoidable impacts in the Draft PEIR. No specific issues pertaining to the impact analysis of the Draft PEIR are presented in this comment; thus, no further response can be provided.

Comment O10-4
A key priority of SDCFB has always been to support policies that help farmers remain economically viable. Cannabis presents an opportunity for struggling farms to diversify their portfolio to higher value crops amid rising costs of water, labor, and land in San Diego County. A well-regulated and properly implemented cannabis ordinance can provide both safety and security for the community while also making economic sense for farmers.

We urge the Board of Supervisors to support Alternative 2 and implement a fair, practical regulatory framework that allows local farmers to participate in this industry while ensuring appropriate safeguards for the community. Thank you for your time and consideration. We appreciate your leadership and commitment to supporting San Diego's agricultural sector.

Response O10-4
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," regarding the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

9.1.4 Individual Comments and Responses

Letter I1 Jennifer T.

January 30, 2025

Comment I1-1

Besides being against this-I'm reading through the County Draft.

My main concerns are not found in the draft and need to be included under Developmental

Standards. Why does it just say distance from elementary schools?!

1) Let's say at minimum 500-1000 feet from a residential property

2) 1000 feet from religious organization or worship

3) 1000 feet from Federal, State, County Parks and Libraries

4) where's the limit of establishments per unincorporated area let's say limit 2

5) same distance from middle and high schools

This entire draft is vague with loopholes!

Thank you and looking forward to a response and these additions.

Response I1-1

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054(b) regarding distances from certain state-defined sensitive uses, including schools, daycares, and youth centers) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I2 Keith Wilson

January 31, 2025

Comment I2-1

I believe all Cannabis equity programs should go forward, as it brings jobs and income to the community

Response I2-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I3 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Michelle Kevorkian
February 1, 2025

Comment I3-1
Hello,

My name is Michelle Kevorkian. I live at [redacted address] in San Diego. I am a resident of Supervisor District 3. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- State Mandate Sensitive
- Use Buffers

I do NOT support including the below sensitive use buffers:

- Residential care because hospice use marijuana and they are old people
- Religious facilities because are transitory and can pop up anytime
- Preserve because is to vague

This program is important to me because:

This is an opportunity for me to change the way people look at marijuana for people that have cancer/dying. My mother has cancer and I don't want her taking a triple script medication. And

it's a opportunity to make a better life for my family and stay legal. I want to give back to our community that's what I will be able to do with a dispensary.

Thank you,

Name: Michelle Kevorkian

Response I3-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054(b) regarding distances from certain state-defined sensitive uses, including schools, daycares, and youth centers) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities.

Letter I4 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Carleton Jones
February 1, 2025

Comment I4-1
Hello,

My name is Carleton Jones. I live [redacted address] in San Diego. I am a resident of Supervisor District 4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- Schools
- Youth centrers
- Day Care Centers

I do NOT support including the below sensitive use buffers:

- Libraries because
- religious because seperation of church & state
- parks because
- public trails because unnecessary & vague

This program is important to me because:

as a Social equity candidate I should have equal access to resources & opportunities,

Thank you,

Name: Carleton Jones

Response I4-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I5 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Alan Toma
February 1, 2025

Comment I5-1
Hello,

My name is Alan Toma. I live [redacted address] in El Cajon. I am a resident of Supervisor District 2. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- State mandatemegan

I do NOT support including the below sensitive use buffers:

- Parks because Too restrictive
- Preserves because Too restrictive
- religious assembly because unclear deffinition/vegue
- Public trails because Too restrictive

This program is important to me because:

My entire economic future reliege on the outcome of this programe. for sixteen years I have been held back from having a bright future.

Thank you,

Name: Alan Toma

Response I5-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I6 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Geronimo Mejia
February 1, 2025

Comment I6-1
Hello,

My name is Geronimo Mejia. I live [redacted address]in San Diego. I am a resident of Supervisor District 4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed

Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- state mandated buffers only!

I do NOT support including the below sensitive use buffers:

- Regional and Local Parks because these have nothing to do with a cannabis store front
- Religious Assembly because Religion should not encroach on my freedom.
- Preserves with visitor Amenities. because are really big and a dispensary being by a lake does not have a negative effect.
- Residential care facilities because hospice care residents deserve fair Access

This program is important to me because:

This could be a life changing event for the better. Residents of San Diego deserve safe access.

Thank you,

Name: Geronimo Mejia

Response I6-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I7 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Malik King
February 1, 2025

Comment I7-1
Hello,

My name is Malik King. I live [redacted address] in San Diego. I am a resident of Supervisor District 4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- State mandate sensitive use buffers

I do NOT support including the below sensitive use buffers:

- Residential care facilities because cannabis is being used in residential care facilities
- Other cannabis facilities because competition would provide better prices
- Recreation facilities because people like to use cannabis prior to recreation
- Public trails because it will limit access to those in need

This program is important to me because:

As a license vocational nurse (LVN) since 2003 and a California Registered Nurse since 2007; I have seen first the benefits of cannabis for our golden aged baby boomer generation to enjoy both medically and adult users for the greatest well-being for the most amounts of people.

Thank you,

Name: Malik King, LVN, RN, BSN, PhN

Response I7-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed

by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I8 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Alfonso Huey
February 1, 2025

Comment I8-1
Hello,

My name is Alfonso Huey. I live [redacted address] in.San Diego. I am a resident of Supervisor District.4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- State mandate
- Sensitive use
- Buffer

I do NOT support including the below sensitive use buffers:

- Residential care facilities because cannabis is used as medicine for hosplo
- Religious assembly because can appear at anytime anywhere
- Regional and local parks because its to vage
- trails because

This program is important to me because:

I have a chance to change my life and make for the times I was taken from my family. I will also help those who use cannabis as medication, my grandfather had Parkinson's and CBD cured him.

Thank you,

Name: Alfonso Huey

Response I8-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I9 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

William Hinks
February 1, 2025

Comment I9-1
Hello,

My name is William Hinks. I live [redacted address] in Adelanto. I am a resident of Supervisor District._I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- state mandated buffers

I do NOT support including the below sensitive use buffers:

- residential care facilities because I don't see a hospices patient being affected

This program is important to me because:

Because I am a 4th degree burn patient and I believe and know from personal experience The use of cannabis is better than any opioid safe way to medicate and this opportunitie would give me a chance to support and provide a holistic opition of medicating and create a ceature for my family

Thank you,

Name: William Hinks

Response I9-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I10 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Larry Molina
February 1, 2025

Comment I10-1
Hello,

My name is Larry Molina. I live [redacted address] in Oceanside. I am a resident of Supervisor District.4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- schools
- all state mandated

I do NOT support including the below sensitive use buffers:

- _____ because I only support state mandated.

This program is important to me because:

I was a victim of the war on drugs.

Thank you,

Name: Larry Molina

Response I10-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I11 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Andrew Banez
February 1, 2025

Comment I11-1
Hello,

My name is .Andrew Banez. I live at [redacted address]. in San Diego County. I am a resident of Supervisor District 4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- Only what state mandates

I do NOT support including the below sensitive use buffers:

- Religious assembly because barrier of entry is low
- Recreation & local parks because community safety is not an issue. I have a daughter myself – 5 year old
- Recreation facilities because children safety is not an issue – too vague
- Other cannabis facilities because the more sensitive use buffers will eliminate any allowed space

This program is important to me because:

I am a social equity applicant born and raised in SP for 38 years. I want to raise my family here & continue to serve my community here in San Diego. Cannabis will be descheduled within

this president term, which will allow to cross state lines. San Diego will be the example and continue to pioneer this industry.

Thank you,

Name: Andrew Banez

Response I11-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I12 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Jacob Raphael Moore
February 1, 2025

Comment I12-1
Hello,

My name is Jacob Raphael Moore. I live [redacted address] in Linda Vista, San Diego. I am a resident of Supervisor District 4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- Sensitive use
- State mandated buffers

I do NOT support including the below sensitive use buffers:

- Residential Care because some resident may use cannabis with for health benefit
- Religious Assembly because they are transatory and can appear at anytime
- Other Cannabis facilities because A company shouldn't have a ownership of part of a city

- Public libraries operate by county because access to knowledge should never be sperated from any

This program is important to me because:

I would like to become one of the future pillars of the community. Build a company and establishment the stand for better one's health and creating environment for growth and experience for the community & employees. I would love to see this program through to the finish line, thank you for the opportunity.

Thank you,

Name: Jacob Moore

Response I12-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I13 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Ryan Larceval
February 1, 2025

Comment I13-1
Hello,

My name is Ryan Larceval. I live [redacted address] in San Diego, CA. I am a resident of Supervisor District Monica Montgomery. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- Schools
- Youth centers
- Day care centers

I do NOT support including the below sensitive use buffers:

- Religious assembly because competition may open one to tamper compition
- Public trails because there are many public trails and would tamper w zoning
- Residential care facilities because there are a surplus of these poping up in the county
- Regional & local parks because there should be no restrictions towards this

This program is important to me because:

This program has gave me the chance to properly open a cannabis business the right way. It would give me a chance to provide to the community and create job opertunities as well as generate taxable income for the city and state.

Thank you,

Name:

Name: Ryan Larceval

Response I13-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I14 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Alexander Grable
February 1, 2025

Comment I14-1
Hello,

My name is Alexander Grable. I live at [redacted address] in Lemon Grove. I am a resident of Supervisor District 4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County San Diego - should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- _____

I do NOT support including the below sensitive use buffers:

- Religious assembly because due to the baseline of qualifications
- I reject all sensitive use buffers because

This program is important to me because:

I am a 3rd generation cannabis farmer that focuses an organic, no-zero run off water, sustainable, safe practices of cultivation. I have been negatively affected by the war on drugs, now a part of this life changing program.

Thank you,

Name: Alexander Grable

Response I14-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I15 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Chauncie Martin
February 1, 2025

Comment I15-1
Hello,

My name is Chauncie Martin. I live [redacted address] in Lemon Grove, CA. I am a resident of Supervisor District number 1. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County of San Diego adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- ____

I do NOT support including the below sensitive use buffers:

- Grow zoneing because it would hurt business

This program is important to me because:

This would be a finominal opportunity for my family

Thank you,

Name: Chauncie Martin

Response I15-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I16 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Steve Mora
February 1, 2025

Comment I16-1
Hello,

My name is Steve Mora. I live [redacted address] . in Buena Park. I am a resident of Supervisor District .N/A. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- schools
- youth centers
- Day Care Centers

I do NOT support including the below sensitive use buffers:

- Residential Care because they are not able to leave on their own
- public trails because most are adults and need ID to enter.

This program is important to me because:

I was operating a Dispensary from 09-14 and was raided and arrested. I did 3 years federal prison time. I did 3 years in federal prison time. My family got sick from cancer and passed away in 2022. this medicine helps people and we need to be able to help.

Thank you,

Name: Steve Mora

Response I16-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I17 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Albert Pepi
February 1, 2025

Comment I17-1
Hello,

My name is .Albert Pepi. I live at Clairemont [redacted address] in .San Diego, CA 92117. I am a resident of Supervisor District .4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- schools – state mandated
- youth centers
- day care centers

I do NOT support including the below sensitive use buffers:

- residential care facilities because patient and doctor need medicine at residential care.
- religious assembly because church gathering can happen at any time.
- preserves because are to wide space
- public libraries because are for readers not patients.

This program is important to me because:

I want this program to help my family generate wealth and tax money for needs of the City of San Diego.

Thank you,

Name: Albert Pepi

Response I17-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I18 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Markus Haynes
February 1, 2025

Comment I18-1
Hello,

My name is .Markus Haynes. I live [redacted address] Place in .San Diego. I am a resident of Supervisor District .4. I am an approved equity participant in the Socially Equitable Cannabis

Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- schools
- state mandated

I do NOT support including the below sensitive use buffers:

- residential care fac. because most patients are in need for medical purposes
- religious assemblys because everybodys beliefs or not the same
- other cannabis fac. because certain facilitie ceter to certain needs

This program is important to me because:

I learned what works for me herbally within my own health & bodily functions being A.D.H.D. I found what helps me focus on my health my stress levels my blood pressure my sleeping disorder what works for me might not work for you we are all different on a chemical balance

Thank you,

Name: Markus Haynes

Response I18-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I19 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Adriana Yañez
February 1, 2025

Comment I19-1
Hello,

My name is .Adriana Yañez. I live [redacted address] in .Alpine. I am a resident of Supervisor District .2. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- schools.
- day cares
- youth centers
- state mandated sensitive use buffers

I do NOT support including the below sensitive use buffers:

- regional parks too large of a space because it doesn't pose a threat & doesn't make sense.
- trails because too large of a space it doesn't make sense to include.
- Residential care facilities hospice because patients use medical cannabis
- religious centers because are transitory & can & this doesn't appear at any time, they don't oppose cannabis

This program is important to me because:

This will provide an alternative option for pain relief/holistic options to people suffering from various medical ailments. My grandmother used cannabis for pain relief from lung cancer while on hospice care.

Thank you,

Name:

Name: Adriana Yañez

Response I19-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I20 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Darfetta Denise Muhammad
February 1, 2025

Comment I20-1
Hello,

My name is. Darfetta Denise Muhammad. I live [redacted address] in .San Diego, CA 92139. I am a resident of Supervisor District .4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- state mandated sensitive use buffers

I do NOT support including the below sensitive use buffers:

- Residential care facilities because some residents have a medical need for cannabis. Such as hospice patients, patients that suffer from extreme anxiety or memory loss.
- Recreation facilities because it is too vague a term.
- Religious assembly because any building can be used as a religious assembly.

This program is important to me because:

I want to be able to provide medication – alternative medications to patients who like to have a choice other than pharmaceutical drugs

Thank you,

Name: Darfetta Denise Muhammad

Response I20-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I21 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Raphyal Crawford
February 1, 2025

Comment I21-1
Hello,

My name is.Raphyal Crawford. I live [redacted address] .San Diego. I am a resident of Supervisor District .one - empty. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County San Diego adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- state mandated buffers
- other cannabis facilities

I do NOT support including the below sensitive use buffers:

- regional and local parks because other restrictive of freedoms
- recreation facilities because it is discriminatory inre; to liquor stores

- public libraries because over restrictive and infringe on personal choices
- preserves with visitors because frivolous restriction, and too vague
- religious assembly because it lacks purpose, due to the proximity of liquor stores, cigarettes, and vapes

This program is important to me because:

This program is a economical avenue for my family and enables me to assist my community fundraisers. This program rights a wrong for those who paid the price with their freedom, creating generational wealth and retirement fulfilling the American dream.

Thank you,

Name: Raphyal Crawford

Response I21-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I22 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Lanell Brown
February 1, 2025

Comment I22-1
Hello,

My name is. Lanell Brown. I live [redacted address] in .El Cajon, CA. I am a resident of Supervisor District .4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- state mandate sensitive use buffers;

- schools
- youth centers
- day care centers

I do NOT support including the below sensitive use buffers:

- residential care facilities because some older folks use cannabis
- religious assembly because churches don't judge peopl go there for help.
- Recreational Facilities because its too vague
- Rec. Local Parks because Parks are big and could be sectioned off.

This program is important to me because:

I know a lot of people that use cannibis for medical reasons. My grandma used it for anxiety and it helped with her aches and pains. It gave her an appetite.

Thank you,

Name: Lanell Brown

Response I22-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I23 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Brian Scott
February 1, 2025

Comment I23-1
Hello,

My name is .Brian Scott. I live [redacted address] in .fontana. I am a resident of Supervisor District .1. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- State mandate sensitive use buffer

I do NOT support including the below sensitive use buffers:

- recreation facilities because too vague
- residential care facilities because they smoke too
- religious assemblies because I cant think of a religious group that doesn't like cannabis.

This program is important to me because:

I am second generation victim of a war on drugs. I am ready to be the first generation of correcting that and bring wealth to the same family that was hurt

Thank you,

Name: Brian Scott

Response I23-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I24 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Brian Goodin
February 1, 2025

Comment I24-1
Hello,

My name is Brian Goodin. I live [redacted address] Little Italy. I am a resident of Supervisor District 3. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County of San Diego adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2, 3, 4, 5 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- state standard buffers

I do NOT support including the below sensitive use buffers:

- public trails because because alcohol is sold near trails
- residential care because because may of these people use for medical
- recreation facilities because much to vage

This program is important to me because:

Because many people of color and lower economic status have been unjustly precuted. It would be wrong to just allow big business to profit now that cannabis is legal!

Thank you,

Name: Brian Goodin

Response I24-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2, 3, 4, or 5 has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I25 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Glynn Smith
February 1, 2025

Comment I25-1
Hello,

My name is .Glynn Smith. I live [redacted address] in .San Diego. I am a resident of Supervisor District .4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- only state mandated

I do NOT support including the below sensitive use buffers:

- _____ because _____

This program is important to me because:

So we can help those with ailments that cannabis is beneficial to. To legally help establish generational business/wealth for my family & friends & community

Thank you,

Name: Glynn Smith

Response I25-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I26 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Vincent Stalcup
February 1, 2025

Comment I26-1
Hello,

My name is. Vincent Stalcup. I live at [redacted address] in. Spring Valley. I am a resident of Supervisor District .1. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- schools
- youth centers
- day care

I do NOT support including the below sensitive use buffers:

- religious assemblies because many religions are pro cannabis
- residential care facilities because many patients in facilities use medical cannabis and need access.
- Public libraries because many books in libraries emphasize the good in cannabis.
- Public trails because trails are long and may impact many potential areas.

This program is important to me because:

It can reverse generational curses into generational wealth. Many victims of the failed war on drugs are still damaged to this day. This is a small may to correct systematic oppression and racism.

Thank you,

Name: Vincent Stalcup

Response I26-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I27 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Wiley Creeno
February 1, 2025

Comment I27-1
Hello,

My name is .Wiley Creeno. I live at [redacted address] in .San Diego. I am a resident of Supervisor District .4. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed

Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- Schools
- Youth centers
- Day cares

I do NOT support including the below sensitive use buffers:

- Religious assembly because anywhere can be a religious assembly
- Residential care because they often use cannabis

This program is important to me because:

It can reverse generational hardship. This is a small way to fix systematic oppression and racism.

Thank you,

Name: Wiley Creeno

Response I27-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I28 County of San Diego's Social Equity Entrepreneurs Program SEED Class Participants

Ryan Carroll
February 1, 2025

Comment I28-1
Hello,

My name is .Ryan Carroll. I live at [redacted address] in .San Marcos, CA. I am a resident of Supervisor District .5. I am an approved equity participant in the Socially Equitable Cannabis Program of San Diego County. I am writing to give you my feedback on the Proposed Cannabis Business Amendments to the San Diego County Code of Regulatory Ordinances presented in the Socially Equitable Cannabis Program Draft EIR.

I believe the County should adopt the proposed Socially Equitable Cannabis Program.

I support the program alternative number 2 and would like to see this alternative proposal adopted.

I believe that the following sensitive use buffers should be included in the county proposal:

- Schools
- Youth centers
- Day care centers
- .residential care facilities
- Public libraries

I do NOT support including the below sensitive use buffers:

- Other cannabis because commerce clause, free market competition
- Religious assembly because they can be almost anywhere
- preserves because they go along with recreational use
- Recreational/public trails because they go along with recreational use

This program is important to me because: *

There several major reasons why we need legalization & regulation which include but not limited to, product safety. Keeping minors safe & away from it, no product diversion to combat the illicit market.

Thank you,

Name: Ryan Carroll

Response I28-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to the response to Comment I3-1.

Letter I29 S. Edward Wicker

February 19, 2025

Comment I29-1
Please accept this email as support of Alternative 2 in the above referenced draft Environmental Impact Report.

I am writing as an attorney member of the California bar with more than 40 years of experience, 12+ years of which have been focused on working with clients in the cannabis industry. I am also writing as a Director of San Diego NORML, a respected group that has long advocated for reasonable and science based cannabis regulations.

I have reviewed the entire draft EIR and am aware of the need to have accurate and well balanced regulations that respect medical cannabis patients, adult cannabis consumers and the community at large. I believe that Alternative 2 best serves these interests.

I have also reviewed the thoughtful letter written by the San Diego Chapter of Americans for Safe Access in support of Alternative 2. Their letter is well reasoned and presents detailed facts supporting Alternative 2. I join in all of those remarks by the San Diego Chapter of Americans for Safe Access. I also restate their concluding remarks as follows:

In sum, aligning county policies with state buffer standards and allowing for outdoor cannabis cultivation are essential steps toward promoting public health, equity, and environmental sustainability. For these reasons, we support Alternative 2. We appreciate the opportunity to submit this public comment and welcome further discussion on these critical issues.

Please advise if you have any comments or questions.

Response I29-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during

future decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR.”

Letter I30 Albert Pepi

February 20, 2025

Comment I30-1
Adopt Alternative 2. State mandated buffers stay at 600 ft. No additional sensitive use buffers. Not to shut out equity applicants from viable locations. Thank you.

Response I30-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” and to response to Comment I1-1 regarding setbacks and buffers considered in the PEIR alternatives.

Letter I31 Larry Yafuso

February 20, 2025

Comment I31-1
I’m in favor of alternative 2. The county has not provided sufficient data to justify why these extensive use restrictions are necessary, particularly given the state’s existing robust cannabis regulations. Thank you.

Response I31-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” and to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program,” regarding any potential refinement to proposed County cannabis requirements.

Letter I32 Nora Pradel

February 21, 2025

Comment I32-1
I support Alternative 2 ,and the State mandated buffers with no additional sensitive use buffers.

Response I32-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," and response to Comment I1-1 regarding setbacks and buffers considered in the PEIR alternatives.

Comment I32-2
The sensitive use designations fail to differentiate between cannabis businesses and other industries, applying broad restrictions that do not align with the actual impacts of cannabis operations.

Response I32-2
The reader is referred to response to Comment I1-1 regarding setbacks and buffers considered in the PEIR alternatives.

Letter I33 Alexander Grable

February 25, 2025

Comment I33-1
Maximum # of activities only having 2 cannabis activities per lot will make it hard for small business in cannabis find a place to operate. Having 4 or more activities per lot would make for a fair fighting chance to find a location to fit zoning requirements.

Response I33-1
The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding any potential refinement to proposed County cannabis requirements.

Comment I33-2
Also opening up zoning would greatly help small cannabis brands survive the market.

Response I33-2
The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding any potential refinement to proposed County cannabis requirements.

Letter I34 Becky Rapp

February 25, 2025

The attached Los Angeles Times Article is provided in Appendix F of the Final PEIR.

Comment I34-1
I support alterative #1 maintaining the 5 existing pot shops and not adding any additional. Thanks.

Response I34-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I35 Breanna Cota

February 25, 2025

Comment I35-1
I, Breanna Cota am in favor of Alternative 2. I believe it is important to provide a safe way to support the people who for many reasons were eligable for this program. I think its important to fine tune and committ to creating safe grows. Releif for those incarcerated act.

It is important to come together as a community. I have seen safe practices to recycle & prevent run off water. When you create a safe place for edjucation then you create a safe place for knowledge. Safe and rule abiding practices. It is important to follow through and make this wrong right for those who have been put into a system for natural practices. Thank you.

Response I35-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I36 Chauncy Miller

February 25, 2025

Comment I36-1
I'm writing in support of the program as it gives people, not only a chance to start a business that could change their economic outlook but also a second chance at life.

Response I36-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I37 John Miller

February 25, 2025

Comment I37-1
Proper regulation & proper channels reduces dangerous criminal activity in our City by reducing gang activity & decreasing the use of more dangerous substances.

Response I37-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I37-2
Proper management of outdoor operations is crucial. Improper disposal of plant waste is a troubling fire hazard.

Response I37-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The comment expresses concern regarding increased fire hazards as a result of improper plant waste disposal. The reader is referred to Section 2.18, "Utilities and Service Systems," and Section 2.19, "Wildfire," of the Draft PEIR.

Comment I37-3
It is imperative that zoning not be overly strict. I believe liquor stores to be a viable example to follow. If we trust our children to walk home past vapes & handles. If we trust the people behind the counter to ID. Our children; we should trust our farmers to distribute their product in a similar fashion. It is also worth mentioning that many cannabis establishments hire security, which makes the entire neighborhood safer.

Thank you for your time.

Response I37-3
This comment is noted. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," and Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding any potential refinement to proposed County cannabis requirements.

Letter I38 Karen Estes
March 14, 2025

Comment I38-1
I oppose the proposed program for Cannabis in Fallbrook. As a senior, I live near an area that could grow cannabis outside. Due to my health, if there was cannabis grown, I would have to sell my home and move.

I am asking the committee who is behind this to reconsider growing cannabis outside. The smell would cause me to move and I trust that those behind this project have not considered the negative impact of outdoor grows as concerns crime. Anza is an example of crime due to outside grows. If there is outdoor grows then Fallbrook needs to double their Sheriff's presence. Additionally, if cannabis lounges are allowed, our town of Fallbrook would need additional CHP to protect from

"buzzed driving". I doubt that will happen because we already a lack CHP presence.

I know Fallbrook and Bonsall are considered "step children" of San Diego County but I am hoping you take us into consideration on this proposed program.

Response I38-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. No comments regarding the adequacy of the environmental impact analysis in the Draft PEIR are provided.

The comment expresses concern about cannabis odors and increased crime rates related to the program. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," and Section 9.1.1.4, "Master Response: Code Enforcement and Crime." Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

Letter I39 Don Weeks
March 15, 2025

Comment I39-1
Since there isn't a way to vote on this program, I am writing to comment on the project to sadly support option 4 because it is the only way I have a voice as a citizen.

Response I39-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future

decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR.”

Comment I39-2
1. I am very aware of two articles in the recent Union Tribune regarding "SD raises cannabis tax to help ease the budget" and "City owes record $533M for pension tab." Clearly, this Cannabis Program is to solve SD finance issues.

- This program puts funds down in San Diego at the expense of unincorporated areas.

Response I39-2
The comment expresses an opinion regarding the allocation of funds. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I39-3
2. We need to restrict this Cannabis Program to avoid damaging the beauty and lifestyle of the unincorporated areas.

Response I39-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The comment expresses concern regarding the damaging impacts to aesthetics as a result of the program. The project’s potential visual impacts, including those noted by the commenter, are addressed in the Draft PEIR. The reader is referred to Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis,” and to Section 2.2, “Aesthetics” in the Draft PEIR.

Comment I39-4
The “sewer-like” smell of Cannabis will make small towns reek so that the county -- as a whole -- will certainly lose tourists.

Response I39-4
The comment expresses concern about “sewer-like” odors related to cannabis. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding the evaluation of odor impacts in the PEIR.

Comment I39-5
SD has already raised cannabis tax so underground sales will flourish and increase crime. This criminal element is already happening due to CA legalization without Federal legalization. Increasing it only causes more jail time.

Again, I sadly prefer #4 Cannabis Program with Outdoor Cultivation Prohibition.

Response I39-5
This comment expresses concerns about increased crime and jail time related impacts associated with cannabis. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

The commenter’s preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” and Section 9.1.1.5, “Master Response: Legal Status of Cannabis.”

Letter I40 Jennifer Weeks

March 15, 2025

Comment I40-1
Since there isn't a way to vote on this program, I am writing to comment on the project to sadly support option 4 because it is the only way I have a voice as a citizen.

1. I am very aware of two articles in the recent Union Tribune regarding "SD raises cannabis tax to help ease the budget" and "City owes record $533M for pension tab." Clearly, this Cannabis Program is to solve SD finance issues.

- This program puts funds down in San Diego at the expense of unincorporated areas.

2. We need to restrict this Cannabis Program to avoid damaging the beauty and lifestyle of the unincorporated areas. The “sewer-like.” smell of Cannabis will make small towns reek so that the county -- as a whole -- will certainly lose tourists. SD has already raised cannabis tax so underground sales will flourish and increase crime. This criminal element is already happening due to CA legalization without Federal legalization. Increasing it only causes more jail time.

Again, I sadly prefer #4 Cannabis Program with Outdoor Cultivation Prohibition.

Response I40-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The comment expresses concern regarding the damaging impacts to aesthetics as a result of the program. The project’s potential visual impacts, including those noted by the commenter, are addressed in the Draft PEIR. The reader is referred to Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis,” and to Section 2.2, “Aesthetics” in the Draft PEIR.

The comment expresses concern about “sewer-like” odors related to cannabis. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.”

This comment expresses concerns about increased crime and jail time–related impacts associated with cannabis. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

The commenter’s preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR.”

Letter I41 Mark Mervich

March 17, 2025

Comment I41-1
Alternative 2 is the best compromise for the Citizens of our County.

Response I41-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR.”

Comment I41-2
Alternatives 1,3,4,5 are too restrictive especially with the addition of other entities to the restriction list and the 1000ft radius buffer. I have attended the Fallbrook Planning Group Committee meetings and they get caught up in worst case senarios and worry about Fallbrook becoming the grow capital of San Diego. Santa Barbara Co is having to go to the waitlist for new growers because permits are being withdrawn and the price of the product has fallen by 50%(see article Santa Barbara Independent April 28, 2023). The consensus for the PG Committee is that most of the local citizens are concerned about access to cannabis and not grows. This Committee is predominantly interested in limiting access to Cannabis to save us from what?(more worst case senarios).

Response I41-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. The reader is referred to response to Comment I1-1 regarding the consideration of the range of alternatives and associated setbacks and future Board action on the Cannabis Program.

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter I42 April Holemo
March 19, 2025

Comment I42-1
This program would not be a positive for the Bonsall and Fallbrook communities. We do not have enough police presence to take care of the existing crime problems. This program can do nothing but bring more problems. It is unwanted in our area.

Response I42-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

This comment expresses concerns about the lack of current police presence in their community and increased crime associated with the program. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process and Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

Letter I43 Ariane Freville
March 19, 2025

Comment I43-1
Hello, I wanted to voice my worry about above mentioned program in Bonsall specifically. Bonsall is not the right place for the socially equitable cannabis program.

Response I43-1
The comment is introductory in nature and does not address the adequacy of the Draft PEIR. Therefore, no further response is required.

Comment I43-2
1. From a law enforcement perspective Bonsall remains grossly underserved. Inevitably this program will bring riff raff including people driving under the influence. I am worried with the lack of support from the county and the expected disregard of people who are 'visiting' on our quality of life. This cannabis program should be established in a place that has reliable, fast law enforcement coverage.

Response I43-2
This comment expresses concerns about the lack of current police presence in their community and increased crime associated with the project. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

Comment I43-3
2 Any tax revenue the county receives from those programs goes into the general fund, not for improvements in our area. We do to want to lower our quality of life and get nothing in return.

Response I43-3
No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I43-4
3. Santa Barbara County is spending millions in legal fees to unwind their initiative because of the impact on the quality of life for residents, particularly environmental impacts, especially on air quality. Frankly, I don't understand putting in a brand new park in Bonsall (just broke grounds) with playing fields if they can't be used due to air quality issues, or not being able to take a walk in the preserve next to our house.

Response I43-4
The comment expresses concern about the project's environmental impacts, including air quality. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," and Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Comment I43-5
3. 600 feet away from school is the guideline. However, Environmental impacts, air quality, noise, people visiting, people under the influence driving aren't limited to 600 ft border.

Response I43-5
This comment expresses concern regarding a lack of setbacks for motorists driving under the influence of cannabis and how that may impact air quality, noise, and visitors. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," in regard to proposed ordinances requiring setbacks, and Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," which discusses a range of proposed setbacks evaluated under each alternative. Air quality and noise impacts of the proposed Cannabis Program are addressed in Draft PEIR Section 2.4, "Air Quality," and Section 2.13, "Noise." Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the County.

Comment I43-6
We do not want this program in our town.

Response I43-6
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter I44 David and Nancy Riddlebarger

March 19, 2025

Comment I44-1

I am writing as a concerned resident of Bonsall and a dedicated member of San Diego County's unincorporated communities to express my strong opposition to the proposed San Diego County Socially Equitable Cannabis Program.

My husband and I moved to Bonsall nearly four years ago from Marina Del Rey seeking a peaceful, family-friendly environment to start our own family, surrounded by nature and open space. We are well educated, high earners who are joyous to improve the community we live in. The implementation of this program threatens to disrupt the very qualities that make our community a desirable place to live, work from home, and raise a family.

The proposed program, which includes large-scale cannabis cultivation sites with armed guards, dispensaries, 'open-use' lounges, and public consumption events, poses a serious risk to the health, safety, and property values of our community. Reports from affected communities indicate increased crime rates, nuisances associated with cannabis-related businesses, and ongoing legal disputes regarding environmental and community degradation.

Response I44-1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The comment expresses concern about increased crime rates and threat to the community's health, safety, and property values as a result to the project. The project's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR, and the Master Responses in this Final PEIR. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," and Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Comment I44-2

Specifically, I have the following concerns regarding the proposed program:

Public Safety – The establishment of cannabis dispensaries, open-use lounges, and large-scale cultivation operations with armed security increases security concerns in our community. Crime rates, including burglary and vandalism, have been shown to rise near cannabis-related businesses in other jurisdictions. Large-scale cannabis operations and dispensaries have been linked to increased crime, requiring heightened security measures such as armed guards. This raises concerns for local families and creates an unwelcoming atmosphere in our neighborhoods.

Response I44-2
This comment expresses concern regarding increased crime rates, burglary, and vandalism as a result of the rise of cannabis-related businesses. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

Comment I44-3
Environmental Impact, Air Quality – The EIR acknowledges that the program will result in significant and unavoidable odor emissions that will affect nearby residents. This will diminish our ability to enjoy outdoor spaces, impact quality of life, and potentially lead to long-term public health issues. Additionally, the use of chemicals and high water consumption associated with cannabis production threatens our local ecosystem.

Response I44-3
The comment expresses concern regarding significant and unavoidable odor emissions related to cannabis as a result of the program. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors."

The comment expresses concern about the program's potential to lead to long-term public health issues. The reader is referred to Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use."

The comment expresses concern about the program's environmental impacts, including air quality, increased water consumption, and the use of chemicals. The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," and Section 2.18, "Utilities and Service Systems," regarding the impact analysis of groundwater and municipal water usage by cannabis uses. It is unclear what the commenter is referring to in regard to "the use of chemicals." The reader is referred to Draft PEIR Section 2.9, "Hazards and Hazardous Materials," that address potential use of pesticides and hazardous materials associated with cannabis operations.

Comment I44-4
Negative Effect on Property Values – Studies and anecdotal evidence from other communities have shown that proximity to cannabis businesses can reduce property values, making it harder for homeowners to maintain their investments and quality of life.

Response I44-4
An evaluation of property values is not required by CEQA because property values do not have an impact on the natural or physical environment. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment.

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I44-5
Incompatibility with Family-Oriented Communities – Bonsall and other unincorporated areas are known for their peaceful, rural character and family-friendly environment. The

presence of cannabis lounges and public consumption events is in direct opposition to the culture and values that many residents moved here to embrace.

Response I44-5
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

This comment expresses concern regarding the program's incompatibility with the family-oriented community and rural character of Bonsall and other surrounding unincorporated areas. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. The reader is referred to Draft PEIR Section 2.2, "Aesthetics," regarding the evaluation of visual character impacts of the proposed Cannabis Program.

Comment I44-6
Lack of Community Benefit – The program's structure includes licensing prioritization for individuals with prior drug convictions, which raises concerns about who will be operating these businesses. Additionally, events and dispensary hours extending into the night (up to 10 PM) disrupt community peace.

Response I44-6
The reader is referred to Section 9.1.1.8, "Master Response: Comments on the Proposed County Code Changes Under the Socially Equitable Cannabis Program."

Comment I44-7
Proximity to Schools and Residential Areas – The proposed 800-foot setback from roads is insufficient to protect schools, homes, and public spaces from the potential negative impacts of cannabis operations.

Response I44-7
This comment expresses concern that the proposed setback from roads is insufficient to protect schools, homes, and public spaces from the potential negative impacts of cannabis operations. The comment does not identify what "negative impacts" of cannabis operations should be addressed through setbacks. Setbacks proposed under the PEIR Alternatives 2 through 5 range from 600 feet to 1,000 feet as measured from defined uses as described in Draft PEIR Chapter 2, "Project Description, Location, and Environmental Setting." Business and Professional Code Section 26054(b) requires that cannabis facilities observe a 600-foot buffer from certain state-defined sensitive uses, including schools, daycares, and youth centers. Draft PEIR considers these proposed setbacks as part of the evaluation of odor and noise impacts, as discussed in Section 2.4, "Air Quality," and 2.13, "Noise." The reader is referred to response to Comment I1-1.

Comment I44-8
Water Consumption and Environmental Degradation – The program will place a substantial burden on our water resources, particularly in already drought-prone regions. The EIR identifies significant and unavoidable impacts on groundwater supplies, which could compromise the sustainability of our agricultural lands and rural homes.

Response I44-8
The reader is referred to Draft PEIR Section 2.11, “Hydrology and Water Quality,” and Section 2.18, “Utilities and Service Systems,” regarding the impact analysis of groundwater and municipal water usage by cannabis uses.

Comment I44-9
Traffic and Noise Pollution – The proposed cannabis operations will increase traffic congestion, noise pollution, and late-night activities, further disrupting the peace and safety of residential neighborhoods. The report highlights significant and unavoidable transportation impacts, including increased vehicle miles traveled and potential road hazards.

Response I44-9
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

The comment expresses concern regarding increased traffic congestion, noise pollution, and late-night activities that could impact neighborhood safety as a result of the program. The reader is referred to Section 2.16, “Transportation,” and Section 2.13, “Noise” of the Draft PEIR. Additionally, the reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

Comment I44-10
Fire Hazards in Wildland-Urban Interface Areas – Many unincorporated areas, including Bonsall, are already at high risk for wildfires. The introduction of cannabis operations, which require high energy consumption and could lead to electrical overloads, exacerbates this danger and puts residents at greater risk.

Response I44-10
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

The comment expresses concern regarding increased fire hazards. The reader is referred to Section 2.19, “Wildfire,” of the Draft PEIR.

Comment I44-11
Harm to Property Values and Community Livability - Homeowners in areas affected by cannabis programs have experienced decreasing property values due to the presence of dispensaries and cultivation sites. Families and prospective homebuyers are less inclined to move into communities where cannabis businesses are prevalent, leading to long-term economic decline in residential areas. Bonsall and other unincorporated areas of San Diego County are known for their rural, equestrian, and family-oriented communities—values that are completely incompatible with the objectives of this program.

Response I44-11
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

An evaluation of property values is not required by CEQA because property values do not have an impact on the natural or physical environment. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I44-12
Given these concerns, I urge the County to prioritize the health, safety, and well-being of residents over commercial cannabis interests. The Draft EIR itself identifies multiple significant and unavoidable adverse effects of this program, making it clear that this initiative is not suitable for family-friendly communities like Bonsall as an unincorporated area of San Diego County.

I respectfully request that my concerns and opposition be included as part of the public record and that the County prioritize the well-being and wishes of its residents over commercial cannabis interests.

I urge you to reject or heavily restrict the implementation of this program in communities like mine that seek to maintain their peaceful, family-friendly character.

Thank you for your time and consideration.

Response I44-12
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. Responses to comments provided by the commenter are provided above in I44-1 through I44-11.

Letter I45 Harry Bold

March 19, 2025

Comment I45-1
I want to be absolutely clear—there is no support for the Socially Equitable Cannabis Program in Bonsall among those I have spoken with. The community does not favor this initiative, and we strongly oppose any efforts to implement it in our area.

Please consider this a firm NO on the matter.

Response I45-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I46 Hazel Livingston-Jones
March 19, 2025

Comment I46-1
Hi Ms Norton, a relative forwarded an email with this proposal. Please do this somewhere else far away from our homes. Maybe near the border to TJ?

Response I46-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I47 Kelley Cuerva
March 19, 2025

Comment I47-1
I would like to let you know that I support the possibility of cannabis farms in the Bonsall area.

Response I47-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I48 Markus Livingston
March 19, 2025

Comment I48-1
I am writing to express my firm opposition to the proposed cannabis program in Bonsall. This is not something the community asked for, nor is it something we welcome. Bonsall is not the place for this initiative, and we strongly urge you to reconsider your location.

Rather than imposing this program on a community that does not support it, I encourage you to find a more suitable location where there is actual demand. Bonsall residents take pride in our town, and we do not wish to see it disrupted by unwanted outside influences.

Please respect the wishes of this community and take your program elsewhere.

Response I48-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I49 Paul Lopez-Wood
March 19, 2025

Comment I49-1
Comment for this initiative. I support it and the benefits our communities would get from it.

Response I49-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's support for the proposed Cannabis Program has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I50 Arthur Rodriguez

March 20, 2025

Comment I50-1
I would like the following be entered as a comment on CEQA:

"It is my wish as a resident of Fallbrook that everything be done by the board considering this to deny it! I do not want ANY cannabis dispensaries, free use areas, growing operations, etc., in any part of San Diego County, especially in Fallbrook. Do not pass this item!"

Response I50-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I51 Jacci Eifler

March 23, 2025

Comment I51-1
As a homeowner and taxpayer in Bonsall, CA, I was saddened to learn of a potential socially equitable cannabis program located in my residential area. Although I am not against the personal choice of someone partaking in cannabis, I am not a cannabis user myself. I am against this program due to the long-range ramifications such as water run off, the pungent smell produced by the product/s, the clientele, etc. In addition, I would prefer not to see my hard-earned tax dollars spent in this manner.

Response I51-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The comment expresses concern about water runoff and odors related to cannabis. The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," for the evaluation of water quality impacts from cannabis runoff and Section 9.1.1.1, "Master Response: Cannabis Odors," regarding the evaluation of cannabis odors.

Letter I52 Brooke Carsey

March 23, 2025

Comment I52-1

It's ridiculous that anyone would get approve a cannabis farm right next to an elementary school. Send that farm somewhere else. We don't want in in our community!

Response I52-1

There is currently a ban on any new cannabis facilities in the unincorporated areas of San Diego County, and no applications for a cannabis facility have been submitted. The Cannabis Program would allow for new cannabis facilities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054(b) regarding distances from certain state-defined sensitive uses that includes schools, daycares, and youth centers) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I52-2

A cannabis farm, with a "consumption patio," right near where our children school and play is ridiculous. The access, the impact to the neighborhood, the farming impact to the waterways, leach fields, and topsoil layers is also a problem—no matter what is being grown, and the nearness t playing children at the new community park—really this is just reckless planning!

Response I52-2

There is currently a ban on any new cannabis facilities in the unincorporated areas of San Diego County, and no applications for a cannabis facility have been submitted. The Cannabis Program would allow for new cannabis facilities. The reader is referred to response to Comment I52-1 regarding setbacks of cannabis uses from schools and Draft PEIR Section 2.11, "Hydrology and Water Quality," regarding potential impacts to surface water features. Term 27 of Attachment A of State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ prohibits discharge cannabis wastewater into septic systems and leach fields. Commercial cannabis activities would be subject to the County's Grading, Clearing, and Watercourses Ordinance, which includes requirements for cut and fill slopes, drainage terracing, setbacks for buildings from cut or fill slopes, and reporting requirements, including a soil engineer's report and final engineering geology report for approval of grading as affected by geological factors, as well as be subject to SWRCB Order WQ 2023-0102-DWQ, which contains requirements for soil erosion and sedimentation controls (BMPs) for soil stability and the implementation of a site erosion and sediment control plan and a disturbed area stabilization plan for higher risk sites.

Comment I52-3
Take this farm so where else. It should NOT be near homes, should NOT be near a park, should NOT be near athletic facilities, should NOT be near the river. There are plenty of other open spaces elsewhere in the vast county for cannabis farmers and users to gather. Not near my kids, please.

Response I52-3
There is currently a ban on any new cannabis facilities in the unincorporated areas of San Diego County, and no applications for a cannabis facility have been submitted. The Cannabis Program would allow for new cannabis facilities. The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The reader is referred to response to Comment I52-1 regarding setbacks. SWRCB Order WQ 2023-0102-DWQ establishes setbacks for cannabis cultivation uses from surface water features.

Letter I53 Juliana Hesselgesser

March 23, 2025

Comment I53-1
Hello. I am a homeowner and mother of four young children, living between Bonsall Elementary school and the proposed county park off Camino Del Rey and Lilac. I am vehemently against the socially equitable cannabis program and ask that the board halt the plan to add cannabis growing grounds in our community. No one in our community wants this!

Response I53-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I54 Sarah Springston

March 23, 2025

Comment I54-1
As a local resident less than 1/4 mile from the proposed Socially Equitable Cannabis farm in Bonsall near the Bonsall Elementary School and Bonsall park, please know that the community stands against this proposal. No one around us, in Lake Vista Estates or the surrounding neighborhoods, wants this type of "farm" in our backyard, and only hundreds of meters from where the local children attend school and the community enjoys time out in nature along the park's trails. This proposal stinks, as do any corrupt county board members that only see $$$ and are considering supporting this cannabis farm proposal. The "consumption bar and patio" is a joke…we don't want open drug use in our town. Let's put our tax money and land to better use, clean businesses that help our children have a brighter future in beautiful Bonsall rather than attracting criminal types and chemically dependent people.

Response I54-1
There is currently a ban on any new cannabis facilities in the unincorporated areas of San Diego County, and no applications for a cannabis facility have been submitted. The Cannabis Program would allow for new cannabis facilities. The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

This comment expresses concerns about potential crime related impacts associated with cannabis and the lack of setbacks from schools and parks. The reader is referred to Sections 9.1.1.4, "Master Response: Code Enforcement and Crime;" 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," in regard to proposed ordinances requiring setbacks; and 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR." which discusses a range of proposed alternatives. Alternative 2 would include a 600-foot setback from schools, while Alternatives 3, 4, and 5 would include a 1,000-foot setback from schools and parks.

Letter I55 Suzanne Nixon

March 23, 2025

Comment I55-1
I have lived in Bonsall for 22 years, this is my community. I have a lot of concerns about this project.

Alternative 4 has been proposed for our city.

This kind of business would impact our community in so many negative ways.

This is not a regular farming or agricultural business, which is very common in our area.

Response I55-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The comment also states that Alternative 4 has been proposed for the commenter's city, however, it should be noted that Alternative 2 is identified as the proposed project. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR." The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Comment I55-2
This kind of business would affect:

- Our water, air, the artificial lights and noise.

Response I55-2
The comment expresses concern regarding increased impacts to water, air quality, and increased artificial lights and noise as a result of the program. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.6,

"Master Response: Consideration of Environmental Impacts of Cannabis," Sections 2.2, "Aesthetics," 2.4, "Air Quality," and 2.13, "Noise," in the Draft PEIR.

Comment I55-3

- Traffic and noise from the outdoor events and extra consumers coming to our area.

Response I55-3
The comment expresses concern regarding increased traffic and noise from outdoor events as a result of the program. Please refer to Section 2.16, "Transportation," and Section 2.13, "Noise," of the Draft PEIR.

Comment I55-4

- Extra strain on our law enforcement personal and first responders.

Response I55-4
This comment expresses concern about the extra strain put on current law enforcement personnel and first responders as a result of the program. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," and Section 2.15, "Public Services."

Comment I55-5

- It would attract people to our community just to use cannabis.

Response I55-5
The comment does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, no further response is provided.

Comment I55-6
I am also very concerned were this is planning on being established.

It is very close to schools and neighborhoods. We have plans for a big park area going in for families and kids.

We do not want cannabis users hanging out in the park. We should have a voice in what kind of business go into our family area.

Response I55-6
This comment expresses concern regarding proximity to school, parks, and neighborhoods. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," in regard to proposed ordinances requiring setbacks, and Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," which discusses the range of proposed alternative setbacks.

Comment I55-7
Another concern is after these businesses are set up, who regulates them?

Who regulates the amount of people coming and going? Who maintains the roads and access? Many of these roads are narrow.

Who will review how the neighborhoods have been impacted?

Response I55-7
The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment I55-8
There are to many unknown and not enough reasons to put these businesses in a family community.

Please discontinue this program in our area.

Response I55-8
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Letter I56 Jacci Eifler

March 24, 2025

Comment I56-1
Thank you kindly for your promptness in response to this important issue. In addition to the previously listed potential adversities, I am also concerned about the downgraded aesthetics specifically canopies resulting from this proposed program. A major reason that I originally purchased property in Bonsall, CA is because of the beautiful, serene, peaceful, and country-like setting. In all fairness, Bonsall residents should not be subjected to this projected cannabis program.

Response I56-1
The comment expresses concern impacts to aesthetics as a result of the program. The project’s potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR. The reader is referred to Section 2.2, “Aesthetics” in the Draft PEIR.

Letter I57 Kathie Morris

March 29, 2025

Comment I57-1
I would like to make a few comments and have some questions regarding the Cannabis project potentially going into unincorporated areas of San Diego County.

First I stand with all comments made by the Fallbrook Planning Group.

Response I57-1
The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, no further response is provided. Responses to specific comments concerning environmental issues are provided below.

Comment I57-2
QUESTIONS:

What is the plan to handle toxic run off from fertilizers being used in grow areas?

What is the plan for toxic run off into our water table and water shed?

What is the procedure to remove hazardous materials?

Response I57-2
The reader is referred to Draft PEIR Section 2.11, “Hydrology and Water Quality,” regarding the impact analysis of water quality impacts to water resources by cannabis uses and Section 2.9, “Hazards and Hazardous Materials,” that addresses potential use of pesticides and hazardous materials associated with cannabis operations.

Comment I57-3
How will you handle property value loss as a result of potential "pot" farms being in close proximity of residential areas.? Will you compensate the public monetarily when this occurs?

What is the vetting process of convicts who will get these licenses?

What are the procedures for enforcement of any laws put in place for these facilities ?

Response I57-3
This comment raises the concern of property value loss resulting from cultivation near residential areas, and if there will be monetary compensation. This comment has been acknowledged. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment and are not addressed in the PEIR. The comment expresses concern about the process of vetting convicts applying for cannabis grow licenses and the procedures for enforcing laws surrounding these facilities. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

Comment I57-4
What, if any are the procedures for harvest season? Will there be certain hours that harvesting can take place? Will they be allowed to have a 24/7 harvest crew? If so, where will these people stay, eat, use restrooms, leave trash, etc. Our motels are not big enough to handle the potential amount of short term hired labor. Additionally, our three motels are being used for the voucher system for the homeless.

Response I57-4
This comment raises the concern of harvesting hours and harvest crews. The harvest crew's lodging, restroom usage, and trash. There is also a concern for capacity of motels in the area for housing the crew. This comment has been acknowledged. The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment I57-5
Will there be weekly inspections of each farm guaranteeing they are operating within all the guidelines you put forth?

Who will be inspecting each farm for proper sanitation of restroom use, trash, additional drug use, etc?

What if any is the procedure of shutting down a facility if they are unsuccessful? Will they be responsible to remove and and all items they have put on the property? who will enforce this if they leave behind an extortionary amount of trash and debris?

Response I57-5
This comment raises the concern of harvesting hours and harvest crews. The harvest crew's lodging, restroom usage, and trash. There is also a concern for capacity of motels in the area for housing the crew. This comment has been acknowledged. The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment I57-6
What safe guards are in place to handle additional traffic/trucks on our already stressed roadways?

Response I57-6
The comment expresses concern regarding increased traffic on already stressed roadways. The reader is referred to Section 2.16, “Transportation,” of the Draft PEIR.

Comment I57-7
Is there a time frame or period that a cannabis farm can operate.. ie, one, two, three years, forever? What if they are operating in bad faith, what is the procedure to have them removed?

Response I57-7
The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment I57-8
How will you handle potential crime as a result of these farms? Our officers are already understaffed and over worked .

Response I57-8
This comment expresses concern about potential crime related impacts associated with cannabis farms and the current lack of law enforcement patrolling the area. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

Comment I57-9
What is your plan to mitigate smell even if they are using the the recommended procedures?

Response I57-9
The comment expresses concern about odor mitigation related to cannabis farms. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding proposed Cannabis Program provisions that address odor control.

Comment I57-10
The EIR was deficient in your notification process in notifying the general public of the entire Fallbrook community as we will all be impacted.

My family and I are against this project.

Response I57-10
The commenter expressed concern associated with the notification process of the Draft PEIR. As mentioned in Section 1.8.1 in the Draft PEIR, “[i]n compliance with State CEQA Guidelines Section 15082, a notice of preparation (NOP) for this Draft PEIR was distributed to the California State Clearinghouse; relevant responsible and trustee agencies; other local, state, and federal agencies; and interested individuals and organizations. The 46-day public comment period for the NOP began on September 15, 2023, and ended on October 31, 2023. The NOP was published in the San Diego Union-Tribune newspaper, posted to the project’s webpage and Engage San Diego County website, posted to the County’s California Environmental Quality Act Public Review webpage, and distributed to the Cannabis Program email notification list. The NOP was posted at the PDS Zoning Counter and distributed to all public libraries located within the unincorporated area. In addition, 2 scoping meetings were held virtually on October 12, 2023, and October 17, 2023, to allow for input from the public, affected agencies, and interested organizations.”

On January 30, 2025, the County released the Notice of Availability (NOA) that announced the availability of the Draft PEIR for review and comment. The NOA was distributed to the California State Clearinghouse; relevant responsible and trustee agencies; other local, state, and federal agencies; and interested individuals and organizations. It was also published in the San Diego Union-Tribune newspaper, posted to the project’s webpage and Engage San Diego County website, posted to the County’s California Environmental Quality Act Public Review webpage, and distributed to the Cannabis Program email notification list.

The NOA identified a 60-day review period for the Draft PEIR, which is the maximum number of days permitted under State CEQA Guidelines Section 15105(a). The Draft PEIR was made available for public review at the County’s Project Processing Counter, 12 local library branches, and online.

Public meetings to provide comment on the Draft PEIR included the following:

- Three virtual public meetings on February 5, 6, and 12, 2025
- In-person open house event at the San Diego County Library - Lakeside Branch on February 25, 2025

- In-person open house event at the San Diego County Library - Valley Center Branch on February 26, 2025

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I58 Chris Hasvold

March 25, 2025

Comment I58-1
I STRONGLY SUPPORT ALTERNATIVE 1 - NO PROJECT

However, if you aren't willing to consider the disastrous environmental impacts on the unincorporated areas, my secondary preference is Alternative 4.

Response I58-1
The comment provides an opinion regarding the merits or qualities of the proposed program and expresses support for Alternative 1, and to a lesser extent Alternative 4. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I59 Dean Robinson

March 25, 2025

Comment I59-1
As a resident of Fallbrook, an unincorporated area in San Diego County, I support ALTERNATIVE 1 - NO PROJECT. However, the likelihood that the Board of Supervisors will adopt that Alternative is doubtful. In that case, my preference is Alternative 4, and I agree with the comments and support from the Fallbrook Planning Group.

Response I59-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I60 Cynthia Hauff
March 25, 2025

Comment I60-1
To whom this may concern:

WE OPPOSE THIS PROGRAM AND

SUPPORT ALTERNATIVE 1 - NO PROJECT

However, the likelihood that the Board of Supervisors will adopt that Alternative is doubtful. In that case, our preference is Alternative 4, with Fallbrook

Response I60-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I61 Erica Roberg Williams
March 25, 2025

Comment I61-1
WE OPPOSE THIS PROGRAM AND

SUPPORT ALTERNATIVE 1 - NO PROJECT

However, the likelihood that the Board of Supervisors will adopt that Alternative is doubtful. In that case, our preference is Alternative 4, with Fallbrook Planning Group's comments.

Response I61-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I62 Frank Hilliker

February 25, 2025

Comment I62-1
Social equity

Equity for those impacted needs to be spelled out. Whats that going to be? It needs to be spelled out? Thx.

Response I62-1
CEQA requires that public agencies consider the significant adverse physical environmental effects of projects over which they have discretionary approval authority before taking action on those projects (PRC Section 21000 et seq.). Equity concerns are a social issue. Section 15131 of the State CEQA Guidelines states that economic and social effects of a project shall not be treated as significant effects on the environment. Thus, no analysis of equity is provided in the PEIR.

Letter I63 Harlee Robinson

March 25, 2025

Comment I63-1
Thank you for coming to the meeting this morning and educating us on this matter. I would like to add my comments.

As a resident of Fallbrook, an unincorporated area in San Diego County, I support ALTERNATIVE 1 - NO PROJECT. However, the likelihood that the Board of Supervisors will adopt that Alternative is doubtful. In that case, my preference is Alternative 4, and I agree with the comments and support from the Fallbrook Planning Group.

Response I63-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I64 Jim Kabellis

March 25, 2025

Comment I64-1
WE OPPOSE THIS PROGRAM AND SUPPORT ALTERNATIVE 1 - NO PROJECT.

However, the likelihood that the Board of Supervisors will adopt that Alternative is doubtful. In that case, our preference is Alternative 4, with Fallbrook Planning Group's comments.

Response I64-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I65 Phil Delaney

March 25, 2025

Comment I65-1
WE OPPOSE THE CANNABIS PROGRAM AND

SUPPORT ALTERNATIVE 1 - NO PROJECT

However, the likelihood that the Board of Supervisors will adopt that Alternative is doubtful. In that case, our preference is Alternative 4, with Fallbrook Planning Group's comments.

Response I65-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I66 Tracy Ellis

March 25, 2025

Comment I66-1
I am voicing my opposition to the county-sponsored development of the cannabis industry. If people want to cultivate cannabis commercially they can relocate to where regulations for commercial growing are already allowed.

Response I66-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Comment I66-2
The EIR has not addressed how allowing legal cannabis cultivation has been a disaster in this State by any measure. Using northern California as an example, cartels and human traffickers control massive amounts of cultivation, taking advantage of decriminalization, and flooding the market with cannabis. I implore you to view how legal operations in northern California have not been successful; the compliant growers are trying to abide by all the regulations but they cannot earn a profit by playing by the regulations while the cartels control it. In my view there have been few economic or societal benefits from supporting this industry, while the negative impacts have been massive, just use northern CA counties as an example of what could happen here. This proposal is out-of-step and behind-the-curve with current knowledge of legalization impacts and should be discontinued from consideration.

Response I66-2
CEQA requires that public agencies consider the significant adverse physical environmental effects of projects (in this case the proposed Cannabis Program) over which they have discretionary approval authority before taking action on those projects (PRC Section 21000 et seq.). CEQA does not require an evaluation of the effectiveness of establishing a regulated cannabis cultivation program to address issues with illegal cannabis cultivation and associated operations. The California Department of Cannabis Control's California Cannabis Market Outlook 2024 Report identifies that California produced more cannabis for the licensed market in 2024 than any year since the 2018 Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA). Consumption of cannabis produced for the licensed market also continued to increase in 2024. The share of total consumption supplied by the licensed market continues to be stable at about 40 percent. Statewide efforts to eradicate unlicensed cannabis production are having some effect as unlicensed production is around the same levels compared with pre-MAUCRSA.

Comment I66-3
There are other numerous negative impacts and the environmental impact report describes these:

SIGNIFICANT AND UNAVOIDABLE IMPACTS

TOPIC	ISSUE/IMPACT
Aesthetics	Substantially degrade visual character or quality
Air Quality	Emissions of odors adversely affecting a substantial number of people
Groundwater	Decrease groundwater supplies or interfere with groundwater recharge
Noise	Excessive temporary (construction-related) noise levels
Transportation	Exceed the threshold for vehicle miles travelled (VMT)
Utilities & Service Systems	Adequate water supplies

Response I66-3
The commenter lists the significant and unavoidable impacts provided in the Draft PEIR. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I66-4
One observation on this proposal is that the County has never supported any other agricultural commodity in this manner when several commodities would have benefitted from this much State and County government support. No red carpet has been rolled out for any other agricultural industry or the people affiliated with them.

Response I66-4
This comment is noted. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I66-5
Please do not change the cannabis regulations in San Diego County! There is already plenty of cannabis on the market and it should not receive any special local support. Why should we make it easier for people to grow and obtain this commodity when the market is flooded already and there are many healthier crop alternatives.

Response I66-5
No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter I67 Ian Murdock

March 27, 2025

Comment I67-1
I was notified by one of my neighbors of this **upcoming** meeting, Thursday night, March 27th.

In essence, and correct me if I'm wrong and am oversimplifying this matter, but it is my understanding that one of the proposals is to establish a cannabis farm on the hillside of West Lilac road in Bonsall - essentially not far from the newly proposed Bonsall Park (and a location that is just below a densely populated residential neighborhood, next to many condominiums on Del Cielo Este).

Response I67-1
There is currently a ban on any new cannabis facilities in the unincorporated areas of San Diego County, and no applications for a cannabis facility have been submitted. The Cannabis Program would allow for new cannabis facilities. The project evaluated in the Draft PEIR is the proposed implementation of the proposed Cannabis Program, specifically the Regulatory Code and Zoning Ordinance amendments that would allow for adult-use commercial cannabis uses within the unincorporated area. Adoption of the proposed Cannabis Program would require amendments to the Regulatory Code and Zoning Ordinance to establish licensing and operational regulations for a range of cannabis cultivation and noncultivation uses authorized under state law. These actions do not include approval of any proposed individual cannabis cultivation applications.

Comment I67-2
If my interpretation of this matter is correct, I want it on record - for a multitude of reasons (crime, fire risk, noise, and environmental issues) - that I strongly oppose (vote against) this hillside as a location for such a cannabis farm.

Response I67-2
The reader is referred to response to Comment I67-1.

Comment I67-3
Other locations like Colorado and Santa Barbara have faced multiple lawsuits due to the dramatic and adverse impacts to the neighborhoods surrounding these type of farms, not to mention the incredibly damaging environmental effects (something California supposedly states to care so much about). Perhaps talk is cheap when tax dollars are in the government's mind.

Response I67-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The comment does not address the content, analysis, or conclusions in the Draft PEIR that evaluates the potential environmental impacts of the proposed Cannabis Program. Therefore, no further response is provided.

Comment I67-4
It's an absolute travesty that the self-proclaimed "environmentally concerned capital of the world" (California), is immediately willing to propose such a plan - one that flies in the face of all the altruistic verbal nonsense the government claims to care about (environment). And worse yet, attempting to "disguise" and "promote" it as a program directed at diversity.

As usual, arrogant and condescending California government officials think they can insult the intelligence of their constituents. This is exactly why this state has evolved into the cesspool that it is. As soon as massive tax dollars come into the picture, the true colors are revealed - not that anyone ever believed their genuine intentions anyway.

I moved to Bonsall 24 years ago for many reasons: the scenery, the peace and tranquility, and all the safety and comfort that a quiet bedroom community offers.

After 18 years, a community was built right below us, and next to your proposed farm - and I highly doubt they will be any happier than I am to learn of this proposal.

Some neighbors of mine will hopefully be attending the meeting, and it is my hope that this proposal to put a cannabis farm there will be rejected.

Please deem this note as my definitive objection to such a plan, under any circumstances whatsoever.

A very upset and concerned longtime Bonsall resident.

Response I67-4
There is currently a ban on any new cannabis facilities in the unincorporated areas of San Diego County, and no applications for a cannabis facility have been submitted. The Cannabis Program would allow for new cannabis facilities. The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The comment does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, no further response is provided.

Letter I68 Jill DePalma

March 27, 2025

Comment I68-1
I am writing to express my strong objection to the Socially Equitable Cannabis Program. While I have no problem with cannabis operations, I have personally seen the cannabis industry moving into a city lead to negative impacts, such as increased crime and foul odors over entire neighborhoods. In my last town of Buellton, they allowed a number of cannabis operations to come in, and it was not a good thing. And this Socially Equitable program is even worse. We're INTENTIONALLY inviting criminals and formerly incarcerated people to live and work in our town??? I find this proposal to be insane, and expect that it will negatively impact Fallbrook in several ways. Also, I see that you've already chosen ten recipients to each receive $28,000 grants? So we're giving $280,000 to people that have already demonstrated that they do not have respect for the laws of our country? That seems like a very poor use of taxpayer funds. This is a bad idea for Fallbrook and I hope you all will vote against it.

Response I68-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The comment expresses concern about increased crime rates as a result to the program. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

The comment expresses concern about foul odors related to cannabis affecting their neighborhood as a result of implementation of the project. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors."

Letter I69 Kathy Lemos

March 27, 2025

Comment I69-1
We oppose this program & support alternative 1-no project. For bonsall & fallbrook

Response I69-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I70 Tony Lemos

March 27, 2025

Comment I70-1
We oppose this program and support alternative 1 - no project .

Response I70-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Letter I71 Bob Littlejohn

March 27, 2025

Comment I71-1
Attached are my comments regarding the Socially Equitable Cannabis Project draft Environmental Impact Report. This is actually the version of the comments I thought our chair would send to you today, but I see that she sent you something else instead. The version included here was posted for our entire group to edit using a process defined by the chair. But she ignored the product of that effort and wrote what she sent you instead, without consulting anyone else on the team as far as I know.

I saw that she included a long list of references with her letter. She had sent the entire group something the same or very similar via email several days ago, and I replied to her with my mark up of that list. I have also attached that FYI.

As far as I know, no one in our group saw the version she sent you today or anything like it before it was sent to you, even though we were told that we could all have a chance to weigh in through collaboration using a Google Doc on Google Drive.

I have cc'd several members of our group who may have concerns about how this was handled, as well. Each of them may have already submitted their own comments to you

separately; I am not trying to say that they all agree 100% with the comments document I have attached to this email.

The group did in fact vote 11 yes, 1 no in favor of Alternative 1, with 3 absent. I am not disputing that. But just know that the discussion we had was much more nuanced than what that vote indicates. The attached document attempted to capture that nuance.

If you have any questions, please let me know.

Purpose

In 2016, Valley Center narrowly voted against the legalization of marijuana, Prop 64, 48.8% yes to 51.2% no. That was over eight years ago but remains the only solid data point on Valley Center's attitude toward legal cannabis. That said, a close vote in 2016 does not mean that if a vote were taken today on the draft EIR that the split would remain narrow. It's a different question. These comments are intended to reflect the sentiment of our community on the important question of the potential extent of damaging environmental impacts on Valley Center if the ultimate decision is to implement any alternative other than "No Project."

Public and Planning Group Input

Public feedback during recent Valley Center Community Planning Group (VCCPG) meetings where the Socially Equitable Cannabis program was on the agenda has been almost uniformly opposed to implementation of any form of the project. Members of the public cited a long list of both environmental and broader concerns with the program, especially with outdoor cultivation. The VCCPG member discussion at the meeting on March 26th to vote on the VCCPG position for our comments on this program was also strongly against the program and for similar reasons. However, during our debate some members argued, similar to the comments from the Fallbrook CPG, that the VCCPG should vote in support of Alternative 1 but list Alternative 4 as a secondary choice because it has the least impact on our environment among Alternatives 2 through 5. The thinking, similar to Fallbrook's, is that if we don't say what we can live with, we'll get Alternative 2, the alternative that would have the worst impact on our environment. In other words, the group's discussion was decidedly opposed to any alternative which includes any level of outdoor cultivation, and a significant majority voted to support only Alternative 1.

Response I71-1
The comment provides a general introduction to the comment letter. The commenter's preferences for the program alternatives have been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR regarding the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I71-2
Primary Concerns

The draft EIR lists six environmental impacts that would remain both significant and unavoidable even after mitigation (see Summary Table S.2 below excerpted from the draft EIR). Five of the six include Alternatives 2 through 5, and one includes Alternatives 2, 3 and 5. This is deeply troubling and ultimately why we voted in favor of only Alternative 1. Valley Center is an agricultural gem in the unincorporated area. The group and members of the Valley Center public are rightly concerned about the potential environmental impacts of large-scale cannabis cultivation operations in our community, even if contained indoors or inside of greenhouses. There is well-placed concern that these operations would bring substantial harm to our prized and uniquely beautiful environment, and we hope that county decision makers will agree.

Though out of scope for comments on the draft EIR, it's fair to say that our opposition to the program also includes significant concerns with other potential impacts on our community including increased DUI incidents, crime, and an inability to adequately regulate operations due to the strain on enforcement and compliance resources which could in turn result in more environmental harm and other problems than anticipated.

Other Considerations

While cannabis supply in the state might be high relative to demand right now there is no guarantee that that imbalance will continue. It is very difficult to project the scale of business activity in Valley Center over time if one of Alternatives 2 through 5 is eventually implemented. Our duty is to assume that business conditions may change, and the community could experience very significant business activity. Given our concerns about the environmental impacts, this is important. A related and also difficult-to answer question is whether a legal program implementation here would displace even more illegal activity resulting in a net benefit to the community. There is no guarantee of that, so again we err on the side of caution – no project.

Response I71-2
The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," regarding various state regulations and proposed regulations in the Cannabis Program regarding code enforcement and crime and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the County.

Comment I71-3
Acknowledgements

The Valley Center Community Planning Group would like to thank Jessica Norton and the entire San Diego County team who worked on this draft EIR. It represents a substantial body of work and has been considerably helpful to us in understanding the possible environmental

impacts on our community and how the plan might or might not address them. We believe the work was completed making every effort to consider all of the relevant information available as the draft was formulated. We encourage the program team to continue to seek out new information about the environmental impacts of a program like this because the pace of relevant research and learning has been and remains quite rapid. We will submit information we think is new and relevant to the team as the project progresses through the process.

We hope our input in the form of this comment document is helpful, as well. We welcome any questions anyone on the county team might have regarding these comments.

And finally, we would like to thank the community members who spent time to learn about this program and to tell us what they think about it, and why. This has helped our group to formulate and vote on an input that we believe has taken their concerns and interests to heart.

Table 5.2 Summary of the Environmental Effects of the Alternatives Relative to Those of the Proposed Project

Environmental Topic	"Alternative 2: Proposed Project- Cannabis Program Consistent with State Requirements"	Alternative 1: No Project- Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Aesthetics	Significant and unavoidable	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Agriculture and Forest Resources	No impact	Similar (NI)	Similar (NI)	Similar (NI)	Similar (NI)
Air Quality	Significant and unavoidable (odor impacts only)	Less (LTS, eliminates SU impact)	Less	Less (LTS, eliminates SU impact)	Less
Biological Resources	Less than significant (with mitigation)	Less	Similar	Less	Similar
Cultural and Paleontological Resources	Less than significant	Less	Similar	Less	Similar
Energy	Less than significant (with mitigation)	Less	Similar	Less	Similar
Geology, Soils, and Mineral Resources	Less than significant	Less	Similar	Less	Similar

Environmental Topic	"Alternative 2: Proposed Project- Cannabis Program Consistent with State Requirements"	Alternative 1: No Project- Retention of Current Cannabis Regulations	Alternative 3: Cannabis Program with Expanded County Regulations	Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition	Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy
Greenhouse Gas Emissions and Climate Change	Less than significant (with mitigation)	Less	Similar	Less	Similar
Hazards and Hazardous Materials	Less than significant	Less	Similar	Less	Similar
Hydrology and Water Quality	Significant and unavoidable (groundwater supply impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Land Use and Planning	Less than significant	Less (NI)	Similar	Similar	Similar
Noise	Significant and unavoidable (construction noise impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Population, and Housing	Less than significant	Less	Similar	Similar	Similar
Public Services	Less than significant	Less (NI)	Similar	Similar	Similar
Transportation	Significant and unavoidable (vehicle miles travelled impacts only)	Less (LTS, eliminates SU impact)	Similar	Similar	Similar
Tribal Cultural Resources	Less than significant	Less	Similar	Less	Similar
Utilities and Service Systems	Significant and unavoidable (vehicle miles travelled impacts only)	Less (LTS, eliminates SU impact)	Similar	Less	Similar
Wildfire	Less than significant	Less	Similar	Less	Similar

Cannabis Articles:

Bob's note – none of these appear to be in the county's Chapter 6 list of references for the draft EIR

15 total articles on original list

7 are out of scope for the EIR

3 refer to illegal cannabis activity. Apples and oranges.

3 cite issues that the draft EIR says will not result in significant and unavoidable impacts after mitigation

1 is a duplicate

1 refers to an in-process legal case that could result in an outcome that would be an important factor for how this program might be implemented in Valley Center

file:///Volumes/Lexar/Cannabis/smoking-cannabis-associated-increased-risk-heart-attack-stroke.htm

This link didn't work for me. This could be the correct link: https://www.nih.gov/news-events/newsreleases/smoking-cannabis-associated-increased-risk-heart-attack-stroke
Out of scope for EIR

https://www.cdc.gov/mmwr/volumes/72/wr/mm7228a1.htm

Social - Out of scope for EIR

https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2808961

Social - Out of scope for EIR

https://www.bumc.bu.edu/emergencymedicine/files/2016/08/MJ-legalization-and-impact-on-EM-care.pdf

Social - Out of scope for EIR

https://www.sfgate.com/cannabis/article/banned-pesticides-testing-california-cannabis-18678450.php

Testing - Out of scope for EIR
https://www.sfgate.com/cannabis/article/california-pot-recalls-19539889.php
Above article was not on Dori's list but is an update after the previous article on her list was published

https://calmatters.org/environment/water/2024/02/california-cannabis-fine/

This article is about an illegal grow

https://nature.berkeley.edu/news/2021/07/cannabis-farms-irrigating-groundwater-may-affect-stream-flows

M-HYD.2-1 mitigation requirement fully addresses this concern

https://www.parks.ca.gov/NewsRelease/1289
This article is about illegal grows

https://thehill.com/policy/equilibrium-sustainability/4426143-majority-of-americas-underground-water-storesare-drying-up-study-finds/
M-HYD.2-1 mitigation requirement fully addresses this concern

https://www.sfgate.com/cannabis/article/banned-pesticides-testing-california-cannabis-18678450.php
Duplicate of earlier entry

https://globalbio.me/cannabis-grow-operation-electricity-consumption-estimates/
Energy use increase - Not on the list of significant and unavoidable impacts after mitigation

https://timesofsandiego.com/politics/2023/03/15/bipartisan-toxic-act-targets-pesticides-smuggled-by-cartels-forillegal-marijuana-grows/
This article is about illegal grows

https://www.forbes.com/sites/dariosabaghi/2025/03/19/nearly-85-of-cannabis-users-drive-the-same-day-theyconsume-survey-finds/
Social - Out of scope for EIR

https://www.coastalview.com/news/landmark-ruling-certifies-a-class-action-against-valley-crest-for-nuisanceodor/article_a1ef52f2-ffa1-11ef-b986-0706e6f439c7.html
A judge has allowed a class-action lawsuit to move forward. Trial is scheduled for March, 2026.

https://www.youtube.com/watch?v=MHTJbOTi5FI
Social – Out of scope for EIR

Response I71-3
The comment provides general remarks regarding the content of the Draft PEIR. The comments will be reviewed by decision makers prior to consideration of approval of a program alternative. No specific comments on the PEIR are provided for which further response can be provided.

Letter I72 Deanna Grant

March 28, 2025

Comment I72-1
I am concerned about the environmentally unfriendly odor that a cannabis farm emits and do not want this project in Fallbrook. Also, water use is always a concern for our town and we are constantly being asked to conserve.

Response I72-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The comment expresses concern about foul odors and water use as a result of implementation of the project. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," and Draft PEIR Section 2.11, "Hydrology and Water Quality," and Section 2.18, "Utilities and Service Systems," regarding the impact analysis groundwater and municipal water usage by cannabis uses.

Comment I72-2
Many avocado ranches have had to cut down their trees due to high water prices and they are not being supported by our state to continue to grow. Marijuana plants take a large amount of water which is adverse to what our county needs. What is the research on water usage for this crop?

Response I72-2
The comment expresses concern about the program's environmental impacts, including increased water consumption. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," and Draft PEIR Section 2.11, "Hydrology and Water Quality," and Section 2.18, "Utilities and Service Systems," regarding the impact analysis groundwater and municipal water usage by cannabis uses. Draft PEIR Table 2.11.7 provides water demand estimates for cannabis uses that are based on water demand factors were derived from information provided by existing cannabis cultivation operations in other counties in northern and central California (Yolo, Humboldt, Trinity, and Santa Cruz counties) and commercial and industrial water demand factors for noncultivation uses.

Letter I73 Dorothea and Gerald Flanigan

March 28, 2025

Comment I73-1
We do not want the above mentioned in the Bonsall region, especially not near schools. This is just opportunities for cartels to recruit and use children to be the mules selling marijuana to younger age groups. There will be run by persons with prior felonies. This is very dangerous and we need to protect the children out here in the country from this.

After finding out what happened after an event that they had at Bringle Terrace, Park by cannabis users, in Vista, California, we find out that they left a big mess and even throughout marijuana cigarette butts in the parking lot because they were doing that in their vehicles, also Beside the main building of the event. They played loud music and disturbed the whole neighborhood. These get high celebrations bother other people in the community they are known for running their loud music, and San Diego County is remiss in getting them to turn down their noise. After hours is another bad time. Bonsall doesn't need this! That's the bottom line. Please disapprove a permit for these people to operate, cannabis growing, and associated activities out here in North San Diego County. Thank you.!

Response I73-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The comment expresses concern about crime and noise associated with the project. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," and Draft PEIR Section 2.13, "Noise," that address crime and noise from cannabis events.

Letter I74 Cathy Handzel

March 30, 2025

Comment I74-1
Our public comment is below and also attached in MS Word format. Thank you!

Public Comment on Cannabis Program Draft Environmental Impact Report (EIR) from DarkSky San Diego County

Response I74-1
The County appreciates comments from Cathy Handzel. This comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Comment I74-2
While the Cannabis Environmental Impact Report (EIR) appears to address many of the concerns related to light pollution including the section 2.2 Aesthetics including 2.2.1.4 Dark Skies and Section 2.2.2 Regulatory Framework, there seems to be room for misinterpretation of requirements and non-compliance. Too often, inappropriate lighting is installed and passes inspection, or a lighting retrofit is performed in clear violation of County of San Diego's existing Light Pollution Chapter. The installation of 'security lighting' in the form of an unshielded wall pack or unshielded and improperly aimed LED panel or motion light is common and these violations may take months to address once a citizen has raised a complaint.

Response I74-2
The comment expresses concern that unlawful types of security lighting that violate the County of San Diego's existing Light Pollution Chapter will be installed as a result of the program. The potential for new sources of light, and required lighting specifications, to affect nighttime views and dark skies is addressed in Section 2.2.3.6, "Issue 3: Adversely Affect View due to New Light and Glare." The fourth paragraph on page 2.2-32 of the Draft PEIR states:

> the Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors, LED bulbs, and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. In addition, Section 6995(g)(2) specifies setback

> requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards.

These requirements (in addition to state lighting requirements under CCR Title 4, Division 19, Section 16304) would ensure that the Cannabis Program under Alternative 2 would not create a new source of substantial light or glare that would adversely affect day- or nighttime views in the area. These requirements would also apply to Alternatives 3, 4, and 5, as discussed on pages 2.2-32 through 2.2-35. The comment does not offer any evidence to suggest that implementation of Alternatives 2, 3, 4, or 5 would increase light such that dark skies could be adversely affected.

Comment I74-3
DarkSky San Diego County supports the concerns raised by the Fallbrook Land Conservancy (FLC) Dark Sky Committee related to increasing skyglow, impacts to astronomical observations at Palomar Observatory, and the community's aspiration to certified as an International Dark Sky Committee.

Response I74-3
The reader is referred to response to Comment I74-2.

Comment I74-4
The negative impacts of light pollution extend far beyond the loss of a starry night sky. It is well-established that artificial light in the nighttime environment serves as a magnet for moths and other insects, significantly decreasing levels of plant pollination. The navigational abilities of migrating monarchs can be impacted by artificial light. Hundreds of millions of birds die in building and window collisions in North America each year due to artificial light at night.

Now in its third year, the "Lights Out, San Diego!" campaign to protect migrating birds on the Pacific Flyway, is a partnership between the San Diego Bird Alliance and DarkSky San Diego County. This new threat to natural darkness in agricultural areas across San Diego County is concerning.

Failure to implement this program in accordance with the intended preventative and mitigation measures may result in significant environmental harm and loss of life for birds migrating on the Pacific Flyway, bats, frogs and toads, monarchs and other butterfly species, moths, and additional insects that are attracted to artificial light in the nighttime environment. It is worth noting that this list includes protected or endangered species present in San Diego County.

Response I74-4
The reader is referred to the response to Comment I74-2.

Comment I74-5
We recommend specific measures for the opacity of the blackout curtains as well as coverage requirements to avoid partial compliance with the new regulations to limit the escape of artificial light from greenhouses. For example, opacity of blackout curtains shall block 95% of interior light from escaping including from ceilings and all side walls. There shall be no gaps between blackout curtain panels that result in light escaping.

Building inspections will need to be conducted by personnel with sufficient documentation, training, and tools that allow them to observe proper installation and operation of blackout curtains, measure blackout curtain opacity, and confirm there are no open gaps between blackout curtain panels.

The proper use of motion sensor lighting should be clearly documented in the San Diego County Zoning Ordinance to specify that sensitivity be set to medium or low. At a high setting, the light may repeatedly trigger/activate, defeating the intent of limiting activation to the presence of a human intruder or a human who needs that light to navigate safely.

Inspection and enforcement of motion sensor lighting should include verification that the motion light is set to brief 5 or 10 minute “on” activation rather than the dusk to dawn setting. Additionally, inspection should verify that all light fixtures, including motion activated lights are installed at full cut-off position (90 degree), aimed downward, not outward or at a 45-degree angle spilling light into the sky, onto adjacent properties, or into surrounding natural habitat.

We strongly recommend that greenhouse blackout blinds and greenhouse lighting be included in quarterly inspections and that these inspections be conducted during nighttime hours, as appropriate.

We recommend that penalties for non-compliance be incorporated into the new regulations and that these regulations be effectively enforced for any greenhouse found to be in non-compliance including not closing all blackout curtains during the required nighttime hours, or not performing prompt repairs for non-operational, torn, or otherwise damaged curtains that allow light to escape into the nighttime environment.

Response I74-5
The reader is referred to the response to Comment I74-2.

Comment I74-6
It would be most helpful if updates to the County’s Zoning Ordinance included visual illustrations of light fixtures that are allowed and disallowed. Other municipalities have done this to enable clearer understanding of requirements and ease of code enforcement.

We appreciate your consideration and thank you for this opportunity to comment.

Response I74-6
The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Letter I75 Chris Grant

March 30, 2025

Comment I75-1
As a longtime Fallbrook resident I am opposed to this program which will bring unwanted Cannabis farms to our town. The environmental impact of the odor and the runoff will be detrimental to our community. Avocado growers struggle to keep their crops due to high water prices in our area and their crops use high levels of water which is also needed for marijuana growing. We already are asked to conserve water and bringing in additional Cannabis crops which does not benefit our community puts a strain on the water grid. Please do not go forward with this proposal.

Response I75-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," and Section 2.18, "Utilities and Service Systems," regarding the impact analysis of water quality associated with runoff and groundwater and municipal water usage by cannabis uses. The reader is also referred to Section 9.1.1.1, "Master Response: Cannabis Odors," that describes odor impact analysis provided in the Draft PEIR.

Letter I76 Deborah Howard

March 30, 2025

Comment I76-1
We are completely against any and all Cannabis farms in Bonsall.

Our Bonsall Community Sponsor Group has also voted NO to all Cannabis farms in Bonsall.

Response I76-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Comment I76-2
Nathan Fletcher and Nora Vargas are no longer involved in San Diego politics and their destructive, community wrecking policies should no longer be involved in San Diego either.

Response I76-2
The commenter does not raise environmental concerns. The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I77 Denise and Ian Doyle

March 30, 2025

Comment I77-1
We are writing to express our concerns regarding the proposed socially equitable cannabis program in San Diego County. While we understand the intention to promote social equity, we strongly oppose this program. We urge you to consider the potential negative impacts on our community, particularly in the rural areas such as Bonsall.

Response I77-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Comment I77-2
1. Impact on Rural Roads and Infrastructure:

The increased traffic resulting from cannabis cultivation sites, lounges, and temporary events will place an undue burden on our rural roads and infrastructure. Many of our roads are not designed to accommodate heavy traffic or large commercial vehicles, which may lead to deterioration, increased maintenance costs, and compromised road safety.

Response I77-2
The comment expresses concern regarding increased traffic and what those impacts would be on rural roads and existing infrastructure that are not equipped to handle heavy traffic or large commercial vehicles. The reader is referred to Section 2.16, "Transportation," of the Draft PEIR that addresses transportation safety.

Comment I77-3
2. Impaired Driving from Cannabis Lounges and Events:

Allowing cannabis lounges and temporary events may result in an increase in impaired driving incidents. This poses a serious safety risk to residents, particularly on narrow, winding rural roads in Bonsall. Ensuring public safety should be a top priority when considering the approval of such establishments.

Response I77-3
The comment expresses concern about public safety as it relates to potential increased impaired driving from cannabis lounges and events as a result of the program. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

Comment I77-4
3. Environmental Impacts of Cannabis Cultivation:

Cannabis cultivation can have significant negative effects on our environment, including the strain on local utilities, changes to the rural landscape, and disruption to nearby residents and

businesses. Moreover, the increased demand for water and power can stress our existing infrastructure, potentially leading to shortages and increased costs.

Response I77-4
The comment expresses concern regarding increased significant negative effects to the environment, including strain on local utilities, changes to the local landscape, and increased demand for water and electricity. The reader is referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis," Draft EIR Section 2.11, "Hydrology and Water Quality," and 2.18, "Utilities and Service Systems," regarding the impact analysis of groundwater and municipal water usage by cannabis uses, and 2.2, "Aesthetics," for a discussion of visual character impacts.

Comment I77-5
4. Negative Impact of Temporary Outdoor Events:

Temporary cannabis events, particularly those held outdoors, can disrupt the peaceful rural character of our community. Noise, increased foot and vehicle traffic, and waste management challenges could significantly impact the quality of life for local residents and businesses.

Response I77-5
The reader is referred to Draft EIR Sections 2.16, "Transportation," and 2.13, "Noise," for a discussion of cannabis event impacts, and 2.18, "Utilities and Service Systems," regarding solid waste impacts and specific requirements for cannabis waste.

Comment I77-6
5. Odor and Air Quality Issues:

The strong and pervasive odor from cannabis cultivation can negatively affect surrounding communities. Persistent odors not only reduce the quality of life but can also impact outdoor recreational activities and local businesses that rely on a clean, rural atmosphere.

Other municipalities that allow outdoor grows have suffered significant environmental impacts due to odors. For example, children in Santa Barbara County at times have been unable to play outdoors at recess due to odors.

https://enewspaper.latimes.com/infinity/article_share.aspx?guid=5de42829-8623-4ff9-88af35f90aa5bb97

Additionally, in other municipalities with Cannabis Programs, odors and odor complaints have been shown to be nearly impossible to control.

http://www.coastalview.com/news/county-planners-support-tough-odor-controls-for-all-cannabis-greenhouses/article

https://www.independent.com/2025/01/15/the-coming-crackdown-on-greenhouse-cannabis/

https://www.independent.com/2025/03/12/public-invited-to-community-forum-on-cannabis-odor-in-carpinteria/

Response I77-6
The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” that provides a summary of the Draft PEIR analysis of cannabis odor impacts which were identified as significant and unavoidable for outdoor cannabis cultivation activities.

Comment I77-7
6. Impact on Other Crops and Equine Training:

Cannabis cultivation can potentially affect other agricultural operations in Bonsall.

Response I77-7
This comment expresses concern about impacts to agricultural operation in Bonsall as a result of the program, but provides no data or technical analysis that supports this concern. As described in Draft PEIR Section 2.3, “Agricultural and Forest Resources,” the proposed Cannabis Program would not result in the loss of agricultural lands or result in conflicts with agricultural uses under any of the alternatives evaluated.

Comment I77-8
The proximity of cannabis cultivation to forage crops increases the risk of cross-contamination, which could inadvertently introduce cannabinoids into feed such as hay or other agricultural products. This not only poses potential health risks but could also harm the quality and marketability of traditional agricultural products in our area, leading to economic and reputational damage for established farms. Additionally, we have a thriving equine training industry, and exposure to cannabis plants or derivatives could put performance horses at risk. Given the stringent regulations on performance horses and the potential for positive drug tests, even the perception of risk can be a significant concern for trainers and owners. A positive test result, even if unintentional, can severely impact a horse’s career and the reputation of training facilities.

Response I77-8
The comment expresses concern about the program’s potential health risks, specifically as it affects agricultural products, including crops for livestock, and overall health impacts to horses, but provides no data or technical analysis that supports this concern. As described in Draft PEIR Section 2.3, “Agricultural and Forest Resources,” the proposed Cannabis Program would not result in the loss of agricultural lands or result in conflicts with agricultural uses under any of the alternatives evaluated. It is not clear how cannabis cultivation could contaminate horse feed.

Comment I77-9
7. Strain on Law Enforcement and Public Services:

Increasing the presence of cannabis-related businesses will inevitably require more resources from law enforcement and first responders. Addressing issues such as impaired driving, security for cultivation sites, and maintaining public order during temporary events will burden already stretched public services.

Response I77-9
This comment expresses concern about the extra strain put on current law enforcement personnel and first responders as a result of the program. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” and Section 2.15, “Public Services,” in the Draft PEIR that address impacts to these services.

Comment I77-10
In conclusion, we note that other municipalities that, for years, have allowed Cannabis cultivation have found it to be extremely problematic with devastating impacts on their communities. As a result, they are now revising their programs. Because of this, cultivation should be removed from any of the Alternatives until further up-to-date analyses, reliable studies, and information can be obtained.

*** Special attention should be given to a recent “Landmark” Ruling in a Class Action Suit in Carpinteria where the Class prevailed for nuisance odor of “pervasive smell of pot” invading their properties.

https://www.independent.com/2025/03/06/landmark-ruling-certifies-a-class-action-againstvalley-crest-for-nuisance-odor-in-carpinteria-valley/

Additionally, this Project and the environmental impacts will affect all property owners, residents and businesses in the unincorporated San Diego County. Public notices should have been sent to all of them, informing them about this Project and the DEIR. Public Notice of this Project and the DEIR was deficient.

We do not believe the proposal adequately demonstrates how this program will benefit the greater community and strongly oppose the socially equitable cannabis program. We urge the county to respectfully reconsider the negative impacts and scope of the proposal to ensure it does not proceed and protect our community's safety, environment, and well-being.

Thank you for your consideration.

Response I77-10
The reader is referred to the response to Comment I57-10. The Draft PEIR programmatically addresses environmental effects of the proposed Cannabis Program evaluated under Alternatives 1 through 5 based on substantial evidence consistent with the requirements of CEQA and the State CEQA Guidelines. Throughout the document, citations have been added within the discussions, and full reference information is presented in Chapter 6, “References.” This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. No further response can be provided.

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Letter I78 Eddie Lain

March 30, 2025

Comment I78-1

Here are some of my comments and concerns regarding the Socially Equitable Cannabis Program:

First off, I am SOOOOOOOO happy to have the proposed regulations implemented to control the rapid propagation of cannabis business development, retail distribution, and irresponsible use!! In Valley Center, we currently have a dangerous growing problem with drunk driving due to the growing popularity of local casinos. By adding to this the irresponsible use of drugs, including cannabis, it would only be adding fuel to a fire that we should be trying to snuff, rather than to fan and stoke!

I also feel that it is a travesty that our local government is providing business start-up funding to previous law-breakers who used marijuana. Even if the current law makes its use now legal, the law was the law. Anyone who was willing to break the law before will certainly not have much of a moral compass to prevent them from breaking laws moving forward. So, even if there are regulations in place, you can bet your bottom dollar that plenty of County resources are going to be required to assure those regulations are abided by.

By the way, I am fully against any implementation of cannabis businesses in my community!

Response I78-1

The comment expresses concern regarding impacts to the community's safety as a result of the program. The program's potential safety impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," and Section 2.15, "Public Services," in the Draft PEIR.

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Comment I78-2

AESTHETIC ISSUES

Security Lighting - Valley Center is known as the "Highway To The Stars" due to its proximity and path to Palomar Observatory. As such, it is in Zone A of the San Diego County Light Pollution Ordinance.

Response I78-2

The comment expresses concern regarding impacts to aesthetics as a result of increased security lighting. The reader is referred to Section 2.2, "Aesthetics," in the Draft PEIR that addresses lighting impacts from cannabis uses.

Comment I78-3
Therefore, any light bleed from any growing facility, retail outlet or other related business must be compliant to the ordinance. Since cultivation and sale of Cannabis is a high risk proposition, it will likely require enhanced security to keep both the product and the employees safe from robbery, vandalism and all other hostile actions. So, it stands to reason that any of these cannabis facilities will likely desire bright security lights. This is unacceptable within the Valley Center Community.

Undesirable Element - Cannabis stores, head shops, liquor stores and the like have a propensity to attract people who live on the fringes of society, engage in unlawful activities, and pose a danger to the community. If implemented in our community, these cannabis businesses will likely require additional attention from law-enforcement to keep the peace and keep the community safe.

Response I78-3
This comment expresses concern about increased crime as a result of the program. The program's potential safety impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 2.2, "Aesthetics," in the Draft PEIR that addresses lighting impacts from cannabis uses, Section 9.1.1.4, "Master Response: Code Enforcement and Crime," and Draft PEIR Section 2.15, "Public Services," that address law enforcement.

Comment I78-4
AIR QUALITY ISSUES

The pungent smell of marijuana smoke is not desirable to many people.

Promoting the smoking of ANYTHING increases the risk of wildfires due to careless tossing of burning butts.

Pollen and seeds from the cannabis plants will spread with the high winds in Valley Center possibly causing an uncontrollable spread of the invasive weed.

Response I78-4
The comment expresses concern regarding odor, increased fire hazards, and accidental pollination of cannabis plants. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Sections 9.1.1.1, "Master Response: Cannabis Odors;" 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis;" and 2.19, "Wildfire," in the Draft PEIR.

Comment I78-5
HAZARDS & HAZARDOUS MATERIALS

Crime!!!! The cannabis growing fields and the retail businesses will attract crime and present dangers to our community.

Response I78-5
This comment expresses concern about increased crime as a result of the program. The program's potential safety impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," and Section 2.15, "Public Services," in the Draft PEIR that address law enforcement.

Comment I78-6
Keep poisons out of our backyards!!!! The use of fertilizers, pesticides, and even the THC in the plants themselves can cause irreparable harm to the environment, the soils, the water table, the residents, and the wildlife.

Response I78-6
The comment expresses concern regarding the use of fertilizers and pesticides and their impact on water quality. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. Pesticide application is addressed in Section 2.10, "Hazards and Hazardous Materials," under Issue 1. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited. The reader is Draft PEIR Section 2.11, "Hydrology and Water Quality," for the evaluation of water quality impacts from cannabis operations and identification of water quality standards that cannabis construction and operations would be subject to.

Comment I78-7
HYDROLOGY & WATER QUALITY

The use of fertilizers, pesticides, and even the THC in the plants themselves can cause irreparable harm to the water table, the residents.

Response I78-7
The reader is referred to the response to Comment I78-6.

Comment I78-8
WILDFIRE

Promoting the smoking of ANYTHING increases the risk of wildfires due to careless tossing of burning butts.

Response I78-8
The comment expresses concern regarding increased fire hazards. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft

PEIR and the master responses in this Final PEIR. The reader is referred to Section 2.19, “Wildfire,” in the Draft PEIR.

Comment I78-9
If there is any further clarification I may provide or questions I may answer, please feel free to contact me.

Thank you for listening!!

--

Life's short, so LIVE IT! ENJOY IT!

Response I78-9
No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter I79 Luisa Veltmann

March 30, 2025

Comment I79-1
re: Socially Equitable Cannabis Program (SCH # 2023090330) – EIR draft feedback.

The draft EIR identifies significant and unavoidable environmental impacts, including effects on aesthetics, biological resources, air quality, and water supply.

Response I79-1
The commenter lists the significant and unavoidable impacts provided in the Draft PEIR. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I79-2
Key Concerns with the Proposed Cannabis Program-

Impact on Rural Character and Tourism

Response I79-2
The comment expresses concern regarding impacts to the rural character of the proposed program area. The reader is referred to Section 2.2, “Aesthetics,” in the Draft PEIR for the impact analysis of cannabis uses on rural character. Tourism is a social and economic issue that is not subject to environmental review as provided under State CEQA Guidelines Section 15131.

Comment I79-3
Unavoidable Odor Issues and Air Quality Concerns

Response I79-3
The comment expresses concern about odors and air quality impacts related to cannabis. The reader is referred to Sections 9.1.1.1, “Master Response: Cannabis Odors,” and Draft PEIR Section 2.4, “Air Quality.”

Comment I79-4
Threats to Biological Resources

Response I79-4
The comment expresses concern regarding impacts to biological resources as a result of the proposed program. However, no specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. The reader is referred to Section 2.5, “Biological Resources,” in the Draft PEIR for impacts to biological resources from cannabis operations.

Comment I79-5
Water Resource Depletion

Response I79-5
The comment expresses concern regarding environmental impacts including water resource depletion as a result of the proposed program. The reader is referred to Draft PEIR Section 2.11, “Hydrology and Water Quality,” and Section 2.18, “Utilities and Service Systems,” regarding the impact analysis groundwater and municipal water usage by cannabis uses.

Comment I79-6
Light Pollution and Dark Sky Protection:

The Draft EIR states that exterior lighting must comply with San Diego County’s light pollution regulations and must not spill onto other properties, structures, or the night sky. On page 27 it states - "Nighttime light escape from mixed-light cannabis cultivation shall be controlled using internal black-out curtains or other equally or more effective methods to prevent the facility from emitting nighttime light escape.” this statement seems broad.

To address this, update with the following phrasing:

"All mixed-light cannabis cultivation facilities must fully eliminate nighttime light escape using internal black- out curtains, retractable shields, or other proven methods that prevent any visible light from being emitted outside the facility whenever artificial lighting is in use during nighttime hours. Compliance will be subject to enforcement measures to ensure adherence."

This ensures that no light escapes whenever grow lights are on at night.

Response I79-6
The Program proposes amendments to the Zoning Ordinance that would include development standards for cannabis activities including this lighting standard under Section 6995:

- Section 6995(g)(2)(v): Nighttime light escape from mixed-light cannabis cultivation shall be controlled using internal black-out curtains or other equally or more effective methods to prevent the facility from emitting nighttime light escape.

No additional edits are recommended.

Comment I79-7
The best option for Fallbrook and all unincorporated communities in San Diego County, is option #4.

Response I79-7
The comment provides an opinion regarding the merits or qualities of the proposed program. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I80 mCraggs

March 30, 2025

Comment I80-1
This proposed "Socially Equitable Cannabis Program" likely was born of good intentions, but -- as proposed – this program will have numerous significantly negative impacts on the health and safety, quality of life, and economic prosperity of thousands of San Diegans. Since the goals of this program can be fully achieved with virtually no negative impacts to San Diegans and within existing programs, there is no reasonable argument for proceeding with this proposal. And, in fact, doing so results in serious dereliction of public officials' duty to protect public health and safety, the quality of life, and economic prosperity of the majority of its citizens (i.e., greatest good for the greatest number). If a person was unfairly penalized, then let's help them…but, remember that two wrongs don't make a right.

Response I80-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Comment I80-2
Growing Cannabis: While growing, cannabis produces an extremely strong odor that closely resembles that produced by skunks (see Carpinteria, CA for one instance of these impacts). This odor will travel great distances on the wind. While living in the vicinity of the Gilroy Garlic Fields, the odor from those Fields would often blow in my direction, resulting in a choking-level smell of garlic at my house, which was ~35 miles from the odor source. That is a minimum distance; given the strength of the odor I experienced, it likely was still significant at far greater distances. With the highly variable wind speeds and directions in San Diego County every resident – as well as those in portions of Riverside County -- will be downwind at some point.

Response I80-2
The comment expresses concern regarding cannabis odors traveling long distances and negatively affecting county residents. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," regarding the consideration of cannabis odor impacts in the PEIR.

Comment I80-3
Processing Cannabis: The EIR notes that processing functions require the use of hazardous and highly flammable chemicals. Under no circumstances should such chemicals be allowed in high fire danger areas. In addition to that increased fire danger, the presence of hazardous materials will slow firefighters' response, resulting in increased damage from any fire that starts. Clearly, such materials should never be encouraged (especially since other options without such risks are available) by County government action, because that is a flagrant violation of all government officials' first and foremost duty: to protect the health and safety of their citizens.

Response I80-3
The comment expresses concern regarding increased fire hazards due to the use of hazardous and highly flammable chemicals. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis," and Sections 2.10, "Hazards and Hazardous Materials," and 2.19, "Wildfire," in the Draft PEIR where these impacts are addressed.

Comment I80-4
Retail and Special Events: Unless properly limited, these uses will cause great inconvenience (at the least) and (likely) great damage to those nearby, with issues such as odor (see above), parking, traffic, crime, litter, property damage, vandalism, etc.

Response I80-4
The comment expresses concern related to health and safety and increased crime-related impacts. The reader is referred to Sections 9.1.1.4, "Master Response: Code Enforcement and Crime," regarding law enforcement, illegal activity, and community safety, and 9.1.1.1, "Master Response: Cannabis Odors." For traffic related impacts, the reader is referred to Section 2.16, "Transportation," of the Draft PEIR.

Comment I80-5
Mitigation: The Draft EIR has multiple, serious shortcomings in terms of mitigation of the above negative impacts. First, there is no recognition of the impacts on residents and their homes. Residents and property owners must be considered "sensitive" areas, just like parks, schools, and the dozens of other locations given some protection in the EIR. Residential property must be given protection from degradation of residents' quality of life and from economic harm. This means that:

Response I80-5
The comment states the Draft PEIR fails to address impacts on residents and homes, but does not identify specific impacts that are not addressed. Draft PEIR sections 2.2 through 2.19 address a range of environmental impacts to county residents (e.g., aesthetics, lighting, odors, noise, and transportation safety). The reader is referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis," regarding the county-wide and programmatic nature of the PEIR impact analysis.

Comment I80-6
-No growing activities should be allowed closer than 40 miles from a residence in any direction. The cannabis odor will permeate all soft goods (clothing, furniture, rugs, drapes) and all semi-porous materials (wood, stucco, plasterboard, plaster and some plastics) and is impossible to remove. Thus, the affected homeowner's entire property becomes worthless, uninhabitable and impossible to sell. It may even lose insurance coverage if flammable and/or hazardous materials are nearby or if odor-based claims skyrocket throughout the County.

Response I80-6
The comment expresses concern about cannabis odors permeating soft goods. The program's potential impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors."

An evaluation of property values is not required by CEQA because property values do not have an impact on the natural or physical environment. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment.

Comment I80-7
-Some residents of Riverside County are also within the impact zone of this proposal and thus they, and their governing bodies, need to buy into this proposal before enactment.

Response I80-7
Comment noted. This comment does not address the adequacy of the Draft PEIR. Thus, no further response is provided.

Comment I80-8
-The County must fully compensate all affected property owners for any damage suffered from these activities.

Response I80-8
Comment noted. This comment does not address the adequacy of the Draft PEIR. Thus, no further response is provided.

Comment I80-9
-If any permits for any of the cannabis-based activities are requested, the County must send Notices to all affected property owners by US Mail, at least 90 days before any permitting decisions are made, so that affected property owners have time to comment/object. When weighing public input, the County must give much stronger weight to the comments of the

owners closest to the proposed activity. Affected parties could be up to 40 or more miles away in any direction for growing activities. For flammable/hazardous materials, it might be much further, given how fast wildfires spread.

Response I80-9
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program."

Comment I80-10
-The EIR suggests Indoor growing will mitigate negative effects. While that may reduce the degree of odor impacts, it will not eliminate them, unless such facilities are constructed and operated to the specifications of a top-level BioHazard laboratory and always (not likely in the real world) operate within such strict standards. Strict adherence to such operating specifications is necessary to reduce the chances of catastrophic damage to structures and to the health and quality of life of citizens.

Response I80-10
The comment expresses concern about the inability to eliminate cannabis odors. The program's potential impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors." The comment provides no data or technical analysis countering the Draft PEIR analysis regarding the effectiveness of odor control for buildings.

Comment I80-11
-The EIR also states that growers may not install protective fencing (razor wire, barbed wire, electric fence). While that seems aesthetically pleasing, it also encourages theft – and thus invites criminals into neighboring communities. Also, the illegal cannabis trade has never stopped after legalization, and is in fact in resurgence. Thus, this proposal will actually help those in the cannabis black market.

Response I80-11
This comment expresses concern about increased crime due to the inability for growers to install protective fencing. The program's potential safety impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

Letter I81 SanDee and Ray DeLautre

March 30, 2025

Comment I81-1
We are writing you as concerned residents of the areas of Fallbrook, Bonsall and Valley Center areas, growing Cannabis.

Response I81-1
The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Comment I81-2
Because this will impact the environment, the usage of water, the usage of pesticides and chemicals, it would be very detrimental to the growers of produce, which would impact their crops.

Response I81-2
The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," and Section 2.18, "Utilities and Service Systems," regarding the impact analysis groundwater and municipal water usage by cannabis uses. Pesticide application is addressed in Section 2.10, "Hazards and Hazardous Materials," under Issue 1. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Comment I81-3
Not only that, bringing in more traffic and not enough law enforcement to protect the well being of residents who live in these proposed areas.

Response I81-3
The comment expresses concern regarding increased traffic impacts and a lack of law enforcement. The reader is referred to Section 2.16, "Transportation," of the Draft PEIR and Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

Comment I81-4
Therefore, WE OPPOSE THIS PROGRAM AND SUPPORT ALT 1 - NO PEOJECT.

Thank you for your consideration and truly hope you will hear our concerns.

Response I81-4
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of

Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I82 Barbara Aldrich

March 31, 2025

Comment I82-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I82-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I83 Carol DeMonde

March 31, 2025

Comment I83-1
My Name is Carol deMonde and I am a resident of Rancho Monserate in Fallbrook.

My understanding is there will come a time to submit specific comments regarding the pros and cons of the Cannabis Program. I do want to express that I oppose the program as a whole. I look forward to the opportunity to voice my opposition at the Planning Commission and the San Diego Board of Supervisors.

Response I83-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Comment I83-2
Regarding the draft EIR as presented the only Alternative that is even remotely acceptable is Alternative number 4 due to the fact it has the least environmental impact of all the Alternatives. That being said it is only acceptable with the comments and the restrictions proposed by the Fallbrook Planning Group.

Response I83-2
Although the commenter opposes the program, the commenter's preference of possible program alternatives for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I83-3
The area I reside in is right against large Agricultural areas and my way of life would be severely impacted in a negative way if there were any Cannabis Cultivations within a large area of my community. The Cultivation portion of the draft should be eliminated completely. Please look at other communities such as Santa Barbara County and take into consideration the negative impacts a similar program has had on its residents.

Response I83-3
The comment does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, no further response is provided. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program."

LetterI84 Cathy Plocki
March 31, 2025

Comment I84-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4

Response I84-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

LetterI85 Chris Waterhouse

March 31, 2025

Comment I85-1
Subject: Cannabis DEIR. I reside in Fallbrook and agree with Fallbrook CPG's official comments for NO PROGRAM with their comments/ questions on alternative 4, which still has significant and unavoidable impacts, but less than the other alternatives. Cultivation has ruined other unincorporated Counties. We do NOT want to see this happen in our back Country. The mitigation for the negative effects is severely lacking. The oversight and enforcement plans are gravely flawed. I oppose this program and will participate in the Planning Commision and Board of Supervisors meetings when the decision time comes.

Response I85-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process. The comment states that mitigation for the proposed Cannabis Program is lacking, but provides no specific

examples and technical analysis supporting this statement. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA.

LetterI86 Crystal Grobner

March 31, 2025

Comment I86-1

Here is my input for the ordinance:

When requiring applicants to submit a Neighborhood Compatibility Plan, please require that they do the following:

1. Focus on the immediate community(ies) where they will do business.

2. Show in their budget allocation to support their Neighborhood Compatibility Plan, specifying the amount of funds dedicated. (They may not be advertising or marketing funds.)

3. Identify public organizations with which they will form and maintain positive, supportive relationships, such as school districts, schools, PTA, recreation centers, and libraries.

4. Provide examples of community programs, including youth programs (and optional adult programs), in case their identified community partners are not in need of support.

5. Submit an annual Neighborhood Compatibility Accountability Report to the appropriate county department(s), which:

    1. Will be made public, and

    2. Will be considered during the license renewal process.

Additionally, if the ordinance includes advertising provisions, please ensure that:

1. No billboard advertising is permitted.

2. Youth-focused organizations are not required to use the applicant's logos, branding, or name when receiving sponsorships or cosponsorships. This policy must be clearly communicated to the organizations involved.

Response I86-1

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided. The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

LetterI87 Dave Gausepohl

March 31, 2025

Comment I87-1

Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I87-1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

LetterI88 David Massa

March 31, 2025

Comment I88-1

I reside in Fallbrook and agree with Fallbrook CPG’s official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, but less than the other Alternatives.

Cultivation has ruined other Unincorporated Counties. We do NOT want to see this happen in our Back Country.

The mitigation for the negative effects is severely lacking. The oversight and enforcement plans are gravely flawed.

I oppose this program as a whole and will participate in the Planning Commission and Board of Supervisors meetings when the decision time comes.

Response I88-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process. The comment states that mitigation for the proposed Cannabis Program is lacking, but provides no specific examples and technical analysis supporting this statement. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA.

Letter I89 Derek Van Gompel

March 31, 2025

Comment I89-1
I reside in Fallbrook/Rainbow and agree with Fallbrook CPG's official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, but less than the other Alternatives.

Cultivation has ruined other Unincorporated Counties. We do NOT want to see this happen in our rural community.

Response I89-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I89-2
The mitigation for the negative effects is severely lacking. The oversight and enforcement plans are gravely flawed.

Response I89-2
The comment states that mitigation for the proposed Cannabis Program is lacking, but provides no specific examples and technical analysis supporting this statement. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA.

Letter I90 Diane Strain

March 31, 2025

Comment I90-1
I am a resident of Bonsall and agree with Fallbrook's CPG's official comments of no program. Program 4, while still having impact, seems to be the least egregious, But our household is still a no.

Response I90-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I91 Diane and Mike Hayden

March 31, 2025

Comment I91-1
I would like to share a comment to the planning board. I am not in favor of making cannabis more accessible. Our late son started experimenting with marijuana at 16 years old which was a gateway for him to try other drugs, which in the end took his life at age 27. He spent time in rehab programs off and on over the course of 10 years, but these didn't serve to help him. My concern is for the lives of other young people that they not end up like our son Ryan, gone too soon and wasted years with nothing to show for in life.

Response I91-1
The comment states opposition to the proposed Cannabis Program and identifies concerns regarding the use of cannabis products. This comment is noted. The reader is also referred to Section 9.1.1.7, “Master Response: Public Health Effects of Cannabis Use.”

Letter I92 Donna and Robert Hein

March 31, 2025

Comment I92-1
I live in Valley Center, an unincorporated area in San Diego County. The Cultivation & Distribution of Cannabis requires an expansion of the infrastructure in the unincorporated areas, as it requires resources we do not currently have in place. The infrastructure should be in place before any operation of this magnitude is considered, as the impact to our way of life will be immediate.

Response I92-1
The comment states concerns regarding the adequacy of infrastructure to support cannabis uses. The reader is referred to Draft PEIR Section 2.18, “Utilities and Service Systems,” regarding potential impacts to infrastructure facilities.

Comment I92-2
I am opposed to the plan for the following reasons:

1. Roads

2. Water Supply

3. Fire Risk

4. Crime

5. Electricity

Response I92-2
This comment is noted. These issues are addressed in Draft EIR Sections 2.7, “Energy,” 2.15, “Public Services,” 2.16, “Transportation,” 2.18, “Utilities and Service Systems,” and 2.19. “Wildfire.” The reader is also referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

Comment I92-3
In Valley Center we are under Dark Skies due to our proximity to the Palomar Observatory. The requirement is darkness from 11PM to Dawn. Cultivation of Cannabis will increase the need for more Electricity & Water in this area. Much of Valley Center is zoned A70 & A72 this land is preserved for growing crops for food.

Response I92-3
The reader is referred to the response to Comment I74-2.

Comment I92-4
The topography of Valley Center is Rock hills and Valleys, we are lacking in flat land without the burden of growing Cannabis on our flat land. Our lack of connecting roads in Valley Center is an ongoing issue and a real concern for evacuation and traffic flow. We have traffic that the 5 local Casinos bring to the area, the growing and selling of Cannabis will increase traffic and the accidents on our few existing exit routes.

Response I92-4
Transportation safety is addressed in Draft PEIR Section 2.16, “Transportation,” while evacuation is addressed in 2.10, “Hazards and Hazardous Materials.”

Comment I92-5
Cannabis cultivation and distribution also brings with it criminal activity. Cannabis is known to be a gateway drug leading to use & selling of other drugs. Our roads are patrolled by CHP from the Oceanside Office. They have limited resources to patrol our area. We would need a larger presence of the Sheriff's Dept and CHP.

Response I92-5
The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” and Section 2.15, “Public Services,” in the Draft PEIR that address impacts to law enforcement.

Comment I92-6
I oppose this program as a whole; it is not a good fit for Unincorporated San Diego County.

Response I92-6
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Letter I93 Eddie Lugan

March 31, 2025

Comment I93-1
I'd like to add my comments in regards to the Cannabis Environmental Impact Report as a taxpaying constituent of district 5. Personally, I feel there needs to be safe and reasonable access for veterans to access their medical cannabis. After serving this country and going through the ongoing trauma of PTSD, they shouldn't have to travel any further than their local pharmacy to obtain safe access to their medical cannabis. Why should they be ostracized by society for something that provides them relief? Shouldn't they be entitled to the same freedom as someone that can gain access to state provided pharmaceuticals? Whats the difference? Why all these extra regulations? Would you make CVS or Walgreens adhere to such zoning regulations? I don't think so. Lets be reasonable here, medical cannabis establishments should be treated fairly, just the same as any other taxpaying company that provides medicinal aid to our veterans. Show some respect. This is not the illicit market, this is highly regulated and scrutinized, no one under 21 allowed without medical and parental consent. Enforcing strict

regulations places an unnecessary burden on those in need of safe and local access, indirectly encouraging them to look for illicit sources instead of local establishments.

Thank you for your time and consideration.

Response I93-1
The comment states general support for the proposed Cannabis Program. The Board will take the commenter's input into consideration when making decisions regarding the program.

Letter I94 Eileen Delaney

March 31, 2025

Comment I94-1
My name is Eileen Delaney and I reside in Fallbrook.

When comparing the environmental impacts in the DEIR to Alternative 1 - No Project, the only other alternative that should even be considered is Alternative 4, but with the comments of the Fallbrook Planning Group.

Response I94-1
The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I94-2
However, overall the DEIR is flawed. It is outdated and fails to examine the major environmental impacts that other areas with Cannabis Programs have faced and continue to face.

Flaws in the DEIR and Regulatory /Zoning Amendment:

Response I94-2
The commenter states that the Draft PEIR is outdated and flawed. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA.

Comment I94-3

1. A70 & 72 zones are adjacent and interspersed with residential areas. How will environmental impacts from Cannabis Cultivation be realistically mitigated?

Response I94-3

The comment expresses concern on whether or not environmental impacts would be realistically mitigated near residential areas, but does not identify specific environmental impacts of concern. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Comment I94-4

2. Odors- Even with modern equipment that is supposed to mitigate the Cannabis odors, residents in other areas (which allow Cannabis grows) suffer environmental health impacts. How will this be mitigated?

Response I94-4

The comment expresses concern about odors related to cannabis. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," regarding the analysis of odor impacts. As identified in Draft PEIR Section 2.4, "Air Quality," the proposed Cannabis Program includes requirements that odor control devices and techniques shall be incorporated in all cannabis businesses and associated buildings in accordance with the business's approved Odor Mitigation Plan to ensure that odors from cannabis are not detectable outside the licensed premises. As identified in Draft PEIR Section 2.4, "Air Quality," there are no known public health hazards from exposure to cannabis odor. However, exposure to unpleasant odors may affect an individual's quality of life and sense of well-being.

Comment I94-5

3. Temp Events- How will the environmental impacts for second hand smoke, impaired drivers, lack of sufficient law enforcement, etc. be realistically be mitigated?

Response I94-5

The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," and Section 2.15, "Public Services," in the Draft PEIR that address impacts to law enforcement, and Section 9.1.1.6, "Master Response: Public Health Effects of Cannabis Use," regarding public health impacts of cannabis consumption and County proposed requirements. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

Comment I94-6

4. Cultivation Lounges- Many unincorporated areas do not have ride share services. How will impaired driving be realistically mitigated?

Response I94-6
This comment is noted. This comment does not address the adequacy of the Draft PEIR. Therefore, no further response is provided. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding potential changes to the Cannabis Program is address this comment. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

Comment I94-7
5. Limits on Cultivation need to be addressed with weighted input by residents who live in the unincorporated areas.

Response I94-7
This comment is noted. This comment does not address the adequacy of the Draft PEIR. Therefore, no further response is provided. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding potential changes to the Cannabis Program is address this comment.

Comment I94-8
6. All of the comments & questions submitted by the Fallbrook Planning Group.

Response I94-8
The comment does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, no further response is provided.

Letter I95 Jane Felton

March 31, 2025

Comment I95-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I95-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response:

Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I96 Jeniene Domercq

March 31, 2025

Comment I96-1

My name is Jeniene Domercq and I am a 30 year resident of Fallbrook. I live in the Morro Hills area. My home is within Agricultural areas. I am submitting comments to the draft EIR for the Cannabis Program.

Response I96-1

The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Comment I96-2

The only Alternative that should be considered is Alternative 4. That Alternative should only be considered with the comments and restrictions the Fallbrook Planning Group submitted. There should be no Cultivation of Cannabis.

Response I96-2

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I96-3

The Cultivation piece of the DEIR will no doubt negatively impact the entire community. Please look at Santa Barbara county as an example of how Cannabis Cultivation destroys the way of

life for its residents. Please safeguard the community of Fallbrook and the entire unincorporated area of San D I96iego County.

Response I96-3
The comment does not raise an environmental issue. The comment does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, no further response is provided.

Comment I96-4
The DEIR is outdated and flawed. It needs to examine the major environmental impacts that communities continue to face.

Response I96-4
The commenter states that the Draft PEIR is outdated and flawed. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA.

Comment I96-5
I look forward to the opportunity to voice my comments opposing the program overall at the Planning Commission and the San Diego Board of Supervisors.

Response I96-5
The commenter's statements have been noted and will be reviewed by the Planning Commission and Board during future decision-making activities.

Letter I97 Jenna Acevedo

March 31, 2025

Comment I97-1
My comments on the Cannabis DEIR:

As a lifetime Fallbrook and Bonsall native, I wholeheartedly support the CPG's official comment for NO PROGRAM, including the mandatory comments/questions on Alternative 4. Alternative 4 still has significant and unavoidable impacts, however this alternative is less than the other alternatives that are completely unacceptable for our community.

Response I97-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's statements regarding Draft PEIR Alternative 1 and 4 have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future

Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I97-2
Cultivation has ruined other Unincorporated Counties, and carries with it a significant risk to the beauty and safety of our natural resources, as outlined in the DEIR.

Response I97-2
The commenter has concerns about beauty and safety of natural resources. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I97-3
In review of the significant mitigation that would be required, it is outrageous that any Alternative besides NO PROGRAM is under consideration. The plans for oversight and enforcement are lacking and gravely flawed. This measure should be stopped solely on the Summary data provided on the Results in Emissions of Odors Adversely Affecting a Substantial Number of People, especially when considering these facilities may be located close (and 1000 feet away is STILL CLOSE) to schools, parks, daycares, libraries and other similar facilities.

Response I97-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The comment expresses concern about cannabis odors adversely affecting a substantial number of people. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors." Additionally, the comment expresses concern regarding a lack of setbacks from schools, parks, daycares, libraries, and other similar facilities. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," regarding proposed ordinances oversight and enforcement provisions, and Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," which discusses a range of proposed alternative setbacks.

Comment I97-4
I strongly oppose this program, and stand with the CPG. I will continue to advocate for our community's natural beauty, scarce water sources and clean air quality. I will support any lawsuit brought about to stop any Alternatives with the exception of Alt 1 - NO PROGRAM, should it come to that, as there is a proven success story for Santa Barbara residents negatively impacted by this program. I will continue to participate alongside members of my community in the Planning Commission and Board of Supervisors meetings when the decision time comes.

Response I97-4
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I98 Jennifer Craw

March 31, 2025

Comment I98-1
Regarding the Socially Equitable Cannabis program, the DEIR the study is outdated. I am requesting an updated impact study.

Response I98-1
The Draft PEIR programmatically addresses environmental effects of the proposed Cannabis Program evaluated under Alternatives 1 through 5 based on substantial evidence consistent with the requirements of CEQA and the State CEQA Guidelines. Throughout the document, citations have been added within the discussions, and full reference information is presented in Chapter 6, "References." This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. No further response can be provided.

Letter I99 Jill Patchen

March 31, 2025

Comment I99-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I99-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially

significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I100 Jim Waterhouse

March 31, 2025

Comment I100-1
I reside in Fallbrook and agree with Fallbrook CPG’s official comments/questions on alternatives 4, which still has significant impacts but less than the alternatives.

Cultivation has ruined other unincorporated Counties.

We do not want to see this happen in our back country.

I oppose this program as a whole.

Response I100-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I101 Jon Frandell

March 31, 2025

Comment I101-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I101-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I102 Joshua Caruso

March 31, 2025

Comment I102-1
My name is Joshua Caruso, I am the founder and CEO of the Farmers Cup. We are a local San Diego business that does licensed cannabis events and cultivation.

Response I102-1
The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Comment I102-2
We have been actively doing educational and informational cannabis events since 2014 and most recently we have hit our milestone of having organized the first licensed and permitting cannabis event in the San Diego County region.

Although this was in Vista California, our main goal as a company would be to have mainstream events in the county and city of San Diego on a regular basis.

We know that not only these events would bring tax dollars to the municipalities but will add to the already vibrant tourism of our beautiful city and county. We have a huge cannabis culture here in San Diego and we are very excited to bring this to the light with these events and more.

If you look at other municipalities up north they are know for having these events for many years now and I feel like it's time our County catch up and start looking into the positive things this will bring our beloved County.

Response I102-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Comment I102-3
The County has a unique chance to be a trailblazer. This could be a big win for the local economy and the community, creating new opportunities for responsible cannabis use, entertainment, and education.

Response I102-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Comment I102-4
I urge the County to keep things simple and align with the State's existing rules under the Department of Cannabis Control (DCC) for Temporary Cannabis Events (Sections 15600 – 15604, Title 4 of the California Code of Regulations). I've personally gone through the process of planning and permitting these events, so I'd love to share insights that could help shape this Ordinance in a way that makes sense for everyone involved.

Response I102-4
The comment does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, no further response is provided. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," regarding the range of alternatives evaluated in the Draft PEIR and Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I102-5
Insurance Challenges One major issue that needs reconsideration is the requirement for insurance. While I understand the County's intent, securing insurance for a cannabis event is nearly impossible. Most insurance companies won't even touch cannabis-related events because of lingering stigma. If you do find coverage, it'll run anywhere from $10,000 to

$15,000 for a single day—and even then, the policy won't actually cover anything cannabis-related. That's why the DCC doesn't require insurance for cannabis events, and I strongly recommend that the County follow suit. Let's wait until the industry has better insurance options before making this a requirement.

Response I102-5
The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program."

Comment I102-6
Event Hours & Frequency The hours for Temporary Cannabis Events should align with the State's retail cannabis sales rules, since sales will be happening on-site. It's also important to

account for time needed for inspections, setup, and breakdown. If these aren't factored in, it could create unnecessary complications for organizers, vendors, and entertainers. The County should consider extending the permitted hours and event days to make everything run smoothly.

Limiting cannabis events to just six per year doesn't make sense either. The State doesn't have this restriction, and cannabis event organizers actually pay licensing fees based on the number of events they plan to host. Here's the breakdown:

0-5 events per year: $3,000

6-10 events per year: $5,000

11-20 events per year: $9,000

More than 20 events per year: $20,000

Given these fees, an arbitrary six-event cap would be unfair to those investing in multiple events. I encourage the County to take another look at this and align with the State's approach.

Response I102-6
The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program."

Comment I102-7
Zoning Rules The proposed zoning restrictions are a bit unclear. Why ban events at licensed retail cannabis shops? These businesses are already heavily regulated, so allowing them to host events in compliance with County rules seems like a no-brainer. Also, opening up public spaces for cannabis events would create more venue options, benefiting both the County and event organizers. Lastly, allowing events in Agricultural Zones fits perfectly with the County's push for Agri-Tourism—cannabis farms could host events that drive tourism while staying within zoning laws.

Another important consideration is how these events get approved. Instead of requiring a Discretionary Permit, the County should treat them as a Ministerial Zoning Verification Permit. Ministerial Permits are for uses that meet all County requirements and don't need extra layers of approval. The current proposal for discretionary review would seriously limit how many events can happen, simply because event planning takes time. The DCC already requires applications to be submitted at least 60 days before the event, so adding another layer of review would only make things harder. Keeping it simple with a Ministerial Permit would help organizers meet deadlines and comply with State rules more efficiently.

Response I102-7
The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program."

Comment I102-8
Why This Matters Cannabis is now a well-regulated industry in California, and we should continue creating responsible ways for people to engage with it. Legal cannabis events provide a safe and controlled environment for education and enjoyment while keeping things compliant and secure. By allowing these events, San Diego has a chance to build a vibrant and responsible cannabis culture that benefits both locals and visitors.

Beyond creating safe spaces for cannabis consumption, these events can boost tourism, create jobs, and generate revenue for local businesses. They're also a great way to showcase San Diego's hospitality and agriculture industries while giving cannabis entrepreneurs and small businesses a chance to thrive.

Of course, good regulations and oversight are key to making this successful. I trust that the Planning Department will put reasonable safeguards in place to ensure events follow the law and maintain public safety. Clear guidelines and fair enforcement will go a long way in making this a well-run program.

Response I102-8
The commenter discusses the importance of providing safe ways to use cannabis. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I102-9
We fully support this Ordinance and urge the Planning Department to move forward with thoughtful revisions and approval. Licensed cannabis events can be a major win for our community, creating exciting opportunities while keeping things safe and regulated.

Please keep us in mind for anything around this topic and cultivation. We are a open book and willing to meet further.

Response I102-9
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's support for the proposed Cannabis Program has been noted and will be reviewed by the Board during future decision-making activities.

Letter I103 Judith and Patrick Bresnahan

March 31, 2025

Comment I103-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I103-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I104 Kim and Dave Olsen

March 31, 2025

Comment I104-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I104-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA

requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I105 Kim Massa

March 31, 2025

Comment I105-1
I reside in Fallbrook and agree with Fallbrook CPG’s official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, but less than the other Alternatives.

Response I105-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and input on Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I106 Lana Roberson

March 31, 2025

Comment I106-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I106-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I107 Laura Gausepohl

March 31, 2025

Comment I107-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I107-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I108 Lila Hargrove

March 31, 2025

Comment I108-1
My name is Lila Hargrove and I am a 50 year resident of San Diego county, specifically the unincorporated Fallbrook.

Response I108-1
The comment is an introductory statement and does not address the content, analysis, or conclusions in the Draft PEIR. Therefore, a response is not provided here. Responses to specific comments concerning environmental issues are provided below.

Comment I108-2
After reading the DEIR in its entirety , the county should be choosing no program. It is outdated and does not align with the counties current climate action plan.

Response I108-2
The Draft PEIR programmatically addresses environmental effects of the proposed Cannabis Program evaluated under Alternatives 1 through 5 based on substantial evidence consistent with the requirements of CEQA and the State CEQA Guidelines. Throughout the document, citations have been added within the discussions, and full reference information is presented in Chapter 6, “References.” This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. The reader is referred to Draft PEIR Section 2.9, “Greenhouse Gas Emissions and Climate Change,” which references the current San Diego County Climate Action Plan (CAP) and future cannabis uses required compliance with applicable CAP measures to reduce greenhouse gas emissions consistent with the CAP.

Comment I108-3
Upon further review, should the county pick a program , Alternative 4 is superior in regard to our environment, as stated in the DEIR. Any other choice is not a responsible one and will have increased negative effects on our environment , our resources and our communities.

Response I108-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master

Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I108-4
Has the county looked into other communities and the negative effects that having outdoor grows has caused, the law suites that have been filed and how this (program) is currently being changed in other areas since implemented ?

Response I108-4
The commenter expresses concerns about lawsuits associated with other cannabis programs. The reader is referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Comment I108-5
I agree with the Fallbrook Community Planning groups' comments and restrictions in regard to Alternative 4. Furthermore, it is my request that the county gather current information before making an enormous decision.

Response I108-5
The commenter requests consideration related to the comments from the Fallbrook Planning Group. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

The commenter's input on Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Comment I108-6
It is my hope that you consider making a choice that is rooted in fact, not emotion and is driven by preservation not money.

Response I108-6
The commenter expresses the desire for a decision rooted in fact. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter I109 Linda and Jerry Gordon

March 31, 2025

Comment I109-1
As a Broker Associate and long term residents of Fallbrook we are submitting the following:

Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I109-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference is for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I110 Mark Aldrich

March 31, 2025

Comment I110-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I110-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives,

and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I111 Martin Quiroz

March 31, 2025

Comment I111-1

San Diego County Board of Supervisors, I am a Fallbrook Real Estate Broker who is concerned about the impact that this will have to our rural community and real estate market.

Based on community input, we oppose this project and support Alternative 1- No

Project. Alternative 4 is the most Environmentally Superior alternative to the “No

Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I111-1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I112 Michelle Smith

March 31, 2025

Comment I112-1

Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I112-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I113 Nancy Layne

March 31, 2025

Comment I113-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I113-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives,

and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I114 Pierre Domercq

March 31, 2025

Comment I114-1

FALLBROOK COMMUNITY PLANNING GROUP
[redacted address], CA 92088
March 27, 2025

Comments on the County of San Diego Socially Equitable Cannabis Program Draft EIR, Regulatory Amendments and Zoning Amendments.

Based on community input, we oppose this project and support Alternative 1 – No Project.

Alternative 4 is the Environmentally Superior Alternative to the “No Project” as cited in the DEIR-Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I114-1

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I114-2

My name is Pierre Domercq and I am a lifelong resident of Fallbrook. Please consider the above which the Fallbrook Planning Group has put forth. The DEIR is flawed and outdated. Having any Cannabis Cultivation will destroy our way of life in the community and in the entire unincorporated area of San Diego County.

Response I114-2

The Draft PEIR programmatically addresses environmental effects of the proposed Cannabis Program evaluated under Alternatives 1 through 5 based on substantial evidence consistent

with the requirements of CEQA and the State CEQA Guidelines. Throughout the document, citations have been added within the discussions, and full reference information is presented in Chapter 6, “References.” This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. No further response can be provided.

Letter I115 Randi Devine and Brian Lynch

March 31, 2025

Comment I115-1
Most important, My husband and I are in strong opposition to this program.

Response I115-1
The comment provides an opinion regarding the merits or qualities of the proposed Cannabis Program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Comment I115-2
The EIR has flaws:

- it has not been updated since it's inception 5 years ago

Response I115-2
The Draft PEIR programmatically addresses environmental effects of the proposed Cannabis Program evaluated under Alternatives 1 through 5 based on substantial evidence consistent with the requirements of CEQA and the State CEQA Guidelines. Throughout the document, citations have been added within the discussions, and full reference information is presented in Chapter 6, “References.” This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. No further response can be provided.

Comment I115-3

- it does not address issues centered on "odor" - it is documented that the odor produced from cannabis travels. I am appalled that the county is not paying attention or does not have concerns regarding this and unwanted exposure to humans and animals.

Response I115-3
The comment expresses concern about cannabis odors adversely affecting people and animals and states that the Draft PEIR does not address this issue. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors,” regarding the impact analysis of cannabis odor.

Comment I115-4

- the report does not address well known crime increases associated

Response I115-4
The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” and Section 2.15, “Public Services,” in the Draft PEIR that address impacts to law enforcement and in regard to whether new law enforcement facilities would need to be constructed at could create physical impacts on the environment.

Comment I115-5
- the "hit" on my property value is something the Board of Supervisors and the Planning commission folks are not impacted by - the homeowners in this community ARE!!

Response I115-5
The commenter expresses concern associated with property values. Economic issues are not considered consider significant effects on the environment as provided in State CEQA Guidelines Section 15131.

Comment I115-6
- the notification of this proposal/program was insufficient not allowing a proper amount of time for the community to ensure distribution of information

Response I115-6
The comment expresses concern associated with the amount of time provided for review of the document. State CEQA Guidelines Section 15105, “Public Review Period for a Draft EIR or a Proposed Negative Declaration or Mitigated Negative Declaration” states the following:

> (a) The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances.

The Draft PEIR provided a 60-day review period, which is the maximum number of days.

Comment I115-7
- the excessive water use - we are not prepared, nor do we want a rate increase to already challenging fees

Response I115-7
The reader is referred to Draft PEIR Section 2.11, “Hydrology and Water Quality,” and Section 2.18, “Utilities and Service Systems,” regarding the impact analysis groundwater and municipal water usage by cannabis uses.

Comment I115-8
- there is no discussion on hazardous waste; now or when the cannabis field reaches it's expiration.

Response I115-8
The reader is referred to Section 2.10, “Hazards and Hazardous Materials,” in the Draft PEIR for a discussion of impacts and related regulation of pesticides and hazards materials that may be used at a cannabis operation.

Comment I115-9

- there is no valid explanation for the use of "unincorporated areas" to be the target of this program

- there is no respect for the lifestyle of folks who INTENTIONALLY selected these rural areas for their desired lifestyle.

Response I115-9
San Diego County land use jurisdiction and the ability to implement the proposed Cannabis Program is limited to the unincorporated area of the County. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I115-10

- there is no criteria that the individual granted money under the terms of this proposal, even reside in or near the community.

Response I115-10
No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I115-11

- WHILE NOT SPECIFIC TO THE EIR, WE ARE, AS FOLKS WHO SELECTED THIS COMMUNITY FOR WHAT IT IS/OFFERS, OFFENDED THAT THE BOARD, WHO DO NOT RESIDE AMONGST US, AND WHO FAVOR THIS PROGRAM, WILL IGNORE OUR WISHES AS A COMMUNITY - IF A YES VOTE IS TO BE TAKEN, PLEASE OPEN THESE DISPENSARIES IN YOUR COMMUNITIES

Response I115-11
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Comment I115-12
One of the worst and most disrespectful programs I have ever heard of.

Response I115-12
No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter I116 Rick Hasvold

March 31, 2025

Comment I116-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I116-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I117 Samantha Barrymore

March 31, 2025

Comment I117-1
My comment on the Cannabis DEIR:

I reside in Fallbrook and agree with Fallbrook CPG’s official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, but less than the other Alternatives.

Response I117-1
The commenter’s primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and input on Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I117-2
Cultivation has ruined other Unincorporated Counties. We do NOT want to see this happen in our Back Country.

Response I117-2
This comment expresses concern about impacts to unincorporated communities associated with cannabis. No comments regarding the adequacy of the Draft PEIR are included in this comment. Thus, no further response is provided.

Comment I117-3
The mitigation for the negative effects is severely lacking. The oversight and enforcement plans are gravely flawed.

Response I117-3
The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

Comment I117-4
I oppose this program as a whole and will participate in the Planning Commission and Board of Supervisors meetings when the decision time comes.

Response I117-4
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

Letter I118 Sarah Ankerman

March 31, 2025

Comment I118-1
I have been a Bonsall resident since 2012, while my husband grew up in Fallbrook. We love our community for its quiet, peaceful, country feel. We love spending time in nature and I have to say I have MAJOR concerns about the “socially equitable” cannabis program and its impact on the environment and our community as a whole.

Response I118-1
The comment is introductory in nature and does not address the adequacy of the Draft PEIR. Therefore, no further response is provided.

Comment I118-2
My comment on the Cannabis DEIR:

I agree with Bonsall/Fallbrook CPG’s official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, but less than the other Alternatives.

Response I118-2
The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and input on Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I118-3
Cultivation has ruined other Unincorporated Counties. We do NOT want to see this happen in our Back Country. I would like to point out the class action law suit that Santa Barbara residents brought about and WON because of the incredibly harmful impact on their communities and environment as a result of this program.

Response I118-3
This comment expresses concern about impacts on unincorporated communities associated with cannabis. The reader is referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Comment I118-4
My concern is that the environmental effects and consequences far out-way the financial gain What specific financial and political incentives do the board members who approve this program, receive from this program being adopted?

To date, how much money has been spent on this program? How much federal money has been spent on this program? With what funds will this program funded if adopted?

Response I118-4
The reader is referred to Section 9.1.1.5, "Master Response: Legal Status of Cannabis." The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding potential future refinements of the program. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I118-5
The mitigation for the negative effects is severely lacking. The oversight and enforcement plans are gravely flawed. How are you going to go about making sure people that have been convicted previously for breaking the law, follow all of the codes and laws??

If a grow is abandoned, how will the county ensure that these grows/tents won't just be abandoned and left to rot? Will these people face fees or even jail time if they don't abide by the rules?

Response I118-5
The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA. The comment provides no data or technical analysis that counters the impact and mitigation measure conclusions of the Draft PEIR. This comment expresses concern about enforcement plans related impacts associated with cannabis. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," regarding law enforcement.

Comment I118-6
The EIS was done several years ago and is already outdated, especially knowing the impact it's had on places it's been rolled out. I would ask for a pause to happen to this program and another EIS be done so you have CURRENT information.

Response I118-6
The Draft PEIR programmatically addresses environmental effects of the proposed Cannabis Program evaluated under Alternatives 1 through 5 based on substantial evidence consistent with the requirements of CEQA and the State CEQA Guidelines. Throughout the document, citations have been added within the discussions, and full reference information is presented in Chapter 6, "References." This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. No further response can be provided.

Comment I118-7
I oppose this program as a whole and not only will I participate in the Planning Commission and Board of Supervisors meetings when the decision time comes, but my community plans to as well.

I hope that you will review the concerns and opinions of those that will be forced to live with the impact of this program in the environment, as well as their communities.

Response I118-7
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I119 Scott Lewis

March 31, 2025

Comment I119-1
Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I119-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I120 Shanelle Jones

March 31, 2025

Comment I120-1
Based on community input, we oppose this project and support Alternative 1- No Project. Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I120-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of

Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I121 Stephani Baxter

March 31, 2025

Comment I121-1
My name is Stephani Baxter and I reside in Fallbrook, CA in an A70/A72 neighborhood within the Santa Margarita River and Rainbow Creek watersheds. I am submitting comments on the draft EIR for Cannabis.

Response I121-1
The comment is introductory in nature and does not address the adequacy of the Draft PEIR. Therefore, no further response is required.

Comment I121-2
Besides alternative 1, No Program, the only alternative worth considering is Alternative 4, with several modifications, which the Fallbrook Planning Group addressed in their comments. I agree with their comments.

NO CULTIVATION. Period.

CAPS are a must.

Response I121-2
The commenter's primary preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and secondary preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I121-3
Considering the widely known negative environmental impacts cannabis programs have had on other jurisdictions such as Pueblo, CO, Santa Barbara, CA and many other Unincorporated Counties (cited in Fallbrook CPG's references), this DEIR is outdated and inadequate.

Response I121-3
The Draft PEIR programmatically addresses environmental effects of the proposed Cannabis Program evaluated under Alternatives 1 through 5 based on substantial evidence consistent with the requirements of CEQA and the State CEQA Guidelines. Throughout the document,

citations have been added within the discussions, and full reference information is presented in Chapter 6, “References.” This reference information includes recent natural habitat data, computer modeling, and other current resources. The County considers the Draft PEIR impact analysis to be supported by accurate substantial evidence. No further response can be provided.

Comment I121-4
The mitigation, oversight and enforcement plans are severely lacking and gravely flawed.

Response I121-4
This comment expresses concern about mitigation and oversight enforcement plans associated with cannabis. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.” The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA.

Comment I121-5
I am opposed to the project altogether. I realize the time to voice these greater concerns are with PC and BOS. I will attend those meetings and comment.

Response I121-5
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

Letter I122 Stephen Brown

March 31, 2025

Comment I122-1
Comments: My name is Stephen Brown and I reside in Fallbrook CA on Morro Hills Rd. I am submitting comments on the draft EIR as noted above. First, although I realize that this is not the time for specific comments regarding the pros or cons of the Cannabis program, I would be remiss if I did not preface my comments with the statement that I am totally opposed to the program, and I realize that the venue for those comments will be at the Planning commission and Board of Supervisors meetings. I plan to attend both and comment,

Response I122-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment I122-2
Regarding the draft EIR as presented in all 1300 pages, the only Alternative that is even remotely acceptable is Alternative 4 due to its reduced environmental impact. Furthermore, it is

only acceptable with the comments and restrictions proposed by the Fallbrook Community Planning Group.

Response I122-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's general preference for Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I122-3
I hope that the negative experiences in Santa Barbara, Pueblos Co. and many other misguided cities serves as a warning and example of the dangers of proceeding with this ordinance.

Response I122-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter I123 Steven Hutchison

March 31, 2025

Comment I123-1
The DEIR for cannabis presented by the County is problematic for Valley Center because it is intended to represent the potential impacts across the entire unincorporated area of San Diego County [which is necessarily exclusive of the incorporated cities]. For most projects that are presented, the project area is a clearly defined subset of the county, or, indeed, Valley Center. I have trouble assessing the scope of the impacts in the DEIR on behalf of Valley Center since I cannot easily determine where and how the various categories of impacts will apply. Because we have long been an agricultural community, many areas could be targeted for cannabis cultivation, not to mention lounge consumption. However, given the requirement to develop an EIR, I will list the specific concerns I have and suggest that they apply to Valley Center as well as more generally to the entire unincorporated area.

Response I123-1
The comment expresses confusion over the geographic scope of the Draft PEIR. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment.

Comment I123-2
Biological Concerns

The cultivation of cannabis in existing agricultural growing areas would be substantially different and more intense than the traditional food crops those areas historically supported. While food crops do use fertilizers, pesticides and herbicides in some amount, cannabis typically uses exaggerated levels of those chemicals to ensure peak production. All of those chemicals can have extreme impacts on the quality of surface and ground water that supply the wells for domestic human use. Many in Valley Center depend on such wells and will be subject to potentially harmful levels of various agricultural chemicals used in cannabis growing areas. In addition, the contamination of surface flowing water will have a deleterious effect on water sources for wildlife, not to mention impacts on riparian plants. These effects occur whether the growing area is in a field or in a growing house.

Response I123-2
The comment expresses biological resource concerns related to hydrology and water quality associated with cannabis chemicals. The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," for the evaluation of water quality impacts from cannabis runoff. As described in Draft PEIR Section 2.11, a nitrogen management plan is required for commercial cannabis cultivation sites SWRCB Order WQ 2023-0102-DWQ. Pesticide application is addressed in Section 2.10, "Hazards and Hazardous Materials," under Issue 1. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Comment I123-3
Beyond water contamination, continuous high levels of agricultural chemicals will have impacts on the soil, disrupting the multitude of microorganisms that contribute to the health of wildlife and native plants.

The psychoactive characteristics of cannabis will also have an impact on wildlife that consumes the plants. From invertebrates to larger forms of fauna, the disorientation that can result from consumption can lead to deadly consequences throughout the food chain as THC and other cannabis components pass from lower forms as food for higher forms.

Response I123-3
The reader is referred to response to Comment I123-2. The proposed Cannabis Program (Section 6995[f][2] and 6995[g][2][viii]) includes fencing and security standards that would minimize wildlife interaction with cannabis plants.

Comment I123-4
There is also no consideration of how to dispose of the discarded cannabis plant remains after the buds have been harvested for sale. Will these unwanted plant parts be composted? Will they be sent to the County landfills? And, how will those discarded parts be treated once disposed of? Fauna will likely still have access to the plants regardless, creating a further problem in the food chain. While leaves have lower concentrations of psychoactive constituents, they are at high enough levels to be a problem.

Response I123-4
Proposed commercial cannabis operations would generate solid waste from cannabis plant and product waste, as well as non-cannabis waste (e.g., vegetation clearing and other related solid waste). As described in Section 2.18, “Utilities and Service Systems,” Section 2.18.2, “Regulatory Framework,” CCR, Title 4, Section 17223 requires cultivation facilities to have a cannabis waste management plan that identifies methods for managing cannabis waste, including on-premises composting, collection and processing by an agency, or self-hauling to a permitted facility. Transportation of self-hauled cannabis waste shall be performed only by the licensee or employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, into the state’s track-and-trace system. CCR, Title 4, Division 19, Section 15049 requires that all disposed cannabis is entered into the track-and-trace system for disposal purposes.

Comment I123-5
Air Quality

Air quality will also be impacted by cannabis cultivation, whether indoors or out. One of the chief complaints from areas within California that presently grow cannabis are the odors [skunk-like] emanating from the grow areas. Apart from being un-neighborly, they can and apparently do affect property values of neighboring properties, with little or no recourse for correction. This is a far cry from orange blossoms or lavender. While it may be possible to mitigate such contamination using activated charcoal filtration systems on indoor growing areas, the cost of such accommodations would likely make the operation unprofitable.

Response I123-5
The comment expresses concern about impacts to residents from air quality and odors as a result of implementation of the program. Draft PEIR Section 2.4, “Air Quality,” addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.”

Comment I123-6
Night Illumination

Another major concern is the use of “grow lights” to maximize productivity of cannabis plants. Clearly, use of such lighting in an outdoor grow area would be untenable during nighttime hours given the annoyance it would potentially cause to neighboring properties, but also in defeating the purpose of the north county dark skies ordinance. While Riverside County has flouted the need for darkness around the Palomar Observatory, we in Valley Center are trying to minimize night lighting to preserve the continued usefulness of the observatory in the advancement of astronomy and discovery within our universe. This also applies to the other observatories in the Laguna Mountains, as well as observatories in northern Baja California [light can travel great distances through the atmosphere and disrupt a clear view even hundreds of miles away].

Response I123-6
The potential for new sources of light to affect nighttime views and dark skies is addressed in Draft PEIR Section 2.2, “Aesthetics,” Section 2.2.3.6, “Issue 3: Adversely Affect View due to New Light and Glare.” As discussed in this section, cannabis cultivation facilities would be subject to the California Energy Commission’s Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and DCC regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purposes of minimizing light pollution in San Diego County and of protecting astronomical research at the Palomar and Mount Laguna Observatories from its detrimental effects. The Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors; LED bulbs; and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County’s development standards.

Comment I123-7
Further, night lighting from green houses or outdoor growing areas can have biological impacts. Scientific studies have shown that migrating birds that cover great distances at night are confused by bright lighting and can become disoriented as a result. Beyond disorientation, the bright lights can interfere with the circadian rhythms inherent in birds and other vertebrate and invertebrate organisms causing disruption of normal life patterns. While night lighting has been used in other agricultural pursuits, e.g. egg production in chickens, such lighting is conducted in closed, non-translucent barns that eliminate or minimize light pollution.

Response I123-7
The reader is referred to response to Comment I123-6.

Comment I123-8
Crime

With the legalization of cannabis in California, there is still competition between legal growers and black market providers who have had a traditional grip on the growth and distribution of various cannabis products. The new competition between these legal and illegal elements is expected to create criminal friction that will have a significant impact on the local community as already stretched law enforcement resources are challenged even more. This does not bode well for the public. Apart from the added strain of the disruptive behavior of the public who legally use cannabis, there will undoubtedly be incidents of criminal attacks on legal growers to eliminate competition for illegal growers. All of this will be an added burden on law enforcement resources.

Response I123-8
The comment expresses concern associated with increased crime in the community. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

Comment I123-9
Recommendation

I recommend the County adopt alternative 1 offered in the EIR, which is no change to the current rules for cannabis. It is consistent with the voter approved need for availability without the pervasiveness of the other problems associated with cannabis production. There is currently no shortage of availability of cannabis and no additional need for increasing the supply to satisfy public consumption.

Having said that, alternative 4, indoor growing areas exclusively with non-translucent growing buildings equipped with both water and air filtration systems, would be the next least offensive possibility.

Response I123-9
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board

direction and future decision-making for a discussion on the next steps in the approval process.

Letter I124 Summer Tracy

March 31, 2025

Comment I124-1

I'm not pleased to have any local cannabis shops in my neighborhood of Lakeside. However, if I'm unable to prevent them from occurring, please at least take the following into consideration:

Response I124-1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Comment I124-2

1. When requiring applicants to submit a Neighborhood Compatibility Plan, please require that they do the following:

    - Focus on the immediate community(ies) where they will do business.

    - Show in their budget allocation to support their Neighborhood Compatibility Plan, specifying the amount of funds dedicated. (They may not be advertising or marketing funds.)

    - Identify public organizations with which they will form and maintain positive, supportive relationships, such as school districts, schools, PTA, recreation centers, and libraries.

2. Provide examples of community programs, including youth programs (and optional adult programs), in case their identified community partners are not in need of support.

3. Submit an annual Neighborhood Compatibility Accountability Report to the appropriate county department(s), which:

    - Will be made public, and

    - Will be considered during the license renewal process.

4. Additionally, if the ordinance includes advertising provisions, please ensure that:

    - No billboard advertising is permitted.

    - Youth-focused organizations are not required to use the applicant's logos, branding, or name when receiving sponsorships or cosponsorships. This policy must be clearly communicated to the organizations involved.

Response I124-2
All cannabis facilities are subject to signage regulations as specified in the draft Zoning Ordinance amendments. As written in the draft Regulatory Ordinance amendments, the Neighborhood Compatibility Plan must be specific to the business' neighbors or surrounding community. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program."

Letter I125 Tami Oeschger

March 31, 2025

Comment I125-1
I reside in Bonsall and agree with Fallbrook CPG's official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, but less than the other Alternatives.

Response I125-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I125-2
Cultivation has ruined other Unincorporated Counties. We do NOT want to see this happen in our Back Country.

Response I125-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Comment I125-3
The mitigation for the negative effects is severely lacking. The oversight and enforcement plans are gravely flawed.

Response I125-3
The comment identifies issues with mitigation measures proposed but provides no details or evidence addressing the adequacy of the mitigation measures. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding enforcement.

Comment I125-4
I oppose this program as a whole and will participate in the Planning Commission and Board of Supervisors meetings when the decision time comes.

Response I125-4
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I126 Tami Warren

March 31, 2025

Comment I126-1
I reside in Fallbrook and agree with Fallbrook CPG's official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, albeit less than the other Alternatives.

Response I126-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment I126-2
Cultivation has negatively impacted other Unincorporated Counties. We do NOT want to see this happen in our Back Country.

Response I126-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Comment I126-3
The mitigation for the negative effects is not sufficient and therefore severely lacking. The oversight and enforcement plans are gravely flawed.

Response I126-3
The comment identifies issues with mitigation measures proposed but provides no details or evidence addressing the adequacy of the mitigation measures. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding enforcement.

Comment I126-4
My concerns center around issues related to -

* enforcement

Response I126-4
The reader is referred to response to Comment I126-3.

Comment I126-5
* wildfire prevention

Response I126-5
The comment expresses concern related to wildfire prevention but does not provide specific examples associated with this concern. The reader is referred to Draft PEIR Section 2.19, "Wildfire," for a detailed analysis of potential wildfire hazards associated with cannabis uses.

Comment I126-6
* fertilizer-pesticides

Response I126-6
As described in Draft PEIR Section 2.11, a nitrogen management plan is required for commercial cannabis cultivation sites SWRCB Order WQ 2023-0102-DWQ. Pesticide application is addressed in Section 2.10, "Hazards and Hazardous Materials," under Issue 1. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Comment I126-7
* odor / air quality

Response I126-7
The comment expresses concern related to odor and air quality but does not provide specific examples associated with this concern. Draft PEIR Section 2.4, “Air Quality,” addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.”

Comment I126-8
* transportation

Response I126-8
The comment expresses concern related to transportation but does not provide specific examples associated with this concern. The reader is referred to Draft PEIR Section 2.16, “Transportation,” for an evaluation of transportation impacts from implementation of the program.

Comment I126-9
* environmental sensitivity

Response I126-9
The comment expresses concern related environmental sensitivity but does not provide specific examples associated with this concern or a specific environmental issue area. The reader is referred to Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis.”

Comment I126-10
* land use

Response I126-10
The comment expresses concern related to land use but does not provide specific examples associated with this concern. The reader is referred to Draft PEIR Section 2.12, “Land Use and Planning,” for an evaluation of land use impacts from implementation of the program.

Comment I126-11
* light and noise impacts

Response I126-11
The potential for new sources of light to affect nighttime views and dark skies is addressed in Draft PEIR Section 2.2, “Aesthetics,” Section 2.2.3.6, “Issue 3: Adversely Affect View due to New Light and Glare.” As discussed in this section, cannabis cultivation facilities would be subject to the California Energy Commission’s Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and DCC regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purposes of minimizing light pollution in San Diego County and of protecting astronomical research at the Palomar and Mount Laguna

Observatories from its detrimental effects. The Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors; LED bulbs; and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna.

Comment I126-12
I oppose this program as a whole and will participate in the Planning Commission and Board of Supervisors meetings when the decision time comes.

Response I126-12
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I127 Taylor Larson

March 31, 2025

Comment I127-1
NOOOOOO!!!! I'm in Bonsall and want this nowhere near me!!! ABSOLUTELY NOT!!!

Response I127-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

Letter I128 Terry Aaron

March 31, 2025

Comment I128-1
My comment on the Cannabis DEIR:

I reside in Fallbrook and agree with Fallbrook CPG's official comments for NO PROGRAM with their comments/questions on Alternative 4, which still has significant and unavoidable impacts, but less than the other Alternatives.

Cultivation has ruined other Unincorporated Counties. We do NOT want to see this happen in our Back Country.

The mitigation for the negative effects is severely lacking. The oversight and enforcement plans are gravely flawed.

I oppose this program as a whole and will participate in the Planning Commission and Board of Supervisors meetings when the decision time.

Response I128-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The comment identifies issues with mitigation measures proposed, but provides no details or evidence addressing the adequacy of the mitigation measures. The County considers the Draft PEIR and its mitigation measures adequate and in compliance with CEQA. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program," regarding enforcement.

Letter I129 Tiffany Saxon

March 31, 2025

Comment I129-1
Based on community input, we oppose this project and support Alternative 1- No

Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I129-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis

Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I130 Tom Van Wie

March 31, 2025

Comment I130-1

Based on community input, we oppose this project and support Alternative 1- No Project.

Alternative 4 is the most Environmentally Superior

Alternative to the "No Project" as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I130-1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I131 Wade Olsen

March 31, 2025

Comment I131-1

My name is Wade Olsen I was born and raised in Vista and live in district 5 and I am in the cannabis equity program as an approved equity applicant for San Diego county, I support alternative 2.

I plan to get a type 12 microbusiness as a shared space, and hope to open it in San Diego county. With many other types of agricultural struggling such as the cut flower industry many farmers could benefit from being allowed to grow cannabis. Costing much less water than crops like tomatoes that also grow well in San Diego but the farmers are struggling. I vision a co-operative much like cuties tangerines or Pom wonderful pomegranates where San Diego farmers can participate in the cannabis industry and benefit our community. I also look forward to cannabis lounges and events and more safe access to cannabis. I think there is much to considered such as the detriment to the industry of mega cannabis farms not being great for the environment or our community.

I am greatful for the opportunity to participate in the cannabis equity program, the seed program and the instructors. I am hopeful for an equitable cannabis industry in San Diego and California and a bright future as cannabis becomes federally legal and imported into other states and countries legally California needs to have the infrastructure to supply the demand . San Diego has a rich cannabis culture and community that needs to be represented in California.

Response I131-1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I132 Noah Friend

March 31, 2025

Comment I132-1
Given cannabis's federal status, this entire proposal is a waste of time, money, and resources. Northern California tried it, and it's already a disaster—facing an open class action lawsuit from everyone negatively affected by it.

Response I132-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. The reader is referred to Section 9.1.1.5, "Master Response: Legal Status of Cannabis."

Comment I132-2
Open 'use' lounges? Straight out of the opium den playbook, except now we'll have 'high' drivers swerving alongside drunk drivers. Despicable, embarrassing, and a slap in the face to San Diego. Families won't want to live near any of these areas.

Response I132-2
This comment expresses concerns about drivers driving high as a result of the proposed program. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime." Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

Comment I132-3
Property values will tank while tourists ditch us for somewhere that doesn't reek of bad decisions. The county'll drown in red tape and shady licensing deals just to prop up a market the feds could squash any day. Meanwhile, homelessness festers and roads crumble. Great to see our priorities straight. Repeal this disaster of a plan before it drags us all down.

Response I132-3
The comment expresses concerns associated with the property losing value. An evaluation of property values is not required because property values do not have an impact on the natural or physical environment. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment.

Letter I133 Kelly Hayes

March 31, 2025

Comment I33-1

The purpose of this correspondence is to provide comments to the County of San Diego's Cannabis Program Draft Environmental Impact Report (EIR) and draft ordinances. This Law Office represents licensed cannabis businesses throughout California and specifically within the San Diego region. Since 2014, I have had the pleasure of working with various types of cannabis businesses. However, most recently I had the pleasure of representing the business that hosted the first licensed Temporary Cannabis Event with onsite cannabis sales and consumption in Vista, California on March 15, 2025.

Temporary Cannabis Events:

The County has an extraordinary opportunity here – to be the first County to allow for licensed cannabis events in Southern California. This Ordinance will benefit both the local economy and the broader community by offering new opportunities for responsible cannabis consumption, entertainment, and education.

I encourage the County to align their Ordinance to the State requirements provided under the Department of Cannabis Control's ("DCC") regulations for Temporary Cannabis Events found in Sections 15600 – 15604 under Title 4 of the California Code of Regulations. Having first-hand knowledge as to what is required in the planning and permitting of a Temporary Cannabis Event, I would also like to provide the County with additional information to consider in the drafting of this Ordinance as it relates to Temporary Cannabis Events.

Insurance

For instance, Insurance has been discussed as a requirement to host these events. While I understand and appreciate the County's reasoning behind this, what the County does not realize is that Insurance for a Temporary Cannabis Event is *extremely difficult to obtain*. First, most Insurance providers refuse to provide policies due to the stigma surrounded around cannabis. Second, if an Insurer does provide a policy to cover a cannabis event, it will cost anywhere from $10,000 to $15,000 for a single day. Lastly, that policy will always *exclude from coverage* anything related to cannabis or cannabis products. Meaning, even if a licensee can obtain insurance coverage at a rate of $10,000 for one single day, the insurance will not actually cover anything because cannabis and cannabis products are excluded under the policies.

I propose that this not be a requirement until the cannabis industry is better positioned and there is adequate insurance coverage available to Cannabis Event Organizers. For these reasons, the DCC does not require a Cannabis Event Organizer to obtain insurance coverage, and I strongly advise that the County also not require a Cannabis Event Organizer to obtain insurance at this time either.

Hours of Operation & Number of Events Per Year

The operating hours for a Temporary Cannabis Event should align with the State's regulations governing the retail sale of cannabis1, given that cannabis retail sales will occur on-site during the event. Additionally, the total duration time for the event should account for the necessary time required for onsite DCC inspections, which must occur prior to the event, as well as adequate time for setup and breakdown. These preparations, including those for event organizers, vendors, exhibitors, and entertainers, may necessitate additional time beyond the event's scheduled hours. Therefore, the County should consider extending the allotted days and hours for Cannabis Events to accommodate these essential activities.

Furthermore, the proposal to limit cannabis events to six (6) per year is unreasonable and does not coincide with the State's requirements. I encourage the County to review the DCC's Licensing Fees for Cannabis Event Organizers under 4 CCR § 15014. Cannabis Event Organizers pay their annual license fees based on the number of events they plan to host in a single calendar year. These planned operations and fee amounts are detailed below:

Annual License Fee Schedule for Cannabis Event Organizers[2]

Planned Operations (Number of Operations)	Fee per License
0-5 events annually	$3,000
6-10 events annually	$5,000
11-20 events annually	$9,000
Greater than 20 events annually	$20,000

[1] *See* 4 CCR § 15403

[2] *See* 4 CCR § 15014

Zoning Requirements

It's unclear why the County is proposing to prohibit temporary cannabis events at licensed retail facilities. Given that these locations are already subject to stringent regulatory oversight, permitting events at such sites, provided they comply with all applicable requirements under the County's Ordinance, would seem to offer a viable and secure option for hosting cannabis-related events. Additionally, authorizing cannabis events on public property would expand the pool of available venues, benefiting both the County and event organizers by providing greater flexibility in location selection. Moreover, allowing Temporary Cannabis Events within Agricultural Zones would support the County's broader objectives for Agri-Tourism, offering a strategic means to enhance community engagement while maintaining compliance with zoning and land-use policies.[3]

Lastly, I strongly recommend that the County designate Temporary Cannabis Events as a Ministerial Zoning Verification Permit – and not as a Discretionary Permit. Ministerial Permits apply to uses that automatically comply with County requirements and do not necessitate discretionary review. Requiring discretionary review for cannabis events could significantly limit

the number of events held in the County, primarily due to the time constraints associated with event planning in general.

Under subsection (d) of Section 15601 of the DCC Regulations, a temporary cannabis event license must be submitted "no less than 60 calendar days before the first day of the temporary cannabis event."[4] Thus, event organizers are provided with limited time to secure a suitable location, entertainment or vendors, and requiring any additional discretionary review would further constrain their ability to meet the State's timeline. Therefore, to facilitate efficient event planning and to ensure timely compliance with State requirements, the County should consider adopting a Ministerial Zoning Verification Permit for Temporary Cannabis Events.

[3] County of San Diego's Temporary Agritourism Community Events, accessed March 31, 2025, https://www.sandiegocounty.gov/content/sdc/pds/advance/agriculturepromotion/communityevents.html; Farm Bureau of San Diego County, accessed March 31, 2025, https://www.sdfarmbureau.org/san-diego-agriculture/

[4] 4 CCR 15601(d)

As cannabis has become a widely accepted and regulated industry in California, it is essential that we continue to foster responsible engagement with it. Legalized cannabis events can provide a safe and controlled environment for individuals to learn about and enjoy cannabis, while also ensuring public safety and compliance with the law. By allowing these temporary events, San Diego can create a vibrant and responsible cannabis culture that both residents and visitors can appreciate and enjoy.

In addition to supporting the safe and regulated consumption of cannabis, licensed Temporary Cannabis Events would have a positive economic impact by encouraging tourism, creating jobs, and generating revenue for local businesses. These events can showcase San Diego's dynamic hospitality and agriculture industry and provide an avenue for entrepreneurs and small businesses in the cannabis sector to thrive.

I also recognize that proper regulation and oversight are crucial to the success of such events. I trust that the Planning Department will take only the necessary precautions to ensure that these events are conducted in compliance with applicable laws and safety standards. Clear guidelines and effective enforcement mechanisms will go a long way in maintaining the integrity of this program and protecting the well-being of the community.

In closing, I fully support the passage of this Ordinance and encourage the Planning Department to move forward with revisions and approval. Licensed Temporary Cannabis Events will not only contribute to a responsible and well-regulated cannabis industry but also provide exciting opportunities for our community.

Response I133-1
The comment includes input on the proposed Cannabis Program and does not address the content, analysis, or conclusions in the Draft PEIR. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," regarding potential refinement of the proposed Cannabis Program.

Letter I134 Kori Jensen

April 1, 2025

Comment I134-1
Based on community input, we oppose this project and support Alternative 1- No

Project.

Alternative 4 is the most Environmentally Superior

Alternative to the “No Project” as cited in the DEIR- Chapter 4.

Therefore, our DEIR comments are on Alternative 4.

Response I134-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and reference to Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition have been noted and will be reviewed by the Board during future decision-making activities. No comments are provided regarding Alternative 4.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter I135 Russell Palmer

April 1, 2025

Comment I135-1
I believe we need to open up and supoort state laws as quickly as possible. Option 2 please!

Response I135-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the program.

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of

alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

9.1.5 Public Meeting Comments and Responses

PM1 Armand King

February 5, 2025

Comment PM 1

I appreciate option number 2 being the proposed project. I just wanted to speak on the 3 other options as number 1 doesn't need to be spoke on. This Draft EIR and zoning recommendations does impose overly broad and vague sensitive use restrictions that create unintended consequences, particularly for vulnerable populations. Categorizing residential care homes as a sensitive use fails to recognize that many seniors, hospice patients, and individuals battling chronic illness rely on cannabis as essential medicine and restricting businesses near these residential treatment facilities could make access unnecessarily difficult. Another thing to consider is excessive zoning limitations encouraging the growth of the illicit market by making it nearly impossible for legal cannabis businesses is to establish, undermining public safety and regulatory goals. The inclusion of the visiting centers and parks as sensitive uses also fails to account for real world usage as many of these spaces serve only as occasional information and recreation hubs, making their designation unnecessary and impractical. And without clearly identifying what a park is, we could be talking about a steep hill which would be classified as a park. Additionally, listing religious gatherings as a sensitive use without clear definition opens the door for manipulation as history has shown here in San Diego County that opposing businesses have created sham churches in targeted areas to block competition. If the County generally seeks to regulate responsibly while fostering economic opportunity and public safety, it must revise these excessive restrictions and create a zoning framework rooted in practicality, fairness, and real-world impact. Fully adopting California state requirements will be best. Option 2. Thank you.

Response PM 1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM2 Shelby Huffaker

February 5, 2025

Comment PM 2

My name is Shelby Huffaker. As a lifelong San Diegan, a public health researcher who specializes in substance use, and chair of the San Diego chapter of Americans for Safe Access, I support Alternative 2 of the County's Draft Cannabis EIR because it expands safe access, promotes equity, aligns with public health goals, and expands opportunities for more sustainable cannabis cultivation. Current zoning restrictions severely limit access, forcing patients and consumers to travel long distances, or turn to the illicit market which dominates cannabis sales in California. Expanding licensed access by adopting State regulations for buffer standards would reduce these barriers, ensure consumer safety, and result in savings to the public service sector while generating local tax revenue. Cannabis equity is also at stake. Communities disproportionately targeted by cannabis criminalization must have fair opportunities to participate in the legal market. Increasing licenses and reducing zoning barriers will help repair past harms from prohibition while driving economic investment. While concerns about youth are understandable, a large body of research shows no association between the liberalization of cannabis laws and underage consumption. Licensed retailers maintain high compliance rates with age checking requirements, while states with stricter bans see higher use of unregulated cannabinoid products among youth. Additionally, allowing outdoor cannabis cultivation would provide opportunities for the adoption of regenerative agricultural practices in the industry while enhancing cannabis' [*inaudible*] properties. Legally permitted outdoor cannabis cultivation also requires significantly less energy and produces lower carbon emissions than indoor cultivation. Please adopt Alternative 2 to improve access, advance equity, support public health, and achieve sustainability goals. Thank you for your time.

Response PM 2

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM3 Donavyn Dove

February 5, 2025

Comment PM 3

I'm calling in accordance with Alternative 2. My name is Donavyn Dove, and I'm a lifelong resident of San Diego, Spring Valley to be exact, unincorporated area of Spring Valley, and an applicant in the County Social Equity Program. I'm here to make it clear the Alternative 2 is the proper choice. It's the only choice. The war on drugs robbed our community of so many things. And now, through excessive zoning restrictions, you're creating a new version of that same

thing. It's like the same thing with a whole other face on it, and it's veiled with 3 or 4 more terms. So, equity applicants should not be pushed into an impossible position just to participate in an industry where we're systematically locked out of. Social equity is meant to repair damage, not recreate it under a different name. If this County truly values equity, then anything other than Alternative 2 is unacceptable. Thank you for your time.

Response PM 3
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM4 Raphyal

February 5, 2025

Comment PM 4
I wanted to first start out though option 2 is the only option. It's basically righting a historical wrong. Parks and recreational centers is over excessive zoning. And parks, recreational centers, residential centers, religious venues, to me it's excessive zoning built on a social status. And to me that is very unequitable. Equality is built on equality. You don't get to sit there and change it. It's status. To me, I would like to sit there and understand the zoning of a liquor store in relation to social cannabis, and the fact that one has always been helpful, has never been a pariah throughout the history of its invention when the other practically has. If you want to truly promote equity - option 2. Is it excessive zoning only sits there and speaks on the narrative of social status, and that's unequitable and unfair. I thank you for your time and I appreciate what you've done, but excessive zoning is not the answer. Thank you.

Response PM 4
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM5 Thomas Lauerman

February 5, 2025

Comment PM 5

My name is Thomas Lauerman. I was born in San Diego, and I support Alternative 3. This just gives us more area in which to operate our businesses, as in grows, especially in the unincorporated areas. It also some of these things that are affected us by are the regional parks. There's regional parks all over San Diego County. If those are restricted areas, it really prohibits us from being able to have businesses. Public trails are another issue because there's walking trails all throughout San Diego County that would also inhibit us from running our businesses. Let's see recreational facilities to senior centers. A lot of seniors participating in medical cannabis and take it for their health and well-being. And I support Alternative number 3. My name is Tom Lauerman, born in San Diego. Thank you.

Response PM 5

The commenter's preference for Alternative 3: Cannabis Program with Expanded County Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM6 Robert Wood

February 5, 2025

Comment PM 6

My name is Robert Wood. I'm a long time San Diego resident born and raised in southeast San Diego. I'm also a Social Equity cannabis person, because I did time for cannabis. I did state time, but I've also watched a lot of people who did fed time for cannabis, and I think that the Social Equity Program is brilliant in decriminalizing this and giving people opportunities that previously haven't had them. However, when it comes to the zoning, any option outside of option 2 would eliminate opportunity for a lot of people. I think that cannabis criminalization is supposed to be over. We voted to decriminalize it in California and outside of option number 2, it would be really recriminalizing it through the zoning. In other words, if you zone it where you can barely have cannabis sold in San Diego in the unincorporated areas, then what's the purpose in even giving out the license? And what's the purpose in the whole program? Parks, recreation centers, religious venues and other things like that, including those are only ways to shut off something that's already been legalized. And so, I do disagree with that. My one thought that I want to leave people with is let's not attempt to relitigate the law that's already been passed legalizing cannabis through bad zoning or through zoning that makes that law irrelevant and takes the teeth out of it. With that I will state again, my name is Robert Wood, I support option number 2. Thank you.

Response PM 6
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM7 Albert Pepi

February 5, 2025

Comment PM 7
My name is Albert Pepi. I'm a qualified social equity applicant. I'm a native San Diegan. I live in Clairemont, District 4. I would like to say, please adopt the cannabis program. I want to see the Alternative 2 that's implemented in the EIR be adopted. By placing extreme sensitive use restrictions, the County is unintentionally creating an environment where only well-funded established businesses can navigate the complex zoning landscape, leaving social equity applicants at a disadvantage. I want to see that the State mandated buffers stay at 600 feet and not use the proposed additional sensitive use buffers. State regulations/requirements, plus the buffer zones, are only going to make it more challenging for the Socially Equitable Cannabis Program. With this EIR report there is environmental challenges, but we can find solutions for everyone. Other California counties have implemented more practical and reasonable sensitive use guidelines that allow for businesses growth while maintaining community standards. San Diego should follow suit. And I want to you to please give social equity a real chance on having the support to succeed. That's fair, good for the environment, and benefits everyone. Cannabis is here to stay. Thank you for your time.

Response PM 7
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM8 William Mitchell

February 5, 2025

Comment PM 8

My name is William Mitchell. I'm here in support of Alternative 2. That's the only alternative that sounds right to me. I represent Spring Valley, which is District 1. The County claims to support social equity but these zoning restrictions are effectively shutting us out, and kind of limiting everything. The War on Drugs was used to criminalize us. I was arrested. I went to the Feds. I went to the County. I got locked up for this stuff, for weed, for marijuana. And now it's free and everything, and I see it's now a chance for them to give back to us. And now it's like they're saying they want to give back, but they don't. It's like we're supposed to be coming together on this and overcoming obstacles and everything and then the zoning restrictions is definitely limiting us from doing that. And if San Diego County truly believes in righting the wrongs of the past, it must remove barriers for social equity applicants, not create new ones. Alternative 2 is the only choice that upholds real equity. Thank you. William Mitchell.

Response PM 8

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM9 Michelle Kevorkian

February 5, 2025

Comment PM 9

My name is Michelle Kevorkian, and I'm in District 3, and I am a very lucky participant to be in the Social Equity Program, which I believe has taught me a lot. The one thing on reading the EIR I support is option number 2 for many reasons, Armand said it so eloquently and hit on every aspect that I would have and is spot on. In addition, I understand the sensitive use that's already implemented, and as a parent myself I get those, and I understand them, and I think that's how they should be. But putting the additional buffers is going to make it very challenging, and I can't see how there would be enough to make it for anyone to be able to flourish in that industry. So, I completely support option number 2. Thank you.

Response PM 9

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future

decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM10 William Hinks

February 5, 2025

Comment PM 10

My name is William Hinks. I am a native of San Diego. I am a 4th degree surviving burn patient. Spent about 2 years in UCSD medical clinic. So that being said, anyone that knows or could even understand being a burn patient, I have undergone a lot of surgeries, dealt with a lot of having to be prescribed narcotics, and a lot of different medications. I have been approved to be an equity participant in the Socially Equitable Cannabis Program of San Diego County. I'm here today to present my feedback on the proposed cannabis business amendments to the San Diego Code Regulatory ordinance presented in the Socially Equitable Cannabis Program Draft EIR. I believe the County should adopt the proposed Social Equity Cannabis Program. I support the program Alternative 2 and would like to see this alternative proposal adopted. I believe that the State mandated, well majority of the State mandated sensitive use buffers should be included in the County proposal. However, there are some that I believe should not be in there. I am thankful for the opportunity of this Social Equity Program, and again, I believe that Alternative 2 should be adopted. It's given us the opportunity to become licensed medical cannabis providers outside of looked at as criminals, which got us in the program. Thank you for your time.

Response PM 10

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM11 Judi Strang
February 5, 2025

Comment PM 11
I came to express my support for Alternative 1, because I already feel we have 5 marijuana storefronts out here in the unincorporated area, and they are robust deliverers so there is plenty of access available to the unincorporated people. I'm concerned that our planning groups in the unincorporated area need to have a way to supply input in towards any application that's going to affect how they live their lives. I'm also concerned that I've seen the lack of code enforcement and law enforcement regarding the black market, and I wonder what their capacity will be to eliminate the black market or to help those out in the unincorporated area who are already suffering the ill effects of the hemp grows that the County has permitted, the smell there. I also wonder why the County would use so much precious resource to set up a business that's already doomed for failure. Not a day goes by that a news release doesn't come out about how marijuana businesses are losing money. They don't pay their taxes. There's persistent rivalry with the black market. And now, with the threat from the intoxicating hemp derived compounds being sold on nearly every corner, and there doesn't seem to be regulations in place or any enforcement to protect our children. I'm concerned what I see, as a community member, regarding high potency THC products that seem to be the most popular of all the products sold at marijuana storefronts. We know now that 40% of marijuana smokers use daily, and the impact that means for the quality of life, for the mental health of our citizens and to the people who care about them is serious, and as a person whose loved one was incarcerated related to his drug use and drug sales, we don't want him to have a marijuana storefront or a marijuana business. It would be the worst thing for our family. Thank you.

Response PM 11
The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process, and Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," regarding County standards to protect the public who are not consuming cannabis products. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA.

PM12 Rashida Hameed
February 5, 2025

Comment PM 12
My name is Rashida Hameed. I'm a native to San Diego. I strongly support the decriminalization of cannabis and only option 2, Alternative 2, can make sure that it's done in

an equitable manner that will respect the public and the social equity aspect of legalizing cannabis. Again, I'm Rashida Hameed, a native to San Diego and I am in high support of Alternative 2. Thank you.

Response PM 12
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM13 Rudy Reyes

February 5, 2025

Comment PM 13
Thank you for having me again, Rudy Reyes. I ran for Second District County Supervisor. I run for Santee Mayoral seat. And I'm pretty well known in San Diego for being the worst injured of the San Diego 2003 fires. Long story short, as you've heard, I've ran for County Supervisor and unfortunately the County has a history of being very aggressive, regressive, and attacking medical marijuana patients rather than helping us. Okay, as I see it right now, your zoning has pretty much set it up to where you guys haven't looked at religious use, such as the Rastafarian churches who would be needing it for religious use. The fact that the majority of elderly people also have a large need for medical marijuana rather than being on various other medications that would harm their body. And the fact that our County needs to provide locations for people to be able to use if they cannot do so at home. And these are things that are being considered in other counties up north but for some reason, again, because San Diego is so against and has had so many years, I had to fight, I literally had to sue the County along with ASA to get a medical marijuana ID card. Okay, this is the most regressive community I've ever seen. So, under that ideology, I would actually ask you guys to go back to the drawing board and redo option 2 and make it so that you're reconsidering these park use, the religions, the use of the elderly because right now you guys haven't really made those people into your considerations or helped us in that regard. The other problem is, I know at the end of this you're basically going to do a quick lottery system and only a few people are going to get help from this situation. As a matter of fact, you guys are probably going make it so that the taxes are going to be so much that they won't be helped at all by the monies that you will be helping them win. That's the problem. The County is not here to help you folks. The County is here to just to make it regressive and harder. Learn from them. I've run for political seats because of that.

Response PM 13
The comment provides an opinion regarding the merits or qualities of the proposed program. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft

PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM14 Becky Rapp

February 5, 2025

Comment PM 14

My name is Becky Rapp and I'm here tonight to voice my support for Alternative 1. There was a recent article that was published in the LA Times describing California's cannabis supply chain as having hidden pesticides and no public monitoring. This seems to be a reoccurring concern as the State has yet figured out how to manage, monitor, and properly enforce safeguards implemented to protect the public. The public trusts that if a product is permitted to sell, then it's safe to consume. But this fallacy was told to voters when the permitted market marijuana industry was created. The Times analyzed hundreds of marijuana products and found that half of these products in California's permitted market contained chemicals or hidden pesticides. Chemicals that have no approved public safety monitoring procedure. A systematic monitoring procedure is crucial when testing products before being sold to the public, and marijuana should be required to be under the same scrutiny as other products are that are on the market as well. Our County has chosen to permit 5 businesses under the guise that the products being sold have been tested and are safe to consume. Perhaps the County should exercise its own product testing experiment as the LA Times has done. The public deserves the honest truth about the products currently being sold and distributed online to those living in our county. And the public believes these products are being monitored. If they're not being properly tested, the County should be responsible for pulling them from the shelves. This information should be included in the EIR, and I would just really emphasize adopting Alternative 1. Thank you.

Response PM 14

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations and concerns regarding cannabis product safety has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process. The reader is also referred to Section 9.1.1.9, "Master Response: Cannabis Product Safety and Testing."

PM15 Eddie

February 5, 2025

Comment PM 15

I appreciate your time this evening, and I'd like to address the current situation in San Diego County. I am a candidate for the Social Equity Program. I was a caregiver provider to patients that had no access in North San Diego County in 2006, and I was prosecuted by the district attorney at the time, Bonnie Dumanis, for providing medical cannabis to patients that did not have access in North County. I am in Oceanside. I am in District 5, and I am fighting for safe access for specifically veterans out of Camp Pendleton. However, there's more than just Camp Pendleton veterans. There's also seniors, other people in the community that need safe access to medical cannabis. And it is unfair to push us into areas of unincorporated San Diego County where people that are already suffering have to fight just to get their medicine. Can you imagine that there is no Kaiser, no CVS, no Walgreens in your local neighborhood, and you had to go out to the desert to get your medicine. That is unreasonable, and no patient should be put in that situation, especially if they're fighting for their life. And this is a failed War on Drugs that was started by Harry Anslinger to deport Mexicans back in the 1920s. The failed War on Drugs needs to be stopped. We need to stop wasting resources just like President Trump is trying to do right now and stop wasting our money on useless things. We need to help our community, not hinder our community. Please help patients get safe access to their medicine. Thank you very much for your time. And by the way, smell is not a reason to limit access for safe patients. Your air freshener is more toxic than the smell of cannabis coming from the farms. Thank you.

Response PM 15

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

PM 16 John Broaddus

February 5, 2025

Comment PM 16

My name is John Broaddus from Advanced Development. I'd just like to start with some stats: 19,335 people died from excessive alcohol use in 2021; 1,370 were killed in alcohol involved crashes in 2021; cannabis related deaths - none. Cannabis sensitive uses should be no more constrictive than alcohol-dispensing facilities' sensitive uses, or at the very least complying with California's cannabis controlled sensitive uses standards. All outlets and dispensaries serve 21 years or older only. Outlets and dispensaries are required to have level 3 armor installed in the facility walls. Nobody is getting in without proper ID. The requirement by itself negates all the concerns with sensitive uses. Why would a product that causes no deaths be more constrictive than one that causes hundreds of thousands of deaths a year. We would propose the same conditions that retail alcohol facilities have. We're in support of Alternative 2. Have a great evening. Thank you for all your input.

Response PM 16
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM17 Andrew Banez

February 5, 2025

Comment PM 17
My name is Andrew Banez from District 4, and I've lived in San Diego for 38 years. I'm a social equity participant and County grant awardee. I support Alternative 2 that is consistent with State regulations. Thank you.

Response PM 17
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM18 Kelly McCormick

February 5, 2025

Comment PM 18
This is Kelly McCormick, and I'd just like to share a couple of things in regard to the gentleman who said there had been no deaths. There have been deaths from cannabis and in fact many deaths related to driving under the influence of marijuana. And in fact, according to a AAA survey that was recently done in the United States, nearly 15 million drivers said that they have operated a vehicle within an hour of using marijuana and a survey conducted last year by Virginia's Cannabis Control Agency, showed that 22% of drivers in that state admitted to having driven stoned quote "a few times a year or more." There have also been recorded deaths from cannabis hyperemesis syndrome, which is a cyclical vomiting syndrome with pain associated with it. Also, many people end up in the emergency room for cannabis hyperemesis syndrome, and cannabis induced psychosis and the suicide rate among cannabis users, especially for those under age 25 is much, much higher than it is for non-users, and in fact,

doctors have declared a causal relationship between marijuana use and suicide. Also, someone else mentioned the LA Times series on pesticides in marijuana. I mean, these pesticides are being used in cultivation and then also ending up in the products that are sold in stores. And this is despite quote-unquote lab testing. The articles detail that the lab testing system is corrupt basically and cannot be relied upon. And also, for neighbors of cultivation sites, the noxious odors are a real problem not to be joked about. If you live near one, it can be miserable. Thank you.

Response PM 18
The comment expresses concerns about safety, odors, and pesticides related to cannabis. The reader is referred to Sections 9.1.1.1, “Master Response: Cannabis Odors”; 9.1.1.6, 9.1.1.7, “Master Response: Public Health Effects of Cannabis Use,” and Section 9.1.1.9, “Master Response: Cannabis Product Safety and Testing,” that address these concerns. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.

PM19 Jacob Moore

February 5, 2025

Comment PM 19
I'm Jacob Moore. I'm a resident of District 4, and I support Alternative 2, and I'll yield the rest of my time. Thank you.

Response PM 19
The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM20 Brian Goodin

February 5, 2025

Comment PM 20
My name is Brian Goodin and thank you for having me. Thank you so much for you guys even having this discussion. The San Diego Association of Government reports in 2017 blacks make up 5.5% of the population but accounted for 29% of all marijuana arrests; whites 44% and accounted for 34% of those arrests. On the black side, I was one of those arrested, and I did 18 months for selling a little bit of marijuana. And as it stands, this industry is not going anywhere. Prohibition proved that. And here we go again with this. It is not going anywhere, and I think the best we can do is figure it out and make the best of it. And on the other side of this, in southeast San Diego, it's probably a liquor store on every corner, and I would much

rather somebody get in a car after smoking a joint rather than drinking a pint of Jack Daniels. And as a US Navy combat veteran, I'm awarded a privilege of a preference for government jobs. And I think, as a resident of southeast San Diego, before this industry opened up just about everybody in San Diego came to southeast to purchase cannabis. Now that it's legal, we don't even get a shot at the title. I think that should change and you guys have a lot to do with that. And it would make a big difference to many of us if we had an opportunity at making 18 to 25 million dollars a year. Just think what that would do to our house, our community, and the city at large. Thank you for allowing me to share this information.

Response PM 20
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

PM21 Markus Haynes

February 5, 2025

Comment PM 21
I'm Markus Haynes and I'm in support of option 2. It's really the only option. Excessive zoning should be avoided. As a San Diego native and a member of the Social Equity Program, as someone who grew up in a household full of herbalists and the people that believe in herbal healings, cannabis has always been looked at as a medicine to me, but others have always down looked upon it. Now it's been scientifically proven to help others focus who suffer from ADHD, and also help from cancer, epilepsy and those that suffer from sleeping and eating disorders. Some don't agree with it because they are naive to the facts only due to not knowing the pros and cons. What works for you might not work for others. Imagine fighting for what you believe in and then being criminalized, while others capitalize off your blood, sweat, and tears. You have liquor stores and smoke shops in all areas. You have other areas where you can consume alcohol and tobacco freely. But do you criminalize coffee? Do you criminalize donut shops? They cause hypertension, they cause high blood pressure, they cause diabetes. They have no health factors, but you do not criminalize them. You only criminalize what you feel doesn't make you guys money. And that's just wrong. This program could bring money back to the community and help rebuild and spread out generational wealth for others. So many people are so blind to the fact of what the health purposes are that they're just in denial, and they just don't want to see it prosper.

Response PM 21
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM22 Kathleen Lippitt

February 5, 2025

Comment PM 22

My name is Kathleen Lippitt. On behalf of unincorporated community residents, I support Alternative 1. The 25 storefronts that are already permitted there to expand their existing premises an additional 10,000 square feet means that unincorporated communities could result in 250,000 square feet of storefront operations. There are 500,000 residents in the unincorporated communities and contrary to the assertion that CEQA allows the public to have a say, they did not have a say. The County did this top down. Even though they did go out and they told them what they were going to do, they did not ask them what they wanted. The illicit marijuana industry has continued to thrive under a regulatory process and expanding the number of marijuana businesses allows them to hide in plain sight among permitted businesses. The two most critical problems that face unincorporated communities are driving and water. The County allows marijuana cultivators and businesses to use groundwater, which is that groundwater is a limited and scarce resource in unincorporated communities, and in most of those communities it is their only source of water. The second is driving under the influence. The EIR that has been previously done by Ascent acknowledges that some of the impacts related to air quality and noise from increased traffic during harvest times continue to be significant and unavoidable due to the nature of cannabis cultivation and regarding the darn. Oh, the DUI, 56% of drivers with serious.

Response PM 22

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Impacts associated with decreased groundwater supplies or interference with groundwater recharge are discussed in Section 2.11, "Hydrology and Water Quality," under "Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge." As discussed there, impacts on groundwater supplies or recharge would be less than significant under Alternative 1 and significant and unavoidable under Alternatives 2, 3, 4, and 5.

Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county.
The comment states that the Draft PEIR identifies significant and unavoidable impacts to air quality, odors, and noise as a result of implementation of the program. Draft PEIR Section 2.4, "Air Quality," addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, "Master

Response: Cannabis Odors." Significant and unavoidable noise impacts are limited to construction noise for Alternatives 2 through 5.

PM23 Steven Stuchell

February 5, 2025

Comment PM 23

My name is Steven Stuchell. I'm a native California, 35-year East County, 10-year Ramona resident father of two. I'm an applicant with the Social Equitable Cannabis Program. I'm asking for Alternative 2 to be adopted in. Thank you for your time and an opportunity for the Social Equitable Cannabis Program. They're doing great things, and that's it. Thank you for your time.

Response PM 23

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM24 Vincent Stalcup

February 5, 2025

Comment PM 24

My name is Vincent Stalcup. I am a lifelong resident of District 1, Spring Valley La Presa area to be exact. I graduated high school, graduated college. I'm now a mentor and a small business owner in the community. My father is a youth football coach. My mother is a teacher. All in District 1 and I am of the community, so I speak for my community unlike some other people who might be on here. I just want to speak on what was just said. Cannabis is here. It's not going anywhere. On top of that, there's already state regulation and restrictions that are already enough. All these excessive barriers, with additional alternatives after the proposed one, would just be another way of systematic barriers used against people, the marginalized groups of people that already been targeted with the over policing and over prosecuting of this failed War on Drugs. We need to take accountability for this. So, anybody speaking against the proposed, the proposal of Alternative 2 needs to go to sleep tonight and understand that you don't like marginalized communities and sleep with that and wake up and realize that's who you are. And also, there's no known record of any type of overdose of cannabis whatsoever so let's stop with that. Like I said, it's here. Pretty soon it'll be federally legal so that argument will be out the window. And I hope you speak the same way about prescription drugs, coffee, energy drinks, and all this other stuff. Please just leave it alone. Go find a new hobby. Once again, District 1 speaking. Spring Valley residents stand up. Much love and respect. I appreciate you guys, for putting in this work for this equity program and let's get it. Thank you.

Response PM 24
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM25 Malik King

February 5, 2025

Comment PM 25
My name is Malik King, and I'm a District 4 resident and I'm in support of Alternative 2. And ultimately, you know, out of all the alternatives that is the best alternative. Things that I wouldn't be in support of would be like the residential facilities because of their use of cannabis in those facilities. It kind of wouldn't make sense for them to have access further away from them considering some of them are non-ambulatory and may even be in a wheelchair. I can go on and on, but I'm not going to waste too much of your time. Once again, thank you all for coming out in support of Alternative 2. And you guys have a good night. Thank you again.

Response PM 25
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM26 Devin Rapp

February 5, 2025

Comment PM 26
So, I just want to express my support for Alternative 1. Community complaints about marijuana use are legitimate, and as a mother of 3 young children I have a strong interest in keeping our community kid-friendly and safe for young people. And also, just for the record, I also don't support liquor stores. I feel like people keep bringing that up as if it's somehow a counter

argument to opening cannabis shops. But I don't want those either near schools or near my home, as alcohol consumption leads to so many obvious health and community problems, but so does cannabis. So, I can see how much time and thought has gone into this plan, and it's helpful to hear the PowerPoint, hear everybody go through. But I was wondering what the plan is for checking in on these businesses. You mentioned, they would be looked at quarterly to make sure they're following all the regulations you're coming up with, so I was just wondering where those resources are coming from. And I also disagree with previous speakers who want the lowest possible minimum restrictions on zoning. In my area there's a pot shop that opened up near the high school, and even with almost a thousand feet between the shop and the school, the students and the parents were in an uproar about the easy access teens had to this area with high potency products. 600 feet is way too close. So, adding another 400 feet of buffer around the schools and daycare centers and places of sensitive use like that should be a minimum obvious restriction. I don't understand why anyone would want to open up an outlet or dispensary right next to a school. There have been child poisonings seen at Rady Children's with edibles that have high potency THC. And we don't need 25 more cannabis businesses in the unincorporated area of San Diego. Rural areas often have fewer healthcare resources which can exacerbate issues related to substance abuse. The increased frequency of use in these areas could strain local health care systems and the need for more robust support and intervention strategies tailored to rural communities. Also, residents might face different social pressure pressures and economic.

Response PM 26
The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process. The reader is also referred to Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," regarding County standards to protect the public who are not consuming cannabis products.

PM27 Eduardo Batista

February 5, 2025

Comment PM 27
My name is Eduardo Batista. I am a father of 4 and resident of San Diego District 2. I've been in San Diego since 1991. I've also been unfairly treated by the war on drugs. And as I mentioned, I do have a family of 4 children that are growing up in the area. I am here today in support of Alternative 2. That being said, that was basically what I just came to say. But in hearing some of the other testimonials of people that seem to be against Alternative 2, it

seems that a lot of the arguments that they're posing are arguments that were put forward when it just came to the general legalization of cannabis and adult use in California. So, most of those arguments have already been disproven or proven to not be valid, and enough to even stop cannabis from being legal for a regular sale period. The argument over older, I mean, where does it start and where does it stop? I live in unincorporated District 2. I live less than half a mile away from a cow farm. Should they not be able to have cows and raise cows because the smell is offensive to me? If you drive past an onion farm, if you drive past In-n-Out you smell onions, like that's offensive to people. There's people that are dieting and trying not to eat fast food, but they smell that, and then it's a tempt to them. Again, where does it start? Where does it stop? I believe that cannabis should be made available to people, and there should be more resources and availability to it. The further you put it away, the more time people spend on the road having to drive from location to location, which again seems to be a concern for some people with people driving. Again, I came to show my support for Alternative 2. I think that's the only alternative, and I thank you for having me.

Response PM 27
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM28 Peggy Walker
February 5, 2025

Comment PM 28
I am Peggy Walker. I'm a longtime resident of San Diego County, a youth advocate supervising a variety of youth programs, many of them underserved youth. While I see that a lot of work went into this EIR, I strongly support Alternative 1 because there's absolutely no evidence presented for need for 25 additional businesses. Nor has there been a vote or call for these by the people of rural areas. Nor is there evidence of economic viability not in a market that even industry insiders say is on the brink of failure. Why add more businesses when 80% of marijuana businesses in the State are barely surviving in the face of oversupply, and the black market accommodates for 75% of all cannabis sales that's been reported in numerous major news outlets, and not when the delivery business is extremely robust but unmonitored. I'm also concerned about reports of the widespread use of illegal and dangerous pesticides and insecticides. As previously mentioned, the EIR does not promise safety from these. These are carcinogens, and they're illegal, but being used with full knowledge of State regulators without oversight or consequences. That's unacceptable. And it's unacceptable that these toxic chemicals are passed on to consumers without their knowledge and that lab tests are passing them on without reporting it. Finally, I'm acutely aware of the rise in youth ER admissions and

young child poisonings that happens with the increased availability of marijuana in our neighborhoods, and I don't want to see that data keep going up.

Response PM 28
The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The commenter expresses concerns regarding safety, pesticides, and insecticides, as well as public health effects. The reader is referred to Sections 9.1.1.9, "Master Response: Cannabis Product Safety and Testing," and 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use."

PM29 Cynara Velazquez

February 5, 2025

Comment PM 29
I would like to make some comments regarding the buffers specifically preserves with visitor-serving amenities. I think that is too broad. The Batiquitos Lagoon, for example, is 600 acres. It would make no sense to consider the southeast corner of the 600-acre lagoon a sensitive use when the visitor center is in the northwest corner. Additionally, residential care facilities. This includes nursing homes, dementia patient facilities, and hospice facilities. In all of these types of facilities patients commonly use marijuana. The State passed Senate Bill 305 in 2019, specifically to allow marijuana uses in this facility. It would not make sense to therefore consider it a sensitive use. Religious assemblies, not all religions are opposed to cannabis. Universal Unitarians often support their medical use. Rastafarians consider it to be a sacred plant. Religious assemblies as well are very transient. They can be easily established and easily disestablished. They rent event halls, commercial buildings, residences. So, by including this, it is such a common and transient use. We've had incidences in the past where competitors or cannabis opponents will even give free space to a religious congregation in order to foil a competitor's cannabis application. So, I'd really urge against including religious assemblies as a sensitive use. Lastly, regional and local parks. If you choose to include this, know that the City of San Diego originally had their definition including all local parks as well. However, it was pointed out to the City of San Diego local parks also include open space in its definition because they're managed by the Parks Department. The City of San Diego then had to carve out an exception to exclude open space because they did not want an overly steep hill or a floodplain to be a sensitive use for marijuana. The way the ordinance is written today, it would be a sensitive use to the County social equity cannabis business if there's a steep floodplain in the City of San Diego. Thank you.

Response PM 29
The comment expresses concern related to the setbacks established under the proposed program and characterization of sensitive uses. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet

(consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM30 Joe Ryan

February 5, 2025

Comment PM 30

My name is Joseph Ryan. I'm a lifelong resident of District 2. I want to thank Joel Anderson for everything he's done for our district. I am in support of Alternative 2. I would like to underline that 600 feet is more than sufficient. 1,000 feet is an unnecessary overreach. The expansion of sensitive use is inconsistent and harmful. Restricting access in this way only benefits current active license holders. I really want to emphasize that Alternative 1 will only increase illicit market sales. The California voters passed proposition 64 for legal access for all. I want to thank you all for your time, and I just want to let you know that Alternative 2 is the only way forward. Thank you.

Response PM 30

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM31 Joshua Valdez

February 5, 2025

Comment PM 31

My name is Joshua Valdez. I'm a native from San Diego County. I'm from District 4. I’m for Alternative 2. I'm also for the equity program. I was truly impacted by the war on drugs. I was incarcerated. And I also have 2 children. And I know from the part of the use all this, but you need an ID to access the marijuana or the cannabis. Also, it's overkill for the buffers. I think we should go with the state mandate. As for the pesticides, whoever said it comes on the weed, you can also grow organically, which has no pesticides. And for the water that we’d be pumping out, we could also integrate rainwater system. We have new technology we could integrate to our business, which the community will profit from it and the county. Thank you for your time, and that's all.

Response PM 31
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," and Section 2.18, "Utilities and Service Systems," regarding the impact analysis groundwater and municipal water usage by cannabis uses, and Section 9.1.1.9, "Master Response: Cannabis Product Safety and Testing."

PM32 Adriana Yanez

February 5, 2025

Comment PM 32
My name is Adriana. I'm a resident of Alpine. I'm in one of those rural areas where we don't have access to medicinal marijuana, and that is something that I would like to have for our community. But I would like it to be safe. I believe that program option number 2 will give us that ability by allowing more legal dispensaries to operate and provide us with safe choices. We do have a lot of seniors in our community that do rely on medicinal marijuana for pain relief. My grandmother is one of them. She was on hospice care, and we have to drive back and forth up and down the hill in order to get her medicine. So, by allowing option number 2 this will give us the access that we need. I also agree with everybody about the pesticides. So, I think this will allow us to operate safer because they do have quality control testing that they do in order to make sure there's no pesticides used in the medical marijuana. I also believe that this option will help us to combat the illegal black-market shops that are popping up all over the community as well. Thank you, that's all I have to say.

Response PM 32
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM33 Dory Laramore

February 5, 2025

Comment PM 33

My name is Dory Larmore, and I'm a San Diego native and a social equity advocate. I'm here to advocate for Alternative 2. Everything else is excessive zoning. The elderly and patients that need to get cannabis as medicine will have a hard time getting their medicine under the excessive zoning. Anything other than option 2 will do more harm than good. It's the only option that will make this program work, and that's the only option that we will accept. Thank you.

Response PM 33

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM34 Chris Adams

February 5, 2025

Comment PM 34

My name is Chris Adams. Live in the Escondido area. I'm part of the San Diego Social Equity Program, and I'm also in support for Alternative 2. Maybe I just like to talk a little bit about the past decade. The technologies have become so far advanced with the new low power consumption LED lighting and low heat, so it's really energy efficient now. And the organic gardening techniques that has progressed within the last decade is just unbelievable for those worried about the pesticides or fertilizer runoff into the groundwater. So, I believe it can all be done in a safe manner under this Alternative 2 and thank you for your time.

Response PM 34

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board

direction and future decision-making for a discussion on the next steps in the approval process. The reader is referred to Draft PEIR Section 2.7, “Energy,” and Section 2.11, “Hydrology and Water Quality,” for the evaluation of energy and water quality impacts from cannabis operations.

PM35 Jerome Edwards

February 5, 2025

Comment PM 35

My name is Jerome Edwards. I'd just like to say I'm advocating for option 2. I'm a member of the Social Equity Program and option 2 moving forward is the only one that that can make it work that that will benefit everyone, especially the people adversely affected. I don't want to take too much time. I just wanted to chime in with that. Thank you everyone.

Response PM 35

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM36 Larry Molina

February 5, 2025

Comment PM 36

My name is Larry Molina. I definitely want to advocate for option number 2. I am also an equity partnership program candidate. I also am a victim from the War on Drugs and I'm also a Marine veteran. So, I just wanted to put that out there that that is definitely the best way forward for this equity partnership program. And it's high time. It's been way too long, and there's plenty of people that need safe access out there. Thank you very much for your time.

Response PM 36

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM37 Charles Alexander

February 5, 2025

Comment PM 37

If we could just take a moment and just take about 2 seconds of silence. Robert West, you know a native of San Diego, an artist, died on this day last year coming from the Grammys in Los Angeles coming back to San Diego. He was a longtime advocate for number 2. We come from Mount Hope, District 9. The only community in San Diego with 2 parks: Dennis V. Allen and Gompers Park. We got the only cemeteries in the Black community which is Mount Hope Cemetery and Holy Cross. We had the only shooting range in the Black community. We have been up against injustice since day one. Option number 2 gives the families in that community a start at a new life. We have 121 lives lost in Mount Hope, the largest population of African American men that has been lost in San Diego. We are fighting for option number 2 because of the lives lost on the War on Drugs, and just the hardships that we have been suffering in the 9th district in San Diego because of this. So once again, my name is Charles Alexander, and I approve option number 2. Thank you.

Response PM 37

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM38 Levon

February 5, 2025

Comment PM 38

My name is Levon, and I advocate for Alternative 2, and I also advocate to have more licenses. Actually, 25 licenses is not enough for the unincorporated area. We should have 50 or more. And for those people that are arguing or debating about alcohol versus cannabis, I just suggest them to get a little bit more education on the cannabis side, and also alcohol side. It's not even close. Again, advocate for number 2. Thank you so much for all the support.

Response PM 38

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance

with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM39 Terrie Best

February 5, 2025

Comment PM 39

Terrie Best, native San Diegan of District 1. Thank you so much for your hard work. I prefer option 2. I don't believe cannabis zoning should be any more restrictive than what the State requires. After all, we are here to revise our zoning as regards safe access, and not to continue the de facto ban that sensitive use add-ons present. De facto bans are unnecessary, and they're inequitable so option 2 is the only option. Thank you for hearing me out.

Response PM 39

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM40 Evelyn Irving

February 5, 2025

Comment PM 40

I just wanted to invite those that are against cannabis use if they would alter their opinion if maybe their loved one was in extreme pain or dying, and cannabis was a solution for them to feel better and get more healthy. So, I would just invite you to consider that a loved one may be in need of something like this. I strongly support number 2 and also, I would just like to say that it seems very inequitable that the billions of dollars from cannabis use is further restricted from our communities, and that's all I have to say right now. Thank you.

Response PM 40

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or

reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM41 Steve Mora

February 5, 2025

Comment PM 41

My name is Steve Mora. I'm also a social equity participant. I'm calling in to show support for option 2. I was a victim of the War on Drugs. I opened my dispensary in 2009 and came to the city, and they didn't want to zone me properly so they kind of left me in limbo. I was able to pull my California permit to go ahead and operate, so I operated for about 5 years, and in 2014 I was raided by the DEA, and I lost everything. I went to Federal prison for 3 years and when I got out in 2018, I had to move out of San Diego, and I moved to Orange County. Shortly after that few years passed, and in 2021 my brother got sick from cancer, so I had to drop everything and take care of him. If I didn't have options, like safe access here for cannabis to help him with his pain because his cancer was terminal, we'd only have pills and stuff that was just bad for him. The next year my mom got sick from cancer. So now I had both of them sick with terminal cancer and cannabis really helped them with their pain. It helped them ease so much. It helped them eat. They both passed away in 2022. I lost my brother and my mom, and I vow to fight for other people that have this issue that can't get cannabis, that are battling with cancer. This is not right, and option 2 heals us. So please keep that in mind. Thank you.

Response PM 41

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM42 Darfetta Muhammad

February 5, 2025

Comment PM 42

I am coming as a participant from the Social Equity Cannabis Program. I am also a director and administrator for a medical facility dealing with mental health and substance abuse. So, a lot of our clients do use cannabis, medical cannabis with a prescription, to help them deal with their anxiety and their other issues that they have, with marijuana. Also, my mother is also recently

started using it as she's a dialysis patient, lost a lot of weight, appetite, and medical cannabis is helping her as well. She's 81 years old, and so this has been a blessing for her. I am also here in support of option 2. In regard to that, I think that everything that the state requires should be required of us to get these licenses, and not just restrict us into areas where there is minimum access. That's all I have to say today. Thank you so much for listening.

Response PM 42
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM43 Damien Johnson

February 6, 2025

Comment PM 43
My name is Damien Johnson, and I'm a lifetime resident of San Diego. I'm also an administrator at a nursing home in the unincorporated area of the county. I've been in the industry for over 15 years and have run facilities ranging from skilled nursing to memory care and assisted living. Often there are misconceptions as to whether or not pot shops and other marijuana businesses should be located near these facilities. I'm here to strongly advise you to not consider placing these facilities near [inaudible] to sell more drugs to vulnerable residents. Most residents will buy into any product when they're promised the Fountain of Youth. If you take a deep dive into public health policy and research, you'll find that marijuana only complicates physical and mental health problems for the majority of residents. Drug interactions are a major concern. There's an alarming study published in JAMA Internal Medicine as it describes how marijuana poisoning are on the rise among people 65 years of age and older. In the study, 2,322 ED Visits were examined over 8 years. Poisonings doubled after permitting the sale of marijuana, and then tripled after permitting the sale of marijuana edibles. The article states that this data should be a wake-up call to all healthcare practitioners, policymakers, and government officials. Marijuana is not orange juice. It is a drug and has harmful effects on the body. Specifically profound effects on mental health. According to the National Academies of Sciences, Engineering and Medicine, substantial evidence links marijuana to schizophrenia and the development of psychotic disorders.

Response PM 43
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions

regarding the program. The reader is referred to Section 9.1.1.7, “Master Response: Public Health Effects of Cannabis Use,” regarding County standards to protect the public who are not consuming cannabis products. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA.

PM44 Vincent Stalcup

February 6, 2025

Comment PM 44

My name is Vincent Stalcup. I'm a lifelong resident of San Diego County District 1, the most populated city in the unincorporated area of San Diego County, which is Spring Valley. I just wanted to follow up what this guy was saying. He's using words like marijuana and pot shops, which is furthering the stigma tied to cannabis and these vulnerable populations he's talking to. So, I just wanted to go ahead and educate him because obviously he's miseducated like a lot of these people that are going to be on here with their proposals that they're going for. Anyways, I'm here as a social equity applicant, and I am all in support of Alternative 2. Because let's be real, it's time to give back and give equity to everybody who was affected by the War on Drugs, the failed War on Drugs. Let's be real. Look in the mirror and look at yourself. How do you feel if you are against this? How do you feel about human beings like yourself. If your father went to prison for selling drugs and you went to prison for selling drugs, you do not want to change things. You do not want to help fix the cycle. Let's give everybody equity, okay. Once again, in support of Alternative 2. Thank you.

Response PM 44

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM45 Peggy Walker

February 6, 2025

Comment PM 45

I spoke last night in support of Alternative 1, and as a public health advocate I just want to add that references to safe access just don't justify 25 new businesses. In fact, a think tank of expert scientists report to the contrary. They told the California Department of Public Health that California's cannabis market has migrated almost exclusively to high potency marijuana with little consumer access to safer lower dose products. And it's no secret that the health risks of high potency cannabis, weed, or concentrates is associated with heightened risks of cannabis use disorder, cannabis hyperemesis syndrome, mental health issues including

psychosis and schizophrenia, and other adverse health outcomes. So, I just want to say that 25 new businesses selling high potency products contribute neither to the safety of the consumer or to anybody else. So, thank you for letting me share those comments.

Response PM 45
The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR." The reader is also referred to Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," regarding County standards to protect the public who are not consuming cannabis products. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA.

PM46 Raphyal Crawford

February 6, 2025

Comment PM 46
My name is Raphyal Crawford. I'm in support of the second thing. I'm a site safety manager, I'm an OSHA-trained instructor. Marijuana is prevalent. Under OSHA standards, there's no standards or regulations that apply to smoking marijuana. I want to put that out there first. Number 2, I want to just let you understand that when you make your decision in reference to your zoning, when dealing with the zoning issue, I just want you to keep in mind to make a diagnostic with a focus on not being discriminative. I want you to sit there and just be open and just understand that we're just trying to own a business that we could pass on to our children, participate in events, and sponsor neighborhood events. So that's what we plan. So, when you draw your districts and everything, I think the State's guidelines is more than fair and that's all I'd like to add, thank you.

Response PM 46
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process. The reader is also referred to Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," regarding County standards to protect the public who are not consuming cannabis products. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA.

PM47 Cynara Velazquez

February 6, 2025

Comment PM 47

I would like to comment on the zones for which marijuana is being proposed. It's being proposed for commercial and industrial zones, but my understanding, and please correct me if I'm wrong, is that the village plans, and the special designated zones are not included. That means there will be no zoning in the areas of Fallbrook, Ramona, Alpine, or Bonita. Now, these are some of the most important commercial centers in the unincorporated County. So, if we're talking about a retail use it would be very useful for retail traffic in order to be in one of these commercial centers. So, my understanding is that these special zones and village plans are not included in the zoning for marijuana retail, and I'd just like to confirm if that is the case. And if they're not, I would like to highly recommend that they be included. Thank you.

Response PM 47

The comment requests clarification on the allowable zones for commercial cannabis uses. The commenter is referred to Table 1.1, “Proposed Permit Type Required by Zone for Commercial Cannabis Uses,” in Chapter 1, “Project Description, Location, and Environmental Setting,” of the Draft PEIR for further information related to allowable zones. The comment also includes a recommendation for allowable zones within the proposed program. The reader is referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” for potential additional changes to the program.

PM48 Robert Wood

February 6, 2025

Comment PM 48

Hi, my name is Robert Wood, and I'm a social equity cannabis applicant. I also believe strongly in the things that marijuana can do for people healthwise. Some of the potential benefits are managing chronic pain. Cannabis helps with anxiety. People who have sleep problems can be helped by cannabis. It helps with nausea and vomiting. Epilepsy is an important one that it helps with. It's great for reducing neuropathic inflammation, diabetes, blood pressure, and neurodegenerative diseases. So, with all those benefits we want to think about is it causing death? From the research I did looking at the NIH and this is something kind of recent, it said that there have only been two deaths have been reported from hyperemesis syndrome, which I overheard somebody discussing yesterday. I was interested to see how many deaths did this cause and so, two deaths. I mean you have more than that from choking on a plum seed or something. So, I just want to say that I believe cannabis is a safe and effective alternative. The law has already passed. I think the only way that we can do this fairly for the social equity people is to go with Alternative 2. Let's not increase the span from 600 to 1,000, if 600 is what it is already. Let's go with the 600 where it's already at. Let's hit Alternative 2. And let's let some people get these benefits of pain release, epilepsy help, you know, people dealing with cancer, AIDS patients, all these different people that are getting these benefits from cannabis. And it's not only medical, so you don't have to go to the doctor's office to get the benefit. It's something that you can do yourself, and in these times of high healthcare costs that is urgent and important.

Response PM 48
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM49 Judi Strang

February 6, 2025

Comment PM 49
Good evening. I spoke yesterday, and I've come back to share my environmental concerns, and I would like to recognize that the report mentions significant impacts to the visual character and quality of the unincorporated area and it also mentions in the report, which I concur with seriously support and recognize. Did I say, I'm in favor of Alternative 1? And these are the reasons is because of these impacts. Also, it endangers the special status of plant and wildlife species. It also disturbs riparian habitat and other sensitive natural communities. Now, I'm reading from your report, so these are the things that have already been mentioned as significant environmental impacts. It affects the State and federally protected wetlands. And we know that because we recently had the State Park come and do removals out on Descanso, the watershed out there, of 1,800 pounds of marijuana waste. It also affects wildlife movement corridors. It also has significant effect with the pesticides that we have in the agricultural community, and it does conflict with local policies and ordinances. These are only just a small amount of the environmental impacts that your report calls out, but they're significant to the quality of life to us who live here in the unincorporated area. And I want to say, on behalf of my county planning group, we feel like we have been disregarded in this process and that decisions are going to be made by people outside our area where we live, and that we need to have an opportunity to have input. And any of these forms that applicants are filling out. Where are they going to be posted? These inspections this year, the 5 already existing pot shops, where are these inspections posted? The information we have from the County doesn't tell us the information.

Response PM 49
The comment summarizes impacts disclosed in the Draft PEIR and expresses support for Alternative 1. The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Draft PEIR Section 2.5, "Biological Resources," for a further discussion of wildlife species, wetland, and habitat impacts.

Pesticide application is addressed in Section 2.10, “Hazards and Hazardous Materials,” under Issue 1. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is also referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” regarding enforcement measures.

PM50 Thomas Lauerman

February 6, 2025

Comment PM 50

Thank you for giving us the opportunity to share our thoughts on the San Diego County Social Equity Program. My name is Thomas Lauerman. I'm a San Diego native. I support Amendment 2, which I believe is the only truly fair amendment. As a victim of the war on cannabis, I faced 2 arrests, the first when I was entrapped into selling cannabis during a sting operation at 16. In 1999, our legal medical cannabis collective, which served 20 patients with debilitating health issues were raided. Our collective, including the diverse group, people of different races, religions, genders. Among them were quadriplegics, several AIDS patients, cancer patients, elderly individuals with severe pain, glaucoma, and arthritis. The raid forced us to shut down permanently, leaving these patients without their much-needed therapeutic support. This high-profile arrest brought economic hardship and forced me to leave my hometown of San Diego, start anew in another state. I felt relieved when my sister, Betty Ann Lauerman Bernhardt, informed me that San Diego County was accepting applications for the Cannabis Social Equity Program. I was approved and qualified to attend this amazing program, which educates victims of the war on cannabis to become proper business owners and giving us the opportunity to live our dreams. I am Thomas Edward Lauerman, a proud member of the San Diego County Social Equity Program. I support Amendment 2. In 2024, the Center for Disease Control (CDC) has officially stated that cannabis has medicinal benefits. Thank you. Let me state that again. In 2024, the Center for Disease Control has officially stated that cannabis has medicinal benefits.

Response PM 50
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM51 Albert Pepi

February 6, 2025

Comment PM 51
I am Albert Pepi. I'm a qualified social equity advocate. I'm a native of San Diego. I live in Clairemont, District 4. I want to see Alternative 2 be adopted. I've been working for a nonprofit company for 10 years in San Diego as a supervisor in environmental services. The lack of industry specific consideration: the sensitive use destinations fail to differentiate between cannabis businesses and other industries, applying broad restrictions that do not align with the actual impacts of cannabis operations. Overly restricted boundaries: the current zoning recommendations impose excessive use buffers that severely limit the areas where businesses can operate effectively shutting out equity applicants from viable locations. The unrealistic buffer zones: the proposed buffer distance from schools, parks, and other designated sensitive sites are so expansive that they eliminate nearly all potential operating locations making legal market entry impractical. Missed opportunity for community benefits by imposing overly strict zoning: the County is missing an opportunity to generate tax revenue and community benefits from legal cannabis businesses that could contribute positively to the local economy. Thank you for your time.

Response PM 51
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM52 Joe Ryan
February 6, 2025

Comment PM 52
My name is Joseph Ryan. I'm a lifelong resident of District 2. Once again, I would like to thank Joel Anderson for everything he's done for our district. I'm in support of Alternative 2. I think we can all agree that new businesses should be treated the same as existing businesses. The State law is 600-feet, any more is local government overreach. Overly restrictive zoning and licensing rules make it harder for legal businesses to exist. If access is too difficult, consumers will turn to illegal sources. A fair, well-regulated market increases tax revenue, job creation, and public safety. Once again, I am in support of Alternative 2. Alternative 2 follows the State law. It maintains the 600-feet buffer which has already been deemed sufficient. It does not unfairly expand sensitive uses to restrict business locations. It treats new businesses fairly, just like the ones that already exist. It does not ban or arbitrarily limit outdoor cultivation. It ensures cannabis businesses can operate legally and successfully, preventing black market growth. Thank you all for your time.

Response PM 52
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM53 Armand King
February 6, 2025

Comment PM 53
I know I made a comment yesterday. I just want to add on to that. And hopefully, I can ask a question, I hope you can answer. Thank you for doing this. I just wanted to point out about the draft of the EIR and zoning recommendations. They do include an excessive and vague list of sensitive uses that create unnecessary barriers to equitable cannabis business opportunities. The undefined termed resident treatment facility lacks clarity and could be overly restrictive, unfairly limiting business locations. Additionally designating visiting centers and parks and religious gatherings as sensitive uses is unjustified and disproportionately impacts communities' access to economic opportunities. These restrictions go far beyond what is reasonable, making it nearly impossible to establish a fair and functional program. I urge PDS to delete these sensitive use designations entirely and allow any necessary additions to be determined by the Board of Supervisors at a later time, rather than preemptively imposing an

excessive framework. State law option 2 should be our only starting point to ensure an equitable and inclusive program. And my question, not sure if you can, but it seems like we threw everything in the kitchen sink into the sensitive usage, and from my past experience and professional experience, municipalities, they add on, they don't delete. So, if we are to come with every single sensitive use possible known to man, even detracting from there, we're making it a difficult job, so I don't know if it's possible, and I don't know if you can answer. But can we please not put every single sensitive use possible on display and let them start from where the State's guidelines are, and we can build from there if there are additional requirements than what our State asked for. Thank you very much.

Response PM 53
The comment provides an opinion regarding the merits or qualities of the proposed Cannabis Program. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted. The Board will take the commenter's opinions into consideration when making decisions regarding the program. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM54 Malik King

February 6, 2025

Comment PM 54
This is Malik King speaking. I'm in support of the second objective for more reasons than one. One being that's the best from the ones to choose from. I understand that there's opposition to the second option and yes, there will be some environmental impacts just like with any new development. But in this scenario, we have the opportunity to yes, cause environmental impact, but we'll have the means to do more good than bad, and we can also do good for those who are in opposition. Two, the second option, because we'll have the monies to help those, so even though they're in opposition, they'll still be able to use resources like the police, and 911 and the Fire Department, which our tax dollars are going to be supporting. So, thank you all for coming out in support of us, supporting the greatest good for the most amount of people.

Response PM 54
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or

reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM55 Alex Grebel

February 6, 2025

Comment PM 55

My name is Alex Grebel, and I'm in favor for Alternative 2 for the equity program. As a 3rd generation cannabis farmer, I want people to know that with this EIR we are able to do organics, we are able to have none run-off, and to minimally impact the environment. And also, with that we are able to cater to those who need a lower dosage and a higher dosage, whatever their medicine may be. Now we all know the black market will continue to strive if we don't allow these legal businesses to come forth and operate. So, to keep it sweet and simple, I'm in favor for Alternative 2 and I thank you guys for coming out and showing support.

Response PM 55

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM56 Lanell Brown

February 6, 2025

Comment PM 56

Hi, my name is Lanell Brown and I'm in support of the Social Equity Program. I reside at District 4. I believe that Alternative 2 is the best way to go and my opinion for that is that has the least restrictions. I don't like that one also, I think it should be less than that. But if you start with the least amount, and you could build on what you think is wrong as opposed to just starting off with one of those bills that restricts everything, and you have nothing. That there is ways to get through this. The provisions to dispose of all cannabis is minimal. It goes into the environment at a minimal rate. I have elderlies in my neighborhood, and they’re going to get the cannabis anyway, from wherever they get it from. I think that having a social equity and having a club or a storefront somewhere where the elderly can go and get it without having to go into the black market to get it is very, very well. And the tax dollars that this equity program would generate for the City of San Diego, that could bring in millions. Without Alternative 2, it's going to limit the space of our operation almost to nowhere, or outskirts, or somewhere far where people have to decide, do I want gas, or do I want to go to this cannabis shop way over here? So, it has to be a happy medium for this. Thank you.

Response PM 56
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM57 Madison

February 6, 2025

Comment PM 57
I support Alternative 1. In the EIR Draft summary, it says Alternative 1 would be the environmentally superior alternative because this alternative would reduce and avoid the significant environmental impacts under Alternative 2. Air quality is a major issue, and it is not just about the odor emissions. These proposed 25 new cannabis facilities with options for consumption lounges and special events where cannabis is allowed to be smoked means a significant number of employees working in these environments would be exposed to secondhand smoke and all the toxins that come with that. Everyone has the right to a workplace that's free of dangerous secondhand smoke. In 1995, California became the 1st state to ban smoking in nearly every workplace, including public buildings, indoor public spaces, and restaurants. And now, over 80% of adults in California believe smoking shouldn't even be allowed in outdoor dining areas and restaurants. We need to think about how backwards things are heading for workers' rights if we don't recognize the environmental risks faced by employees who are exposed to secondhand cannabis smoke on a daily basis. Cannabis smoke, like tobacco smoke, contains harmful chemicals such as tar, carbon monoxide, and carcinogens. Workers in dispensaries or cannabis cultivation facilities who are exposed to these airborne toxins for long periods may experience an increased risk of respiratory issues, cardiovascular diseases, and even cancer. For employees who spend hours in these environments, the risk is similar to those working in industries with high levels of air pollution. Many of these employees would be in close proximity to cannabis while it is being smoked, tested, or processed, and forced to inhale smoke without consent. The right to clean smoke-free air should be an environmental priority. If we allow more and more of these cannabis businesses to open, the environmental impact of cannabis smoke will continue to harm not just consumers, but those working in the industry as well. So, for those reasons, I support Alternative 1. Thank you for the time.

Response PM 57
The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic

project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Draft PEIR Section 2.4, “Air Quality,” addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.”

The reader is also Section 9.1.1.7, “Master Response: Public Health Effects of Cannabis Use,” regarding County standards to protect the public who are not consuming cannabis products. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA.

PM58 Michelle Kevorkian

February 6, 2025

Comment PM 58

My name is Michelle Kevorkian, and I'm in District 3. I'm a participant in the Social Equity Program. I want to address several critical oversights in the Draft EIR. First, regarding safety and regulatory compliance, it is important to note that California maintains some of the strictest testing requirements in the nation ensuring that all cannabis products are thoroughly tested for contaminants and accurately labeled. The concerns about hazardous materials overlook those robust existing safeguards. The economic impact analysts failed to acknowledge that California cannabis market generated $5.1 billion in sales in 2023, demonstrating the industry's significant contribution to local economies. This revenue supports essential public services and infrastructure improvements. Regarding environmental concerns, recent research shows that licensed cannabis operations are increasingly adopting sustainable practices. Studies indicate that regulated cannabis business actually help reduce community health impact by providing safe, test alternatives to unregulated markets but most importantly, overlook the social equity benefits of the program. The County's initiative is specifically designed to provide equitable access to business opportunities while helping eliminate the unlicensed market, which is the true source of many environmental and safety concerns cited in this report. I urge the decision-making body to consider these points and revise to reflect current industries best practice, and real-world data rather than theoretical worst-case scenarios when implementing the EIR. I am in support of Alternative 2. Thank you for your consideration.

Response PM 58

The comment’s support for Alternative 2: Cannabis Program Consistent with State Requirements, as the Proposed Project has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program

in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM59 Mike P.

February 6, 2025

Comment PM 59

Thank you for the opportunity to provide feedback on the Social Equity Cannabis Program. I want to express my strong support for Alternative 2 and urge the County to adopt it as the foundation for this program. The 600-foot buffer is a reasonable state-aligned standard that ensures cannabis businesses operate responsibly, while still allowing opportunities for new businesses to enter the market. The expanded buffer distances and added sensitive uses in Alternatives 3, 4, and 5 go far beyond what's necessary, and would effectively ban new cannabis businesses in our county by arbitrarily expanding the list of sensitive use locations to include parks, trails, libraries, and other ill-defined spaces. These alternatives severely restrict where businesses can operate. That's not regulation. It's just prohibition. If we're serious about building a fair and equitable cannabis industry, we have to avoid unnecessary barriers that make compliance impossible. The 600-foot buffer under Alternative 2 already provides ample protection for schools, daycares and youth centers, the locations that State law recognizes as needing additional safeguards. There is no jurisdiction for adding locations that have no direct connection to youth safety, especially when doing so would leave almost no viable land for new cannabis businesses. Thank you, and I support Alternative 2.

Response PM 59

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM60 Ronnie

February 6, 2025

Comment PM 60

My name is Ronnie. I'm with LTS Gardens, Loyal to Soil. I'm a graduate of UC San Diego. I studied communications, and my emphasis was on the War on Drugs. I'm really passionate on advocating for cannabis and advocating on its culture and the history and the medicinal value that there is to it. I'm in support of Alternative 2 and really trying to show San Diego and the

people who want to enjoy cannabis, the health benefits to it, show them also the wonderful ways it's grown, and how it could be handled sustainably from the water, to the nutrients, to its medium, to the lights, to even the materials you use to create the structure that the plants are grown in. All of it can be really dialed in and taken care of to the point where it's actually sustainable and gives back to our earth and not only environmentally, but it gives back socially as well, creating jobs, creating modes of traffic for people to talk and create social capital and create community. We see that in our communities already people are enjoying cannabis, and so on the side of our government, on the side of leadership it's great that we're working together to bring our comments and bring our opinions together so that we can create a safe space in a safe environment for people to enjoy cannabis. The War on Drugs has had a really harmful effect on Black, Brown, Asian, poor communities in general. And so, this is a great opportunity for us together, people from all different walks of nature, different backgrounds to not only try to get on the same page, but to share our thoughts on how we can make this a more safe environment, a safer industry for the world and for each other. Thank you.

Response PM 60
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM61 Jacob Moore
February 6, 2025

Comment PM 61
I'm Jacob Moore, resident of District 4 and a member of the Social Equity Program. I'm not in favor of administrative approval for licensing, especially of the most cost-effective licensing such as microbusinesses and grow space canopies over 5,000 square feet. It does add space for a pay-to-play type of scheme, which has happened in other parts of the state and country. So, I would like to take that into consideration moving forward. Also, I'm in favor of Alternative 2, which helps decrease the likelihood of space monopolies for current and/or future licenses. I believe this would help us decrease similar situations of other lawsuits, such as in San Bernardino back in 2017 with Measure O where people were granted licensing. It was deemed a monopoly. People paid for them, and then it was reversed due to this monopoly style scheme. Thank you.

Response PM 61
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of

alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM62 Terrie Best

February 6, 2025

Comment PM 62

I'm Terrie Best of District 1. As a native San Diegan and long-term cannabis patient advocate, I hope patient access to medical cannabis will be at the forefront of how this medicine is grown and distributed. I support option 2 because I believe zoning restrictive add-ons known as sensitive uses have contributed to marginalized communities being further sidelined and left without safe, convenient access. It's time to stop adding restrictions beyond what the State requires. Patients need to be considered, and we should stop treating cannabis as a vice. Please, let's place cannabis where the people are and begin to eliminate the stigma of cannabis as medicine. Thanks once again for the work you do.

Response PM 62

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM63 Andrew Banez

February 6, 2025

Comment PM 63

My name is Andrew Banez from District 4, and I've lived in San Diego for over 38 years. I'm a social equity participant and County grant awardee. Of all the alternatives that were proposed, I support Alternative 2 that is consistent with State regulations. Thank you.

Response PM 63

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or

reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM64 Eric Lieber

February 6, 2025

Comment PM 64

My name is Eric Lieber. I currently live in District 2, and I want to just say that I have support for Joel Anderson, as well as alternative number 2. Prop 64 states that 600 feet is our zoning requirement. Anything more than 600 feet is government overreach. So again, I just wanted to state my support for Alternative 2. And thank you again and have a good night.

Response PM 64

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM65 Eddie

February 6, 2025

Comment PM 65

Hello, I am a member of District 5, and I’d like to thank everyone that is working on this EIR and Social Equity Program. I personally appreciate your help on this. I'd like to start out by saying this draft zoning ordinance is too restrictive. Medical cannabis establishments should be treated with similar zoning guidelines as a pharmacy, especially considering the medical aspects and benefits of this medication, which are undebatable facts. Furthermore, America is supposedly the land of the free. These restrictions and regulations take a stab at our freedom as Americans. No one in favor of medical cannabis is advocating for driving while medicated, nor child use, with the exception of medical necessity along with a doctor's approval and oversight. Those in favor of opposition give weak excuses such as smell as a reason to block safe access. This is like saying farmers shouldn't be allowed because of their animals’ smell or crops such as broccoli. Let's be reasonable here. Smell doesn't hurt anyone and is a far reach to block equitable and safe access. Please be reasonable with your considerations. Thank you very much.

Response PM 65
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the program.

PM66 Rashida Hameed
February 6, 2025

Comment PM 66
I actually did call in last night, but I wanted to add to my comment, especially when we talk about the buffer zones and the distances. The black market actually has no buffer zones and offers the potential for hazardous medications to be easier to access than legal and safe cannabis. Fentanyl is a dangerous and deadly drug that is easily mixed with other drugs on the black market, including cannabis, which makes it critical to make legal and safe cannabis accessible more so than the black market for those who truly need their cannabis medication. Thank you.

Response PM 66
The comment includes input related to lack of regulation of illegal cannabis activities and does not address the adequacy of the Draft PEIR. No further response is provided.

PM67 Alfonso
February 6, 2025

Comment PM 67
I represent District 4. I am a candidate with the social equity group, and I just wanted to just say a couple of things. I think people are forgetting that the whole cannabis shops and things of that nature were actually for medical reasons at first. You actually had to go to a doctor to get a card to even get cannabis, and it was given out as medication. So, most of the people doing it are doing it from a therapeutic standpoint. And for the fact that now we have a chance to actually make money and help communities, it's kind of weird to try to downplay it and play like it's still in the days of that old movie like Reefer Madness. It's really not like that. The main problem nowadays with drugs, just like the lady before me just said - the opioid epidemic, focus on that when you're talking about helping kids and keeping people safe. I'm for Alternative 2. I think we should have the opportunity to have the medication and everything close to where you don't have to travel that far to get your medication and make some money in the process and help the city and the economy. That's what I wanted to say.

Response PM 67
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of

Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM68 Kathleen Lippitt

February 6, 2025

Comment PM 68

Eliminating the illicit market, ensuring consumer safety, providing regulatory oversight and youth education of the harms of marijuana, those were laudable goals, but none of them have been realized. A common mantra among marijuana advocates is that California marijuana is robustly regulated and inspected for oversight and safety precautions. The reality is that 70 to 80% of marijuana sold in California dispensaries has been found to be produced and grown illegally with armed and dangerous cartels and gangs protecting those grows. Marijuana's negative environmental impacts include diverting or contaminating water, creating food deserts as food farmers transition to marijuana cultivation, traffic safety, and most importantly our ability to prevent youth and young adults from use and abuse of high THC marijuana products. Aquifers across the US are declining. They are essential to the agricultural industry, especially for our local farmers. Marijuana legalization has fueled instead of eliminated the black market and the marijuana industry's influence has had a corruptive influence on our public electeds. Most importantly, it has been shown to have precipitously increased the daily use of high THC products among our most productive population of 18- to 24-year-olds. Whenever anyone uses the term medical marijuana, it is clear that their intention is to conflate dispensary marijuana with FDA approved prescription cannabis medicines that are purified, dose specific and prescribed by your primary caretaker. Thank you very much for letting me speak.

Response PM 68

The comment expresses concerns related to legality of cannabis products, safety, and environmental impacts of cannabis operations. The reader is referred to Sections 9.1.1.4, "Master Response: Code Enforcement and Crime"; 9.1.1.5, "Master Response: Legal Status of Cannabis"; 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis"; and 9.1.1.9, "Master Response: Cannabis Product Safety and Testing."

PM69 Shelby Huffaker

February 6, 2025

Comment PM 69

My name is Shelby Huffaker and I'm speaking to reiterate my support for Alternative 2. As others have stated, Alternatives 3, 4, and 5 are overly restrictive from a zoning perspective and would amount to a de facto ban on additional cannabis businesses in the unincorporated County. Cannabis has accepted medical value and numerous studies show that the liberalization of cannabis laws is associated with decreased use of other more harmful substances including opioids, alcohol, and benzodiazepines, contradicting the so-called gateway drug effect and lending support for the substitution effect instead. Increasing access is therefore critical for the many patients living in the unincorporated county, including those who live in residential treatment facilities. Once again, I'd like to reiterate my support for Alternative 2, and I thank you for your time.

Response PM 69
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM70 Howard Haynes

February 6, 2025

Comment PM 70
I just want to reiterate for Alternative 2. You need more easily accessible marijuana around in the urban neighborhoods. It's hard for people to get to where they need to get to and grab that from a legal dispensary. Say, it's down in Mission Valley and you live in southeastern San Diego. That's a 15-20 min drive just to get down there. I think it'll be easily accessible if we can have places that's easier to travel to. Thank you.

Response PM 70
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM71 Anna Lamanna

February 6, 2025

Comment PM 71
This is Anna Lamanna, and I've been a resident of San Diego for over 10 years, and I'm in support of Alternative 2. A little bit of my story is, I am one of those patients that actually really benefits and has struggled with heroin use. I got off of it with Methadone, or I switched to Methadone, and they were trying to keep me on that forever and going to the dispensary and having that option had gotten me clean off of opiates and has kept me clean. And now I'm a

grad student to be a therapist to help other people get sober, and this is an option that helped save my life and so I'm here to say that I'm in support of Alternative 2. Thank you.

Response PM 71
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM72 Russ Havens

February 6, 2025

Comment PM 72
I'm Russ Havens. I'm the publisher of the San Diego Cannabis Times. First, I want to thank everyone at the County and Project Cannabis for the mountain of work that you've accomplished. I've had the pleasure of working with some of you and appreciate you all rolling the rock to this point. I'm lending my voice as a 20-year San Diego resident in support of using the existing State regulations. To be clear, that's Alternative 2. California voters have made their viewpoint clear. Californians should have safe access to cannabis-related products. And that doesn't just mean in the cities. I want to point up to one issue raised last night more than tonight, but it was the fact that they already have quote unquote robust delivery services available in the rural sections of San Diego and they've touted that as a cure-all need for eliminating the need for dispensary storefronts. The service rendered at a delivery service offers the consumer far less information and far less feedback as to options between existing products in the same categories. Storefronts allow for much better two-way communication. And one specific example is, if I want to find something that has been packaged more recently than others, that is not available through a delivery service. You need to go in and discuss and take a look at the actual package dates. So once again, I'm going to reiterate this. I support to use the State's existing regulations. Onerous setback increases, just make it harder and make it almost impossible for a business to operate as it should.

Response PM 72
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback

distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM73 Brian

February 6, 2025

Comment PM 73

First of all, I want to thank all of you involved with this program and this opportunity to bring about a life-changing situation called cannabis equity. I am a 27-year user of crack cocaine. I have been shot 5 times. I have been stabbed once. I am a combat veteran of the United States Navy. I am a two-time college graduate. I have been a professional broadcaster. I am a published journalist. And I am a proud member of Southeast San Diego. I am an accomplished athlete, and I am an endeared father and family member. And I have been around cannabis all my life. And now this opportunity comes where this substance becomes legal, and it's an opportunity to change some men and women who are working very diligently to receive information and an education that is life changing. Why go any other direction and see how far any one of them would go to change a whole community, maybe a whole city, and it's in your hands. So, we know the right decision. It's Alternative 2. God bless you, thank you.

Response PM 73

The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM74 Becky Rapp

February 6, 2025

Comment PM 74

My name is Becky Rapp, and I appreciate the comments tonight, although I am in full support of Alternative 1. And I wanted to share a recent article that was published titled “Legal Weed Didn't Deliver on its Promises”, and it highlights the disparities between promises made by the industry advocates and the actual effects the industry has had on neighborhoods and communities. And the article describes some promises made, including reduced opioid addiction, safer products, increased tax revenue and socially responsible marijuana industry but these expectations have been largely overstated and proven to be false. Marijuana consumption use has surged since businesses were permitted. Just in the last 2 years it's gone from 2.5 million to 17.7 million Americans using daily. It's reported that more than 40% of

Americans use marijuana. And so, we have to ask ourselves if our communities and neighborhoods are safer and healthier, and according to the study the answer is no. In fact, one significant area of concern relates to opioid-related deaths. Deaths have risen in areas where marijuana has been permitted to sell, along with serious health concerns such as impairment memory, motor control and decision making have also been impacted. And right here in our County, emergency departments have seen and are seeing an upward [inaudible]. So, I do not think that we need to expand. I think the 5 businesses that we have is adequate, and I am in support of Alternative 1. Thank you.

Response PM 74
The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is also referred to Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," regarding County standards to protect the public who are not consuming cannabis products. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA.

PM75 Ty Freeman

February 6, 2025

Comment PM 75
I wanted to take an opportunity to thank you all for your time and efforts, and I think it's important to state that not only does Alternative 2 move forward the legalization continuation of cannabis entrepreneurship in San Diego County, but one thing that's most important is this is not an industry upon which doesn't exist. I think oftentimes this is being viewed as if you're going from a zero sum to a 10-sum gain, and the fact of the matter is that if you don't legalize it, that it continues to go unlicensed, unmonitored, and safety issues continue to raise, and all of the nuances that socialize itself with unlicensed businesses associated with cannabis and its continuous illegal operations throughout the County will continue. I think it's important for all of us as we move forward the alternatives for consideration to keep in mind that you're not moving from zero. Cannabis exists in San Diego County, it has, but it doesn't exist legally to the extent that this opportunity, Alternative 2, would allow it to be. As we've mentioned, and some of the callers stated for a fact, and I believe we all have our opinions that numbers have increased on drug use. Well, that's because now people are not publicly shamed on admitting that they've had these problems and issues. If you look at San Diego County with 5 stores, previously the numbers would be low. But if you look at the licensed industry with its growth, you'll see that there will be more regulated, more medicinal users that will go and get the actual steps and process necessary to deal with the issues of concern. So, I think oftentimes, and we

base the issues of studies, we can base it as if there's not an illicit market that exists and what Alternative 2 says, look, we recognize that legalization is the avenue. It's the law. And as we talk about, I want to say this, for 30 years I represented workers in SEIU healthcare workers, and I think it's imperative to understand that with the labor peace agreement working conditions and monitor [comment stopped due to time limit].

Response PM 75
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM76 Virgil Grant

February 6, 2025

CommentPM 76
Thank you for having this. I'll start off with saying I'm in favor of proposal number 2 and as I'll echo the prior speaker, cannabis is here definitely. It's legalized. Prop 64 has passed. We've had it since 2016. Now it's how is it going to look in the County of San Diego? We determine that. We determine how it would look in the County of San Diego. I don't think we're here to speak on anything except for what we want it to look like. And I think number 2 is what we would like for it to look like, a regulated market. We're talking equity cannabis regulated. We're not talking children, 21 and over. We're not talking any of the illegal forms of cannabis. We're talking a regulated market where we really should be echoing also along with this regulated market is proper enforcement. So, all of the negative comments that were heard on this call is speaking towards illegal cannabis, not legal cannabis. What I think we need to really pay attention to is when we're looking at proposal 2 legal cannabis, we're talking regulated cannabis. We're not talking illicit cannabis. So, let's look forward to the future of having a regulated legal market, and maybe step up a little bit enforcement on the illicit market, so that the legal market will not be [inaudible] of the illicit market. Thank you. Proposal number 2 is the greatest thing going. Thank you and have a good evening.

Response PM 76
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of

Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM77 Alex/Breanna

February 6, 2025

Comment PM 77

I would just like to thank everybody for all of the steps you've taken to get us here. Just having this place to speak upon this type of subject and our community and trying to get everybody together and on the same page is amazing to have. I work at a dispensary. I've been in dispensaries in California for the last 10 years. I think I've been able to see the huge change from when we first went black market to where we are now, and seeing how much it's helped the general public, how people are feeling more safe to come out and to ask questions and find the real reason that they're having such and such issue, and to be able to have this substance available to them to help them with their ailments, and to have people get off of opioids, and seeing this firsthand, being able to assist with the knowledge and giving them very specific items to cater to their needs. And to be very strict on our IDs at the front door, so that we're making sure that it is not our youth that is being affected by this or influenced in any way. I think it's just very important that we have these safe places where we can grow and seeing how many regulations have been put in place within the dispensaries is a good thing, but within the parameters of, you know, restricting other places to open, I think that's not fair, and I believe in number 2. I think that's what we want, and I don't think we should put more restrictions. I think the change has been great and watching it progress, and the knowledge that's been put out. It's just amazing. So please don't change. And let's continue to help our people. Thank you.

Response PM 77

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM78 Barbara Gordon

February 12, 2025

Comment PM 78

Thank you. The County really needs to evaluate the significant environmental, the health and safety impact of any of these proposed products. Just an investigation by the Times, in conjunction with the cannabis industry's newsletter Weeds, found an alarming level of pesticides in cannabis products available at permitted stores across the State including some of the most popular brands of vapes and pre-rolled weed. I want to know, how is the County

going to deal with these environmental impacts and the health and safety and because, as of now, the DCC has been unable to deal with all of the chemicals and the pesticides that are in their products. So how is the County going to deal with this? Thank you.

Response PM 78
The comment expresses concern related to environmental, health, and safety impacts, including pesticides. The project's potential environmental impacts are addressed throughout the Draft PEIR. The reader is also referred to Sections 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis"; 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use"; and 9.1.1.9, "Master Response: Cannabis Product Safety and Testing," that address these concerns.

PM79 Vincent Stalcup

February 12, 2025

Comment PM 79
Good evening. My name is Vincent Stalcup, lifelong resident of District 1, the most populated city in unincorporated San Diego County, Spring Valley. I'm a San Diego City College graduate as well as a San Diego State student at the moment in the social work program. I'm calling because I am a social equity applicant and a program participant. And I just want to call and put my support in for Alternative 2. Any other alternative is not equity. It's going to be extremely hard to operate with extra buffers and extra regulations on us than what's already on us from the State. It's kind of like you guys are giving us the keys to the car and saying, don't take it out the driveway if any alternative besides Alternative 2 is chosen. If it's really about equity, let's make it about equity. Let's not make us jump through any more loops that we have to jump through to be able to be successful business owners. Please hear us out and go with Alternative 2. Once again, my name is Vincent. I appreciate you all. Have a great evening and look forward to seeing you at the town meetings. Thank you.

Response PM 79
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM80 Nathaniel Shuflin
February 12, 2025

Comment PM 80
I am calling for a couple of reasons. One would be that my questions about viable uses of land in the agricultural zones; a lot of the standard idle [inaudible] I'm on the [inaudible] a lot of the title documents for land purchases include an agreement to not have a cannabis business on the land you've purchased, and how we're going to address those documents and their wording as well as like the last commenter said, addressing the parity or lack thereof for other agricultural businesses that have little or no requirements on them, for land use and the differences, and how cannabis is being regulated. As well as a lack of parity with businesses that allow the sale of alcohol and firearms, all kinds of things that are much more dangerous, obviously, and trying to find a way that parity be achieved. As well as the important part of the equity program being addressed that ensures that each of us involved in this program do get an opportunity to experience some form of improvement. Thank you.

Response PM 80
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

PM81 Terrie Best
February 12, 2025

Comment PM 81
I'm Terrie Best from District 1. I'm a native San Diegan. Thank you for your hard work and service to San Diego. As previously stated, I'm for option 2. I do have a few more things to add since speaking on the 6th, I prefer to because I feel the restrictions around residential homes is contradictory to medical cannabis access goals. California law recognizes cannabis as medicine, yet a residential home restriction could isolate some of the most vulnerable populations from safe legal access. Additionally, restricting cannabis businesses near religious gathering creates an unpredictable and impractical regulatory environment making it difficult for business owners to find suitable locations. Lastly, naming visiting centers as a sensitive use is ill-advised as unlike schools, visitor centers do not have a permanent population that would be affected by nearby cannabis businesses making the inclusion of visiting centers and unnecessary sensitive use. Thank you for hearing me out.

Response PM 81
The comment includes support for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements and also provides input related to the merits or qualities of the proposed program. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the

requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process. The reader is also referred to Section 9.1.1.8, “Master Response: Comments on the Proposed County Code Changes under the Socially Equitable Cannabis Program,” regarding potential changes to the program.

PM82 Judi Strang

February 12, 2025

Comment PM 82

I'm here on behalf of my county planning group. Two items came up when we talked this week that they were concerned about that perhaps the report either doesn't know about or doesn't address. One has to do with billboards because we have a billboard, at least one out here in the back country advertising a pot shop, and it is an egregious example of breaking the State law, and when the County planning group member contacted the County, County told them it wasn't their business they needed to contact the State. Of course, in contacting the State, they said, no, they don't handle those sorts of enforcement. So, enforcement is a real issue. By the way, I'm in favor of alternative number 1. The second item has to do with the pesticides, and we talked at the county planning group about an example over the last couple of years where a group of residents around a grow were so troubled by the use of pesticides that blew into their property that they were hospitalized and over a period of time they were visited by the County's Department of Agricultural Weights and Measures. Then they were visited by the Environmental Protection Unit of the District Attorney's office. Then they were investigated by the California Department of Pesticide Regulations, and then the Sheriff came out, and the bottom line is that there were 16 people, many of whom ended up in the hospital that were affected, but no enforcement occurred. And think about the huge amount of resources that were utilized by the County and the State over this one situation of pesticides. We feel like enforcement isn't being addressed. The resources to do enforcement seem to be necessary to be addressed and we'd like better answers regarding enforcement. Thank you.

Response PM 82

The comment expresses support of Alternative 1: No Project—Retention of Current Cannabis Regulations and includes concerns regarding County enforcement and pesticides as they relate to commercial cannabis. The commenter’s preference for Alternative 1 has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Pesticide application is addressed in Draft PEIR Section 2.10, “Hazards and Hazardous Materials,” under Issue 1. Pesticides used on commercial cannabis cultivation sites are

restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

PM83 William Hinks

February 12, 2025

Comment PM 83

I did attend the February 6th meeting. I just wanted to chime in and add that how much importance that the Social Equity Program is and would be to me and my family, being a father of 10 and a 4th degree burn patient. Cannabis has been a better alternative for me over opiates and any other type of pharmaceutical drugs. Also, maybe the State and County could really educate those that are against the fact of cannabis and the Social Equity Program, that the Social Equity Program and state-regulated cannabis medical dispensary and services that are provided and regulated, they do not let people operate in harmful manners, and things are regulated. If a shop is not there for longevity, that's because they did something that was against the State ordinances, or whatever that was mandated. That's why they don't have longevity. But I am in full support of Alternative 2. I believe that the State and the County, everyone should consider it is the best alternative for us that have been deemed criminalized majority of us for possession of personal use. Unfortunately, that happened. But fortunately, the Social Equity Program has evolved, and I believe that if we adopt Alternative 2, and assist us that are in social equity, to evolve and be able to formulate some type of longevity for our families.

Response PM 83

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM84 Madison

February 12, 2025

Comment PM 84

I am in favor of Alternative 1. I come this evening to raise an important concern about the environmental impact specifically in terms of greenhouse gas emissions. Cannabis cultivation

is an energy intensive process. Indoor cultivation operations, often the norm, require massive amounts of energy to power high intensity lighting systems, ventilation and climate control. This type of energy consumption is alarming when you consider the fact that these operations often rely on non-renewable energy sources contributing significantly to greenhouse gas emissions. In fact, cannabis cultivation in California alone is estimated to use up to 2% of the State's total electricity, an unsustainable and alarming figure. Allowing 25 new cannabis businesses in our county would only exacerbate this issue and hinder our efforts to reduce emissions and combat climate change. Beyond cultivation, the transportation of cannabis products adds to the environmental burden. As these businesses grow, so too does the need for distribution, which typically involves long distance travel by fossil fuel powered vehicles. This increased transportation will lead to more traffic, air pollution, and a growing carbon footprint further undermining our collective efforts to build a cleaner, more sustainable San Diego. We must ask ourselves whether we are truly willing to prioritize growing an industry that has a negative impact on our environment, especially when we are working so hard to mitigate the effects of climate change and reduce emissions across all sectors. In light of these concerns, I strongly favor Alternative 1.

Response PM 84
The comment expresses support of Alternative 1: No Project—Retention of Current Cannabis Regulations and raises concerns related to greenhouse gas emissions, energy, and increased transportation as a result of the program. Draft PEIR Section 2.7, “Energy,” addresses energy use and identifies no significant and unavoidable impacts from increased energy use. Mitigation Measure M-EN. 2-1 would require compliance with the San Diego County CAP that would prohibiting the use of natural-gas-powered appliances through all-electric development or achieving Tier 2 status as set forth by the CALGreen Code Appendix A5 Nonresidential Voluntary Measures.

The reader is referred to Draft PEIR Section 2.9, “Greenhouse Gas Emissions and Climate Change,” which references the current San Diego County Climate Action Plan (CAP) and future cannabis uses required compliance with applicable CAP measures to reduce greenhouse gas emissions consistent with the CAP.

Air quality and transportation impacts are addressed in Draft PEIR Section 2.2, “Air Quality,” and 2.16, “Transportation.”

PM85 Shelby Huffaker

February 12, 2025

Comment PM 85
As a public health researcher who studies substance use and implementation science, as well as the chair of the San Diego Chapter of Americans for Safe Access. I'm speaking again to express my support for Alternative 2. Prohibiting licensed cannabis businesses either outright or through overly restrictive zoning laws is harmful to cannabis consumers particularly the medically compromised. In California almost [inaudible] or 1.9 million people are registered medical cannabis patients. Assuming a similar medical cannabis patient population in San Diego, this would mean that there are approximately 25,000 registered patients in the unincorporated county alone. And yet with just 5 licensed retailers this equates to a ratio of 1

retailer for every 5,000 patients. Meanwhile, a geospatial analysis published in 2022 found that over half of Americans live within 1 mile of a pharmacy, and two thirds live within 2 miles. It is no wonder then why many turn to the unregulated market for their medical cannabis needs. It is a well-known fact that the consumption of unregulated products of any kind is more likely to result in the exposure of patients and consumers to harmful contaminants, adulterants, and other byproducts. Furthermore, survey research shows that California cannabis consumers overwhelmingly prefer to shop from the legal market when they're able to do so. And yet the illicit market continues to outcompete with the regulated market by wide margins despite record spending on enforcement including here in San Diego. A key part of the solution is therefore to lower the barriers to entry into the regulated market. A good first step would be to adopt State regulations [inaudible]. In some [inaudible] Alternative 2 would help to ensure that license operators can compete with their unlicensed counterparts protecting patients and consumers while promoting safe access and business. Thank you.

Response PM 85
The comment expresses support of Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements and has been noted for future decision-making activities by the Board. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM86 Sarah
February 12, 2025

Comment PM 86
Question about how do we make it fair for people to be able to get into the cannabis retail space? It seems now it's kind of the people that do own them; they own several of them and it doesn't seem very fair for the average person now. How do they combat how many one person can own? Or is there like a limit? What is going to be done about that?

Response PM 86
The comment includes a question regarding the merits or qualities of the program and does not address the analysis contained in the Draft PEIR. No further response is required.

PM87 Michelle Kevorkian
February 12, 2025

Comment PM 87
My name is Michelle Kevorkian, and I'm in District 3. I'm a participant in the Social Equity Program and I want to address my concern regarding the proposed expansion of sensitive use buffers from 600 feet to 1,000 feet for cannabis facilities, as well as addition of new sensitive use criteria. The economic impact and business viability: the expansion of buffer zones by

additional 400 feet combined with the extensive new categories of sensitive use would effectively eliminate most viable locations for legal cannabis business in the unincorporated areas. The inconsistency with State guidelines: California State regulations recommend 600 feet buffers for sensitive use. The proposed 1,000 feet requirements exceed these guidelines without substantial evidence supporting the need for such expansive in the San Diego unincorporated areas. The counterproductive protectivity to public safety goals: severely restricting legal cannabis business locally may inadvertently encourage illegal operations in unmonitored areas. Lack of evidence-based justification: the proposal lacks substantial evidence demonstrating that the current 600-foot buffer zones have been insufficient in San Diego unincorporated areas. What we should be focused on is strengthening law enforcement against illegal operations rather than creating additional barriers for legal businesses. I respectfully request that the Planning Commission maintain the current 600-foot buffer requirements and reconsider the addition of new use categories. What I am in support of is option 2. Thank you.

Response PM 87
The comment provides an opinion regarding the merits or qualities of the proposed program and expresses concerns related to safety and law enforcement. The Board will take the commenter's opinions into consideration when making decisions regarding the program. The reader is referred to Section 9.1.1.8, "Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program," and Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM88 Andrew Banez

February 12, 2025

Comment PM 88
My name is Andrew Benez from District 4, and I've lived in San Diego for 30 years. I'm a social equity participant and County grant awardee. Of all the alternatives that were proposed, I support Alternative 2 that's consistent with state regulations. Thank you.

Response PM 88
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM89 Kathleen Lippitt

February 12, 2025

Comment PM 89
My name is Kathleen Lippitt, and as a member of a number of planning groups and participant, there are a number of concerns that are ongoing. Many of these groups are concerned about the fact that metro areas that are outside unincorporated communities will continue to outvote unincorporated communities. Creating zoning or ministerial oversight will further silence the voices of these 500,000 residents who are the most impacted and have the least say. The Cannabis Oversight Committee for the County is comprised of 9 members, 1 member chosen from each supervisor district. So, 4 of those supervisors barely have none to a tiny amount of unincorporated community. There's only one supervisor who has the majority, and that's Supervisor Desmond. There are 4 applicants that were on this committee. I don't know if they're all from the industry, but this document certainly reflects a heavy bias from industry. You mentioned consideration for small wildlife. What about the large wildlife like coyotes and mountain lions, there doesn't seem to be a consideration for them. There also seems to be no representation from expert input from voices such as the Air Pollution Control Board, US Fish and Wildlife, the Audubon Society, or the Ramona Wildlife Sanctuary. Those are important. And since access has been broadly facilitated by phone call delivery services and even DoorDash, access hardly seems to be a problem. The industry recognizes the value of a storefront where consumers come inside and then are likely to spend more money. The common ground that we have with industry advocates is that they that [comment stopped due to time limit].

Response PM 89

The comment expresses concern regarding the merits or qualities of the program, lack of participation by agencies, as well as biological resource impacts to wildlife. Impacts related to biological resources (wildlife species) are addressed in Draft PEIR Section 2.5, "Biological Resources, "with wildlife species impacts addressed under "Issue 1: Special-Status Plant and Wildlife Species" of this section. Coyotes are a common species that would not be significantly impacted by cannabis operations. Impacts to mountain lions are specifically addressed on Draft PEIR pages 2.5-36 through 2.5-40. The San Diego Air Pollution Control District and California

Department of Fish and Wildlife submitted comments on the Draft PEIR that are responded to above under Letter A2 and A6.

PM90 Peggy Walker

February 12, 2025

Comment PM 90

I support Alternative 1, and I want to add the comments from my planning group's standpoint. We found that from an environmental standpoint that the EIR fails to meet CEQA's goal. It's stated that goal is quote to address impacts that affect our most vulnerable residents, children, the elderly, people already bearing an unfair share of pollution and impacts that will be particularly felt by our children and grandchildren. For example, questions are not adequately answered regarding water resource depletion, water usage especially critical in a time of high fire danger, or wastewater and hazardous chemical waste management resulting from the intense operations of 25 new businesses. The EIR also lacks satisfactory mitigation answers for adverse environmental impacts related to energy usage, light pollution, odor, noise, roadway safety, and sensitive habitats and species, as has been mentioned. Nor does it address product safety regarding the reported pesticides and other contaminants and falsified testing results without consumer knowledge, which speak to inadequate state regulation and present a waste disposal issue. Thank you.

Response PM 90

The comment states that the Draft PEIR does not adequately address or mitigate the following environmental issue areas, but provides no data or technical analysis countering the conclusions of the Draft PEIR. The reader is referred to Section 9.1.1.9, "Master Response: Cannabis Product Safety and Testing," regarding cannabis product testing on the regulatory market.

- Light Pollution - The potential for new sources of light to affect nighttime views and dark skies is addressed in Draft PEIR Section 2.2, "Aesthetics," Section 2.2.3.6, "Issue 3: Adversely Affect View due to New Light and Glare." As discussed in this section, cannabis cultivation facilities would be subject to the California Energy Commission's Building Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and DCC regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purposes of minimizing light pollution in San Diego County and of protecting astronomical research at the Palomar and Mount Laguna Observatories from its detrimental effects. The Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors; LED bulbs; and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly

surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards.

- Odor - Draft PEIR Section 2.4, "Air Quality," addresses impacts from odors. No significant odor impacts were identified for cannabis uses within a building through compliance with proposed Regulatory Code amendments (Sections 21.2510(6), 21.2525(k), and 21.2528(i)), but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5 associated with outside cannabis cultivation operations. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors.
- Biological Resources – Draft PEIR Section 2.5, "Biological Resources," identifies several mitigation measures that adequately mitigate impacts to special-status plant and animal species as well as associated habitats and sensitive habitats.
- Energy - Draft PEIR Section 2.7, "Energy," addresses energy use and identifies no significant and unavoidable impacts from increased energy use. Mitigation Measure M-EN. 2-1 would require compliance with the San Diego County CAP that would prohibit the use of natural-gas-powered appliances through all-electric development or achieving Tier 2 status as set forth by the CALGreen Code Appendix A5 Nonresidential Voluntary Measures.
- Wastewater – Term 27 of Attachment A of State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ prohibits discharge cannabis wastewater into septic systems and leach fields. Draft EIR Section 2.18, "Utilities and Service Systems," identified no significant impacts to municipal wastewater treatment facilities.
- Hazardous Waste Chemicals – Draft EIR Section 2.10, "Hazards and Hazardous Materials," addresses impacts and related regulation of pesticides and hazards materials that may be used at a cannabis operation. No significant impacts were identified.
- Water Use - Draft PEIR Section 2.11, "Hydrology and Water Quality," and Section 2.18, "Utilities and Service Systems," regarding the impact analysis groundwater and municipal water usage by cannabis uses. While mitigation measures are identified, the Draft PEIR concludes that there would be significant and unavoidable groundwater and water supply impacts under Alternatives 2, 3, 4, and 5.
- Noise – Draft PEIR Section 2.13, "Noise," identifies mitigation for construction impacts that were identified as significant and unavoidable for Alternatives 2, 3, 4, and 5. No other significant noise impacts were identified.
- Roadway Safey – Draft PEIR Section 2.16, "Transportation," does not identify any significant roadway safety impacts.
- Wildfire – Draft PEIR Section 2.19, "Wildfire," does not identify any significant wildfire impacts associated with the program.

PM91 Joe Ryan

February 12, 2025

Comment PM 91

My name is Joseph Ryan. I'm from District 2. I am in support of Alternative 2 as well. Sensitive use should be applied on a case-by-case basis. It should not be a one size fits all. A blanket restriction unfairly disqualifies variable locations. Thank you for your time. Have a good night.

Response PM 91

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM92 Nathaniel Shuflin

February 12, 2025

Comment PM 92

My comment is regarding also sensitive use areas. Sensitive use areas with agricultural land surrounding them still allow considerable amounts of traditional agriculture. Maybe not row crops in some situations, but everything from grazing animals to growing high-impact crops like fruit trees. And yet their regulations aren't increasingly strict, even though one comment I heard tonight was talking about the greenhouse impact of cannabis and its related industries. How is this lack of parity being addressed by the County when it clearly does not represent the community support for the cannabis industry? And how involved is the CEQA and this environmental impact [inaudible]. The cannabis industry is using state-approved pesticides on a crop that is being regulated far more [inaudible] oversight but the reason I do address it again, as I heard a lot in the comments tonight that clearly have an agenda outside [comment stopped due to time limit].

Response PM 92

The comment states concerns regarding parity of cannabis with other agricultural operations. No comments regarding the adequacy of the Draft PEIR are made. Thus, no further response is provided

PM93 Albert Pepi
February 12, 2025

Comment PM 93
I'm a social equity applicant. I'm a native of San Diego. I'm from District 4, and I am for Alternative 2. Based on ignoring the reality is the urban planning: the sensitive use restrictions do not consider the actual day-to-day uses of many areas creating arbitrary and impractical barriers to business operations. Need for case-by-case review instead of a blanket approach to sensitive use restrictions: the County should implement a case-by-case review system to evaluate the actual impact of a business on its surroundings. Failure to balance public safety and business viability: while community safety is priority, the restrictions as written lean too heavily on caution rather than balancing safety with the need to create functional regulated marketplace. And the comments that I heard earlier, the ones opposing the proposal, it pretty much sounded like the same person saying the same stuff, but I probably shouldn't go into that, but it just seems like that it's the same stuff that's not considering the social equity goal that we're trying to proceed. And I appreciate your time. Thank you so much.

Response PM 93
The comment expresses support for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements and provides input on the merits of the program. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process. The reader is also referred to 9.1.1.8, “Master Response: Comments on the Proposed County Code Changes under the Socially Equitable Cannabis Program,” for consideration of potential changes to the proposed program.

PM94 Becky Rapp
February 12, 2025

Comment PM 94
My name is Becky Rapp, and I just had a comment that I wanted to share through [inaudible]. I recognize that there's going to be a committee together of residents, and it seems that there will be one resident appointed by each supervisor. So, one per district. And my concern is that this specifically is impacting the unincorporated area of the county, which really only affects two of the districts. It would be wise to possibly allow those supervisors to appoint more than one person considering that this is significantly impacting the people that live in the unincorporated area, and they should have a louder voice. Thank you.

Response PM 94
The comment provides input on the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. The commenter is also referred to Section 9.1.1.8: “Master Response:

Comments on the Proposed County Code Changes under the Socially Equitable Cannabis Program."

PM95 Michelle Kevorkian

February 12, 2025

Comment PM 95

I'm Michelle Kevorkian, and I am in District 3, and I am in support of option 2. What I wanted to talk about is impact on social equity. The proposed expanded buffers would disproportionately affect social equity applicants and small business owners who already face significant barriers to enter into the legal cannabis business. The additional restrictions would make it virtually impossible for new businesses to find suitable locations effectively creating an anti-competitive environment. I realize that there's a lot of concerns but if we all band together and see it from this is a legal side and try to stay within that, and veer from having so many illegal dispensaries and other things that go on, we will have a more effective outcome in the long run. Things take time and I know it's new but the more we formulate, and we all stick of saying hey this isn't going away but let's make it equal for everyone and let's make different guidelines, there will be a better outcome in the long run. And I am in support of option 2. Thank you.

Response PM 95

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the project. The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM96 Keith Wilson

February 12, 2025

Comment PM 96

I am for option number 2. I think that cannabis is going to be around. Illegal spots that sell is going to be around. I think that we can make this work. We need to just put the right places in progress and because I've seen a lot of different illegal spots, and I think the legal one will make it. I just go for Number 2, and thanks for letting me speak.

Response PM 96
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM97 Sarah

February 12, 2025

Comment PM 97
I just want to make it clear I'm for Alternative 2. I also think unincorporated areas - there's a lot of land not being used. I feel like bringing legal regulated storefront dispensaries will actually bring more jobs, more opportunity for people. That's it. Thank you for letting me speak.

Response PM 97
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM98 Heidi Whitman

February 12, 2025

Comment PM 98
My name is Heidi Whitman and thank you for the opportunity to speak. I just wanted to chime in and say I'm in support of option 2. There really is no reason to make cannabis land use more restrictive than the State already requires. There's set regulations for all of that already. Thank you.

Response PM 98
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of

Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

PM99 Bill Richardson

February 12, 2025

Comment PM 99

My name is Billy Richardson. I'm from District 3. For the County, from the business side of the industry, right now it's really rough to even start a business in California with all the regulations and the taxes and everything. And a lot of us are being shied away from even trying to do business and put our money into this because of all the regulations. So, I feel if the County decides to increase regulation or increase anything or make it harder for us to do business, it's just going to push us all away and allow for all these dispensaries that are already operating in the County, which are mainly outsourced companies. They're all owned from places like LA, Oakland. It's all money that's getting pulled out of our county. So if we can get homegrown companies, people who can operate in San Diego to bring the money into our community and create that relationship with the customers and everything, I feel like it's a lot better route than regulating it until we can't do business. Thank you.

Response PM 99

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

PM100 Breanna Cota

February 25, 2025

Comment PM 100

I, Breanna Cota am in favor of Alternative 2. I believe it is important to provide a safe way to support the people who for many reasons were eligible for this program. I think its important to fine tune and commit to creating safe grows, relief for to creating safe grows, relief for those incarcerated. It is important to come together as a community. I have seen safe practices to recycle and prevent run off water. When you create a safe place for education then you create a safe place for knowledge. Safe and rule abiding practices. It is important to follow through and make this wrong right for those who have been put into a system for natural practices. Thank you.

Response PM 100

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of

Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process. Impacts associated with the control of water run-off is addressed in Draft PEIR Section 2.11, "Hydrology and Water Quality," on pages 2.11-37 through 2.11-67.

PM101 Alexander Grable

February 25, 2025

Comment PM 101

Maximum # of activities. Only having 2 cannabis activities per lot will make it hard for small businesses in cannabis find a place to operate. Having 4 or more activities per lot would make for a fair fighting chance to find a location to fit zoning requirements. Also opening up zoning would generally help small cannabis brands survive the market.

Response PM 101

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program. The commenter is also referred to Section 9.1.1.8: "Master Response: Comments on the Proposed County Code Changes under the Socially Equitable Cannabis Program."

PM102 Frank Hilliker

February 25, 2025

Comment PM 102

Social for those impacted needs to be spelled out. Whats that going to be? It needs to be spelled out! Thnx.

Response PM 102

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program. The commenter is also referred to Section 9.1.1.8: "Master Response: Comments on the Proposed County Code Changes under the Socially Equitable Cannabis Program."

PM103 John Miller

February 25, 2025

Comment PM 103

Proper regulation + proper channels reduces dangerous criminal activity in our City by reducing gang activity + decreasing the use of more dangerous substances. Proper management of outdoor operations is crucial. Improper disposal of plant waste is a troubling

fire hazard. It is imperative that zoning not be overly strict. I believe liquor stores to be a viable example to follow. If we trust our children to walk past vapes & handles. If we trust the people behind the counter to ID. our children; we should trust farmers to distribute their production in a similar fashion. It is also worth mentioning that many cannabis establishments hire security, which makes the entire neighborhood safeer. Thank you for your time.

Response PM 103
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program. The commenter is also referred to Section 9.1.1.8: "Master Response: Comments on the Proposed County Code Changes under the Socially Equitable Cannabis Program." As described in Section 2.18, "Utilities and Service Systems," Section 2.18.2, "Regulatory Framework," CCR, Title 4, Section 17223 requires cultivation facilities to have a cannabis waste management plan that identifies methods for managing cannabis waste, including on-premises composting, collection and processing by an agency, or self-hauling to a permitted facility. Transportation of self-hauled cannabis waste shall be performed only by the licensee or employees of the licensee. A licensee must report all cannabis waste activities, up to and including disposal, into the state's track-and-trace system. CCR, Title 4, Division 19, Section 15049 requires that all disposed cannabis is entered into the track-and-trace system for disposal purposes. Agricultural fires burn through various crops, pastures, and native vegetation on farms. Among different crop types, fruit crops and cereals have been found to be more flammable than vegetable crops, grazing herbs, pasture grasses, pasture legumes, and weeds. Generally, crop flammability has been correlated to lower moisture content, higher retention of dead material, and faster moisture loss rating. With this understanding in mind, cannabis cultivation is not a crop with higher flammability potential, compared to orchard or cereal crops because it is harvested before the plant may dry out and is not maintained with any dead material because new plants are established annually and completely removed after harvest.

PM104 Becky Rapp

February 25, 2025
The comment card attachment is provided in Appendix G.

Comment PM 104
I support alternative #1 – maintaining the 5 existing pot shops and not adding any add additional.

Response PM 104
The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future

decision-making for a discussion on the next steps in the approval process and Section 9.1.1.9, “Master Response: Cannabis Product Safety and Testing,” regarding California Department of Cannabis Control measures to ensure cannabis safety in regard to the Los Angeles Times December 19, 2024 article attached to this comment.

9.1.6 Konveio Comments and Responses

Letter K1 Keith

January 30, 2025

Comment K1-1
I think we should definitely go forward with all cannabis equity programs

Response K1-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Letter K2 Courtney Hall

January 31, 2025

Comment K2-1
I appreciate you seeking public input! I'd recommend putting the abbreviations section at the end. I think it discourages people to read the rest of the report if there are 9 pages of abbreviations (and only 5 pages of actual report!). Better yet, spelling things out in the report, rather than using abbreviations would make the document more accessible. This seems particularly important for a program that is focused on being "socially equitable".

Response K2-1
The comment on Draft PEIR format is noted. The abbreviations are listed at the beginning of the document given their repeated use and the length of the Draft PEIR (922 pages). No changes are recommended to the Draft PEIR.

Letter K3 Vincent Stalcup

February 1, 2025

Comment K3-1
I support alternative 2.

Response K3-1
The commenter’s preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in

compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K3-2
I do not support Please keep state regulations 600 foot buffer and only restrictions on day care, schools, and youth centers.

Response K3-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K3-3
I do not support alternative 4, keep state regulations.

Response K3-3
This comment is noted. The reader is referred to response to Comment K3-2.

Comment K3-4
I do not support alternative 5 please keep state rules.

Response K3-4
This comment is noted. The reader is referred to response to Comment K3-2.

Letter K4 Kathleen Lippitt
February 3, 2025

Comment K4-1
Please provide a simple WORD doc that is downloadable. This document is really difficult to navigate.

Thank you,
Kathleen Lippitt

Response K4-1
The commenter requests a word document that is downloadable. Downloadable version of the Draft PEIR were provided on the County website in PDF format, while hard copies of the Draft PEIR were made available at County libraries. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter K5 John

February 5, 2025

Comment K5-1
2021 - 19,335 people died from excessive alcohol use in

2021 - 1,370 people were killed in alcohol-involved crashes, which was 32% of all traffic deaths in California.

Cannabis related deaths NONE

Cannabis sensitive uses should no more constrictive than alcohol dispensing facilities sensitive uses or at the very least complying with California's cannabis control sensitive uses standard.

All outlets / dispensaries only serve 21 or older ONLY. Outlets / dispensaries are required to have level 3 armor installed in the facilities walls. Basically, they are large safes. Nobody is getting in without proper ID. This requirement by itself negates all concerns with sensitive uses. Why would a product that causes no deaths be more constrictive than one that causes 100s of thousands of deaths a year. I would propose the same conditions that a retail alcohol facility would have.

The law says ABC may deny any retail license located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. Mere proximity by itself is not sufficient to deny the license.

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4)

Response K5-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Letter K6 Joe Eberstein

February 12, 2025

Comment K6-1
Cannabis smoke contains the same cancer-causing carcinogens as tobacco smoke therefore smoke free policies should remain consistent across the board regarding indoor and outdoor exposure.

Response K6-1
The reader is referred to Section 9.1.1.7, “Master Response: Public Health Effects of Cannabis Use,” regarding County standards to protect the public who are not consuming cannabis products. The use of cannabis products and an acceptance of potential health effects of using cannabis is a personal decision that is not subject to environmental review under CEQA.

Comment K6-2
Local planning groups need to be an integral part of the discussion regarding cannabis business locations. They have a greater understanding of the region and local issues.

Response K6-2
This comment is noted. County staff has conducted extensive engagement with community planning groups and community sponsor groups. Staff have attended multiple Community Planning and Sponsor Group meetings to present Program updates to community members. Feedback from Community Planning and Sponsor Groups will be considered by the Planning Commission, and the Board of Supervisors in their deliberations regarding the final Zoning Ordinance.

Comment K6-3
Cannabis business and advertising should have a minimum of at least a 1000ft buffer from youth sensitive locations.

Response K6-3
This comment recommends a minimum buffer distance from youth sensitive locations to cannabis facilities. It should be noted that project alternatives 3, 4, and 5 require a 1,000 ft buffer from schools, daycares, and youth centers. The Board of Supervisors will be deliberating on these alternatives. This input from the commenter is noted and will be considered by the Planning Commission, and the Board of Supervisors in their deliberations regarding the final Zoning Ordinance.

Letter K7 Albert

February 20, 2025

Comment K7-1
Adopt Alternative 2. .State mandated buffers stay at 600ft.No additional sensitive use buffers. Not shutting out equity applicants from viable locations. Thank you.

Response K7-1
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter K8 Shelby Huffaker

March 6, 2025

Comment K8-1
Adopting these additional sensitive uses would amount to a de facto ban on cannabis businesses. Additionally, many older individuals residing in residential care facilities rely on cannabis products for their health needs (In California, Ryans Law permits the use of certain non-inhalable cannabis products in long-term healthcare facilities). Many of these residents may be unable to drive and would thus benefit from having cannabis retailers in close proximity to their living quarters. Barring cannabis businesses near areas of worship also ignores the fact that certain religious denominations, including Rastafarianism, view cannabis use as a spiritual practice consistent with their beliefs.

Response K8-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K8-2
When regulated properly, outdoor cultivation can be a more environmentally responsible option than indoor, particularly when regenerative agricultural techniques are used. The results of responsible outdoor cultivation could include reduced energy consumption and soil depletion,

water preservation, and promotion of biodiversity. Additionally, sungrown cannabis has been shown to produce higher levels of terpenes. These compounds enhance the medicinal qualities of cannabis while reducing the risk of adverse effects.

Response K8-2
The comment provides an opinion in support of outdoor cultivation. The reader is referred to Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis,” as the Draft PEIR evaluated impacts associated with both indoor and outdoor cannabis cultivation.

Comment K8-3
The environmental impacts listed in Alternative 1 do not account for the proliferation of the illicit market, which, because of their unregulated nature, have substantial impacts on water and air quality, aesthetics, public health, and more. Without expanded access to licensed retailers, consumers will continue to frequent unregulated sources, particularly if they rely on cannabis products for their medical needs. As such, no amount of enforcement efforts will completely eliminate the unlicensed market. By displacing the unregulated market, there would be environmental benefits to creating opportunities for would-be licensed operators to fulfill patients' and consumers' with regulatory oversight.

Response K8-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment K8-4
What environmental impacts would result from allowing cannabis businesses to operate within 1,000 feet of a designated landmark? Are there certain types of designated landmarks that would or would not apply (e.g., a building on the register of historic places)?

Response K8-4
The comment expresses concerns about designated landmarks. With regard to landmarks, the reader is referred to page 2.6-26 in Section 2.6, “Cultural Resources,” for a discussion related to landmarks, under “Guidelines for Determination of Significance” of the Draft PEIR. Designated landmarks would be impacted only if demolition, destruction, relocation, or alteration are proposed. Operation within 1,000 feet of a designated landmark does not constitute as demolition, destruction, relocation, or alteration.

Letter K9 Richard

March 9, 2025

Comment K9-1
I am for the implementation of a program to cultivate and sell cannabis products to those that want them. It appears that Alternative 3 Cannabis program with expanded county regulations addresses my concerns. The expanded 1000 foot buffers between a cannabis facility and

schools, daycares etc and other cannabis facilities protects our young people and helps prevent the over population of these facilities. This is a good thing. The prohibition of outdoor growing is also to my liking. Added county regulations for new facilities to protect the visual aesthetics and character of our communities is equally important

Response K9-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The commenter's preference for Alternative 3: Cannabis Program with Expanded County Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter K10 Peggy Brown

March 17, 2025

Comment K10-1
I am completely opposed to the cultivation of cannabis on a commercial level in unincorporated San Diego County. These grow operations will have a horrible impact on our community.

Response K10-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K11 Ashley

March 18, 2025

Comment K11-1
Alternative #1 No Project is the best alternative for the community of Bonsall and Fallbrook. We do not want to have the environmental impacts to our community and ground water. Bonsall is surrounded by riparian area that feeds the San Luis Rey River, and Fallbrook the Santa Margarita. We need to put our families and children first. We do not want the noxious ODOR of cannabis projects in unincorporated San Diego County. Especially near our schools and where children have park and farm activities. There is enough cannabis projects in the incorporated areas. There is no lack of available "legal" cannabis. Bonsall wants its rural area

to be used for non-cannabis agriculture, farming and horsemanship. It may be easy for non-Bonsall (and non-Fallbrook) residents to decide what to do with our community, but this project is strongly opposed by the people who live here. I have resided in Bonsall and Fallbrook for a combined 30 years! Please stop and think of the many people who live here and not just of the few who desire to profit from cannabis at the expense of our quality of life and quality of environment.

Response K11-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The comment expresses concern about odors related to cannabis. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors."

The commenter's preference for Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter K12 Kathy Lemos

March 18, 2025

Comment K12-1
We do not want your ex cons coming to bonsall & given a growing license . It's like inviting a rat to the picnic.

Response K12-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter K13 Stephen drozd

March 19, 2025

Comment K13-1
Please stop any future commercialization of cannabis. It is not good for the community. People do not need any more vices. Look at downtown San Bernardino and all the

dispensaries...horrible neighborhoods...high crime. Please do not allow dispensaries or growing in fallbrook or bonsal.

Response K13-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K14 Tasha Estes

March 19, 2025

Comment K14-1
No. Just no. Go up to Northern California. You will likely have zero push back. Leave BONSALL ALONE. Those places are gross and ghetto. Nice, beautiful cities DO NOT have grown houses or lounges.

Response K14-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K15 Maria Aguirre

March 19, 2025

Comment K15-1
I am against this happening in Bonsall, CA. We are a small farm community and do not want Cannabis contaminating local farm and horse ranches. I VOTE NO!

Response K15-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K16 Blythe Peel

March 19, 2025

Comment K16-1
We moved here for the family friendly and safe environment. We came from San Bernardino County where there are cannabis farms galore, crime, and druggies. Don't go down this path.

Response K16-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K17 Courtney Kowalchuk

March 19, 2025

Comment K17-1
I am born and raised in California and am against this program in unincorporated communities. Thank you.

Response K17-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K18 Kimberly Dick

March 19, 2025

Comment K18-1
No way!!!! Do not put this in Bonsall, we will not let it happen.

Response K18-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Comment K18-2
Impacts air quality, no in Bonsall.

Response K18-2
Draft PEIR Section 2.4, "Air Quality," addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors."

Letter K19 Douglas Bryant

March 19, 2025

Comment K19-1
I am a home owner in Fallbrook and heavily oppose this program.

Response K19-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K20 Nancy Riddlebarger

March 19, 2025

Comment K20-1

To Jessican Norton and Whom It May Concern,

I am writing as a concerned resident of Bonsall and a dedicated member of San Diego County's unincorporated communities to express my strong opposition to the proposed San Diego County Socially Equitable Cannabis Program.

My husband and I moved to Bonsall nearly four years ago from Marina Del Rey seeking a peaceful, family-friendly environment to start our own family, surrounded by nature and open space. We are well educated, high earners who are joyous to improve the community we live in. The implementation of this program threatens to disrupt the very qualities that make our community a desirable place to live, work from home, and raise a family.

The proposed program, which includes large-scale cannabis cultivation sites with armed guards, dispensaries, 'open-use' lounges, and public consumption events, poses a serious risk to the health, safety, and property values of our community. Reports from affected communities indicate increased crime rates, nuisances associated with cannabis-related businesses, and ongoing legal disputes regarding environmental and community degradation.

Response K20-1

The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The commenter expresses concerns about potential crime-related impacts associated with cannabis. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," that address law enforcement, and Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," regarding County standards to protect the public who are not consuming cannabis products

Pursuant to Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment.

Comment K20-2

Specifically, I have the following concerns regarding the proposed program:
Public Safety – The establishment of cannabis dispensaries, open-use lounges, and large-scale cultivation operations with armed security increases security concerns in our community. Crime rates, including burglary and vandalism, have been shown to rise near cannabis-related businesses in other jurisdictions. Large-scale cannabis operations and dispensaries have been linked to increased crime, requiring heightened security measures such as armed guards. This raises concerns for local families and creates an unwelcoming atmosphere in our neighborhoods.

Response K20-2
This comment expresses concern regarding public safety associated with increased crime rates, burglary, and vandalism as a result of the rise of cannabis-related businesses. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime.”

Comment K20-3
Environmental Impact, Air Quality – The EIR acknowledges that the program will result in significant and unavoidable odor emissions that will affect nearby residents. This will diminish our ability to enjoy outdoor spaces, impact quality of life, and potentially lead to long-term public health issues. Additionally, the use of chemicals and high water consumption associated with cannabis production threatens our local ecosystem.

Response K20-3
Draft PEIR Section 2.4, “Air Quality,” addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.”

Pesticide application is addressed in Draft PEIR Section 2.10, “Hazards and Hazardous Materials,” under Issue 1. Pesticides used on commercial cannabis cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Impacts associated with decreased groundwater supplies or interference with groundwater recharge are discussed in Section 2.11, “Hydrology and Water Quality,” under “Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge.” As discussed there, impacts on groundwater supplies or recharge would be less than significant under Alternative 1 and significant and unavoidable under Alternatives 2, 3, 4, and 5.

Comment K20-4
Negative Effect on Property Values – Studies and anecdotal evidence from other communities have shown that proximity to cannabis businesses can reduce property values, making it harder for homeowners to maintain their investments and quality of life.

Incompatibility with Family-Oriented Communities – Bonsall and other unincorporated areas are known for their peaceful, rural character and family-friendly environment. The presence of cannabis lounges and public consumption events is in direct opposition to the culture and values that many residents moved here to embrace.

Lack of Community Benefit – The program’s structure includes licensing prioritization for individuals with prior drug convictions, which raises concerns about who will be operating

these businesses. Additionally, events and dispensary hours extending into the night (up to 10 PM) disrupt community peace.

Response K20-4
An evaluation of property values, family-oriented communities, and community benefits is not required by CEQA because property values do not have an impact on the natural or physical environment. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment.

Comment K20-5
Proximity to Schools and Residential Areas – The proposed 800-foot setback from roads is insufficient to protect schools, homes, and public spaces from the potential negative impacts of cannabis operations.

Response K20-5
As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is also referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Comment K20-6
Water Consumption and Environmental Degradation – The program will place a substantial burden on our water resources, particularly in already drought-prone regions. The EIR identifies significant and unavoidable impacts on groundwater supplies, which could compromise the sustainability of our agricultural lands and rural homes.

Response K20-6
Impacts associated with decreased groundwater supplies or interference with groundwater recharge are discussed in Section 2.11, "Hydrology and Water Quality," under "Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge." As discussed there, impacts on groundwater supplies or recharge would be less than significant under Alternative 1 and significant and unavoidable under Alternatives 2, 3, 4, and 5.

Comment K20-7
Traffic and Noise Pollution – The proposed cannabis operations will increase traffic congestion, noise pollution, and late-night activities, further disrupting the peace and safety of

residential neighborhoods. The report highlights significant and unavoidable transportation impacts, including increased vehicle miles traveled and potential road hazards.

Response K20-7
The comment provides general opinions related to traffic and noise pollution. Traffic and noise pollution are addressed in the Draft PEIR in Section 2.16, "Transportation," and Section 2.13, "Noise." As identified in Section 2.13, "Noise," Issue 2: Excessive Long-Term Stationary Noise Levels, potential significant noise impacts from the operation of distribution uses. Implementation of Mitigation Measure M-N.2-1: Implement Noise Reduction Measures to Reduce Operational Noise Impacts at Distribution Facilities would reduce this impact to less than significant. The reader is also referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis."

Comment K20-8
Fire Hazards in Wildland-Urban Interface Areas – Many unincorporated areas, including Bonsall, are already at high risk for wildfires. The introduction of cannabis operations, which require high energy consumption and could lead to electrical overloads, exacerbates this danger and puts residents at greater risk.

Response K20-8
The comment expresses concern regarding increased fire hazards as a result of the proposed project. The reader is referred to Section 2.19, "Wildfire," of the Draft PEIR. Draft PEIR Section 2.7, "Energy," addresses energy use and identifies no significant and unavoidable impacts from increased energy use. Mitigation Measure M-EN. 2-1 would require compliance with the San Diego County CAP that would prohibit the use of natural-gas-powered appliances through all-electric development or achieving Tier 2 status as set forth by the CALGreen Code Appendix A5 Nonresidential Voluntary Measures.

Comment K20-9
Harm to Property Values and Community Livability - Homeowners in areas affected by cannabis programs have experienced decreasing property values due to the presence of dispensaries and cultivation sites. Families and prospective homebuyers are less inclined to move into communities where cannabis businesses are prevalent, leading to long-term economic decline in residential areas. Bonsall and other unincorporated areas of San Diego County are known for their rural, equestrian, and family-oriented communities—values that are completely incompatible with the objectives of this program.

Given these concerns, I urge the County to prioritize the health, safety, and well-being of residents over commercial cannabis interests. The Draft EIR itself identifies multiple significant and unavoidable adverse effects of this program, making it clear that this initiative is not suitable for family-friendly communities like Bonsall as an unincorporated area of San Diego County.

I respectfully request that my concerns and opposition be included as part of the public record and that the County prioritize the well-being and wishes of its residents over commercial cannabis interests.

I urge you to reject or heavily restrict the implementation of this program in communities like mine that seek to maintain their peaceful, family-friendly character.

Thank you for your time and consideration.

Response K20-9
An evaluation of property values is not required by CEQA because property values do not have an impact on the natural or physical environment. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment.

Letter K21 Dana Bonwell

March 19, 2025

Comment K21-1
Bonsall is a small family town with no police that cannot sustain this type of program. Please don't bring this to our community.

Response K21-1
The comment expresses concerns about the lack of police from impacts associated with cannabis. The reader is referred to paragraph 3 on page 2.15-22 in Section 2.15, "Public Services," of the Draft PEIR, which states, the "proposed amendments to the County Regulatory Code contain requirements for a detailed security plan (Section 21.2510(a)(3)) and preparation of a Neighborhood Compatibility Plan (Section 21.210(a)(5)). Compliance with these requirements would ensure that on-site security measures are provided and site access is sufficient. Given these provisions, no substantial demands on local law enforcement would be expected such that construction of new facilities (e.g., sheriff stations) would be necessary from implementation of the Cannabis Program". The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

Letter K22 Kim

March 19, 2025

Comment K22-1
This would be a tragedy for our small community. Been unincorporated our resources are all ready stretched and on the verge of collapse. The fire danger alone would impose a huge risk to this operation. Our community lacks the resources to support. Our roads are unsafe and not patrolled. This would bring an element into our community we do not wish to support or host. We oppose this and this will bring danger to our community. Many residents are struggling with inadequate services and been in a high risk area many cannot even get insurance on their properties. Our air quality would be ruined and our serenity would deteriorate. There is not enough law enforcement to manage the huge uptick in crime. This area is struggling after the many wildfires and cannot afford the threat this would bring to our community. There are many other communities much better suited than can handle this mass influx of traffic and crime this will bring to our peaceful community. This is a retirement community in many aspects. Bonsall attracts people who seek a more peaceful lifestyle. This would also seriously jeopardize all the

horse farms and facilities in the area. We strongly oppose this future disaster and will not support any candidate that supports this agenda.

Response K22-1
The comment expresses concerns related to wildfires, safety, air quality, and traffic associated with the proposed program. The reader is referred to paragraph 9 on page 2.19-20 in Section 2.19, "Wildfire," of the Draft PEIR, which states: "Amendments to County Regulatory Code, including Section 21.2508(a) as part of proposed in the Cannabis Program, which requires commercial cannabis facilities to obtain all applicable zoning and land use entitlements, including approval from the local fire district. As required by the San Diego County Fire Protection District, building and grading plan forms including fire code plan check requirements would be necessary for all new buildings, as well as compliance with the 2023 Consolidated Fire Code for the fire protection districts in San Diego County." Compliance with these requirements would not increase the risk of wildfire.

The reader is referred to the response to Comment K21-1, regarding safety.

The reader is referred to Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis," regarding air quality and traffic.

Letter K23 Markus

March 20, 2025

Comment K23-1
The proposed cannabis program for Bonsall is completely unnecessary and unwanted by our community. No one here has been asking for this, and it does nothing to benefit our families, schools, or local businesses. Instead of forcing an industry on us that we don't need or want, our leaders should focus on initiatives that actually reflect the values and priorities of Bonsall residents. This is not the right fit for our community, and we strongly oppose it.

Response K23-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K24 Mandy Rodgers

March 21, 2025

Comment K24-1
As a homeowner in Bonsall, I oppose this project. It would bring our community down, we already do not have the infrastructure to combat what crime we do have here. This would destroy the community and ruin what Bonsall is for us residents here, especially knowing the profits do not benefit Bonsall directly and solely. Most resident here agree that this project is harmful and undesired.

Response K24-1
The commenter expresses concern associated with the lack of infrastructure to combat crime. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” and the response to Comment K21-1.

Letter K25 Terese Kristensen

March 22, 2025

Comment K25-1
Rainbow is a small rural community which is impacted by large developments of track housing to the north, south and west, and the Interstate 15. As a resident of Rainbow for 41 years, I’ve seen the beautiful, rural town of Rainbow encroached upon, but still remains a small rural town…I feel using Rainbow for pot farms and dispensaries is not a good option and will change our peaceful community.

Response K25-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. The reader is referred to Draft PEIR Section 2.2, “Aesthetics,” regarding visual character impacts of the proposed Cannabis Program.

Letter K26 Cynara Kidwell

March 23, 2025

Comment K26-1
Please note that the sensitive uses included here are very expansive, including all possible sensitive uses currently utilized in any jurisdiction in California. These sensitive uses would be equally applied both to all cannabis business types. This would mean that despite a manufacturing facility, distribution or testing facility not having public access, nor public signage, nor any other indicator of presence, they would have to conform to the same sensitive use restrictions as a storefront dispensary. This is not practical and serves no constructive purpose. Therefore if expanded sensitive uses are permitted, I recommend different uses for different cannabis business types. Such expansive sensitive uses would eliminate much of the available zoning, and leaving in doubt whether the 15 planned storefront dispensaries could find viable parcels that meet the zoning requirements, sensitive use distance requirements, and are commercially viable.

Response K26-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the

requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K26-2
Given that many of the parcels zoned for cannabis cultivation are not yet connected to the county's water, power or sewer grid, outdoor cultivation would be the only feasible business to pursue on these parcels. By eliminating outdoor cultivation, we are eliminating a business opportunity for our applicants. I suggest removing Alternative Four from consideration.

Response K26-2
The commenter’s preference for the elimination of Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition from consideration has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to response to Comment K26-1.

Comment K26-3
Outdoor cultivation is not commercially lucrative on a small scale. As of July 2024, outdoor cannabis wholesale price averaged $346 per pound, while indoor cannabis had an average wholesale price of $1,252 per pound in the United States, according to Cannabis Benchmark. Therefore, restricting outdoor cannabis to under one acre has the potential to make the enterprise not commercially viable. For this reason, I recommend rejecting Alternative 5.

Response K26-3
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. The reader is referred to response to Comment K26-1.

Comment K26-4
While there are odors associated with outdoor cannabis, the environmental impact can be mitigated by having greater sensitive use buffers associated with outdoor cultivation as compared to other uses. Much of the county land zoned for outdoor cultivation is not close to any residences nor commercial zones, and would not pose an issue in these areas.

Response K26-4
The comment provides an opinion regarding the merits or qualities of the proposed program. Draft PEIR Section 2.4, “Air Quality,” addresses impacts from odors and identifies significant and unavoidable odor impacts for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.”.

Comment K26-5
Cannabis dispensaries often increase the visual character of the surrounding areas due to the landscaping and visual enhancement to the premise necessary to administrative permit.

Response K26-5
The comment expresses concern related to the increase of visual character of the surrounding areas. The reader is referred to paragraph 2 on page 2.2-17 in Section 2.2, “Aesthetics,” in the

Draft PEIR, which states: “Generally, cannabis facilities would resemble existing uses in agricultural, commercial, and industrial zones. Cannabis cultivation and microbusiness uses are assumed to have similar characteristics as existing agricultural and rural uses that currently occur in the unincorporated area, except for enclosed fencing around outdoor cultivation areas. Indoor cultivation and noncultivation uses would likely locate into existing industrial and retail buildings in the unincorporated area; however, any new buildings that would be constructed under the Cannabis Program are assumed have similar massing, size, and use to existing commercial and industrial buildings.”

Comment K26-6
The potential impacts posed to plant and wildlife species are related to cultivation, and are equivalent to the impacts association with the cultivation of any plant. The mitigation measures suggested would also be comparable to the mitigation measures necessary for the cultivation of any plant.

Response K26-6
No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. The reader is referred to Section 2.5, “Biological Resources,” for discussion of potential plant, wildlife, and habitat impacts of the proposed Cannabis Program.

Comment K26-7
The noise impact of cannabis business construction would be equivalent to that of the construction of any business.

Response K26-7
No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Comment K26-8
The impact groundwater supply is relevant principally to cultivation and is equivalent to any cultivation of any plant material.

Response K26-8
The comment expresses concern related to groundwater supply. Impacts associated with decreased groundwater supplies or interference with groundwater recharge are discussed in Section 2.11, “Hydrology and Water Quality,” under “Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge.” As discussed there, impacts on groundwater supplies or recharge would be less than significant under Alternative 1 and significant and unavoidable under Alternatives 2, 3, 4, and 5. Draft PEIR Table 2.11.7 identifies water demands of cannabis cultivation and associated uses that differ from other agricultural activities.

Comment K26-9
The presence of cannabis businesses often enhance the aesthetics of the community, due to the landscaping and business improvements associated with these projects.

Response K26-9
The comment provides an opinion regarding the merits or qualities of the proposed program. The reader is referred to Draft PEIR Section 2.2, “Aesthetics,” regarding visual impacts of the proposed program, which identifies significant and unavoidable visual character impacts for Alternatives 2, 3, 4, and 5.

Letter K27 Brooke

March 23, 2025

Comment K27-1
We do NOT want ANY cannabis farms or facilities near our parks, schools, and the riverbed. Take it somewhere else!

Response K27-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter K28 Cynara Kidwell

March 23, 2025

Comment K28-1
There is no definition of religious assembly provided in this document, and the definition provided in County Code Section 1348 is overly broad and goes beyond religious gatherings to include any civic or fraternal gatherings (types of gatherings that could be facilitated by a cannabis lounge). The definition reads:

""The Civic, Fraternal or Religious Assembly use type refers to meetings and activities attended regularly by and conducted primarily for their members, by nonprofit organizations which are

tax-exempt pursuant to Section 501 (c) of the Internal Revenue Code and which may meet during or after regular business hours. Typical uses include meeting places for civic clubs, ethnic

associations, social clubs, scouting organizations (other than 1505, Participant Sports and Recreation), churches, mosques, synagogues, temples, or fraternal or veterans organizations.

Excluded from this use type are uses classified as Group Residential, Group Care, or Transient Habitation (all types).""

Per this expansive definition ANY civic hall, business or private gathering that holds any sort of event organized by a religious group (charity fundraiser, party, gathering) is a sensitive use. This is absurdly broad and would allow any opponent of a cannabis dispensary to quickly organize an ""event"" to defeat it.

I recommend against including of religious establishments as a sensitive use criteria. Firstly, there is no consensus regarding the approval or disapproval of cannabis by religious groups. To Rastafari, it is a sacred plant, for other churches it is considered an acceptable form of medicine, and some denominations are opposed to its use. Secondly, there is a very low barrier to entry to establish a religious center (even one that is more precisely defined than the current county code). Jehovah's Witnesses commonly meet in homes, many civic halls/womans' centers/rec centers rent out their facilities for various uses throughout the week, including religious meetings, and any private place of business can choose to hold a worship service. Religious centers are an easy function to establish making it a difficult criteria for proposed cannabis business to avoid. Moreover, many cannabis businesses types (manufacturing, delivery, distribution and testing) are not public facing - they display no signage and have no public entry. A religious center patrons would not be aware, nor therefore ability to be impacted, by their presence.

Response K28-1
The comment expresses concern about the inclusion of “religious assembly” as a sensitive use in cannabis zoning regulations. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is also referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” which addresses how sensitive uses are defined and applied under the program. The comment will be considered by the Board during future decision-making activities.

Letter K29 Casey

March 24, 2025

Comment K29-1
Finally the county is expanding the cannabis program! The majority of San Diego voters voted for legalization, it's about time they made it accessible throughout our county. I take cannabis

for medical reasons, as an alternative to anxiety medication. It's not always convenient for me to have to drive into another town to make my purchase. Delivery is available but it adds additional costs and when you're already trying to make ends meet it's not always feasible. I think alternative 4 is a decent compromise. Keeping the grows indoors will minimize odors for those who oppose cannabis in there areas and bring much needed storefronts for easier access for the people who need it. I am glad the county is finally putting our votes into action.

Response K29-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K30 Ruth

March 24, 2025

Comment K30-1
Allowing this in the unincorporated areas is a great threat to our environment, our children and anyone that is in the area. I do NOT want this in my area/next door/within miles of our kids.

Response K30-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K31 Paul the Bold

March 24, 2025

Comment K31-1
"The Social 'Equity' Cannabis Program is what a number of us warned the Board about when it first came up: you got a bunch of people who are known offenders getting priority for pot licenses.

But the most interesting part is how they can take $280 thou of what is ultimately our tax dollars and raffle it off, not caring, apparently, about just how bad the background crime was.

I researched the Cannabis Ordinance at the Board of Supervisors: From the Agenda (#31 on 4/30/2025) ""To be eligible, an equity applicant must be at least 21 years of age at the time of application and meet criteria for Tier A OR criteria for Tier B.

Tier A: Incarcerated for San Diego County arrest or conviction for any crime under the laws of the State of California or United States related to the sale, possession, use, manufacture, or cultivation of Cannabis that occurred prior to November 8, 2016.

Tier B: Deported, Arrested, or Convicted: In San Diego County for any crime under the laws of the State of California or United States related to the sale, possession, use, manufacture, or cultivation of cannabis that occurred prior to November 8, 2016, AND

Low Income– 80% or below of the Area Median Income (San Diego County) determined by US Department of Housing and Urban Development (HUD).""

Aside from the crime stuff (remember SF & Oakland?,) The Cannabis Social Equity Grant Drawing was completed on September 18th. [10] Grant recipients will each receive $28,000. The grant funding comes from the Governor's Office of Business and Economic Development's Cannabis Equity Grants Program for Local Jurisdictions.

The grantees BTW get their last names hidden so we can't see for ourselves how bad their offenses were. And you don't need someone in an 'altered' state playing with fire in a high fire zone (or driving to bring the number of car crashes back up after the Community Plan supposedly reduces it.

I examined the County report on 4/30. When the report says “End cannabis criminalization and open opportunity for directly impacted by expanding expungement efforts, investing in diversion and restorative justice and non-carceral regulation enforcement. ,” I am reminded of San Francisco or Oakland’s struggles with crime. Please do not let it happen here.

With a depleted police force and an invasion [at that time] of immigrants, we can ill afford to decriminalize activities we know are harmful to society at large.

Moreover, the research seems to be based on somewhat limited data.

I object to your setting up tiers and then saying “may receive additional benefits that may be determined at a later time” before you even set up the tiers. And it seems that you are pitting people against each other based on when they were arrested or convicted. And I don’t know how someone could be “Deported or convicted for arrest in San Diego County crime.”

The Matrix: You want to Impose a license ceiling for cannabis storefront retailers only, do not impose a license ceiling for all other cannabis business types (manufacturing, distribution, delivery, cultivation, testing.) This will result in a bottleneck, a glut of services and supplies with nowhere to go – bad for business.

You want to reserve Minimum 50% of storefront retail licenses for social equity applicants - Process to award licenses will be determined at a later date -Storefront license cannot be sold or transferred for social equity for a three-year timeframe. Sounds like you are restricting the availability of licenses. Suppose you can’t get 50%?

And then the matrix says the Board has discretion to change all these things, so to me, it’s pretty meaningless.

Finally, the resolution: Section 1 says “Members 1-5 shall be nominated by a Board of Supervisor” Do you mean “one of the Supervisors” or “the Board as a whole”? Later on, it says “Vacancies shall be filled by the applicable nominating or appointing authority specified in Section 2.” There is no Section 2. This is the second time in a few months I have noticed grammatical errors in County legal documents which leave them open to interpretation. Please correct and proofread more carefully.

This whole thing seems to have been cobbled together at the last minute. I urge you to reject and redo this resolution.

But since the Board in its wisdumb approved this thing, I hope you will take these remarks as suggestions in improving it, especially

about the potential lack of ability for police enforcement.

Response K31-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

Letter K32 Taro Murano

March 28, 2025

Comment K32-1
cannabis cultivators are required to comply with Term 69, which says: Cannabis cultivators shall not divert surface water unless it is diverted in accordance with an existing water right that specifies, as appropriate, the source, location of the point of diversion, purpose of use, place of use, and quantity and season of diversion. Cannabis cultivators shall maintain documentation of the water right at the cannabis cultivation site. Documentation of the water shall be available for review and inspection by the Water Boards, CDFW, and any other authorized representatives of the Water Boards or CDFW.

Response K32-1
The comment states the provisions of Term 69 in Attachment A of SWRCB Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. This term would apply to cannabis cultivation uses under the program that propose to divert surface water. The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," pages 2.11-24 through 2.11-27 provides an overview of water diversion requirements under SWRCB Order WQ 2023-0102-DWQ.

Comment K32-2
B/c compliance with the Numeric and Narrative Instream Flow Requirements detail a forbearance period, those who divert water for cannabis are required by law to obtain an appropriative water right, like a cannabis small irrigation registration.

Response K32-2
The comment refers to surface water flow requirements for diversions under SWRCB Order WQ 2023-0102-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. This information is provided in Draft EIR Section 2.11, "Hydrology and Water Quality."

Comment K32-3
Term 69 - requires an existing water right and riparian and/or pre-1914 diverters that divert water in compliance with the forbearance period are required to obtain an appropriative water right and an existing appropriative water right with irrigation as a beneficial use, are still required to comply with the forbearance period.

Response K32-3
The reader is referred to response to Comment K32-2.

Comment K32-4
onstream reservoir storage is allowed so long as construction of the reservoir was prior to Oct. 1, 2016, pursuant to Term 79.

Response K32-4
The effective date under Term 79 in Attachment A of SWRCB Order WQ 2023-0102-DWQ is October 1, 2017.

Letter K33 Cynara Kidwell

March 29, 2025

Comment K33-1
Deferring to state regulations for buffer standards is recommended, since this will ensure that local regulations will never be in conflict with state regulations. This will allow the County regulations to stand, without revision, for a longer period of time.

Response K33-1
The comment expressed concerns related to state and local regulations conflicting but does not provide specific examples. No specific issues pertaining to the contents of the Draft PEIR are presented in this comment; thus, no further response is provided.

Comment K33-2
If local parks are added as a buffer criteria to the ordinance, we highly recommend that the definition of local parks include "with playground equipment". This is because there are non-traditional "parks" that fall under the definition of "parks" in different local zoning ordinances. Specifically, in San Diego City, any parcel zoned as "Open Space" is managed by the parks department, and therefore included in the definition of park. This became problematic in the implementation of the original language of the San Diego City Cannabis zoning ordinance, because, the City had included Parks as a sensitive use, and unintentionally, this led to any open space designated parcel (steep hills, flood planes, and other parcels that could not be developed due to geographic characteristics), being considered a a sensitive use for cannabis businesses. The City of San Diego later clarified that for the purposes of their cannabis ordinance, open spaces were not considered parks, but to avoid this interpretation, as well as to avoid similar issues in other jurisdictions, a park should be narrowly defined to include parks for public use, specifically those for youth use - i.e. with playground equipment.

Response K33-2
The commenter asks for the definition of “parks,” as included in sensitive uses, to be clarified. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is also referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment K33-3
There are many public trails in and around San Diego County today that are adjacent to industrial areas with many industrial uses. Given that cannabis businesses, besides outdoor/greenhouse cultivation, are only permitted in enclosed structures, what effect does the presence of a cannabis business have on a trail? The only possible cannabis business type that could affect a hiker on a trail would be outdoor/greenhouse cultivation. Therefore, this sensitive use, if included, should only be applicable to outdoor/greenhouse cultivation.

Response K33-3
The commenter expresses concerns about the inclusion of public trails as a sensitive use. The reader is referred to response to Comment K33-2.

Comment K33-4
If the sensitive use of ""Preserves with visitor-serving amenities"" is included, I highly suggest that the sensitive use is limited to the ""visitor serving amnesties"" of a preserve. Open space preserves are very large.

San Elijo Lagoon Ecological Reserve is 979 acres. While it contains a visitors center midway along its northern border, there is no justification to consider the eastern edge of the lagoon, where there are no trails, and no public access, to be a sensitive use to a cannabis dispensary. Please limit the sensitive use to the visitor serving amnesties.

Response K33-4
The comment requests that "preserves with visitor-serving amenities," which are listed as a sensitive use under project Alternatives 3, 4, and 5, be revised to only include sections of the preserve that contain these "visitor-serving amenities." This input from the commenter is noted and will be considered by staff, Planning Commission, and the Board of Supervisors in their deliberations regarding the final Zoning Ordinance.

The reader is also referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment K33-5
Day cares are already included in the state sensitive buffers. Including "Child care centers" is duplicative and confusing and could lead to conflicts with state law, due to dissimilar definitions. This could also lead to the inclusion of in-home daycares, which are very difficult to identify and track. Please reference the state definition of "Day care centers" to avoid confusion and provide clarity to applicants.

Response K33-5
The reader is referred to response to Comment K33-2.

Comment K33-6
"Residential Care Facility" as defined in Cal. Code Regs. 22, § 58032 means "means a facility licensed as a Residential Care Facility for the Elderly or a residential care facility as defined in the California Health and Safety Code". This includes dementia care facilities and hospice facilities. Elderly individuals with dementia and hospice commonly use cannabis products to stimulate appetites, calm nerves, and manage pain. In 2021, Gov. Gavin Newsom signed SB 311: Compassionate Access to Medical Cannabis Act (or Ryan’s Law). This law specifies that health care facilities allow a terminally ill patient's use of medicinal cannabis within the health care facility. It was proposed by California State Senator Ben Hueso, of San Diego. Therefore, given the utility of cannabis medicine in the care of adult residential facilities, why limit the proximity of cannabis businesses to these facilities? Please remove this sensitive use.

Response K33-6
The comment expresses concerns about the inclusion of residential care facilities as sensitive uses. The reader is referred to response to Comment K33-2.

Comment K33-7
Cannabis cultivation is an agricultural use. By allowing this valuable cash crop on agricultural land, it will add value to our agricultural lands, and support their preservation.

Response K33-7
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Comment K33-8
By requiring building and landscaping upgrades for building housing cannabis businesses, cannabis businesses will have a positive effect on the aesthetic character of aging buildings. This has already been shown to be the effect of the introduction of cannabis businesses to previously blighted buildings and neighborhoods in La Mesa, Imperial Beach, Chula Vista and San Diego City.

Response K33-8
The comment states that cannabis business will have a positive effect on aesthetics. The reader is referred to Draft PEIR Section 2.2, “Aesthetics,” regarding visual impacts of the

proposed program, which identifies significant and unavoidable visual character impacts for Alternatives 2, 3, 4, and 5.

Comment K33-9
By not including Village Plans, you eliminate the vast majority of viable commercial zoning for dispensaries in Fallbrook (if the additional sensitive uses are adopted).

By not including county commercial land use of type C36/C37, the majority of additional fallbrook business Zones that are not part of the fallbrook village plan are also eliminated.

By not including Specific Plan Areas, you eliminate all viable commercial zoning for cannabis dispensaries in:

Otay

Much of the county commercial land use is of type C36 which is not included in as a permissible zone. This greatly limits the accessibility of commercial zoning in Valley Center, Hidden Meadows, Sweetwater/Bonita

By not including county commercial land use of type C36 as well as the specific plan areas for Valle del Oro, the vast majority of commercial zoning in Rancho San Diego is excluded from the ordinance.

To allow for inclusion of the above communities for cannabis businesses, please expand the zoning categories for Retail Storefront to include C36, C37 as well as specific plan areas.

Response K33-9
This comment states that cannabis facilities should be allowed within zones identified as C36 and C37 in the Zoning Ordinance. It should be noted that the Draft Zoning Ordinance does allow for cannabis retail storefront, retail non-storefront, and microbusiness facilities in the C36 and C37 zones.

This comment also objects to the exclusion of Village Plans and Specific Plan Areas from the Draft Zoning Ordinance. The Board of Supervisors' direction on January 27, 2021 (Minute Order No. 4) directed the development of the Zoning Ordinance. The Board directed the allowed zoning for cannabis facilities which included industrial, commercial, and agricultural zones. The Board did not direct the permitting of cannabis facilities in Village zones or Specific Plan zoning. This input from the commenter is acknowledged and will be considered by the Planning Commission, and the Board of Supervisors in their deliberations regarding the final Zoning Ordinance.

The reader is also referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment K33-10
Correction to my comment, zone C36 and C37 are included for retail storefront. I continue to recommend the specific plan areas and village plan areas outlined above.

Response K33-10
The reader is referred to response to Comment K33-9.

Comment K33-11
While a straight line, “as the crow flies”, measurement without regard for intervening structures, is necessary for the 600-foot sensitive use barriers required by state law, if the county were to adopt a 1,000 foot sensitive use radius from additional sensitive uses, we would recommend that significant natural or man-made barriers that would prevent physical and visual access be considered. For example, originally in the San Diego City ordinance, no such considerations were made. For this reason, applicants in the industrial Midway district were disallowed, because on the other side of a four-lane Freeway was a Mission Bay Park, despite there being no access of visual of the park from the otherside of the Freeway. Later the City revised its ordinance to include the below language. I recomment that such language also be written into the county ordinance, if you wish to include buffers of greater than 600 feet and/or additional sensitive use buffers:

San Diego Municipal Code Section 113.0225.c:

""When measuring distance for separation requirements for cannabis outlets or cannabis production facilities, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access."

Response K33-11
This comment recommends that the County consider barriers that prevent physical or visual access to cannabis facilities if they implement expanded sensitive use buffers. The commenter provides an example from the City of San Diego. This input from the commenter is acknowledged and will be considered by the Planning Commission, and the Board of Supervisors in their deliberations regarding the final Zoning Ordinance.

The reader is also referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Letter K34 Terrie Best

March 30, 2025

Comment K34-1
I feel alternative 1, which takes no action to improve safe access to medical cannabis is untenable. The county should regulate the illicit market that is already thriving in its borders. From a revenue and public safety perspective regulations are required.

Response K34-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Comment K34-2
I feel this is the alternative that best fits San Diego County's needs. I noticed over the months and years of listening in on and contributing to the public info-gathering the county did on this issue that using state regulations with no added restrictions to land use was preferred. Which is probably why alternative 2 is on option here. The county staff listened to the stakeholders and public.

Response K34-2
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K34-3
Alternatives 3-5 are overly restrictive and will not address public safety. Adding more land use restrictions that what the state allows causes de facto bans and that provides space for the illicit market to thrive and remain unsafe and untaxed.

Response K34-3
The comment provides an opinion regarding the merits or qualities of the proposed program. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter K35 Kathleen Lippitt

March 30, 2025

Comment K35-1

Marijuana cultivation, especially in riparian habitats (areas near rivers, streams, and wetlands), can cause several environmental harms, particularly when it involves greenhouses and manufacturing operations. Some key concerns include:

1. Water Diversion & Depletion

- Cannabis plants require large amounts of water, especially during peak growing seasons.
- Illegal or unregulated water diversions can reduce streamflow, affecting aquatic life and riparian vegetation.
- Lower water levels can lead to higher water temperatures, harming fish like steelhead trout and salmon, which depend on cool water.

Response K35-1

Impacts associated with surface water diversion are discussed in Draft PEIR Section 2.4, "Biological Resources," and 2.11, "Hydrology and Water Quality." As identified in these sections of the Draft PEIR, surface water flow requirements for diversions under SWRCB Order WQ 2023-0102-DWQ were developed to protect fish spawning, migration, and rearing for endangered anadromous salmonids, as well as flows needed to maintain natural flow variability in each watershed. The diversion requirements would ensure that the individual and cumulative effects of water diversions and discharges associated with commercial cannabis cultivation do not affect instream flows necessary for fish spawning, migration, and rearing for endangered anadromous salmonids, as well as flows needed to maintain natural flow variability.

Comment K35-2

2. Pesticide & Fertilizer Runoff

- Cultivation often involves the use of pesticides, herbicides, and fertilizers that can run off into nearby streams.
- Nutrients like nitrogen and phosphorus can cause algal blooms, reducing oxygen levels and harming aquatic species.
- Toxic chemicals from unregulated operations can poison fish, amphibians, and insects.

Response K35-2

The reader is referred to Draft PEIR Section 2.11, "Hydrology and Water Quality," for the evaluation of water quality impacts from cannabis runoff. As described in Draft PEIR Section 2.11, a nitrogen management plan is required for commercial cannabis cultivation sites SWRCB Order WQ 2023-0102-DWQ. Pesticide application is addressed in Section 2.10, "Hazards and Hazardous Materials," under Issue 1. Pesticides used on commercial cannabis

cultivation sites are restricted to those with active ingredients that are exempt from residue tolerance requirements and are either exempt from registration requirements or registered for a use that is broad enough to include use on commercial cannabis cultivation sites. Some of these pesticides are bacterial-based insect pathogens (e.g., *Bacillus thuringiensis*) or biofungicides (e.g., *Bacillus subtilis*, *Gliocladium virens*). Active ingredients exempt from registration requirements are mostly food-grade essential oils, such as peppermint oil and rosemary oil. The use of restricted pesticides on commercial cannabis cultivation is prohibited.

Comment K35-3
3. Habitat Destruction

- Clearing land for cannabis cultivation, especially in riparian zones, can lead to soil erosion and loss of vegetation.
- The removal of trees and plants can destabilize stream banks, increasing sedimentation in waterways.
- Increased sediment loads can smother fish eggs and aquatic invertebrates, disrupting ecosystems.

Response K35-3
As described in the Draft PEIR biological resources analysis, regional habitat linkages and corridors have been identified in the MSCP, and according to the BMO, development projects must generally avoid corridors and linkages within the MSCP to the maximum extent practicable. In addition, the reader is referred to Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis.”

Comment K35-4
4. Greenhouse Impacts

- Greenhouses require artificial lighting, which can disrupt nocturnal wildlife and alter natural light cycles.
- They also generate heat and humidity, potentially affecting local microclimates.
- Many greenhouses use plastic sheeting, which can degrade and contribute to plastic pollution in nearby waterways.

Response K35-4
The potential effects on nighttime lighting are addressed in Issue 3: Adversely Affect Views due to New Light and Glare in Section 2.2, “Aesthetics,” in the Draft PEIR. As noted in the second bullet point on page 2.2-31, “Section 6995(g)(2)(iv): Lighting is prohibited in an agricultural shade structure or agricultural crop structure, as defined by Sec 91.1.105.2.a.18 of the County Building Code.” In addition, the reader is referred to Section 9.1.1.6, “Master Response: Consideration of Environmental Impacts of Cannabis.”

Comment K35-5
5. Manufacturing Waste & Pollution

- Cannabis processing facilities (for oils, edibles, concentrates) can generate hazardous waste, including solvents like butane, ethanol, and CO2.
- Improper disposal of these chemicals can contaminate soil and water, affecting both wildlife and human water supplies.
- Wastewater from cannabis extraction can contain heavy metals, pesticides, and organic waste, further polluting riparian ecosystems.

Response K35-5
With regard to the discussion of hazardous waste, the reader is referred to Section 2.10, "Hazards and Hazardous Materials," of the Draft PEIR for a discussion related to the potential for impacts related to hazards and hazardous materials to occur as a result of the program. Term 27 of Attachment A of State Water Resources Control Board (SWRCB) Order WQ 2023-0102-DWQ prohibits discharge cannabis wastewater into septic systems and leach fields.

Comment K35-6
6. Increased Human Activity & Infrastructure

- Roads, power lines, and infrastructure built to support cultivation can fragment wildlife corridors.
- Increased human activity can lead to poaching, illegal dumping, and disturbance of sensitive species.
- Noise pollution from generators, fans, and machinery can impact bird species and other wildlife.

These are concerns based on the impacts of marijuana operations in other communities/counties in California.

- According to NBC News 2022, 70-80% of MJ sold in state-LEGAL dispensaries in Calif was produced and grown ILLEGALLY (SOURCE: https://learnaboutsam.org/wp-content/uploads/2023/04/2023-Report.pdf)
- 0.49% of California's state budget is comprised of MJ taxes
- Outdoor MJ grow sites consume an estimated 29.4 Million gallons of water per yr in Calif. (Greta Wengart, Integral Ecology Research Center Ca.
- Indoor MJ grows emit as much C02 as 3.3 MILLION CARS (Larkin & Sweeney, 2022)
- MJ PRODUCTION IS NEARLY 4X MORE ENERGY INTENSIVE THAN COAL OR OIL (MILLS, 2012)

- Cartel presence in California has only expanded since legalization. In California, authorities suspect—based on phone records and wire transfer activity, as well as figurines commonly associated with cartels, such as those depicting Jesus Malverde—that illegal marijuana activity is tied to the Sinaloa and La Familia Michoacana cartels (Magdaleno, 2018).

- A study of 57 concentrates legally sold for dabbing in California found that almost 72% of the samples contained residual solvents, including isopentane, butane, and propane. One third of those samples also contained pesticide residues (Haggerty, 2020).

- Environmental Impacts Pg 43

The two county supervisors that advocated for this program are gone and the now board majority supervisors who are continuing to push for this program do not live in the unincorporated communities and those they represent are in urban communities. The over 500,000 unincorporated residents had their voices silenced when they were not given the option of voting as to whether they wanted this program or not. The County's Social Equity plan is racist on its face and will have a disparate impact on them, which is a violation of their 14th Amendment.

Response K35-6
The reader is referred to Section 9.1.1.7, “Master Response: Consideration of Environmental Impacts of Cannabis.” The comment’s statements regarding the proposed equity program are noted.

Comment K35-7
California’s voters legalized pot in 2016, they voted for an initiative that specifically called on the state to regulate pesticides in cannabis products.

A SFGATE investigation has found numerous problems plaguing the state’s pesticide rules, including labs falsifying safety tests and stores selling pot contaminated with banned chemicals. Meanwhile, the state’s own pot regulator, the Department of Cannabis Control (DCC), has admitted it is currently unable to test for pesticide contamination in some pot products. And due to a lack of transparency at the agency, consumers might never know they’re consuming pesticides or other contaminants.

Response K35-7
The reader is referred to Section 9.1.1.9, “Master Response: Cannabis Product Safety and Testing.”

Comment K35-8
The two county supervisors that advocated for this program are gone and the now board majority supervisors who are continuing to push for this program do not live in the unincorporated communities and those they represent are in urban communities. The over 500,000 unincorporated residents had their voices silenced when they were not given the option of voting as to whether they wanted this program or not. The County's Social Equity plan is racist on its face and will have a disparate impact on them, which is a violation of their 14th Amendment.

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When the DCC suspects a product is contaminated, it sends secret product "embargoes" to pot companies, leaving the public in the dark — even when stores violate embargoes by selling the potentially dangerous products. Last year, SFGATE learned about one of these secret warnings and told the public about the three embargoed products. The DCC finally warned the public about one of the products two months later, when the producer issued a voluntary recall; the agency has yet to publicly address safety issues about the other two products.

Nicole Elliott, the director of California's Department of Cannabis Control, declined months of interview requests for this investigation, and the agency has refused to answer the majority of SFGATE's questions, citing "ongoing investigations," or to make any agency experts available for an interview.

California's pot regulations are not a total failure; studies have shown that pot purchased at legal stores is less likely to be contaminated than illicit cannabis. However, Josh Swider, the CEO of Infinite Chemical Analysis Labs, a cannabis testing lab in San Diego, said the DCC's lack of enforcement has allowed contaminated pot to leak onto the shelves of legal stores across the state.

"It's a broken system. You can't say it's not," Swider said.

County enforcement is reactive. Code enforcement officers are not suitable to visit marijuana grows, legal of otherwise. The public is intimidated by those with industry interests and should not be used to be de facto inspectors responsible for reporting unlawful or problematic grows. Oregon's cannabis retail environment was correlated with adolescent cannabis use and beliefs in 2017, including specifically use of manufactured cannabis products that are becoming common in a legal cannabis market. Younger student cannabis use was most often linked to cannabis advertising exposure, while older student cannabis use was more common among students who attended high schools within 1 mile from a cannabis retailer.

- H.S. Kim et al.

Colorado cannabis legalization and its effect on emergency care

Ann. Emerg. Med.

(2016)

- M.J. Paschall et al.

Recreational marijuana availability in Oregon and use among adolescents

Am. J. Prev. Med.

(2020)

- I.C. Rhew et al.

Associations of cannabis retail outlet availability and neighborhood disadvantage with cannabis use and related risk factors among young adults in Washington State

Drug Alcohol Depend.

(2022)

Response K35-8
The comment expresses concern regarding cannabis product safety, public health, and crime. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," in regard to community safety caused by the proposed program, Section 9.1.1.7, "Master Response: Public Health Effects of Cannabis Use," and Section 9.1.1.9, "Master Response: Cannabis Product Safety and Testing," regarding state quality controls and testing.

Letter K36 Ennis Pipe

March 31, 2025

Comment K36-1
I am writing to voice my opposition to the Socially Equitable Cannabis Program for a number of reasons. They are:

Impact on the quality of life of Bonsall and Fallbrook due to the environmental issues, safety of our neighborhoods, and our day-in, day-out quality of life. There was an investigation conducted by SFGate, released in February 2024, that disclosed "that banned pesticides keep showing up in California's legal pot." This is occurring because of lack of specifically required oversight by the state. There is a lack of transparency and resources to oversee a critical, and key, component of the legalization program. These grow farms pollute the air, pollute the water, and the smell. Wineries in our area will be forced out of business because their grapes will be tainted (go ask Napa how the 2020 vintage went with the fires -grapes were left to rot on the ground due to smoke taint.)

Response K36-1
The comment expresses concern about environmental impacts, odors, potential hazards, and code enforcement related to cannabis. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," for a discussion related to the potential for odors, and Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis," for a discussion related to pollution and environmental impacts. The comment states that cannabis odors could have negative effects on other crops. This is often referred to as "taint," where the

smell or taste of one agricultural product affects the smell or taste of another agricultural product. The County is not aware of evidence of this occurring; nevertheless, this concern is acknowledged for the record.

With regard to the discussion of hazardous waste, the reader is referred to Section 2.10, "Hazards and Hazardous Materials," for a discussion related to the potential for impacts related to hazards and hazardous materials to occur as a result of the project, and Section 9.1.1.9, "Master Response: Cannabis Product Safety and Testing," regarding state quality controls and testing. The comment also expresses concerns about code enforcement–related impacts associated with cannabis. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

Comment K36-2
On March 28th, it's been announced that a California cannabis company with 16 dispensaries, a 100,000 square foot 'cultivation campus', and $100m in revenue is entering into voluntary receivership. A 100,000 square foot campus…I'll say it again, a 100,000 square foot campus. These aren't little mom and pop businesses. The are corporate entities who, if Santa Barbara County is anything to go by, do not care one iota about local communities and their quality of life and they have zero interest nor financial ability to clean up the environment.

Specifically, as it relates to the Bonsall community, there is a near complete lack of law enforcement resources for our community. Supervisor Desmond and the Sheriff's Department have acknowledged that resources aren't available yet we are encouraging the growth and use of cannabis near or in our local community and forcing our community to deal with consequences.

Response K36-2
The commenter expresses concern about the scale of a potential commercial cannabis operations and a lack of law enforcement resources to respond to cannabis-related impacts. The proposed Cannabis Program does not include the entitlement of any specific cannabis application. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime," for a further discussion regarding law enforcement and crime.

Comment K36-3
I personally litter-pick along two roads in our community for 3 hours per week. The amount of discarded beer cans, spirits bottles, discarded drug paraphernalia, and empty Amazon packaging (from packages being stolen of porches) that I am cleaning up by the side of the road is alarming. And somehow, this problem continues to be ignored due to lack of resources. Our Cal-West development has had trucks, electric bikes, and other thefts with little support. I'll also add that I personally have returned used needles to the Sheriff department that I've picked up off sidewalks near my home -and I live across from an elementary school. Yet, there is still no ability to monitor, directly address, or solve these issues due to lack of law enforcement or political will and yet, somehow, someone thinks it's a good idea to open up unincorporated areas to grow farms and dispensaries? Selfish? Self-centered?

I could go on but it is clear and obvious from a number of perspectives that this makes absolutely zero sense to allow this industry to establish themselves in our communities.

Ennis Pipe
March 31, 2025

Response K36-3
The commenter expresses concern about issues relating to law enforcement and public safety in their community. The reader is referred to Section 9.1.1.4, “Master Response: Code Enforcement and Crime,” in regard to concerns related to enforcement, illegal activity, and community safety.

Letter K37 Armand

March 31, 2025

Comment K37-1
The inclusion of “religious assembly” as a sensitive use in cannabis zoning regulations presents a number of practical, legal, and policy-related concerns that must be carefully considered before implementation. As currently defined in County Code Section 1348, the term is overly broad and ambiguous, making it problematic for land use planning and a potential barrier to fair and consistent cannabis permitting.

The definition reads:

"The Civic, Fraternal or Religious Assembly use type refers to meetings and activities attended regularly by and conducted primarily for their members, by nonprofit organizations which are tax-exempt pursuant to Section 501(c) of the Internal Revenue Code and which may meet during or after regular business hours. Typical uses include meeting places for civic clubs, ethnic associations, social clubs, scouting organizations, churches, mosques, synagogues, temples, or fraternal or veterans organizations."

This expansive definition essentially allows any civic hall, event space, private business, or home that hosts a religious or civic gathering—even temporarily—to qualify as a “sensitive use.” By this logic, a community center that rents out a space once a week to a prayer group, or a veterans hall that hosts a church-sponsored fundraiser, would be treated the same as a full-time house of worship under the zoning code. This is not only overly inclusive, but opens the door to arbitrary and even bad-faith use of zoning to obstruct cannabis businesses.

In practical terms, such a broad definition makes it far too easy for opponents of a proposed dispensary to establish a last-minute religious or civic “event” in close proximity in order to derail a project. This creates an unpredictable, inconsistent, and potentially exploitable process, placing undue risk and burden on legal cannabis operators—particularly equity applicants and small business owners with limited resources to navigate prolonged zoning battles.

Additionally, the justification for including religious assemblies as a sensitive use is not grounded in objective evidence of public harm. There is no universal religious stance on cannabis. To the Rastafari faith, cannabis is sacred. For many other religious groups, its medicinal use is seen as legitimate and acceptable. And while some denominations oppose it,

this variance in belief underscores that religious views on cannabis are subjective, diverse, and not an appropriate standard for public land use regulation.

It must also be acknowledged that there is a very low barrier to entry to establishing a religious meeting space. Many religious assemblies are held in homes, rented rooms in civic halls, women's centers, or recreational spaces. Private businesses can even host worship services. This makes religious assembly an overly fluid and difficult-to-map use type, rendering it an unreliable or impractical zoning buffer.

Moreover, the inclusion of religious assemblies as a sensitive use does not align with the nature of many cannabis business types. Manufacturing facilities, delivery hubs, distribution centers, and testing laboratories are not public-facing operations. They do not have signage, they do not engage with walk-in customers, and their presence is often unnoticeable to the surrounding community. The idea that a nearby religious center—or its patrons—would be negatively impacted by a non-public-facing cannabis operation is unsupported by logic or data.

For these reasons, I strongly recommend that religious assembly not be included as a sensitive use criterion in cannabis zoning regulations. If it is included, it must at minimum be narrowly and clearly defined, with firm criteria regarding frequency, permanence, and primary use of the site. Otherwise, the result will be an unworkable and unfair regulatory framework that disproportionately harms responsible cannabis businesses and invites obstruction through vague or manipulable land use classifications.

San Diego County has the opportunity to create a thoughtful, balanced, and equitable cannabis program. That effort must be grounded in clearly defined terms, practical regulations, and policies that protect both community integrity and the rights of legal business operators. The current definition of religious assembly, as written, undermines that goal and should not be adopted in this form.

Response K37-1

The comment expresses concern about the inclusion of “religious assembly” as a sensitive use in cannabis zoning regulations. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is also referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” which addresses how sensitive uses are defined and applied under the program. The comment will be considered by the Board during future decision-making activities.

Comment K37-2
While it is understood that a straight-line, “as-the-crow-flies” measurement is required under California state law to establish the 600-foot buffer between cannabis businesses and certain sensitive uses, we urge the County of San Diego to take a more nuanced and practical approach when considering any additional local buffer requirements—particularly those extending to 1,000 feet or more and applying to a broader range of sensitive uses.

The rigid application of straight-line measurements, without regard for intervening natural or constructed barriers, can lead to results that are both unreasonable and counterproductive. A policy that fails to account for physical and visual separation can unjustly disqualify otherwise ideal and compliant parcels, particularly in industrial or commercially zoned districts where cannabis businesses are most appropriate.

A clear example of this issue can be seen in the City of San Diego’s initial implementation of its cannabis ordinance. In the Midway industrial district, numerous applicants were denied due to proximity—by straight-line measurement—to Mission Bay Park, which was located on the opposite side of a wide, four-lane freeway. Despite the complete lack of visual or pedestrian access, these parcels were disqualified under the original ordinance. This rigid application of the rule resulted in the unnecessary loss of viable business locations and ultimately undermined the intent of thoughtful cannabis regulation.

Recognizing this flaw, the City of San Diego later revised its ordinance to include more practical and contextual language that takes barriers into account. We recommend that the County adopt a similar standard by incorporating language modeled after San Diego Municipal Code Section 113.0225(c), which states:

"When measuring distance for separation requirements for cannabis outlets or cannabis production facilities, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access."

Including such language in the County ordinance would promote a more rational and defensible approach to land use planning. It would allow planners and applicants alike to consider the true impact and context of a cannabis business’s location, rather than relying on a measurement method that ignores on-the-ground realities.

This approach is not only fair—it also better aligns with the County’s goals of promoting access to opportunity, encouraging responsible site selection, and avoiding unnecessary legal and procedural conflicts. It ensures that sensitive uses are meaningfully protected without obstructing the development of compliant, well-regulated cannabis businesses.

In conclusion, if the County of San Diego intends to adopt buffers exceeding 600 feet or to expand the list of sensitive uses, we strongly recommend that natural and man-made barriers be taken into account when calculating separation distances. This small but critical adjustment will ensure the ordinance is both practical in its application and equitable in its outcomes.

Response K37-2
This comment recommends that the County consider barriers that prevent physical or visual access to cannabis facilities if they implement expanded sensitive use buffers. The commenter provides an example from the City of San Diego. This input from the commenter is acknowledged and will be considered by staff, Planning Commission, and the Board of Supervisors in their deliberations regarding the final Zoning Ordinance.

The reader is also referred to Section 9.1.1.8, “Master Response: Comments on Proposed County Code Changes Under the Socially Equitable Cannabis Program.”

Comment K37-3
If the County of San Diego intends to include local parks as a sensitive use in the cannabis zoning ordinance, we strongly recommend that the definition of “local parks” be narrowly and clearly defined to include only public parks with playground equipment or designated youth recreational areas. This clarification is critical to avoid misapplication of the ordinance and to ensure that the intended spirit of protecting areas frequented by youth is upheld without creating unintended zoning barriers.

Experience from the City of San Diego provides a clear and cautionary example. In the City’s original cannabis zoning ordinance, the term “parks” was included as a sensitive use without a specific definition. However, under San Diego’s municipal code, any parcel zoned as “Open Space” is managed by the Parks and Recreation Department and is technically classified as a “park”—regardless of whether it contains any recreational infrastructure, public access, or actual park-like features.

This resulted in unintended consequences during the ordinance’s implementation. Vast stretches of undevelopable land—such as steep slopes, floodplains, canyon areas, and environmentally protected open spaces—were mistakenly treated as sensitive uses. In many cases, these areas had no public access, no recreational use, and were not utilized by families or children in any capacity. Despite this, they triggered cannabis zoning buffers, leading to unnecessary disqualification of viable business sites and confusion among planners and applicants alike.

Recognizing the flaw in this approach, the City of San Diego later amended its interpretation to clarify that “open space” parcels were not to be considered “parks” for the purpose of cannabis zoning. However, without clear language from the outset, this issue consumed time, resources, and created regulatory ambiguity. It also had the unintended effect of severely limiting the availability of compliant parcels, particularly in areas already constrained by multiple buffer requirements.

To prevent similar challenges in San Diego County and ensure consistency across jurisdictions, we recommend the County adopt a precise and functional definition of ""local parks"" within the cannabis ordinance. Specifically, we recommend language that defines a park as:

""Publicly accessible recreational land that includes playground equipment or designated youth recreational facilities.""

This approach ensures that the buffer serves its intended purpose—protecting areas where children and families regularly congregate—while not creating arbitrary limitations based on undevelopable or inaccessible land that poses no practical concern.

Cannabis businesses are already subject to rigorous zoning requirements and sensitive use buffers. Expanding these criteria without clear definitions introduces uncertainty and further restricts the limited areas where compliant, well-regulated operations can exist—especially in industrial or commercial zones appropriate for cannabis activity.

In conclusion, if local parks are to be included as a sensitive use, the County must define them with intention and specificity. Limiting the definition to parks with playground equipment or youth-serving facilities strikes the appropriate balance between community protection and business viability. It avoids the pitfalls experienced by other jurisdictions and provides a clearer, more predictable regulatory environment for all stakeholders.

Response K37-3
The comment suggests that the County should define local parks as a sensitive use narrowly to avoid unintended zoning restrictions. As discussed in Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR,” the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, “Master Response: Board of Supervisors Direction and Future Decision-Making,” regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

The reader is referred to Section 9.1.1.8. “Master Response: Comments on Proposed County Code Changes under the Socially Equitable Cannabis Program,” which addresses the definition and application of sensitive uses under the proposed ordinance. The comment will be considered by the Board during future decision-making activities.

Comment K37-4
If the County of San Diego intends to include local parks as a sensitive use in the cannabis zoning ordinance, we strongly recommend that the definition of “local parks” be narrowly and clearly defined to include only public parks with playground equipment or designated youth recreational areas. This clarification is critical to avoid misapplication of the ordinance and to ensure that the intended spirit of protecting areas frequented by youth is upheld without creating unintended zoning barriers.

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“park”—regardless of whether it contains any recreational infrastructure, public access, or actual park-like features.

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Recognizing the flaw in this approach, the City of San Diego later amended its interpretation to clarify that “open space” parcels were not to be considered “parks” for the purpose of cannabis zoning. However, without clear language from the outset, this issue consumed time, resources, and created regulatory ambiguity. It also had the unintended effect of severely limiting the availability of compliant parcels, particularly in areas already constrained by multiple buffer requirements.

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Cannabis businesses are already subject to rigorous zoning requirements and sensitive use buffers. Expanding these criteria without clear definitions introduces uncertainty and further restricts the limited areas where compliant, well-regulated operations can exist—especially in industrial or commercial zones appropriate for cannabis activity.

In conclusion, if local parks are to be included as a sensitive use, the County must define them with intention and specificity. Limiting the definition to parks with playground equipment or youth-serving facilities strikes the appropriate balance between community protection and business viability. It avoids the pitfalls experienced by other jurisdictions and provides a clearer, more predictable regulatory environment for all stakeholders.

Response K37-4

The comment recommends a narrowly tailored definition of “local parks” to avoid unintended zoning impacts and references lessons from the City of San Diego. The reader is referred to response to Comment K37-3.

Comment K37-5
Throughout San Diego County, public trails are commonly found running alongside industrial zones—areas that already accommodate a wide variety of active industrial and commercial operations. These trails have long coexisted with businesses ranging from manufacturing plants to logistics centers, without creating conflicts or safety concerns for trail users.

In this context, it's important to evaluate the realistic impact a cannabis business would have on a nearby trail. For the vast majority of cannabis license types—such as retail, manufacturing, distribution, delivery, and testing—operations are conducted entirely within enclosed, secured structures. These facilities do not emit odors, have no exterior signage related to cannabis, and are virtually indistinguishable from any other commercial or industrial building to someone passing by on a trail.

The only cannabis use type that might have a perceptible effect on a trail user would be outdoor or greenhouse cultivation, due to the potential for odors or visibility of plants. Even then, impacts can be addressed through standard mitigation practices such as setbacks, fencing, vegetation buffers, and proper site planning.

For this reason, if public trails are to be considered a sensitive use within the ordinance, we strongly recommend that this designation be limited exclusively to outdoor and greenhouse cultivation. Applying it across all cannabis business types—including those entirely enclosed and non-public-facing—would create unnecessary barriers and drastically limit viable zoning, especially in industrial areas where many trails naturally intersect with other permitted uses.

Such a broad application would also be inconsistent with how other land uses near trails are treated and would unjustly single out cannabis businesses, despite their highly regulated nature and minimal external impact.

In conclusion, if the goal is to protect the experience of trail users, a targeted approach is the most appropriate path forward. Restricting this buffer only to cultivation activities—where a tangible impact might exist—ensures both community preservation and regulatory fairness.

Response K37-5
This comment expresses concern regarding public trail buffers. The reader is referred to response to Comment K37-3.

Comment K37-6
The inclusion of "child care centers" as an additional sensitive use in the County's cannabis ordinance raises important concerns around clarity, redundancy, and potential conflict with state law. Under existing California law, "day care centers" are already recognized as sensitive uses subject to the state-mandated 600-foot buffer requirement for cannabis businesses. Therefore, adding "child care centers" as a separate or additional category is not only duplicative, but also introduces unnecessary confusion for applicants, staff, and the broader community.

A primary issue stems from the lack of a consistent definition between "day care centers" under state law and what might be interpreted as "child care centers" at the local level. These terms are often used interchangeably, but in legal and regulatory contexts, they can carry

distinct meanings. Without clear alignment to state definitions, the inclusion of “child care centers” could lead to misinterpretation, inconsistent enforcement, or even legal challenges based on nonconformity with state law.

In addition, introducing a broader term like “child care centers” risks inadvertently including in-home daycare providers, which are often small, informal, and difficult to identify through public records. These in-home providers frequently operate out of private residences and may not be clearly marked or easily discoverable by applicants conducting site searches. Including them as sensitive uses could create a highly unpredictable regulatory landscape where applicants are penalized for proximity to facilities that may not be visible, publicly listed, or mapped.

To promote consistency, reduce confusion, and ensure compliance with state law, we strongly recommend that the County reference and align with the state’s definition of “day care centers” as specified in the California Business and Professions Code and the Department of Social Services licensing framework. This approach will provide clarity for both applicants and enforcement agencies, while avoiding redundant or conflicting terminology that complicates the permitting process.

In conclusion, while protecting youth-serving facilities is a shared goal, regulatory language must be precise and consistent with state standards. For this reason, we urge the County to remove the term “child care centers” from the ordinance and instead defer to the established and well-defined state-sensitive use designation of “day care centers.” This will ensure both effective policy implementation and a fair, transparent process for all stakeholders involved.

Response K37-6
The reader is referred to response to Comment K37-3.

Comment K37-7
The inclusion of “Preserves with visitor-serving amenities” as a sensitive use in the cannabis ordinance, if not precisely defined, poses a serious risk of regulatory overreach and unintended consequences. If the entirety of an open space preserve is treated as a sensitive use—rather than just the areas where the public actively engages—it could result in the unjust disqualification of countless viable parcels, significantly undermining the goals of a fair, functional cannabis permitting process.

Preserves in San Diego County are immense in size and often include large swaths of undeveloped, inaccessible terrain that have no public interface, no trails, and no recreational or educational activities. A clear example of this is the San Elijo Lagoon Ecological Reserve, which spans approximately 979 acres. While it contains a public-facing visitor center midway along its northern border—complete with educational signage and pedestrian access—the majority of the preserve is passive habitat, with no public trails, no infrastructure, and no reasonable basis to be treated as a sensitive use.

To declare the entire boundary of a preserve such as San Elijo Lagoon off-limits to cannabis businesses would be both arbitrary and irrational, especially when considering parcels on the extreme edges of the preserve—like the eastern boundary—where there is no public access, no visibility, and no logical pathway for interaction with preserve users.

This approach would mirror the same mistakes seen in earlier cannabis ordinances, where open space or park land was treated as sensitive simply because of its zoning designation, regardless of whether it functioned as a true public gathering space. These kinds of blanket designations resulted in vast and unnecessary restrictions, blocking cannabis businesses from locating on parcels that otherwise posed no tangible risk or conflict with community uses.

Moreover, such an overbroad definition opens the door to legal and procedural challenges. It lacks the specificity required to ensure consistent application, and risks being interpreted and enforced in a way that is subjective, inconsistent, and inequitable—particularly for small businesses and equity applicants who may not have the legal resources to navigate such vague restrictions.

To avoid these pitfalls, we strongly urge the County to limit this sensitive use designation solely to the areas within preserves that contain “visitor-serving amenities”—such as visitor centers, restrooms, parking areas, trailheads, educational exhibits, and any other locations specifically designed for public use. This language is clear, measurable, and grounded in the actual intent of the sensitive use designation: to protect areas where children, families, and the public regularly gather.

A preserve in its entirety is not a visitor-serving area. It is often hundreds of acres of ecologically protected space, much of which is not designed for—or even accessible to—the public. To treat these lands as though they are functionally equivalent to a school, playground, or park with active amenities is both factually incorrect and dangerously overbroad.

In conclusion, if the County of San Diego wishes to include preserves in the list of sensitive uses, it must clearly limit that designation to the actual visitor-serving portions of those preserves. Anything beyond that would not only undermine sound policy—it would also erode confidence in the fairness and integrity of the cannabis land use process.

Response K37-7
The comment suggests that the County modify the proposed Cannabis Program’s definition of sensitive uses to only include the visitor-serving portions of those preserves. The reader is referred to response to Comment K37-3.

Comment K37-8
Excluding Village Plans and Specific Plan Areas from eligibility for cannabis dispensaries—particularly if additional sensitive use buffers are adopted—would have severe and likely unintended consequences on the viability of legal cannabis businesses in key communities within San Diego County.

Specifically:

By not including Village Plans, the County would effectively eliminate the vast majority of viable commercial zoning in Fallbrook, one of the only areas in the unincorporated region where retail activity is centralized and appropriately zoned for dispensary use. Fallbrook’s Village Plan Area is where the bulk of its commercial core lies—excluding it from consideration would render almost all viable parcels in the area off-limits, effectively shutting out this community from the opportunity to host a legal dispensary.

By not including Specific Plan Areas, the County would completely eliminate all viable commercial zoning in Otay, where cannabis businesses might otherwise be located in well-planned, designated commercial corridors. Otay's Specific Plan governs the layout and development of the area, and failure to include it in cannabis zoning essentially blocks any path forward for retail cannabis access in that entire region.

This exclusion creates a troubling inconsistency. These plan areas were specifically designed to guide smart growth, designate compatible land uses, and create cohesive, community-centered development. In many cases, they contain some of the best-suited parcels for cannabis retail, thanks to their commercial nature, walkability, infrastructure, and distance from truly sensitive community uses.

To ignore these areas is to undermine the very planning tools that the County has long used to promote balanced and sustainable development. It also directly contradicts the goals of a fair and geographically equitable cannabis program.

Furthermore, removing Village Plans and Specific Plan Areas from eligibility:

Reduces local access to legal cannabis, which could push consumers back into the illicit market—undermining public safety and economic goals.

Disproportionately impacts smaller and rural communities, which may already face barriers to participation and investment.

Contradicts the intent to spread opportunities equitably across unincorporated areas, rather than concentrating dispensaries only in a few overburdened regions.

In conclusion, we urge the County to include both Village Plans and Specific Plan Areas as eligible zoning designations for cannabis dispensaries. Doing so is essential to preserve viable commercial locations, ensure geographic equity, and fulfill the goals of an accessible, regulated, and community-conscious cannabis program.

Response K37-8
The comment suggests that the County should village plans and specific plan areas as eligible zoning designations for cannabis dispensaries use under the proposed Cannabis Program. The reader is referred to response to Comment K33-9.

Comment K37-9
The inclusion of "Residential Care Facilities" as a sensitive use in the cannabis ordinance is deeply problematic and inconsistent with both current law and the recognized medical utility of cannabis, particularly for the elderly and terminally ill. According to California Code of Regulations, Title 22, § 58032, a "Residential Care Facility" is defined as "a facility licensed as a Residential Care Facility for the Elderly or a residential care facility as defined in the California Health and Safety Code." This definition includes a wide range of facilities, such as dementia care homes, assisted living centers, and hospice care environments.

It is precisely these populations—elderly individuals, those living with chronic illness or cognitive decline, and patients in hospice care—who frequently rely on cannabis-based

medicine to support quality of life, palliative care, appetite stimulation, anxiety reduction, and pain management. Rather than being shielded from cannabis, these individuals are among its most consistent medical users.

In recognition of this need, California passed SB 311: The Compassionate Access to Medical Cannabis Act (Ryan's Law) in 2021, signed into law by Governor Gavin Newsom. This legislation, authored by Senator Ben Hueso of San Diego, requires that healthcare facilities allow terminally ill patients to use medical cannabis within their care settings. The passage of this law clearly illustrates that the State of California does not view cannabis as incompatible with the health and well-being of patients in residential care environments—on the contrary, it affirms its therapeutic value.

Given this legal and medical context, it is contradictory and counterintuitive to include Residential Care Facilities as a "sensitive use" in cannabis zoning regulations. To do so would imply that cannabis businesses pose a harm to vulnerable adults and the elderly, despite the fact that state law protects these individuals' right to access cannabis in the very facilities deemed "sensitive." This sends a conflicting message and undermines the intent of compassionate use legislation.

Moreover, the proximity of a legal, licensed cannabis business to a residential care facility poses no greater risk than proximity to a pharmacy or medical clinic—both of which often dispense powerful controlled substances. Cannabis businesses are highly regulated, non-disruptive, and discreet, particularly when not retail in nature (e.g., delivery, distribution, or manufacturing facilities).

Restricting the location of cannabis businesses near these facilities not only lacks evidence-based justification, it limits patient access to medicine, creates unnecessary zoning complications, and further stigmatizes the use of cannabis for legitimate medical care—particularly for those who need it most.

In conclusion, we strongly urge the County of San Diego to remove Residential Care Facilities from the list of sensitive uses in the cannabis zoning ordinance. Their inclusion contradicts current state law, ignores the essential medical role cannabis plays for elderly and terminally ill individuals, and erects unnecessary barriers to both patient care and legal business development. A more compassionate, logical, and aligned approach is needed—one that respects the rights of patients, the intent of Ryan's Law, and the integrity of the County's cannabis program.

Response K37-9

The comment suggests that the County should remove residential care facilities as a sensitive use under the proposed Cannabis Program. The reader is referred to response to Comment K37-3.

Letter K38 Joseph Ryan

March 31, 2025

Comment K38-1
I strongly support Alternative 2.

This alternative aligns with California voters' clear intent to legalize cannabis with fair and equal access for all applicants. It establishes a level playing field by adhering directly to state-standard regulations, promoting equity and reasonable competition among current and future cannabis businesses.

Response K38-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter's opinions into consideration when making decisions regarding the Cannabis Program.

The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K38-2
I strongly oppose Alternative 1.

Retaining current limited regulations unfairly protects existing operators, preventing equitable market entry for new businesses, particularly social equity entrepreneurs. It ignores California voters' clear directive for legalization with fair access.

Response K38-2
The commenter's opinion on Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Comment K38-3
Alternative 3 unnecessarily increases setbacks from 600 feet to 1,000 feet without evidence-based justification.

This restrictive zoning unfairly impacts new businesses, particularly social equity applicants, by severely limiting viable business locations. It appears intentionally designed to hinder the will of California voters by creating excessive barriers to entry.

Response K38-3
This comment expresses concern regarding an increase in setbacks. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K38-4
Alternative 4 unjustifiably prohibits outdoor cannabis cultivation, disproportionately harming new and smaller operators who rely on lower-cost outdoor cultivation options.

Such a prohibition directly opposes equitable access intended by the voters, limiting competition, and favoring only those who can afford indoor facilities.

Response K38-4
The commenter's opinion on Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K38-5
Alternative 5 imposes unnecessary and arbitrary restrictions, both through overly restrictive setbacks and limiting outdoor cultivation size.

These constraints disproportionately burden new operators and small-scale farmers, stifling competition and market equity without providing demonstrable public benefits.

Response K38-5
The reader is referred to response to Comment K38-4.

Comment K38-6
"Is there documented evidence supporting the necessity for expanding setbacks from 600 to 1,000 feet in Alternatives 3, 4, and 5? Without clear and compelling justification, these increased setbacks unfairly restrict new cannabis operators—while current operators remain unaffected—creating an uneven playing field that appears designed solely to limit competition. This directly conflicts with California voters' intent to provide equitable market access."

Response K38-6
The reader is referred to response to Comment K38-4.

Letter K39 Noah Friend

March 31, 2025

Comment K39-1
Given cannabis's federal status, this entire proposal is a waste of time, money, and resources. Northern California tried it, and it's already a disaster—facing an open class action lawsuit from everyone negatively affected by it. Open 'use' lounges? Straight out of the opium den playbook, except now we'll have 'high' drivers swerving alongside drunk drivers. Despicable, embarrassing, and a slap in the face to San Diego. Families won't want to live near any of these areas. Property values will tank while tourists ditch us for somewhere that doesn't reek of bad decisions. The county'll drown in red tape and shady licensing deals just to prop up a market the feds could squash any day. Meanwhile, homelessness festers and roads crumble. Great to see our priorities straight. Repeal this disaster of a plan before it drags us all down. Sincerely, a tax payer.

Response K39-1
An evaluation of property values is not required by CEQA because property values do not have an impact on the natural or physical environment. As stated in Section 15131 of the State CEQA Guidelines, the economic and social effects of a project shall not be treated as significant effects on the environment. Driving under the influence of cannabis is a criminal offense under Vehicle Code 23152(f) and is enforced by the California Highway Patrol for the unincorporated area of the county. The reader is referred to Section 9.1.1.5, "Master Response: Legal Status of Cannabis."

No specific issues related to the content, analysis, or conclusions in the Draft PEIR are raised in this comment. Therefore, no further response is provided.

Letter K40 Armand

March 31, 2025

Comment K40-1
Please note that the list of sensitive uses currently under consideration is extremely broad, encompassing virtually all sensitive uses recognized in any jurisdiction throughout California.

While community protection is a priority, applying this expansive list uniformly across all cannabis business types raises serious concerns.

Under the proposed approach, all cannabis businesses—including manufacturing facilities, distribution centers, and testing laboratories—would be subject to the same sensitive use distance requirements as retail storefront dispensaries. This would be enforced despite the fact that these non-retail operations do not engage with the public, do not display exterior signage, and typically operate discreetly within industrial or commercial areas.

Imposing identical restrictions on these fundamentally different types of operations is not only impractical, but also serves no constructive public safety purpose. It fails to acknowledge the low public visibility and impact of non-retail cannabis businesses and instead treats all cannabis operations as if they present the same risks and community concerns as a storefront dispensary. This blanket policy approach lacks nuance and will have significant negative consequences.

One of the most pressing concerns is the drastic reduction in viable, appropriately zoned land available for cannabis operations. Such expansive sensitive use buffers would severely constrain the ability of cannabis businesses—particularly storefront dispensaries—to secure compliant and commercially feasible sites. This could make it difficult or even impossible for the County to reach its planned goal of permitting 15 retail dispensaries.

Beyond limiting access to real estate, this overly restrictive framework would directly hinder the potential growth of the local cannabis industry. When businesses cannot find viable locations, they either leave the jurisdiction, operate in non-compliance, or never open at all. This leads to missed opportunities for job creation, economic development, and—critically—tax revenue.

Cannabis businesses contribute significantly to local economies through employment, commercial leasing, ancillary services, and direct tax payments. In San Diego County, various cannabis operations are taxed based on their gross receipts. When zoning policies make it harder for these businesses to operate, the County stands to lose substantial revenue that could otherwise support vital public services.

To ensure a balanced and effective approach, I strongly recommend tailoring sensitive use restrictions to the specific nature and impact of each cannabis business type. Retail dispensaries, due to their direct public interaction, could remain subject to more stringent buffer zones. In contrast, non-retail businesses such as manufacturing, testing, and distribution—given their limited public exposure—should be subject to more flexible and practical standards.

This differentiated regulatory approach would allow the County to meet its goals of protecting public safety, promoting responsible business development, and securing meaningful economic benefits for the community. It would also help ensure that the intended 15 dispensaries, along with supporting cannabis infrastructure, have a fair and realistic opportunity to operate legally and successfully within the County.

Response K40-1
This comment expresses concern applying uniform sensitive use buffers to all cannabis business types and recommends a differentiated approach. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K40-2
It is important to recognize the real-world limitations facing many of the parcels currently zoned for cannabis cultivation in the county. A significant number of these properties lack critical infrastructure—specifically, connections to the county's water, power, and sewer grids. These limitations make it virtually impossible to establish indoor or mixed-light cultivation operations, both of which require substantial utilities and capital investment.

Given these constraints, outdoor cultivation stands as the only practical and accessible option for many prospective operators—particularly small-scale, equity applicants and those without access to large sums of startup capital. By eliminating outdoor cultivation, we are not just removing one of several options; we are effectively closing the door on any viable business opportunity for a significant portion of applicants.

This is more than a zoning issue—it's an equity issue. It's a matter of fairness, opportunity, and economic empowerment. Many individuals who are seeking to enter the legal cannabis industry are doing so after years of being excluded from formal economic systems, often from communities that have been disproportionately harmed by past cannabis criminalization. These individuals should not be further disadvantaged by policies that unintentionally favor only the well-resourced.

By removing outdoor cultivation from consideration, Alternative Four effectively creates a system where only those with access to fully developed, infrastructure-rich parcels can participate. This goes against the spirit of inclusivity and fairness that should be guiding cannabis policy in San Diego County.

Furthermore, outdoor cultivation is a legitimate, regulated, and environmentally sound agricultural practice that aligns with California's long-standing agricultural heritage. It provides an entry point for sustainable, sun-grown cannabis production and supports rural economic development. Denying this pathway not only limits individual opportunity, but also weakens the county's ability to build a diverse, resilient, and inclusive cannabis industry.

For these reasons, I strongly recommend removing Alternative Four from consideration. We must remain committed to creating a regulatory environment that does not just allow but

actively supports broad participation and economic opportunity for all applicants—especially those historically left behind. Outdoor cultivation is a cornerstone of that vision and should be preserved, not eliminated.

Response K40-2
The reader is referred to response to Comment K40-1.

Comment K40-3
It is critical that the County's cannabis policy decisions are grounded not only in regulatory intent but also in economic reality. While outdoor cultivation may offer a more accessible entry point for many applicants—particularly those with limited capital—it must also be structured in a way that allows operators to sustain and grow their businesses. Unfortunately, Alternative 5, which restricts outdoor cultivation to under one acre, falls short of this standard and risks setting applicants up for failure.

The hard truth is that outdoor cultivation is not commercially lucrative on a small scale. According to Cannabis Benchmark data from July 2024, the average wholesale price of outdoor-grown cannabis in the United States was approximately $346 per pound. In stark contrast, indoor-grown cannabis fetched an average of $1,252 per pound. This substantial price gap underscores a critical point: outdoor cultivation requires scale to be viable.

Restricting outdoor cultivation to less than one acre significantly undermines an operator's ability to achieve the economies of scale necessary to remain competitive in today’s market. With such slim margins and declining wholesale prices, this limitation would make it exceedingly difficult—if not impossible—for outdoor cultivators to cover basic operating costs, let alone turn a profit or reinvest in their business.

This is not just a technical issue—it’s a matter of sustainability and fairness. By enforcing acreage limits that render outdoor cultivation financially nonviable, Alternative 5 places a disproportionate burden on small operators, equity applicants, and those who were initially drawn to outdoor cultivation due to its lower startup costs and environmental sustainability. It creates the illusion of opportunity while, in practice, blocking a clear path to success.

If we are serious about supporting an inclusive, diverse, and sustainable cannabis industry in San Diego County, we must ensure that policies enable success, not just access. A policy that limits outdoor cultivation to a point of economic infeasibility is counterproductive and contrary to the goals of equity and local economic development.

For these reasons, I strongly recommend that Alternative 5 be rejected. We should be focused on crafting policies that allow for real business viability, especially for those who have historically been shut out of legal markets. Anything less only reinforces the very disparities this program was intended to correct.

Response K40-3
The commenter’s opinion on Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, “Master Response: Range of Alternatives Considered in the Draft PEIR.”

Comment K40-4
While it is true that outdoor cannabis cultivation can produce odors, it is important to recognize that this issue is manageable and should not be viewed as a justification for eliminating or overly restricting outdoor cultivation countywide. Odor concerns can be responsibly addressed through thoughtful regulation—specifically, by implementing increased sensitive use buffers uniquely tailored to outdoor grows, rather than applying blanket restrictions across the board.

Outdoor cultivation should not be held to an unrealistic or punitive standard simply because it is more detectable than indoor operations. Instead, a balanced and evidence-based approach should be taken—one that acknowledges and mitigates concerns without closing the door on viable agricultural practices.

Much of the land zoned for outdoor cultivation in the unincorporated areas of San Diego County is located in remote, rural regions—far removed from residential neighborhoods, schools, and commercial zones. In these locations, the impact of odor would be negligible, particularly when appropriate buffers and best management practices are in place. This includes requirements such as setback distances, windbreak vegetation, and the strategic placement of cultivation areas on large parcels.

Additionally, outdoor cultivation aligns with the county's broader environmental and sustainability goals. It requires significantly less energy than indoor cultivation, resulting in a lower carbon footprint and reduced strain on the local power grid. Eliminating or overly restricting outdoor cultivation due to odor concerns would ignore the substantial environmental advantages it provides.

It is also worth noting that many other types of legal agricultural operations—including livestock farming and composting—produce odors as a natural byproduct of rural industry. Yet these industries are not subject to the same scrutiny or limitations. Cannabis cultivation should be treated as a legitimate agricultural activity, regulated appropriately but not unfairly penalized.

By allowing greater sensitive use buffers for outdoor cultivation, San Diego County can strike the right balance: protecting community standards while enabling sustainable economic development in its rural areas. This approach would ensure that cannabis policy remains rooted in fairness, practicality, and a commitment to supporting diverse paths to entry within the legal market.

In conclusion, odor concerns—while real—can be effectively mitigated without denying opportunity. Outdoor cultivation has a rightful place in San Diego County's cannabis landscape and should be supported through sensible regulation, not exclusion.

Response K40-4
The comment expresses concern about cannabis odors. Draft PEIR Section 2.4, "Air Quality," addresses impacts from odors and identifies significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5 associated with outdoor cannabis cultivation operations. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors."

Comment K40-5
Cannabis dispensaries are often mischaracterized as detractors from community appearance, when in reality, they have consistently demonstrated their ability to enhance the visual character of the areas in which they operate. Unlike many traditional businesses, dispensaries are held to strict regulatory standards, including those tied to administrative permits that mandate thoughtful landscaping, architectural improvements, and comprehensive visual upgrades to the premises.

These requirements are not just cosmetic—they serve a greater purpose in supporting neighborhood revitalization and contributing to the overall aesthetic of commercial corridors. Many dispensary operators invest heavily in exterior improvements, including high-quality signage, well-maintained landscaping, modern building facades, lighting upgrades, and security features that create a safer, more attractive streetscape. In many cases, these improvements have a ripple effect, encouraging neighboring businesses to enhance their own properties and elevating the visual appeal of the entire block.

In communities where disinvestment has left behind vacant storefronts and poorly maintained buildings, licensed cannabis dispensaries can serve as a catalyst for positive change. Rather than being a blight, they bring renewed attention, capital investment, and increased foot traffic to underutilized areas—helping to reverse economic stagnation and support broader community development goals.

Furthermore, because of their highly regulated nature, dispensaries are required to maintain strict operational and cleanliness standards. This contributes to a sense of order and professionalism that benefits the surrounding neighborhood. These businesses take pride in being good neighbors—many employ local residents, engage in community partnerships, and support neighborhood clean-up and beautification efforts.

The County of San Diego has a unique opportunity to lead with a data-driven, evidence-based approach that recognizes cannabis dispensaries not as threats to community character, but as contributors to its improvement. The visual enhancement requirements built into the permitting process are a key part of this, ensuring that cannabis businesses not only meet but exceed the expectations placed on typical commercial tenants.

In short, well-regulated cannabis dispensaries often become anchors of revitalization and community pride. They should be embraced as part of a broader vision for smart, sustainable development—one that uplifts neighborhoods while generating local jobs, tax revenue, and a stronger sense of place.

Response K40-5
The comment provides an opinion regarding the merits or qualities of the proposed program. The reader is referred to Draft PEIR Section 2.2, “Aesthetics,” regarding visual impacts of the proposed program, which identifies significant and unavoidable visual character impacts for Alternatives 2, 3, 4, and 5.

Comment K40-6
Concerns about potential impacts to plant and wildlife species from cannabis cultivation are understandable but must be considered within the broader context of agricultural activity. The environmental impacts associated with cannabis cultivation are fundamentally no different than those associated with the cultivation of any other agricultural crop. As such, these impacts should not be viewed in isolation or treated as uniquely harmful.

Like the cultivation of grapes, avocados, or other regulated crops, cannabis cultivation may involve land disturbance, water use, and the potential for runoff. However, these are common considerations in any form of agriculture and are well understood within the framework of existing environmental regulations. The mitigation measures typically employed—such as erosion control, proper irrigation systems, buffer zones, and habitat preservation—are already standard best practices in agriculture and are readily applicable to cannabis cultivation.

To single out cannabis cultivation as uniquely threatening to plant and wildlife ecosystems not only lacks scientific justification but also reinforces outdated stigmas that have long hindered equitable and fair policy development in the cannabis space. What is needed is consistent regulation that treats cannabis cultivation with the same level of oversight and mitigation planning required of other agricultural industries—not excessive restrictions driven by perception rather than evidence.

It is also important to recognize that the County already has robust environmental review processes in place to evaluate and mitigate potential impacts on sensitive species and habitats. Cannabis cultivation activities that may intersect with environmentally sensitive areas can—and should—be subject to these same assessments and controls. This ensures that environmental stewardship remains a top priority, without unnecessarily prohibiting responsible cultivation practices.

Furthermore, licensed cannabis operators are often highly motivated to comply with environmental standards, both to maintain their permits and to demonstrate their legitimacy as responsible stewards of the land. Many cultivators go above and beyond baseline environmental requirements, adopting water conservation methods, organic practices, and land restoration techniques that benefit the local ecosystem.

In conclusion, the potential environmental impacts of cannabis cultivation should be evaluated through the same lens as all other agricultural practices. The recommended mitigation measures are not only appropriate—they are standard. Cannabis should be recognized as a legitimate agricultural crop and regulated accordingly. Any deviation from this approach risks perpetuating unjustified barriers to entry and undermines the county's efforts to support a fair, balanced, and environmentally responsible cannabis program.

Response K40-6
The comment addresses environmental impacts of cannabis cultivation. The reader is referred to Draft PEIR Section 2.4, "Biological Resources," for specific impact analysis of impacts to special-status species and habitat conditions in the county, and Section 9.1.1.6, "Master Response: Consideration of Environmental Impacts of Cannabis," which discusses the programmatic environmental impacts of cannabis cultivation.

Comment K40-7
The presence of cannabis businesses in a community is frequently associated with visual and structural improvements that enhance the overall aesthetic and vibrancy of the surrounding area. Far from being a detriment, these establishments often serve as catalysts for neighborhood revitalization and economic renewal.

Licensed cannabis businesses are required to meet rigorous standards as part of their permitting and regulatory process—including detailed site plans, architectural upgrades, security enhancements, and carefully maintained landscaping. These requirements are not just formalities—they result in tangible improvements to buildings, facades, parking lots, and outdoor spaces that may have previously been underutilized, blighted, or neglected.

As a result, cannabis businesses often invest heavily in beautifying their storefronts and facilities, leading to a cleaner, more modern, and professional appearance that elevates the visual character of entire commercial corridors. These improvements signal pride of ownership, commitment to compliance, and respect for the surrounding community.

Moreover, the presence of a regulated cannabis business brings a level of attention, care, and accountability that is often absent in other types of businesses. Many operators voluntarily go above and beyond what is required—installing murals, public art, native landscaping, lighting upgrades, and street-facing design elements that contribute to a safer, more inviting public space. This contributes not only to improved aesthetics but also to increased foot traffic and a more positive perception of the area as a whole.

In neighborhoods that have suffered from economic disinvestment, cannabis businesses are frequently among the first to bring in capital investment, local hiring, and structural enhancements. In this way, they often serve as anchors of commercial revitalization, attracting other businesses and encouraging improvements by adjacent property owners.

It is also important to recognize that these businesses are held to a higher standard of maintenance and operation due to ongoing inspections, community expectations, and a commitment to maintaining their hard-earned licenses. As a result, they tend to be clean, secure, and well-managed, further contributing to a sense of order and safety in the areas where they are located.

In conclusion, the presence of cannabis businesses often leads to visible and lasting aesthetic benefits for communities. These businesses should be recognized not just as compliant operators, but as active contributors to the beautification, modernization, and economic health of San Diego County neighborhoods. Rather than being viewed with caution, they should be embraced as partners in building thriving, attractive, and inclusive local economies.

Response K40-7
The reader is referred to response to Comment K40-5.

Comment K40-8
The noise impact associated with the construction of cannabis businesses is comparable to that of constructing any other commercial or industrial business. There is no unique or

heightened noise impact directly attributable to cannabis-related construction that would distinguish it from the development of any similar-sized facility within the county.

All commercial construction projects—regardless of the type of business—typically involve similar phases: grading, infrastructure installation, structural framing, and interior build-out. These activities generate temporary noise, but they are already regulated under existing county ordinances and construction noise standards designed to minimize disruption to surrounding areas. Cannabis businesses are not exempt from these regulations and, in fact, are often subject to additional layers of oversight due to the heightened scrutiny they face.

To single out cannabis businesses as particularly disruptive in terms of noise during construction misrepresents the reality of commercial development and risks unfairly stigmatizing an industry that is already highly regulated. It also diverts attention from the fact that construction-related noise is short-term and well-managed through scheduling restrictions, buffer zones, and sound mitigation measures that are standard in any responsible development process.

It is important to base policy decisions on facts, not perceptions. The construction of a cannabis facility—whether it's a dispensary, cultivation site, or manufacturing space—does not inherently create more noise than the construction of a grocery store, warehouse, or office building. These are standard construction activities governed by uniform building codes and environmental review processes.

Furthermore, the cannabis industry in San Diego County has the potential to generate substantial economic benefits, including job creation, local investment, and increased tax revenue. Delaying or hindering development based on unfounded concerns about temporary construction noise risks undermining these broader benefits without any real gain in community protection.

In summary, the construction of cannabis businesses should be evaluated within the same regulatory and practical framework as any other commercial enterprise. Noise impacts are temporary, manageable, and equivalent to those of any comparable business development. There is no justification for treating cannabis projects differently in this regard, and doing so would only serve to create unnecessary barriers to legal, compliant industry growth in the County of San Diego.

Response K40-8
The reader is referred to Draft PEIR Section 2.13 that identifies significant and unavoidable noise impacts are limited to construction noise for Alternatives 2 through 5.

Comment K40-9
Concerns about potential impacts to plant and wildlife species from cannabis cultivation are understandable but must be considered within the broader context of agricultural activity. The environmental impacts associated with cannabis cultivation are fundamentally no different than those associated with the cultivation of any other agricultural crop. As such, these impacts should not be viewed in isolation or treated as uniquely harmful.

Like the cultivation of grapes, avocados, or other regulated crops, cannabis cultivation may involve land disturbance, water use, and the potential for runoff. However, these are common considerations in any form of agriculture and are well understood within the framework of existing environmental regulations. The mitigation measures typically employed—such as erosion control, proper irrigation systems, buffer zones, and habitat preservation—are already standard best practices in agriculture and are readily applicable to cannabis cultivation.

To single out cannabis cultivation as uniquely threatening to plant and wildlife ecosystems not only lacks scientific justification but also reinforces outdated stigmas that have long hindered equitable and fair policy development in the cannabis space. What is needed is consistent regulation that treats cannabis cultivation with the same level of oversight and mitigation planning required of other agricultural industries—not excessive restrictions driven by perception rather than evidence.

It is also important to recognize that the County already has robust environmental review processes in place to evaluate and mitigate potential impacts on sensitive species and habitats. Cannabis cultivation activities that may intersect with environmentally sensitive areas can—and should—be subject to these same assessments and controls. This ensures that environmental stewardship remains a top priority, without unnecessarily prohibiting responsible cultivation practices.

Furthermore, licensed cannabis operators are often highly motivated to comply with environmental standards, both to maintain their permits and to demonstrate their legitimacy as responsible stewards of the land. Many cultivators go above and beyond baseline environmental requirements, adopting water conservation methods, organic practices, and land restoration techniques that benefit the local ecosystem.

In conclusion, the potential environmental impacts of cannabis cultivation should be evaluated through the same lens as all other agricultural practices. The recommended mitigation measures are not only appropriate—they are standard. Cannabis should be recognized as a legitimate agricultural crop and regulated accordingly. Any deviation from this approach risks perpetuating unjustified barriers to entry and undermines the county's efforts to support a fair, balanced, and environmentally responsible cannabis program.

Response K40-9
The reader is referred to response to Comment K40-6.

Comment K40-10
The potential impact on groundwater supply is a valid consideration in land use planning; however, it must be accurately contextualized. When it comes to cannabis operations, groundwater usage is relevant primarily in the context of cultivation. Importantly, the water demands associated with cannabis cultivation are not fundamentally different from those of cultivating other agricultural crops.

Cannabis is a plant—an agricultural product—and like all crops, it requires water to grow. However, numerous studies and real-world data have demonstrated that the water consumption for cannabis cultivation, particularly when conducted outdoors or in greenhouses,

is comparable to that of other common crops such as tomatoes, lettuce, or ornamental flowers. Claims that cannabis cultivation places an outsized strain on groundwater resources are often overstated and not supported by evidence.

Furthermore, responsible cannabis operators are subject to stringent regulatory oversight at both the state and local levels. Water use is often closely monitored through state programs such as the California Water Boards' Cannabis Cultivation Program, which includes mandatory water reporting, sustainable diversion requirements, and best practices for conservation. Many operators also implement water-efficient technologies such as drip irrigation, rainwater catchment systems, and closed-loop irrigation, further minimizing their environmental footprint.

It is also critical to consider that groundwater use is already regulated through well-established permitting and environmental review processes in San Diego County. Any cultivation—cannabis or otherwise—that relies on groundwater must meet existing water availability, sustainability, and environmental protection standards. There is no compelling reason to treat cannabis cultivation as inherently more threatening to groundwater supplies than any other form of agriculture.

To do so would not only be scientifically unfounded but would risk creating regulatory inconsistencies that unfairly penalize cannabis cultivators while allowing other agricultural operations to proceed under more reasonable standards. Equitable policy demands that all forms of agriculture be treated with the same level of scrutiny and support, guided by facts, not stigma or misinformation.

In conclusion, the impact of cannabis cultivation on groundwater supply is equivalent to the impact posed by the cultivation of any other plant material. It can be responsibly managed through existing water use regulations and sustainable farming practices. Cannabis should be treated as a legitimate agricultural crop and governed accordingly—ensuring that the County of San Diego continues to promote both environmental stewardship and economic opportunity.

Response K40-10
Impacts associated with decreased groundwater supplies or interference with groundwater recharge are discussed in Section 2.11, "Hydrology and Water Quality," under "Issue 2: Substantial Decrease of Groundwater Supplies or Interfere Substantially with Groundwater Recharge." As discussed there, impacts on groundwater supplies or recharge would be less than significant under Alternative 1 and significant and unavoidable under Alternatives 2, 3, 4, and 5. Draft PEIR Table 2.11.7 identifies water demands of cannabis cultivation and associated uses that differ from other agricultural activities.

Letter K41 Christopher Adams

March 31, 2025

Comment K41-1
I'm in favor of alternative #2 included in the EIR report. I believe this is the best option to move forward with the social equity program and what is best for San Diego County. Thank you

Response K41-1
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter K42 Vincent Stalcup

March 31, 2025

Comment K42-1
Alternative 1—the No Project Alternative—effectively halts the advancement of any meaningful cannabis equity framework within the County. By retaining the current regulations and declining to adopt the proposed Cannabis Program and ordinance amendments, this alternative would not only preserve the status quo but actively obstruct the establishment of a Social Equity Program.

This outcome perpetuates structural inequities by continuing to limit participation to a select group of existing operators, many of whom are well-capitalized corporate entities. Meanwhile, individuals from communities disproportionately impacted by historical cannabis enforcement remain excluded from the legal marketplace. The failure to implement a Social Equity Program under this alternative represents a missed opportunity to address past harms and to operationalize the County's stated commitments to equity and restorative justice.

Moreover, without an expanded and inclusive licensing structure, the County cedes economic opportunity to entities that have not borne the brunt of cannabis criminalization. This is not only unjust—it is antithetical to principles of equitable governance. Alternative 1 would result in continued economic disenfranchisement of those formerly criminalized for the very activities that are now generating profits for others under regulatory protection.

Given these critical implications, Alternative 1 should be rejected in favor of a pathway that centers equity, expands access, and ensures that those most harmed by the War on Drugs are given a legitimate opportunity to participate in and benefit from the regulated cannabis industry.

Response K42-1
The commenter's opinion on Alternative 1: No Project—Retention of Current Cannabis Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR."

Comment K42-2
Alternative 2 is the only regulatory pathway that meaningfully supports both the implementation and sustainability of the County's proposed Social Equity Program. By aligning with California's existing statewide buffer standards under Business and Professions Code Section 26054(b), this alternative ensures regulatory consistency while avoiding unnecessary, duplicative burdens that would disproportionately harm equity applicants.

California's cannabis industry is already among the most heavily taxed, regulated, and scrutinized in the world. Additional restrictions—such as expanded buffer zones or added discretionary permitting layers—would serve only to create further entry barriers for historically marginalized individuals seeking to participate in the legal market. Alternative 2 avoids this outcome by offering a streamlined and standardized framework that balances public safety with economic inclusion.

Furthermore, the state's 600-foot buffer requirement has been implemented across dozens of jurisdictions with no empirical evidence suggesting that larger buffers provide enhanced protection for sensitive uses. On the contrary, expanding buffers or imposing arbitrary distance requirements would significantly reduce the availability of viable properties for equity applicants, particularly in lower-income or mixed-use areas.

If the County is serious about building a Social Equity Program that actually results in operational, sustainable businesses—not just policy talking points—then it must adopt a framework that equity applicants can realistically navigate. Alternative 2 offers this opportunity. It is the most legally defensible, economically rational, and socially equitable option available.

I strongly urge the County to adopt Alternative 2 and reject any alternative that introduces excessive regulation under the guise of public safety but ultimately functions to preserve market control for a select few.

Response K42-2
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. These alternatives consist of variations in setback distances from defined sensitive uses that range from 600 feet (consistent with the requirements of Business and Professional Code Section 26054[b]) to 1,000 feet. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Comment K42-3
Alternative 3 introduces an overregulation framework that would severely undermine the feasibility and intended outcomes of the County's Cannabis Program—particularly its Social

Equity component. The expansion of the "sensitive uses" definition to include a broad array of public and semi-public spaces such as parks, trails, libraries, religious assemblies, and other cannabis facilities, coupled with a 1,000-foot buffer requirement, creates an exclusionary zoning framework that is not supported by empirical evidence and is out of alignment with state guidance.

This alternative would drastically reduce the number of viable commercial properties available for cannabis licensure, especially in unincorporated areas with clustered land uses and limited commercial zoning. Equity applicants, who already face significant structural barriers such as limited capital, historical criminalization, and reduced access to compliant properties, would be effectively zoned out of participation under Alternative 3. The result would be a Social Equity Program in name only, lacking any practical pathway for participation or success.

Furthermore, the expansion of billboard restrictions under Measure 3 adds another unnecessary burden, despite existing state regulations already governing cannabis marketing and advertising with strict limitations. There is no substantiated data suggesting that the proposed expansion would yield additional public safety benefits. Rather, it imposes punitive restrictions that further isolate equity licensees from tools necessary to compete in a highly regulated and saturated market.

Alternative 3 represents a regulatory overreach that undermines the stated goals of equity, access, and economic inclusion. It would entrench market consolidation among a limited set of well-capitalized operators while functionally excluding the very communities the Cannabis Program seeks to uplift. For these reasons, Alternative 3 must be rejected.

Response K42-3
The commenter's opinion on Alternative 3: Cannabis Program with Expanded County Regulations has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to response to Comment K42-2.

Comment K42-4
Alternative 4 presents a prohibitive framework that undermines both the operational viability of the County's Cannabis Program and the core objectives of the Social Equity Program. The proposed prohibition of all outdoor cannabis cultivation, coupled with a 1,000-foot buffer from an expanded list of "sensitive uses," imposes land use restrictions that severely limit access to suitable properties—particularly for equity applicants and small-scale operators.

Outdoor cultivation is a critical entry point for equity participants due to its significantly lower startup and operating costs compared to indoor and mixed-light cultivation. Banning this cultivation method functionally eliminates one of the few accessible avenues into the legal market for individuals with limited capital. This restriction serves no evidence-based public safety rationale and contradicts best practices in other jurisdictions across California where outdoor cultivation is permitted with appropriate oversight and environmental safeguards.

Moreover, the 1,000-foot buffer expansion and broad sensitive use definitions—including parks, trails, libraries, and religious assemblies—mirror the problematic zoning elements in Alternative 3. These criteria result in a de facto exclusion of entire communities from

participation, particularly in unincorporated areas with clustered public amenities and limited commercial zoning. These conditions disproportionately affect equity-eligible individuals, essentially ensuring their inability to find compliant sites or secure land use approvals.

The billboard advertising prohibition compounds the issue by restricting legally licensed operators' ability to conduct outreach and compete in a heavily regulated market. This burden is particularly harmful for equity licensees who lack the brand recognition and marketing resources of larger, well-capitalized companies.

Taken together, Alternative 4 imposes unjustifiable and exclusionary constraints under the guise of public health and environmental regulation. It fails to support economic inclusion, limits equitable access, and undermines the County's stated commitments to restorative justice. This alternative must be rejected in favor of a model that enables—not disables—the communities most impacted by cannabis criminalization.

Response K42-4
The commenter's opinion on Alternative 4: Cannabis Program with Outdoor Cannabis Cultivation Prohibition noting the adverse effects of prohibiting outdoor cultivation and expanding sensitive use buffers on equity applicants is noted. The reader is referred to response to Comment K42-2.

Comment K42-5
Alternative 5 introduces a cultivation framework that is both overly restrictive and economically unviable, particularly for equity applicants seeking to participate in the legal cannabis industry. While this alternative appears to permit outdoor cultivation, the imposition of a 1-acre maximum canopy limit—or 25% of total lot size, whichever is less—combined with the expanded 1,000-foot buffer from an extensive list of "sensitive uses," renders the framework practically inaccessible to the majority of potential operators in the unincorporated County.

The 1-acre canopy cap is inconsistent with agricultural best practices and creates a disproportionate disadvantage for outdoor cultivators relative to other cannabis license types. This limit hinders economies of scale and reduces the financial feasibility of small farms, which are essential to supporting equity applicants with limited access to capital. Such artificial restrictions on cultivation scale further concentrate market viability in the hands of larger indoor operators and out-of-county investors.

Moreover, the expansive buffer zone from a widened definition of sensitive uses—including local parks, public trails, libraries, and religious assembly—further shrinks the pool of eligible parcels. These zoning constraints mirror the flawed exclusionary land use patterns proposed in Alternatives 3 and 4, functionally redlining rural and working-class communities out of cannabis-related economic development. Equity applicants, many of whom reside in or have ties to these impacted areas, would be left without viable property options and unable to operationalize their licenses.

The inclusion of billboard advertising restrictions adds another layer of inequity, further limiting the ability of new operators—particularly equity licensees—to build brand visibility in a saturated and competitive market already dominated by incumbent operators.

Alternative 5 may appear to offer a compromise, but in practice, it codifies structural barriers under the guise of public health and land use protections. The County must reject this alternative in favor of a policy that centers accessibility, sustainability, and restorative economic opportunity.

Response K42-5
The commenter's opinion on Alternative 5: Cannabis Program with Maximum 1 Acre of Outdoor Cannabis Cultivation Canopy has been noted and will be reviewed by the Board during future decision-making activities. The reader is referred to response to Comment K42-2.

Letter K43 Jerome Edwards

March 31, 2025

Comment K43-1
I think #2 us the only way to go in the interest of making the cannabis business equal to all participants in the social equity program. We know first hand the consequences and repercussions of the unfair regulations of cannabis. And deregulation is the only thing that will level the playing field.

Response K43-1
The commenter's preference for Alternative 2: Proposed Project—Cannabis Program Consistent with State Requirements has been noted and will be reviewed by the Board during future decision-making activities. As discussed in Section 9.1.1.2, "Master Response: Range of Alternatives Considered in the Draft PEIR," the Draft PEIR presents a reasonable range of alternatives at an equal level of detail of analysis that evaluates their potential to achieve most of the basic project objectives, and evaluates whether the respective alternative would avoid or reduce the potentially significant environmental impacts of the Cannabis Program in compliance with CEQA requirements. The reader is referred to Section 9.1.1.3, "Master Response: Board of Supervisors Direction and Future Decision-Making," regarding Board direction and future decision-making for a discussion on the next steps in the approval process.

Letter K44 Dawn Apsley

March 31, 2025

Comment K44-1
* I disagree with more cannabis locations in San Diego County.

* Population is increasing quickly, and we are attempting to provide more residences, which means using more land where people would live. As such, more cannabis locations is a safety issue.

* Cannabis air pollution is a safety concern for people, animals, and agriculture. The cannabis pollution gets into the air and soil. People and animals breathe the air and eat items grown. People who buy food cultivated in SD County will be affected also.

Response K44-1
The comment expresses concerns about community safety, air quality, and public health. The reader is referred to Section 9.1.1.4. “Master Response: Code Enforcement and Crime,” in regard to community safety caused by the proposed program. Draft PEIR Section 2.4, “Air Quality,” addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, “Master Response: Cannabis Odors.” It should be noted that the Draft PEIR did not identify any health impacts from exposure to cannabis odors.

Letter K45 Jeff Apsley

March 31, 2025

Comment K45-1
I am against Cannabis Programs that expand the public and/or private use of Cannabis. The short, and long-term use of this substance has negative behavior, social and health impact. Money would be better spent in research and corrective programs that appropriately and respectively address the root causes that lead to so many turning to cannabis for relief, trading short term relief for long term consequences.

Response K45-1
The comment provides an opinion regarding the merits or qualities of the proposed program. The Board will take the commenter’s opinions into consideration when making decisions regarding the Cannabis Program.

Letter K46 Nancy McRae

April 1, 2025

Comment K46-1
There are so many concerns with this EIR and cannabis cultivation's effect on the environments that I am against the cultivation of any cannibis in the unincorporated areas of San Diego County. For example, I disagree with the conclusions in S-1 that Change or Obstruct Scenic Vistas is a "less than significant" impact unless land that is currently under cultivation is being used; that "adversely affect views due to new light and light" is less than significant - are the writers of this EIR not aware of Dark Sky Community status?; "conflict with air quality plans" less than significant- there is proven evidence and experience that cultivation very adversely impacts not only air quality but also quality of life. While I believe the people who worked on this document gave it their best effort, it is clear that they were skewing the document result to fit with what they believe the County BOS wants, and not align with the reality of the environmental impacts.

Response K46-1
The comment expresses concerns about scenic vistas from lighting impacts and disagrees with the conclusions of the Draft PEIR. The potential for new sources of light to affect nighttime views and dark skies is addressed in Draft PEIR Section 2.2, “Aesthetics,” Section 2.2.3.6, “Issue 3: Adversely Affect View due to New Light and Glare.” As discussed in this section, cannabis cultivation facilities would be subject to the California Energy Commission’s Building

Energy Efficiency Standards (CCR Title 24, Parts 1 and 2) and DCC regulations (CCR Title 4, Division 19, Section 16304) adopted for the purpose of reducing light and glare, as well as regulations in Section 51.201 et seq. of the Regulatory Code that were adopted for the purposes of minimizing light pollution in San Diego County and of protecting astronomical research at the Palomar and Mount Laguna Observatories from its detrimental effects. The Cannabis Program proposes amendments to the Zoning Ordinance that would further reduce light and glare from new cannabis uses. Section 6995(f)(1) specifies exterior lighting requirements to reduce light pollution and prevent spillover light, such as the use of motion sensors; LED bulbs; and luminaries that are cut-off, shielded, and downward facing. Section 6995(g)(2) would prohibit lighting in agricultural shade and crop structures and require the use of blackout curtains to prevent light escape from mixed-light cannabis cultivation. Section 6995(g)(2) specifies setback requirements for cultivation uses, which would prevent the spillover of light onto adjacent properties. Compliance with these regulations would ensure consistency with the General Plan policies that restrict outdoor light and glare in semirural and rural areas (Policy COS-13.1) and maintain dark skies, particularly surrounding the Palomar and Mount Laguna Observatories (Policy COS-13.2 and Policy COS-13.3). Proposed commercial cannabis facilities would be subject to site-specific review during the application process to ensure compliance with the County's development standards. The comment provides no data or technical analysis demonstrating why compliance with these standards would not address lighting impacts.

Draft PEIR Section 2.4, "Air Quality," addresses impacts from both criteria air pollutant emissions and odors. No significant air pollution impacts were identified, but significant and unavoidable odor impacts were identified for Alternatives 2, 3, and 5. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," for a further discussion of this impact. The comment provides no data or technical analysis demonstrating that the Draft PEIR air quality impact analysis is incorrect.

Letter K47 Kristen Friend

April 1, 2025

Comment K47-1

I strongly oppose the proposed San Diego County Socially Equitable Cannabis Program due to its severe environmental, public safety, and community impacts. The program will strain our water supply, degrade air quality, increase wildfire risks, and negatively impact local communities. Please research the negative impact this has had on local communities in Santa Barbara County. Additionally this plan fails to address increased crime, traffic congestion, and exposure to youth. Furthermore, the decision-making process has lacked sufficient community input.

This program is unacceptable and must be fully rejected. There is no justification for proceeding with a plan that will bring irreversible harm to our environment and neighborhoods. I strongly suggest that the County abandon this initiative entirely and focus on policies that truly protect and serve the residents of San Diego County.

Response K47-1
The comment expresses concern regarding water supply issues, air quality issues, increased wildfire risks, impacts on local communities, increased crime, and traffic. The program's potential environmental impacts, including those noted by the commenter, are addressed in the Draft PEIR and the master responses in this Final PEIR. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime." Furthermore, the reader is referred to Draft PEIR Section 2.4, "Air Quality," 2.11, "Hydrology and Water Quality, Section 2.19, "Wildfire," and Section 2.13, "Noise," in the Draft PEIR.

Letter K48 Aldo Alvidres

April 1, 2025

Comment K48-1
It is imperative that Cannabis and hemp/marijuana NOT be allowed to be grown in mass quantities in our area. The odor, contamination to our water, and proper disposal of harmful chemicals/solvents will be IMPOSSIBLE to supervise by the county and government officials. As far as the social equity aspect; how will you expect individuals that DID NOT follow the law to now follow environmental safety guidelines and be lawful when they could not follow the laws previously?

Response K48-1
The comment expresses concern about odors, water contamination, hazards, and crime and code enforcement related to cannabis. The reader is referred to Section 9.1.1.1, "Master Response: Cannabis Odors," for a discussion related to the potential for odors. Impacts associated with interference with water quality are discussed in Section 2.11, "Hydrology and Water Quality," in the Draft PEIR. The comment also expresses concerns about potential crime and code enforcement related impacts associated with cannabis. The reader is referred to Section 9.1.1.4, "Master Response: Code Enforcement and Crime."

9.2 Staff Initiated Text Changes to the Draft PEIR Outside of Comments Received

9.2.1 Description of Alternative 1

The County has made the following edits to the description of Alternative 1: No Project—Retention of Current Cannabis Regulations provided in Draft PEIR Chapter 1, "Project Description, Location, and Environmental Setting." Specifically, the edits are intended to clarify that expansion of the existing five cannabis operations in the county are allowed to expand up to 10,000 square feet without any additional discretionary approvals by the County. Specifically, Zoning Ordinance Section 6861 (dated October 6, 2021) authorizes the five existing cannabis facilities to engage in the following activities: medical cannabis collective, commercial cannabis microbusiness, or commercial cannabis retailer activities. Under the ordinance, the existing facilities are allowed to continue operation, as well as make repairs to existing facilities and improvements to existing structures up to a cumulative total of 10,000 square feet.

The text as presented in the Draft PEIR page 1-19:

Alternative 1: No Project—Retention of Current Cannabis Regulations

This alternative would consist of not adopting the proposed Cannabis Program and ordinance amendments. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow expansion of their existing facilities and operations to a total of 10,000 square feet of building area. However, no new commercial cannabis operations would be allowed.

The text as presented in the Final PEIR:

Alternative 1: No Project—Retention of Current Cannabis Regulations

This alternative would consist of not adopting the proposed Cannabis Program and ordinance amendments. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate under the existing ordinances, which allow expansion of their existing facilities and operations to a total of 10,000 square feet of building area without any additional discretionary approval. However, no new commercial cannabis operations would be allowed.

9.2.2 Mitigation Measure M-AE.2-1 Edits in Section 2.2, "Aesthetics"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.2-39:

M-AE.2-1: Conduct Project-Level Visual Analysis for Cannabis Facilities

Each cannabis facility application shall include a visual analysis, to evaluate the potential for a proposed cannabis cultivation facility to substantially degrade the visual character or quality of public views. Potential visual impacts shall be addressed by siting outdoor and mixed-light cultivation facilities outside of public views. If this cannot be achieved, the applicant shall provide the reasoning in writing (e.g., all sites within the property are within public views, the site was previously farmed and selecting a new site would require additional grading, other sites contain sensitive resources, other sites do not contain fertile soils or other suitable conditions for growing cannabis). The siting of outdoor and mixed-light cultivation facilities will be subject to the County's review and approval during the permit application process.

The text as presented in the Final PEIR:

M-AE.2-1: Conduct Project-Level Visual Analysis for Cannabis Facilities

Each outdoor and mixed-light cannabis facility application that is located within public viewpoints (visible from public roads or other public viewpoints such as parks) shall include a visual analysis photo simulation, or other appropriate level of review consistent

with the *County of San Diego Guidelines for Determining Significance and Report Format and Content Requirement–Visual Resources* to evaluate the potential for a proposed cannabis cultivation facility to substantially degrade the visual character or quality of public views. If the project site can be demonstrated to be outside of a public view, no further action is required. Potential visual impacts shall be addressed by siting outdoor and mixed-light cultivation facilities outside of public views. If this cannot be achieved, the applicant shall provide the reasoning in writing (e.g., all sites within the property are within public views, the site was previously farmed and selecting a new site would require additional grading, other sites contain sensitive resources, other sites do not contain fertile soils or other suitable conditions for growing cannabis). The siting of outdoor and mixed-light cultivation facilities will be subject to the County's review and approval during the permit application process.

9.2.3 Edits to Section 2.3, "Agricultural and Forest Resources"

The following text changes reflect updates to the California Code of Regulations.

The following text is removed on Draft PEIR page 2.3-9:

CCR, Title 4, Section 16310: Pest Management Plan

Licensed cultivators are required to develop a pest management plan that includes the product name and active ingredient(s) of all pesticides to be applied to cannabis, as well as any integrated pest management protocols, including chemical, biological, and cultural methods, that will be used to prevent and control pests on the cultivation site.

9.2.4 Edits to Section 2.4, "Air Quality"

The following corrections are made to the references to California Code of Regulations.

The text as presented in the Draft PEIR on page 2.4-10:

California Code of Regulations

The following requirements are included in the Department of Cannabis Control regulations, CCR, Title 3, Division 8, Chapter 1 and pertain to cultivation sites.

Section 8306: Generator Requirements

The text as presented in the Final PEIR:

California Code of Regulations

The following requirements are included in the Department of Cannabis Control regulations, CCR, Title 4, Division 19, Chapter 9 and pertain to cultivation sites.

Section 16306: Generator Requirements

9.2.5 Mitigation Measure M-BI.1-1 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.5-65 through 2.5-67:

M-BI.1-1: Conduct Preapproval Reconnaissance-Level Surveys for Biological Resources

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County under the program. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ:

Reconnaissance-Level Survey

- A reconnaissance-level survey for biological resources shall be conducted on the parcel of the cannabis use by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in San Diego County) and approved by the County (i.e., on the County of San Diego's CEQA Consultants List for Privately Initiated Projects) prior to any staging or development activities. A qualified biologist would:
  - hold a wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university;
  - be knowledgeable in relevant species life histories and ecology;
  - be able to correctly identify relevant species and habitats;
  - be knowledgeable about survey protocols;
  - be knowledgeable about state and federal laws regarding the protection of special-status species; and
  - have experience with CDFW's CNDDB and Biogeographic Information and Observation System (BIOS).

The reconnaissance-level survey shall include the following elements:

- Prior to the reconnaissance-level survey, the qualified biologist shall conduct a data review to determine the special-status plants; special-status wildlife; rare, narrow endemic plant and animal species; critical populations of sensitive plant species; sensitive habitats (e.g., federally protected wetlands, waters of the state, riparian habitat, sensitive natural communities); and regional linkages/wildlife movement corridors that have the potential to occur within the proposed activity footprint of the cannabis use. This will include review of the best available, current data, including vegetation mapping data, the San Diego MSCP, the BMO, and database searches

of the CNDDB, the CNPS Inventory of Rare and Endangered Plants of California, and the USFWS Inventory for Planning and Consultation.

- Prior to the reconnaissance-level survey, the qualified biologist shall determine whether the project constitutes an agricultural activity (i.e., cultivation) that would be exempt under the San Diego County MSCP, whether the project site is located within a PAMA or a Biological Resource Core Area as defined in the San Diego MSCP and BMO, and the tier level of vegetation on the project site ("List of San Diego County Vegetation Communities and Tier Levels within the San Diego MSCP").
- The qualified biologist shall map land cover, identify natural communities, and assess the habitat suitability of the proposed activity footprint of the cannabis use for special-status plants, special-status wildlife, and sensitive habitats identified as having potential to occur, consistent with the requirements of the San Diego MSCP and BMO for species covered by the plan, and consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ and Section 86.504 (Administrative Process and Evaluations; Environmental Initial Study) of the BMO.
- The biologist shall provide a report to the applicant and San Diego County Planning & Development Services with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed activity footprint of the cannabis use. The type of report will depend on the type of permit (i.e., ministerial, discretionary) and the size of the project, at the discretion of the County.
- If the reconnaissance-level survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant shall not be subject to additional biological resources protection measures.
- If special-status plants, special-status wildlife, habitat suitable for these species, or sensitive habitats are identified within or adjacent to the proposed activity footprint of the cannabis use, then additional mitigation measures would apply.

Text as presented in the Final PEIR:

M-BI.1-1: Conduct Preapproval Reconnaissance-Level Surveys for Biological Resources

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County under the program if the application includes ground disturbance, vegetation removal, and/or grading. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ:

Reconnaissance-Level Survey

- A reconnaissance-level survey for biological resources shall be conducted by a qualified biologist (i.e., familiar with wildlife, plants, and habitats in San Diego County) and approved by the County (i.e., on the County of San Diego's CEQA Consultants List for Privately Initiated Projects) prior to any staging or development activities. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. A qualified biologist would:
  - hold a wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university;
  - be knowledgeable in relevant species life histories and ecology;
  - be able to correctly identify relevant species and habitats;
  - be knowledgeable about survey protocols;
  - be knowledgeable about state and federal laws regarding the protection of special-status species; and
  - have experience with CDFW's CNDDB and Biogeographic Information and Observation System (BIOS).

The reconnaissance-level survey shall include the following elements:

- Prior to the reconnaissance-level survey, the qualified biologist shall conduct a data review to determine the special-status plants; special-status wildlife; rare, narrow endemic plant and animal species; critical populations of sensitive plant species; sensitive habitats (e.g., federally protected wetlands, waters of the state, riparian habitat, sensitive natural communities); invasive species; and regional linkages/wildlife movement corridors that have the potential to occur within the proposed activity footprint of the cannabis use. This will include review of the best available, current data, including vegetation mapping data, the San Diego MSCP, the BMO, and database searches of the CNDDB, the CNPS Inventory of Rare and Endangered Plants of California, and the USFWS Inventory for Planning and Consultation.
- Prior to the reconnaissance-level survey, the qualified biologist shall determine whether the project constitutes an agricultural activity (i.e., cultivation) that would be exempt under the San Diego County MSCP, whether the project site is located within a PAMA or a Biological Resource Core Area as defined in the San Diego MSCP and BMO, and the tier level of vegetation on the project site ("List of San Diego County Vegetation Communities and Tier Levels within the San Diego MSCP").
- The qualified biologist shall map land cover, identify natural communities, and assess the habitat suitability of the proposed activity footprint of the cannabis use for special-status plants, special-status wildlife, and sensitive habitats identified as

having potential to occur, consistent with the requirements of the San Diego MSCP and BMO for species covered by the plan, and consistent with Term 10 under Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2023-0102-DWQ and Section 86.504 (Administrative Process and Evaluations; Environmental Initial Study) of the BMO.

- The biologist shall provide a report to the applicant and San Diego County Planning & Development Services with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed activity footprint of the cannabis use. The type of report will depend on the type of permit (i.e., ministerial, discretionary) and the size of the project, at the discretion of the County.
- If the reconnaissance-level survey identifies no potential for special-status plants, special-status wildlife, or sensitive habitats to occur, the applicant shall not be subject to additional biological resources protection measures.
- If special-status plants, special-status wildlife, habitat suitable for these species, or sensitive habitats are identified within or adjacent to the proposed activity footprint of the cannabis use, then additional mitigation measures would apply.

9.2.6 Mitigation Measure M-BI.1-2 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-67:

M-BI.1-2: Participate in the San Diego MSCP Including Payment of Fees and Implementation of Mitigation Measures for Covered Species

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with the following required compliance with SWRCB Order WQ 2023-0102-DWQ.

Species Covered under the San Diego MSCP

If species covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use, the applicant shall assume presence of these species and satisfy the requirements of the San Diego MSCP, and the BMO. This measure applies to species currently covered under the South County Subarea Plan and species covered in the future under the North County Plan, East County Plan, and Butterfly HCP. This measure applies to cultivation and noncultivation activities that are not exempt from participation in the MSCP.

- If species covered under the San Diego MSCP that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity

footprint of the cannabis use, payment of HCP/NCCP mitigation fees, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and BMO habitat-based and species-based mitigation measures are required.

- If species covered under the San Diego MSCP that are listed under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/ protocols under the HCP portion of the San Diego MSCP can be applied.
- Because some outdoor cultivation activities may be exempt from participation in the MSCP, potential impacts on species covered under the MSCP shall be addressed outside of the mitigation structure of the MSCP and through implementation of the measures described below.

Special-Status Species Not Covered under the San Diego County MSCP

If species not covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use that is not exempt from participation in the MSCP, the applicant shall apply additional mitigation measures consistent with state and local requirements. This measure applies to all species not currently covered under the South County Subarea Plan. Should any of these species become subsequently covered under the North County Plan, East County Plan, or Butterfly HCP, the previous measure shall apply.

The text as presented in the Final PEIR:

M-BI.1-2: Participate in the San Diego MSCP Including Payment of Fees and Implementation of Mitigation Measures for Covered Species

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with the following required compliance with SWRCB Order WQ 2023-0102-DWQ. County staff will review each project application and determine whether the project is in conformance with the MSCP and South County Subarea Plan and what is necessary (e.g., revisions, mitigation) for conformance with the MSCP plan and South County Subarea Plan.

Species Covered under the San Diego MSCP

If species covered under the San Diego MSCP are determined to be present or likely to be present within the proposed activity footprint of the cannabis use (during the initial biological survey described in M-BI.1-1) and the biologist determines that project activities may result in adverse effects on these species, the applicant shall assume presence of these species and satisfy the requirements of the San Diego MSCP, South County Subarea Plan, and the BMO. This measure applies to species currently covered under

the South County Subarea Plan and species covered in the future under the North County Plan, East County Plan, and Butterflies HCP. This measure applies to cultivation and noncultivation activities that are not exempt from participation in the MSCP.

- If species covered under the San Diego MSCP or South County Subarea Plan that are not listed under CESA or ESA or are only listed under CESA could occur within the proposed activity footprint of the cannabis use, payment of HCP/NCCP mitigation fees through purchase of mitigation credits, dependent on the habitat on the project site that will be converted, and implementation of applicable MSCP and BMO habitat-based and species-based mitigation measures are required.
- If species covered under the San Diego MSCP or South County Subarea Plan that are listed under ESA could occur within the proposed activity footprint of the cannabis use, the applicant must avoid impacts by implementing no-disturbance buffers or redesigning the project until such time as federal permits, authorizations, and procedures/protocols under the HCP portion of the San Diego MSCP and South County Subarea Plan can be applied.
- Because some outdoor cultivation activities may be exempt from participation in the South County Subarea Plan, potential impacts on species covered under the South County Subarea Plan shall be addressed outside of the mitigation structure of the South County Subarea Plan and through implementation of the measures described below.

Special-Status Species Not Covered under the San Diego County MSCP

If species not covered under the San Diego MSCP or South County Subarea Plan are determined to be present or likely to be present within the proposed activity footprint of the cannabis use that is not exempt from participation in the MSCP, the applicant shall apply additional mitigation measures consistent with state and local requirements. This measure applies to all species not currently covered under the South County Subarea Plan. Should any of these species become subsequently covered under the North County Plan, East County Plan, or Butterflies HCP, the previous measure shall apply.

9.2.7 Mitigation Measure M.BI.1-3 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.5-68 through 2.5-69:

M-BI.1-3: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation for Plant Species Not Covered under the San Diego MSCP

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application

materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development activities associated with cultivation and noncultivation activities and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018).

  A qualified botanist would:

  - be knowledgeable about plant taxonomy;
  - be familiar with plants of the region, including special-status plants and sensitive natural communities;
  - have experience conducting floristic botanical field surveys as described in the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor;
  - be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/); and
  - be familiar with federal, state, and local statutes and regulations related to plants and plant collecting.

- If special-status plants are not found, the botanist shall document the findings in a report to CDFW, USFWS, the County, and the applicant, and no further mitigation will be required.
- If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. If special-status plants cannot be avoided, then the applicant shall consult with CDFW to determine if an incidental take permit should be obtained (i.e., for special-status species listed under CESA) or if compensatory mitigation would be required (for special-status plants with a CRPR of 1 or 2, and/or on the County of San Diego sensitive plant List A or List B). Impacts on these special-status plant species would be mitigated such that there would be no net loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Habitat and individual plants lost shall be mitigated at a minimum 1:1 ratio (up to a 3:1 ratio), considering acreage as well as function and value. Success criteria for preserved and compensatory populations will include the following requirements:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.
- Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
  - plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and
  - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.
- Any mitigation plan for unavoidable impacts on special-status plants must be reviewed and approved by the County, USFWS, and CDFW.

- If special-status plant species are found that have a CRPR of 3 or 4 and/or are on the County of San Diego sensitive plant List C or List D, the qualified botanist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species and shall prepare a report that contains evidence supporting the conclusion.
  - If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these plant species, the botanist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.

  If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species, the botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. Impacts on these special-status plant species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

The text as presented in the Final PEIR:

M-BI.1-3: Conduct Special-Status Plant Surveys and Implement Avoidance Measures and Mitigation for Plant Species Not Covered under the San Diego MSCP

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Prior to commencement of development activities associated with cultivation and noncultivation activities and during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following the survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018).

  A qualified botanist would:

  - be knowledgeable about plant taxonomy;
  - be familiar with plants of the region, including special-status plants and sensitive natural communities;
  - have experience conducting floristic botanical field surveys as described in the CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor;
  - be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at http://vegetation.cnps.org/); and
  - be familiar with federal, state, and local statutes and regulations related to plants and plant collecting.
- If special-status plants are not found, the botanist shall document the findings in a report to CDFW, USFWS, the County, and the applicant, and no further mitigation will be required.
- If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. If special-status plants cannot be avoided, then the applicant shall consult with CDFW to determine if an incidental take permit should be obtained (i.e., for special-status species listed under CESA) or if compensatory mitigation would be

required (for special-status plants with a CRPR of 1 or 2, and/or on the County of San Diego sensitive plant List A or List B). Impacts on these special-status plant species would be mitigated such that there would be no net loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations, establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals. Habitat and individual plants lost shall be mitigated at a minimum 1:1 ratio (up to a 3:1 ratio), considering acreage as well as function and value. Success criteria for preserved and compensatory populations will include the following requirements:

- The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.
- Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
    - plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and
    - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.
- Any mitigation plan for unavoidable impacts on special-status plants must be reviewed and approved by the County and CDFW.

- If special-status plant species are found that have a CRPR of 3 or 4 and/or are on the County of San Diego sensitive plant List C or List D, the qualified botanist shall determine whether implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of these plant species and shall prepare a report that contains evidence supporting the conclusion.
    - If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would not threaten the local long-term survival of these plant species, the botanist shall submit the report documenting this conclusion to the County and CDFW for approval. If the County and CDFW concur with the conclusion, then further mitigation for impacts on these special-status species would not be required.

  If the qualified botanist determines that implementation of cultivation and noncultivation activities on the site would threaten the local long-term survival of

these plant species, the botanist shall consult with CDFW to designate a no-disturbance buffer and/or redesign of the commercial cannabis cultivation site improvements that shall be reflected in application materials to the County. Impacts on these special-status plant species may need to be mitigated such that there would be no net loss of occupied habitat or individuals, as determined by the qualified biologist in consultation with the County and CDFW.

9.2.8 Mitigation Measure M-BI.1-4 Edits in Section 2.5, "Biological Resources"

This following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.5-69 and 2.5-70:

M-BI.1-4: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

This measure shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation shall be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council.

- The application will include identification of invasive plant species that occur on the site and where they are located. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- All invasive plant species shall be removed from the site using measures appropriate to the species. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use and shall be cleaned before entering the site to reduce the risk of introducing invasive plant species.

The text as presented in the Final PEIR:

M-BI.1-4: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

This measure shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status plants are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation shall be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ to avoid the introduction or

spread of plants classified as invasive plant species by the California Invasive Plant Council.

- The application will include identification of invasive plant species that occur on the site and where they are located. The application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- All invasive plant species shall be removed from the site to the extent practicable using measures appropriate to the species. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use and shall be cleaned before entering the site to reduce the risk of introducing invasive plant species.

9.2.9 Mitigation Measure M-BI.1-5 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.5-70 through 2.5-71:

M-BI.1-5: Conduct Preconstruction Surveys for Special-Status Amphibians

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If arroyo toads or California red-legged frogs are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be assumed that cultivation and noncultivation activities could result in take of these federally listed species, and the application shall be denied.
- If western spadefoot toads are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures,

such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, shall be necessary and appropriate.

- Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) is present in the proposed development area, a qualified biologist familiar with the life cycle of these species (i.e., coast range newt, western spadefoot [if not listed under ESA at the time of the survey]) shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey and, for arroyo toad, California red-legged frog, or western spadefoot (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the site, or relocating individual.

The text as presented in the Final PEIR:

M-BI.1-5: Conduct Preconstruction Surveys for Special-Status Amphibians

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status amphibians are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If arroyo toads or California red-legged frogs are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site), then it shall be assumed that cultivation and noncultivation activities could result in take of these federally listed species, and the application shall be denied.

- If western spadefoot toads are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.
- Regardless of detection during the initial biological survey, if habitat suitable for special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) is present in the proposed development area as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species (i.e., coast range newt, western spadefoot [if not listed under ESA at the time of the survey]) shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and a minimum 400-foot buffer around the proposed development area or other buffer size as recommended by CDFW. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders and visual searches for frogs. Preconstruction surveys shall be conducted during the appropriate season to maximize potential for observation for each species, and appropriate surveys shall be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey and, for arroyo toad, California red-legged frog, or western spadefoot (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status amphibians other than arroyo toad, California red-legged frog, and western spadefoot (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

9.2.10 Mitigation Measure M-BI.1-6 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.5-71 and 2.5-72:

> **M-BI.1-6: Conduct Surveys for Special-Status Reptiles and Implement Avoidance Measures**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.
>
> - If southwestern pond turtles are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
> - If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, shall be necessary and appropriate.
> - Regardless of detection during the initial biological survey, if habitat suitable for special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) and including southwestern pond turtle (if not listed under ESA at the time of the survey) is present in the proposed development area, a qualified biologist familiar with the life cycle of these species shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status reptile species shall be conducted throughout the proposed construction area, and a minimum 400-foot buffer, or other buffer size as recommended by CDFW, shall be established around the proposed development area. Surveys shall consist of "walk and turn" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for reptiles and visual searches for southwestern pond turtles in aquatic habitat and potential burrows.
> - If special-status reptiles are not detected during the preconstruction survey and, for southwestern pond turtle (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.

- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status reptiles shall be avoided by modifying project design, relocating the site, or relocating individual animals.

The text as presented in the Final PEIR:

M-BI.1-6: Conduct Surveys for Special-Status Reptiles and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status reptiles are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If southwestern pond turtles are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur (i.e., aquatic or upland habitats potentially suitable for the species are present on the site) and this species (which is currently proposed for listing) is listed under ESA at the time of the survey, then it shall be assumed that cultivation and noncultivation activities could result in take of the species, and the application shall be denied.
- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the initial biological survey (see M-BI.1-1) or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals by a biologist with an appropriate CDFW scientific collecting permit, or installation of exclusionary fencing, shall be necessary and appropriate.
- Regardless of detection during the initial biological survey, if habitat suitable for special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) and including southwestern pond turtle (if not listed under ESA at the time of the survey) is present in the proposed development area, as determined during the initial biological survey (see M-BI.1-1), a qualified biologist familiar with the life cycle of these species shall conduct preconstruction surveys of proposed new development activities 48 hours before new development activities. Preconstruction surveys for special-status reptile species shall be conducted throughout the proposed construction area, and a minimum 400-foot buffer, or other buffer size as recommended by CDFW, shall be established around the proposed development area. Surveys shall consist of “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for reptiles and visual searches for southwestern pond turtles in aquatic habitat and potential burrows.

- If special-status reptiles are not detected during the preconstruction survey and, for southwestern pond turtle (if listed under ESA at the time of the survey), the species is determined to be unlikely to occur, then further mitigation is not required.
- If special-status reptiles other than southwestern pond turtle (if listed under ESA at the time of the survey) are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status reptiles shall be avoided by modifying project design, relocating the site, or relocating individual animals by a biologist with an appropriate CDFW scientific collecting permit.

9.2.11 Mitigation Measure M-BI.1-7 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-72:

M-BI.1-7: Conduct Preconstruction California Spotted Owl Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If a qualified biologist determines that the project site contains or is adjacent to habitat suitable for California spotted owls during the initial biological survey (see M-BI.1-1), the qualified biologist will determine whether a documented California spotted owl nesting occurrence is present within 0.25 miles of a project site by reviewing California spotted owl occurrence data in the CNDDB and contacting biologists from adjacent public lands (e.g., US Forest Service land), as applicable, to obtain any recent survey and occurrence data for California spotted owl that have not been made publicly available (e.g., in the CNDDB).
- If a nesting occurrence is determined to be present or if nesting habitat suitable for California spotted owl as determined by a biologist during the initial biological survey (see M-BI.1-1) is present within or within 0.25 miles of a project site, then the following measures will be followed:
    - Protocol-level surveys for California spotted owl will be conducted by a qualified biologist within a 0.25-mile radius surrounding the project site prior to any construction or staging activities where a documented nest or nesting habitat is present within 0.25 miles of the project site. Surveys for California spotted owl will be conducted pursuant to the *Protocol for Surveying for Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas* (US

Forest Service 1993) or any protocol subsequently developed by USFWS should the species be listed.

- If California spotted owls are determined to be absent within 0.25 miles from the site, then further mitigation is not required.
- If nesting California spotted owls are identified during protocol-level surveys and determined to be present within 0.25 miles of the project site, then it is presumed that cultivation and noncultivation activities, including development and operation, could result in take of California spotted owls through habitat modification or disturbance. Therefore, if California spotted owls are determined to be present within 0.25 miles of the project site, proposed cultivation and noncultivation activities will not be permitted.

The text as presented in the Final EIR:

M-BI.1-7: Conduct Preconstruction California Spotted Owl Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if California spotted owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If a qualified biologist determines that the project site contains or is adjacent to habitat suitable for California spotted owls during the initial biological survey (see M-BI.1-1), the qualified biologist will determine whether a documented California spotted owl nesting occurrence is present within 0.25 miles of a project site by reviewing California spotted owl occurrence data in the CNDDB and contacting biologists from adjacent public lands (e.g., US Forest Service land), as applicable, to obtain any recent survey and occurrence data for California spotted owl that have not been made publicly available (e.g., in the CNDDB).
- If a nesting occurrence is determined to be present or if nesting habitat suitable for California spotted owl as determined by a biologist during the initial biological survey (see M-BI.1-1) is present within or within 0.25 miles of a project site, then the following measures will be followed:
  - Protocol-level surveys for California spotted owl will be conducted by a qualified biologist within a 0.25-mile radius surrounding the project site prior to any construction or staging activities where a documented nest or nesting habitat is present within 0.25 miles of the project site. Surveys for California spotted owl will be conducted pursuant to the *Protocol for Surveying for Spotted Owls in Proposed Management Activity Areas and Habitat Conservation Areas* (US Forest Service 1993) or any protocol subsequently developed by USFWS should the species be listed.

- If California spotted owls are determined to be absent within 0.25 miles from the site, then further mitigation is not required.
- If nesting California spotted owls are identified during protocol-level surveys and determined to be present within 0.25 miles of the project site, then it is presumed that cultivation and noncultivation activities, including development and operation, could result in take of California spotted owls through habitat modification or disturbance. Therefore, if California spotted owls are determined to be present within 0.25 miles of the project site, proposed cultivation and noncultivation activities will not be permitted.

9.2.12 Mitigation Measure M-BI.1-8 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-73:

M-BI.1-8: Conduct Take Avoidance Survey for Burrowing Owl and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for burrowing owls is determined to be present on the site during the initial biological survey (see M-BI.1-1), a qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species (e.g., grasslands, agricultural areas) on and within a minimum of 1,640 feet (500 meters) of the cultivation or noncultivation site using survey methods described in Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of 4 surveys shall be conducted to determine whether burrowing owls occupy the site. If feasible, at least 1 survey should be conducted between February 15 and April 15, and the remaining surveys should be conducted between April 15 and July 15 and at least 3 weeks apart. Because burrowing owls may recolonize a site after only a few days, 1 of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.
- If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant, the County, and CDFW, and no further mitigation shall be required.

- If an active burrow is found within a minimum of 1,640 feet of ground-disturbing activities that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). The protection buffer shall be adjusted if, during consultation with the County and CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures.
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 1,640 feet (500 meters). There is an option for the size of the buffer to be adjusted depending on the time of year and level of disturbance as outlined in the burrowing owl staff report. The size of the buffer shall be reduced if a broad-scale, long-term monitoring program acceptable to the County and CDFW is implemented so that burrowing owls are not adversely affected.

The text as presented in the Final PEIR:

M-BI.1-8: Conduct Take Avoidance Survey for Burrowing Owl and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if burrowing owls are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- If habitat suitable for burrowing owls is determined to be present on the site during the initial biological survey (see M-BI.1-1), a qualified biologist shall conduct a focused survey for burrowing owls in areas of habitat suitable for the species (e.g., grasslands, agricultural areas) on and within a minimum of 1,640 feet (500 meters) of the cultivation or noncultivation site using survey methods described in Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). Inaccessible areas (e.g., adjacent private property) will not be surveyed directly, but the biologist may use binoculars or a spotting scope to survey these areas. A minimum of 4 surveys shall be conducted to determine whether burrowing owls occupy the site. If feasible, at least 1 survey should be conducted between February 15 and April 15, and the remaining surveys should be conducted between April 15 and July 15 and at least 3 weeks apart. Because burrowing owls may recolonize a site after only a few days, 1 of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.

- If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant, the County, and CDFW, and no further mitigation shall be required.
- If an active burrow is found within a minimum of 1,640 feet of ground-disturbing activities that would occur during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). The protection buffer shall be adjusted if, during consultation with the County and CDFW, a qualified biologist determines that an alternative buffer would not disturb burrowing owl use of the burrow because of particular site features or other buffering measures.
- If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 1,640 feet (500 meters). There is an option for the size of the buffer to be adjusted depending on the time of year and level of disturbance as outlined in the burrowing owl staff report. The size of the buffer shall be reduced if a broad-scale, long-term monitoring program acceptable to the County and CDFW is implemented so that burrowing owls are not adversely affected.

9.2.13 Mitigation Measure M-BI.1-9 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.5-73 and 2.5-74:

M-BI.1-9: Conduct Preconstruction Special-Status Nesting Raptor Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for loss of nesting raptors, tree and other vegetation removal activities shall occur only during the nonbreeding season (September 1 through January 31), if feasible.
- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within a certain distance, depending on the species that are known or have potential to be present. The

survey radius for American peregrine falcon (*Falco peregrinus anatum*), bald eagle, and golden eagle shall be a minimum of 0.5 miles from the proposed development area boundary. The survey radius for Swainson's hawk (*Falco peregrinus anatum*) and white-tailed kite (*Elanus leucurus*) shall be a minimum of 0.25 miles from the proposed development area boundary. The survey radius for all other raptor species shall be a minimum of 500 feet from the proposed development area boundary. The surveys shall be conducted between February 1 and August 31.

- If nesting special-status raptors are determined to be absent, then further mitigation is not required.
- If active nests are identified during preconstruction raptor surveys, then impacts on nesting raptors shall be avoided by establishing appropriate buffers around the nests. Factors to be considered for determining buffer size shall include the presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, and baseline levels of noise and human activity. Buffer size may be adjusted if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Typical buffer sizes are 0.5 miles for American peregrine falcon, bald eagle, and golden eagle; 0.25 miles for Swainson's hawk and white-tailed kite; and 500 feet for other raptor species. No activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist during and after construction activities (e.g., ground disturbance, vegetation removal) shall be required if the activity has potential to adversely affect the nest.
- Removal of bald and golden eagle nests is prohibited regardless of their occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
- Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree.

The text as presented in the Final EIR:

M-BI.1-9: Conduct Preconstruction Special-Status Nesting Raptor Surveys and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status raptors are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- To minimize the potential for loss of nesting raptors, tree and other vegetation removal activities shall occur only during the nonbreeding season (September 1 through January 31), if feasible.
- If removal of trees and other vegetation cannot be avoided during the breeding season, before removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist shall conduct preconstruction surveys for nesting raptors and shall identify active nests within a certain distance, depending on the species that are known or have potential to be present. The survey radius for American peregrine falcon, bald eagle, and golden eagle shall be a minimum of 0.5 miles from the proposed development area boundary. The survey radius for Swainson's hawk and white-tailed kite shall be a minimum of 0.25 miles from the proposed development area boundary. The survey radius for all other raptor species shall be a minimum of 500 feet from the proposed development area boundary. The surveys shall be conducted between February 1 and August 31.
- If nesting special-status raptors are determined to be absent, then further mitigation is not required.
- If active nests are identified during preconstruction raptor surveys, then impacts on nesting raptors shall be avoided by establishing appropriate buffers around the nests. Factors to be considered for determining buffer size shall include the presence of natural buffers provided by vegetation or topography, nest height, locations of foraging territory, and baseline levels of noise and human activity. Buffer size may be adjusted if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Typical buffer sizes are 0.5 miles for American peregrine falcon, bald eagle, and golden eagle; 0.25 miles for Swainson's hawk and white-tailed kite; and 500 feet for other raptor species. No activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist during and after construction activities (e.g., ground disturbance, vegetation removal) shall be required if the activity has potential to adversely affect the nest.
- Removal of bald and golden eagle nests is prohibited regardless of their occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
- Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree.

9.2.14 Mitigation Measure M-BI.1-10 Edits in Section 2.5, "Biological Resources"

The following clarifications were made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-74.

> **M-BI.1-10: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR.

> **M-BI.1-10: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status birds are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur based on the presence of habitat. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.15 Mitigation Measure M-BI.1-11 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-76:

> **M-BI.1-11: Conduct Preconstruction Crotch's Bumble Bee Habitat Suitability Surveys and Focused Surveys**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

> **M-BI.1-11: Conduct Preconstruction Crotch's Bumble Bee Habitat Suitability Surveys and Focused Surveys**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if bumble bees are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as

part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.16 Mitigation Measure M-BI.1-12 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-76:

> **M-BI.1-12: Conduct Preconstruction Special-Status Butterfly Habitat Suitability Surveys and Focused Surveys**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

> **M-BI.1-12: Conduct Preconstruction Special-Status Butterfly Habitat Suitability Surveys and Focused Surveys**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status butterflies are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.17 Mitigation Measure M-BI.1-13 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-78:

> **M-BI.1-13: Conduct Habitat Assessment for Special-Status Terrestrial Invertebrates and Implement Avoidance Measures**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

M-BI.1-13: Conduct Habitat Assessment for Special-Status Terrestrial Invertebrates and Implement Avoidance Measures

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status terrestrial invertebrates are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.18 Mitigation Measure M-BI.1-14 Edits in Section 2.5, "Biological Resources

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-79:

M-BI.1-14: Avoid Special-Status Fairy Shrimp Habitat

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

M-BI.1-14: Avoid Special-Status Fairy Shrimp Habitat

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status fairy shrimp are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.19 Mitigation Measure M-BI.1-15 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-79:

M-BI.1-15: Conduct Preconstruction Bat Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

M-BI.1-15: Conduct Preconstruction Bat Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status bats are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.20 Mitigation Measure M-BI.1-16 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-79:

M-BI.1-16: Conduct Preconstruction Survey for Special-Status Rodents and Rabbits and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

M-BI.1-16: Conduct Preconstruction Survey for Special-Status Rodents and Rabbits and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if special-status rodents and rabbits are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.21 Mitigation Measure M-BI.1-17 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-80:

> **M-BI.1-17: Conduct Preconstruction American Badger Survey and Establish Protective Buffers**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

> **M-BI.1-17: Conduct Preconstruction American Badger Survey and Establish Protective Buffers**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if American badgers are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.22 Mitigation Measure M-BI.1-18 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-80

> **M-BI.1-18: Conduct Preconstruction Southern California Ringtail Survey and Establish Protective Buffers**
>
> The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

M-BI.1-18: Conduct Preconstruction Southern California Ringtail Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if southern California ringtails are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.23 Mitigation Measure M-BI.1-19 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.5-81:

M-BI.1-19: Conduct Preconstruction Mountain Lion Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

The text as presented in the Final PEIR:

M-BI.1-19: Conduct Preconstruction Mountain Lion Survey and Establish Protective Buffers

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County if mountain lions or signs of mountain lions (e.g., scat, prints) are detected during the initial biological survey (see M-BI.1-1) or are determined to have potential to occur. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

9.2.24 Mitigation Measure M-BI.2-1 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR in the first bullet on page 2.5-83:

- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction, the applicant shall abide by the conditions of any executed agreement before any ground disturbance.

The text as presented in the Final PEIR:

- If the report documents that site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under Fish and Game Code Section 1602, a Streambed Alteration Notification shall be submitted to CDFW, pursuant to Section 1600 et seq. of the Fish and Game Code. If proposed activities are determined to be subject to CDFW jurisdiction by CDFW, the applicant shall abide by the conditions of any executed agreement before any ground disturbance.

9.2.25 Mitigation Measure M-BI.4-1 Edits in Section 2.5, "Biological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.5-85 and 2.5-86:

M-BI.4-1: Utilize Wildlife-Friendly Building and Fencing Designs

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Buildings and other permanent structures that would be constructed for cultivation and noncultivation activities associated with the project shall be designed to minimize impacts on wildlife, including disruption to wildlife movement, bird strikes, and wildlife entanglement.
    - Building design shall utilize guidelines regarding building height, materials, external lighting, and landscaping provided in the American Bird Conservancy's Bird-Friendly Building Design (American Bird Conservancy 2015). The County shall require review of the design plans by a qualified biologist, who will determine whether the plans are sufficient to reduce the likelihood of bird strikes or recommend additional measures.
        - Fencing associated with cultivation and noncultivation activities associated with the project will utilize wildlife-friendly fencing design to minimize the risk

of entanglement, entrapment, or impalement of wildlife. The County shall require the review of fencing design by a qualified biologist prior to installation. The fencing design shall meet, but not be limited to the following standards:

- Minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale, snag, or entrap a leaping animal (e.g., wrought iron fencing with spikes).
- Allow wildlife to jump over easily without injury. Typically, fences should be no more than 40 inches high on flat ground to allow adult deer to jump over. The determination of appropriate fence height will consider slope, as steep slopes are more difficult for wildlife to pass. If fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e., greater than ~~8~~ 6 feet tall).
- Allow smaller wildlife to pass under easily without injury or entrapment.

- Polyethylene plastic used for agricultural shade or crop structures shall be properly fastened, maintained in good condition, and regularly inspected for degradation from weather to prevent introduction of plastic into the natural environment, including waterways.

The text as presented in the Final PEIR:

M-BI.4-1: Utilize Wildlife-Friendly Building and Fencing Designs

The following shall be included as a performance standard for the licensing of new cultivation and noncultivation activities in unincorporated San Diego County. Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2023-0102-DWQ.

- Buildings and other permanent structures that would be constructed for cultivation and noncultivation activities associated with the project shall be designed to minimize impacts on wildlife, including disruption to wildlife movement, bird strikes, and wildlife entanglement.
  - Building design shall utilize guidelines regarding building height, materials, external lighting, and landscaping provided in the American Bird Conservancy's Bird-Friendly Building Design (American Bird Conservancy 2015). The County shall require review of the design plans by a qualified biologist, who will determine whether the plans are sufficient to reduce the likelihood of bird strikes or recommend additional measures.
    - Fencing associated with cultivation and noncultivation activities associated with the project will utilize wildlife-friendly fencing design to minimize the risk of entanglement, entrapment, or impalement of wildlife, as well as interruption of wildlife movement corridors. The County shall require the review of fencing

design by a qualified biologist prior to installation. The fencing design shall meet, but not be limited to the following standards:

- Minimize interruption of wildlife movement corridors by limiting fencing to the shortest length necessary, and properly siting fencing location such that established wildlife movement corridors are avoided.
- Minimize the chance of wildlife entanglement by avoiding barbed wire, loose or broken wires, or any material that could impale, snag, or entrap a leaping animal (e.g., wrought iron fencing with spikes).
- Allow wildlife to jump over easily without injury. Typically, fences should be no more than 40 inches high on flat ground to allow adult deer to jump over. The determination of appropriate fence height will consider slope, as steep slopes are more difficult for wildlife to pass. If fencing is required to be greater than 40 inches high for security or logistical purposes, then the fencing shall be high enough to deter wildlife from attempting to jump over (i.e., greater than ~~8~~ 6 feet tall).
- Allow smaller wildlife to pass under easily without injury or entrapment.

- Upon review of project-specific fencing design, the County and qualified biologist will require revisions to site plans if the proposed fencing design and/or location would result in impacts on wildlife movement.
- Polyethylene plastic used for agricultural shade or crop structures shall be properly fastened, maintained in good condition, and regularly inspected for degradation from weather to prevent introduction of plastic into the natural environment, including waterways.

9.2.26 Mitigation Measure M-CR.1-1 Edits in Section 2.6, "Cultural and Paleontological Resources"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.6-46 and 2.6-47:

M-CR.1-1: Identify and Evaluate Historical Structures

- As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1 - Term 21) and County General Plan Policy COS-8.1, commercial cannabis cultivation and noncultivation sites in San Diego County would be required to identify and evaluate all historical (over 50 years in age) buildings and structures that are proposed to be removed or modified as part of commercial cannabis site operations. For discretionary projects, the County shall determine the appropriate level of investigation. The evaluation shall be prepared by an architectural historian or historical architect who meets the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards and is listed on the County of San Diego CEQA Consultant's List. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b).

- For ministerial projects, this shall include the preparation of a historic structure report and evaluation of resources to determine their eligibility for recognition under federal, state, or County local official register of historic resources criteria.

- If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural or built-environment resource is not feasible, additional mitigation options include specific design plans for historic districts and plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

The text as presented in the Final PEIR:

M-CR.1-1: Identify and Evaluate Historical Structures

- As part of compliance with SWRCB Order WQ 2023-0102-DWQ (Attachment A, Section 1 - Term 21) and County General Plan Policy COS-8.1, commercial cannabis cultivation and noncultivation sites in San Diego County would be required to identify and evaluate all historical (over 50 years in age) buildings and structures that are proposed to be removed or modified as part of commercial cannabis site operations.
- The applicant shall identify structures that are proposed to be removed or modified as part of the commercial cannabis site operations and the age of these structures. For all historic-age (over 45-years in age) buildings and structures, projects involving interior alterations, the addition of rooftop solar, or routine maintenance work, do not need evaluation of eligibility by an architectural historian in a historic report.
- For projects that involve modifications to structures over 45 years, excluding interior alterations, the addition of rooftop solar, or routine maintenance work, the applicant shall have the structure evaluated to determine their eligibility for listing on the National Register of Historic Places, California Register of Historical Resources, or County local official register of historic resources. The evaluation shall be prepared by an architectural historian or historical architect who meets the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards and is listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects*. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b). To qualify as a ministerial project, the evaluation must conclude that no historical resources are present or that the project would not result in a substantial adverse change to the significance of historical resources.
- If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If

avoidance of a significant architectural or built-environment resource is not feasible, additional mitigation options include specific design plans for historic districts and plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings.

9.2.27 Mitigation Measure M-EN.2-1 Edits in Section 2.7, "Energy"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.7-19:

M-EN.2-1: Implement the requirements of the County's Climate Action Checklist.

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable.

The text as presented in the Final PEIR:

M-EN.2-1: Implement the requirements of the County's Climate Action Checklist.

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

9.2.28 Mitigation Measure M-GC.1-1 Edits in Section 2.9, "Greenhouse Gas Emissions and Climate Change"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.9-18:

M-GC.1-1: Implement the requirements of the County's Climate Action Checklist.

Commercial cannabis facilities shall implement the measures enumerated in the County's Climate Action Plan Checklist as applicable.

The text as presented in the Final PEIR:

M-GC.1-1: Implement the requirements of the County's Climate Action Checklist.

Each cannabis facility application shall include measures enumerated in the County's CAP Checklist as applicable (i.e., subject to a discretionary permit).

9.2.29 Mitigation Measure M-HYD.2-1 Edits in Section 2.11, "Hydrology and Water Quality"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.11-53:

M-HYD.2-1: Establish No Net Increase in Groundwater Use

If it can be demonstrated to the satisfaction of the County that the project would not have a net increase in groundwater production from existing baseline groundwater use in accordance with CEQA, no further action is needed. This documentation shall take the form of a groundwater analysis or memorandum.

The text as presented in the Final EIR:

M-HYD.2-1: Establish No Net Increase in Groundwater Use

If it can be demonstrated to the satisfaction of the County that the project would not have a net increase in groundwater production from existing baseline groundwater use in accordance with CEQA, no further action is needed. This documentation shall take the form of a groundwater analysis or memorandum prepared by a California Professional Geologist from the County of San Diego's CEQA Consultants List for Privately Initiated Projects.

9.2.30 Mitigation Measure M-HYD.2-2 Edits in Section 2.11, "Hydrology and Water Quality"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on pages 2.11-53 and 2.11.54:

M-HYD.2-2: Additional Groundwater Use

If a new or additional groundwater supplies are needed to support a project, a groundwater analysis shall be prepared by a California Professional Geologist and provided with the cannabis facility application that is consistent with the *County's Guidelines for Determining Significance and Report Format and Content Requirements - Groundwater Resources*. The analysis shall identify whether groundwater use would be sustainable in accordance with County guidelines and if needed, provide mitigation measures to the extent feasible to reduce potential adverse effects on groundwater. This could include design modifications, such as limiting cultivation or using imported water if available. The groundwater analysis shall be submitted to the County for review and approval as part of the application process.

The text as presented in the Final PEIR:

M-HYD.2-2: Additional Groundwater Use

If a new or additional groundwater supplies are needed to support a project, a groundwater analysis shall be prepared by a California Professional Geologist on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects* and provided with the cannabis facility application that is consistent with the *County's*

Guidelines for Determining Significance and Report Format and Content Requirements - Groundwater Resources. The analysis shall identify whether groundwater use would be sustainable in accordance with County guidelines and if needed, provide mitigation measures to the extent feasible to reduce potential adverse effects on groundwater. This could include design modifications, such as limiting cultivation or using imported water if available. The groundwater analysis shall be submitted to the County for review and approval as part of the application process.

9.2.31 Mitigation Measure M-N.2-1 Edits in Section 2.13, "Noise"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.13-44:

M-N.2-1: Implement Noise Reduction Measures to Reduce Operational Noise Impacts at Distribution Facilities

Whenever a cannabis distribution facility is proposed on a parcel within 30 feet (i.e., the distance at which loading activities could exceed county noise standards) of a land use, a noise analysis shall be required and submitted with the permit application. The noise analysis shall be prepared in accordance with *County of San Diego Guidelines for Determining Significance: Noise* and will evaluate the effect of project implementation on nearby land uses and shall identify appropriate measures (e.g., equipment enclosures, equipment location, noise barriers) that reduce noise to acceptable levels as presented in Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2.

The text as presented in the Final PEIR:

M-N.2-1: Implement Noise Reduction Measures to Reduce Operational Noise Impacts at Distribution Facilities

Whenever a cannabis distribution facility is proposed on a parcel within 30 feet (i.e., the distance at which loading activities could exceed county noise standards) of a noise-sensitive land use (residential uses, public and private educational facilities, hospitals, convalescent homes, hotels/motels, daycare facilities, passive recreational parks, libraries, or other similar facilities where quiet is an important attribute of the environment, as defined by the *County of San Diego General Plan* and the *County of San Diego Guidelines for Determining Significance - Noise*), a noise analysis shall be prepared by a consultant listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects* and submitted with the permit application. The noise analysis shall be prepared in accordance with *County of San Diego Guidelines for Determining Significance - Noise* and will evaluate the effect of project implementation on nearby land uses and shall identify appropriate measures (e.g., equipment enclosures, equipment location, noise barriers) that reduce noise to acceptable levels as presented in Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances

relating to Noise Abatement and Control and General Plan Noise Element Tables N-1 and N-2. To meet these standards, noise levels will be modeled from the location of the loading activities to the parcel with the noise-sensitive land use.

9.2.32 Vehicle Miles Traveled Discussion in Section 2.16, "Transportation"

The County has made the following text changes to the Draft PEIR to address the *Cleveland National Forest Foundation et al. v. County of San Diego* (Cal. Ct App., March 27, 2025, No. D083555) decision that the San Diego County's adoption of two screening thresholds related to analysis of vehicle miles traveled (VMT) under the CEQA was not supported by substantial evidence. This decision specifically addressed the County's Transportation Study Guide (TSG) VMT screening thresholds: the infill threshold, which applied to projects proposed in designated infill village areas within the unincorporated county, and the small project threshold, which exempted projects expected to generate fewer than 110 automobile trips per day.

The text as presented in the Draft PEIR on page 2.16-9:

Section 3.3.1 of the *County of San Diego Transportation Study Guidelines* provides the following thresholds to determine whether a project could be presumed to result in a less-than-significant VMT impact:

- **Projects Located in a VMT Efficient Area**: Projects located in a VMT efficient area with an average VMT per Resident, VMT per Employee, or VMT per Service Population of 15 percent below the baseline average for the entire San Diego County region, including the incorporated cities.
- **Project's Located in Infill Village Area:** Projects located in an Infill Village Area, as defined within Appendix D of the *County of San Diego Transportation Study Guidelines.*
- **Small Residential and Employment Projects**: Projects that generate less than 110 daily trips.
- **Projects Located in a Transit Accessible Area**: Projects located within a half mile of an existing major transit stop or an existing stop along a high-quality transit corridor.[1]
- **Locally Serving Retail/Service Projects**: Retail projects with less than 50,000 square feet of building area.
- **Locally Serving Public Facilities and Other Uses:** Public facilities that serve the surrounding community or public facilities that are passive use.
- **Redevelopment Projects with Greater VMT Efficiency:** Redevelopment projects where the proposed project's total project VMT is less than the existing land use's total VMT.

[1] Major transit stop: A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (PRC Section 21064.3). High quality transit corridor: A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute periods (PRC Section 21155).

- **Affordable Housing:** An affordable housing project with 100 percent of units that are affordable.

The text as presented in the Final PEIR:

Section 3.3.1 of the *County of San Diego Transportation Study Guidelines* provides the following thresholds to determine whether a project could be presumed to result in a less-than-significant VMT impact:

- **Projects Located in a VMT Efficient Area**: Projects located in a VMT efficient area with an average VMT per Resident, VMT per Employee, or VMT per Service Population of 15 percent below the baseline average for the entire San Diego County region, including the incorporated cities.
- **Projects Located in a Transit Accessible Area**: Projects located within a half mile of an existing major transit stop or an existing stop along a high-quality transit corridor.[2]
- **Locally Serving Retail/Service Projects**: Retail projects with less than 50,000 square feet of building area.
- **Locally Serving Public Facilities and Other Uses:** Public facilities that serve the surrounding community or public facilities that are passive use.
- **Redevelopment Projects with Greater VMT Efficiency:** Redevelopment projects where the proposed project's total project VMT is less than the existing land use's total VMT.
- **Affordable Housing:** An affordable housing project with 100 percent of units that are affordable.

The text as presented in the Draft PEIR on pages 2.16-13 and 2.16-14:

Impact Analysis

The County of San Diego Transportation Study Guidelines (adopted on September 2022) include a list of screening criteria for land use and transportation projects that are presumed to generate a less-than-significant VMT impact (described in Section 2.16.3.3).

Different VMT screening criteria would apply depending on the subsequent project's different land use types, locations, and size. The Cannabis Program would allow cannabis facilities to be permitted within the unincorporated county. Individual future commercial cannabis sites under the Cannabis Program are yet to be defined, so the location and size of the type of cannabis development is currently unknown. However, the following screening criteria could apply to commercial cannabis sites under the Cannabis Program:

- Projects Located in a VMT Efficient Area

[2] Major transit stop: A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (PRC Section 21064.3). High quality transit corridor: A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute periods (PRC Section 21155).

- Projects Located in Infill Village Area
- Projects Located in a Transit Accessible Area
- Small Employment Projects
- Locally Serving Retail/Service Projects

These criteria and how they apply to individual commercial cannabis facilities are discussed below:

Projects Located in a VMT-Efficient Area, Infill-Village Area, or Transit-Accessible Area

As discussed in Section 2.16.3.3, a project located in a VMT-efficient area, an infill-village area, or a transit-accessible area can be presumed to have a less-than-significant VMT-related transportation impact. The Cannabis Program would allow cannabis facilities to be developed in certain areas with agricultural, commercial, or industrial zoning in the unincorporated areas. The majority of the agricultural, commercial, and industrial zoning areas on the eastern side of the county are not located in a VMT-efficient, infill-village, or transit-accessible area based on the screening criteria. The number of zones that would permit cannabis development and that are located within a screening criteria area (i.e., VMT-efficient, infill-village, or transit-accessible area) is significantly reduced compared to the full geographical scope of the Cannabis Program. For cannabis facilities located outside of a VMT-efficient area, infill-village area, or transit-accessible area, the VMT could exceed the allowable thresholds identified by the County and could potentially result in a significant VMT-related impact. However, cannabis projects that are not within a location-based screening criterion could still potentially be screened out via the Small Employment Project or the Locally Serving Retail Projects criteria, which are described in the subsequent sections.

Small Employment Projects

Small projects that are estimated to generate less than 110 average daily vehicle trips (ADT) can be presumed to result in a less-than-significant VMT impact. Daily vehicle trip estimates were calculated using trip rates from the Institute Transportation of Engineers' (ITE's) *Trip Generation Manual (11th Edition), SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region,* and the County of Santa Barbara's *Cannabis Land Use Ordinance and Licensing Program Final Environmental Impact Report (FEIR), December 2017.*

The following trip rates were used to calculate the project components' trip generation:

- Cultivation operations: ITE Trip Generation Manual "Marijuana Cultivation and Processing Facility" (Land Use 190) trip rate of 0.69 ADT per 1,000 square feet (sf) of gross area, and SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rate "Agriculture" trip rate of 2 ADT per acre for outdoor cultivation area.

- Processing: ITE Trip Generation Manual “Marijuana Cultivation and Processing Facility” (Land Use 190) trip rate of 0.69 ADT per 1,000 sf of gross area.
- Testing facilities: County of Santa Barbara FEIR “Testing” trip rate of 7 ADT per 1,000 sf of gross floor area.
- Manufacturing activities: County of Santa Barbara FEIR “Manufacturing” trip rate of 3.8 ADT per 1,000 sf of gross floor area.
- Distribution activities: County of Santa Barbara FEIR “Distribution” trip rate of 1.4 ADT per 1,000 sf of gross floor area.

These trip rates were utilized to determine the maximum allowable size of the project components that would generate less than 110 ADT and would qualify for the small project criteria (Table 2.16.2, presented at the end of this section).

Cannabis facilities that are less than the sizes identified in Table 2.16.2, which is presented at the end of this chapter, would fall under the small project criteria and would be presumed to have a less-than-significant VMT-related impact. For cannabis facilities that are larger than the sizes identified in Table 2.16.2, the associated VMT could exceed the allowable threshold identified by the County, thus, potentially resulting in a significant VMT-related impact.

Locally Serving Retail Projects

As described in Section 1.6.1, “Project Components,” the Cannabis Program would allow for the development of the following commercial cannabis uses in select areas of the unincorporated county: cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities; cannabis manufacturing facilities; cannabis microbusinesses; cannabis testing laboratories; and cannabis temporary events. According to the County of San Diego Transportation Study Guidelines, commercial cannabis sites would qualify for the “Locally Serving Retail Projects” criteria if the facility is less than 50,000 sf. For commercial cannabis facilities that are larger than 50,000 sf, VMT could exceed the allowable threshold identified by the county and could potentially result in a significant VMT-related impact.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site. However, no new cultivation or noncultivation activities would occur. The potential expansion of these 5 sites would be below the square footages for VMT screening under Table 2.16.3 would not result in significant new VMT impacts.

This impact would be less than significant under Alternative 1.

The text as presented in the Final PEIR:

Impact Analysis

The County of San Diego Transportation Study Guidelines (adopted on September 2022) include a list of screening criteria for land use and transportation projects that are presumed to generate a less-than-significant VMT impact (described in Section 2.16.3.3).

Different VMT screening criteria would apply depending on the subsequent project's different land use types, locations, and size. The Cannabis Program would allow cannabis facilities to be permitted within the unincorporated county. Individual future commercial cannabis sites under the Cannabis Program are yet to be defined, so the location and size of the type of cannabis development is currently unknown. However, the following screening criteria could apply to commercial cannabis sites under the Cannabis Program:

- Projects Located in a VMT Efficient Area
- Projects Located in a Transit Accessible Area
- Locally Serving Retail/Service Projects

These criteria and how they apply to individual commercial cannabis facilities are discussed below:

Projects Located in a VMT-Efficient Area or Transit-Accessible Area

As discussed in Section 2.16.3.3, a project located in a VMT-efficient area or a transit-accessible area can be presumed to have a less-than-significant VMT-related transportation impact. The Cannabis Program would allow cannabis facilities to be developed in certain areas with agricultural, commercial, or industrial zoning in the unincorporated areas. The majority of the agricultural, commercial, and industrial zoning areas on the eastern side of the county are not located in a VMT-efficient or transit-accessible area based on the screening criteria. The number of zones that would permit cannabis development and that are located within a screening criteria area (i.e., VMT-efficient or transit-accessible area) is significantly reduced compared to the full geographical scope of the Cannabis Program. For cannabis facilities located outside of a VMT-efficient area or transit-accessible area, the VMT could exceed the allowable thresholds identified by the County and could potentially result in a significant VMT-related impact. However, cannabis projects that are not within a location-based screening criterion could still potentially be screened out via the Locally Serving Retail Projects criteria, which are described in the subsequent sections.

Locally Serving Retail Projects

As described in Section 1.6.1, "Project Components," the Cannabis Program would allow for the development of the following commercial cannabis uses in select areas of the unincorporated county: cannabis storefront, non-storefront retail, and consumption lounges; cannabis cultivation facilities; cannabis manufacturing facilities; cannabis

microbusinesses; cannabis testing laboratories; and cannabis temporary events. According to the County of San Diego Transportation Study Guidelines, commercial cannabis sites would qualify for the "Locally Serving Retail Projects" criteria if the facility is less than 50,000 sf. For commercial cannabis facilities that are larger than 50,000 sf, VMT could exceed the allowable threshold identified by the county and could potentially result in a significant VMT-related impact.

Alternative 1: No Project—Retention of Current Cannabis Regulations

Under Alternative 1, the Cannabis Program would not be adopted. The existing 5 commercial cannabis facilities in the unincorporated areas of El Cajon, Escondido, and Ramona would be allowed to continue to operate as well as expand their existing facilities and operations to a total of 10,000 square feet of building area for each site without additional discretionary review. However, no new cultivation or noncultivation activities would occur. The potential expansion of these 5 sites are considered baseline development and would also be below the square footages for VMT screening for locally serving retail projects under Table 2.16.2 would not result in significant new VMT impacts.

This impact would be less than significant under Alternative 1.

The following table was removed from page 2.16-29 of the Draft PEIR:

Table 2.16.2 Project Maximum Allowable Size per the Small Project Screening Criteria

Project Component	Maximum Project Size
Cultivation Operations	17,000 sf (indoor)[1]
Processing	17,000 sf
Testing Facilities	15,700 sf
Manufacturing Activities	28,900 sf
Distribution Activities	75,500 sf

Note: sf = square feet.

[1] Indoor cultivation includes the building size of any structural facility on-site.

The table on page 2.16-29 of the Draft PEIR:

Table 2.16.3 Project VMT Screening Criteria Summary

VMT Screening Criteria	Applicable Project Component	Screening Threshold
Projects Located in a VMT Efficient Area, Infill Village, and/or Transit Accessible Area	Cultivation Operations Processing Testing Activities Manufacturing Activities Distribution Activities Retail Activities	County VMT Mapping Data
Small Employment Projects	Cultivation Operations	< 17,000 sf (indoor)[1]
	Processing	< 17,000 sf
	Testing Activities	< 15,700 sf
	Manufacturing Activities	< 28,900 sf
	Distribution Activities	< 75,500 sf
Locally Serving Retail Projects	Retail Activities	< 50,000 SF

Note: sf = square feet.

[1] Indoor cultivation includes the building size of any structural facility.

Source: Data provided by Intersecting Metrics in 2024.

The table as presented in the Final PEIR:

Table 2.16.2 Project VMT Screening Criteria Summary

VMT Screening Criteria	Applicable Project Component	Screening Threshold
Projects Located in a VMT Efficient Area, and/or Transit Accessible Area	Cultivation Operations Processing Testing Activities Manufacturing Activities Distribution Activities Retail Activities	County VMT Mapping Data
Locally Serving Retail Projects	Retail Activities	< 50,000 SF

Note: sf = square feet.

[1] Indoor cultivation includes the building size of any structural facility.

Source: Data provided by Intersecting Metrics in 2024.

9.2.33 Mitigation Measure M-TR.2-1 Edits in Section 2.16, "Transportation"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on page 2.16-26:

> **TR.2-1: Conduct VMT Analysis and Identify VMT Impacts**
>
> Applications for cannabis facilities shall demonstrate whether the proposed cannabis facility would meet the screening criteria outlined in the *County of San Diego*

Transportation Study Guidelines, September 2022, or any subsequent updates to these guidelines.

If the proposed commercial cannabis facility does not meet any of the screening criteria outlined in the *County of San Diego Transportation Study Guidelines*, the applicant submit a project-level VMT analysis and identify VMT impacts associated with the cannabis facility. The project applicant shall reduce project-induced VMT impacts through implementation of VMT-reducing infrastructure and/or strategies that would mitigate the project's VMT-related impacts that would be incorporated into the commercial cannabis facility. In addition, the applicant shall also prepare and submit a Transportation Demand Management (TDM) Plan to the County for approval. The TDM Plan shall include a series of measures to reduce project-related VMT. Measures may include strategies such as ridesharing initiatives (e.g., carpooling), promoting alternative work schedules and telework, subsidizing employee use of public transit, and promoting bicycling, walking, and the use of public transit. The TDM Plan will be subject to the County's review and approval, and no development shall proceed until the TDM Plan is deemed acceptable by the County.

The text as presented in the Final PEIR:

TR.2-1: Conduct VMT Analysis and Identify VMT Impacts

Applications for cannabis facilities shall demonstrate whether the proposed cannabis facility would meet the screening criteria outlined in the *County of San Diego Transportation Study Guidelines, January 2026*, or any subsequent updates to these guidelines, or other State or County regulations that provide clear standards for screening from VMT analysis requirements. Applications that meet objective screening criteria approved by the County shall not require further VMT analysis.

If the proposed commercial cannabis facility does not meet any of the objective screening criteria, the applicant shall submit a project-level VMT analysis prepared by a consultant listed on the *County of San Diego's CEQA Consultants List for Privately Initiated Projects.* The analysis must identify VMT impacts associated with the cannabis facility and determine the significance of project impacts or provide substantial evidence to support a less than significant finding. If project impacts are significant, the project applicant shall reduce project-induced VMT impacts to the extent feasible through implementation of VMT-reducing infrastructure and/or strategies, such as Transportation Demand Management (TDM), or other measures acceptable to the County. TDM measures may include strategies such as ridesharing initiatives (e.g., carpooling), promoting alternative work schedules and telework, subsidizing employee use of public transit, and promoting bicycling, walking, and the use of public transit. The proposed mitigation is subject to the County's review and approval, and no development shall proceed until the County determines the proposed mitigation is acceptable.

9.2.34 Mitigation Measure M-U.1-2 Edits in Section 2.18, "Utilities and Service Systems"

The following clarifications are made to this mitigation measure.

The text as presented in the Draft PEIR on 2.18-32:

> **M-UT.1-2: Implement Water Conservation Measures**
>
> Applications for cannabis facilities shall include details on water conservation measures incorporated into the site design. Water conservation measures could include installation of water efficient plumbing fixtures and fittings and use of water-efficient landscaping, such as native plants and drip/subsurface irrigation. This shall include documentation of compliance with all applicable water conservation requirements associated with building features and landscaping.

The text as presented in the Final PEIR:

> **M-UT.1-2: Implement Water Conservation Measures**
>
> For cannabis facilities proposing new water feature(s), applications shall include details on water conservation measures to be incorporated in the project plan set. Applications for cannabis facilities shall include details on water conservation measures incorporated into the site design. Water conservation measures could include installation of water efficient plumbing fixtures and fittings and use of water-efficient landscaping, such as native plants and drip/subsurface irrigation, evaporative barriers on exposed soils and pots, rainwater capture and reuse, recirculated irrigation water (zero waste), soil moisture controls, and recycled water use. This shall include documentation of compliance with all applicable water conservation requirements associated with building features and landscaping.