Draft Environmental Impact Report
for the
San Diego County Socially Equitable Cannabis Program

SCH # 2023090330

PREPARED FOR

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January 2025

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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

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, 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 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, religious assembly, 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, religious assembly, 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.

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 Zoning Ordinances 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.

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. 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, 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 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, religious assembly, 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, religious assembly, 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 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 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 Draft PEIR.

Comments on this Draft PEIR should be sent to PDS.LongRangePlanning@sdcounty.ca.gov (include "Cannabis Program–PEIR Comments" in the subject line) or at the following address:

County of San Diego
ATTN: Jessica Norton
Cannabis Program PEIR
Planning & Development Services
5510 Overland Avenue, Suite 210
San Diego, CA 92123

This Draft PEIR is available for public review at:

County of San Diego PDS
Project Processing Counter
5510 Overland Avenue, Suite 110
San Diego, CA 92123
(8:00 a.m. to 4:00 p.m., Monday through Friday)

The following County Public Library Branches
(Visit http://www.sdcl.org/locations for locations and hours):

- Alpine, 1752 Alpine Boulevard, Alpine, CA 91901, (619) 445-4221
- Bonita-Sunnyside, 4375 Bonita Road, Bonita CA 91902, (619) 475-4642
- Borrego Springs, 2580 Country Club Road, Borrego Springs, CA 92004, (760) 767-5761
- Campo-Morena Village, 31356 Highway 94, Campo, CA 91906, (619) 478-5945
- Fallbrook, 124 South Mission Road, Fallbrook, CA 92028, (760) 731-4650
- Julian, 1850 Highway 78, Julian, CA 92036, (760) 765-0370
- Lakeside, 12428 Woodside Avenue, Lakeside, CA 92040, (619) 443-1811
- Ramona, 1275 Main Street, Ramona, CA 92065, (760) 788-5270
- Rancho San Diego, 11555 Via Rancho San Diego, El Cajon, CA 92019, (619) 660-5370
- Rancho Santa Fe, 17040 Avenida de Acacias, Rancho Santa Fe, CA 92067, (858) 756-2512
- Spring Valley, 836 Kempton Street, Spring Valley, CA 91977, (619) 463-3006
- Valley Center, 29200 Cole Grade Road, Valley Center, CA 92082, (760) 749-1305

Online at:

- https://www.sandiegocounty.gov/pds/ceqa/SECP.html
- https://engage.sandiegocounty.gov/cannabis-program-eir

1.8.2 Program EIR Approvals

Written comments received on this Draft PEIR during the 60-day public review period will be responded to in writing in a response to comments document. The response to comments document, together with this Draft PEIR, will constitute the Final PEIR. If any text changes are identified to address public comments received during the public review period for this Draft PEIR, such changes will be reflected in the Final PEIR. The Board will review and consider the Final PEIR for the Cannabis Program to decide whether the Final PEIR is consistent with the requirements of CEQA and conclude whether to certify the document.

1.8.3 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 will be included in the 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.

1.8.4 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.

1.8.5 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;
- Jamul Indian Village: November 16, 2023; February 5, 2024; August 6, 2024;
- 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;
- 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 .

- **Planning and sponsor groups.** The County has engaged all 26 planning and sponsor groups within the county to obtain input on the project throughout the process. From February 2021 through November 2024, PDS staff presented to the community planning and sponsor groups (CPSGs) a total of 42 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 September 2021 through October 2024, County staff hosted 26 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, during this same timeframe, County staff also attended over 56 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 this Draft PEIR to the State Clearinghouse on January 30, 2025, for distribution to all potential responsible and trustee agencies.

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 Draft 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 Draft 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 Draft 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.

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]
Onsite consumption lounge	N	A	A
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 no Special Area Designators or other factors apply to the lot which require discretionary review. Otherwise, a discretionary Administrative Permit is required.

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.
Small Indoor	For indoor cultivation site with between 5,001 and 10,000 square feet of total canopy.

Name	Description
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 ear[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

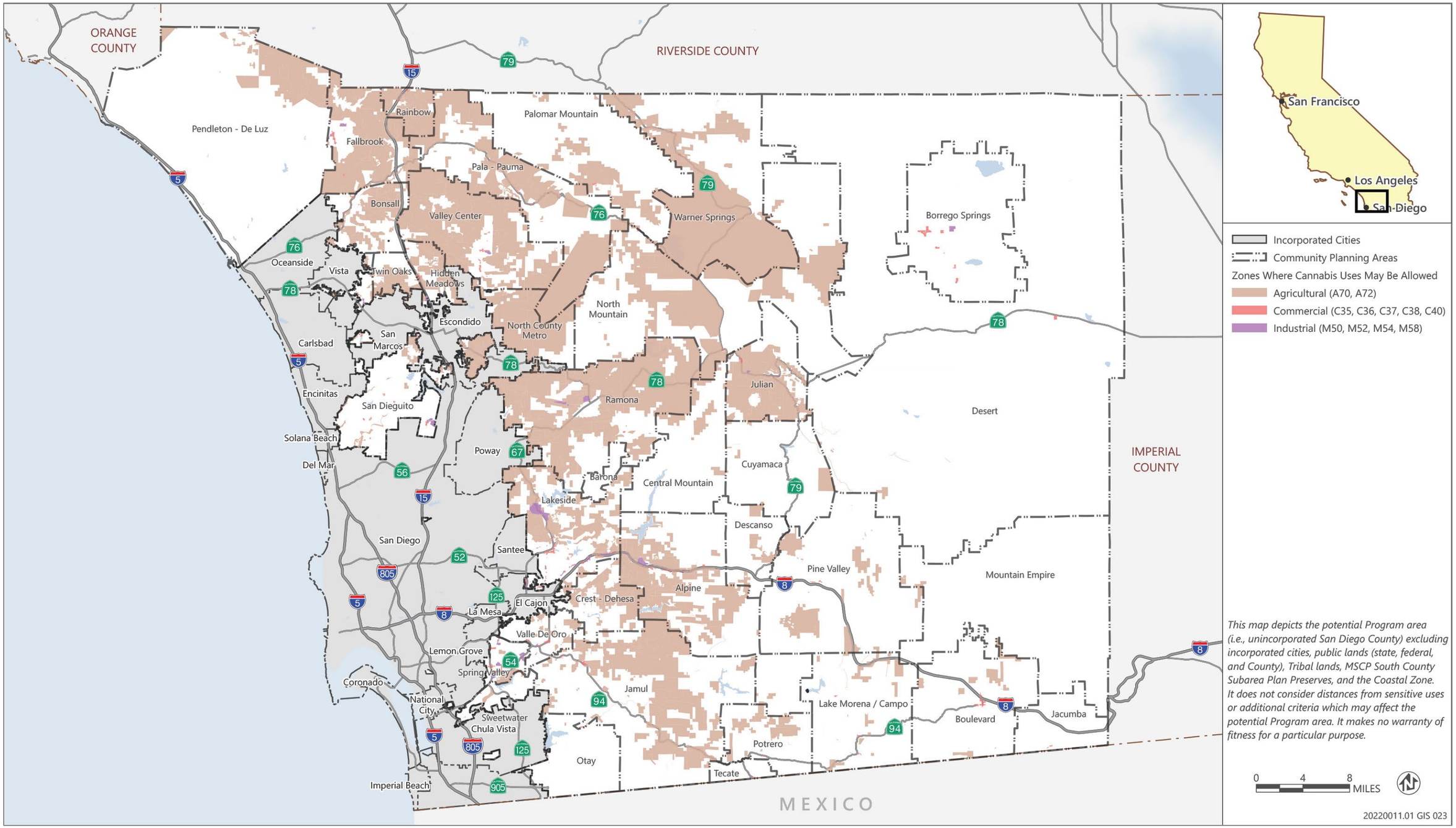
Project Name	Community Plan Area	Board District	APN(s)	Project Details
Ivanhoe Ranch	Valle de Oro	2	518-030-41, -43, -44, -45	Residential DUs: 120
Warner Springs Ranch Resort	North Mountain	5	137-092-30	Residential DUs: 685
Peppertree Park SPA (Unit 2)	Fallbrook	5	104-350-15	TBD
Passerelle–Campus Park	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**



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 draft program environmental impact report (Draft 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 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).

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 Draft PEIR). The subsection, "Cumulative Impacts," in Sections 2.2 through 2.19 of this Draft 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 Draft 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 Draft 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 Draft 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 Draft 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 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.

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

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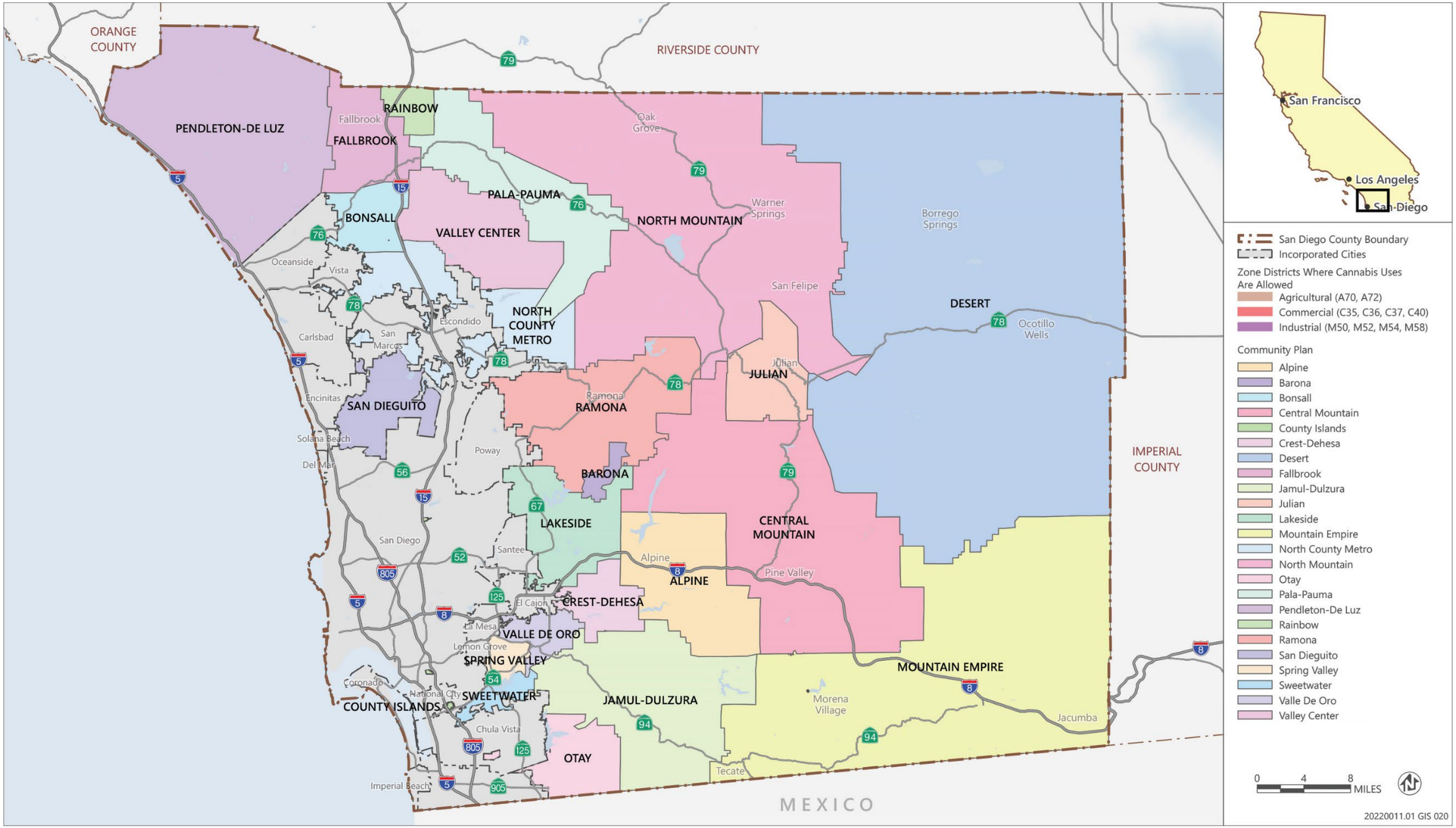
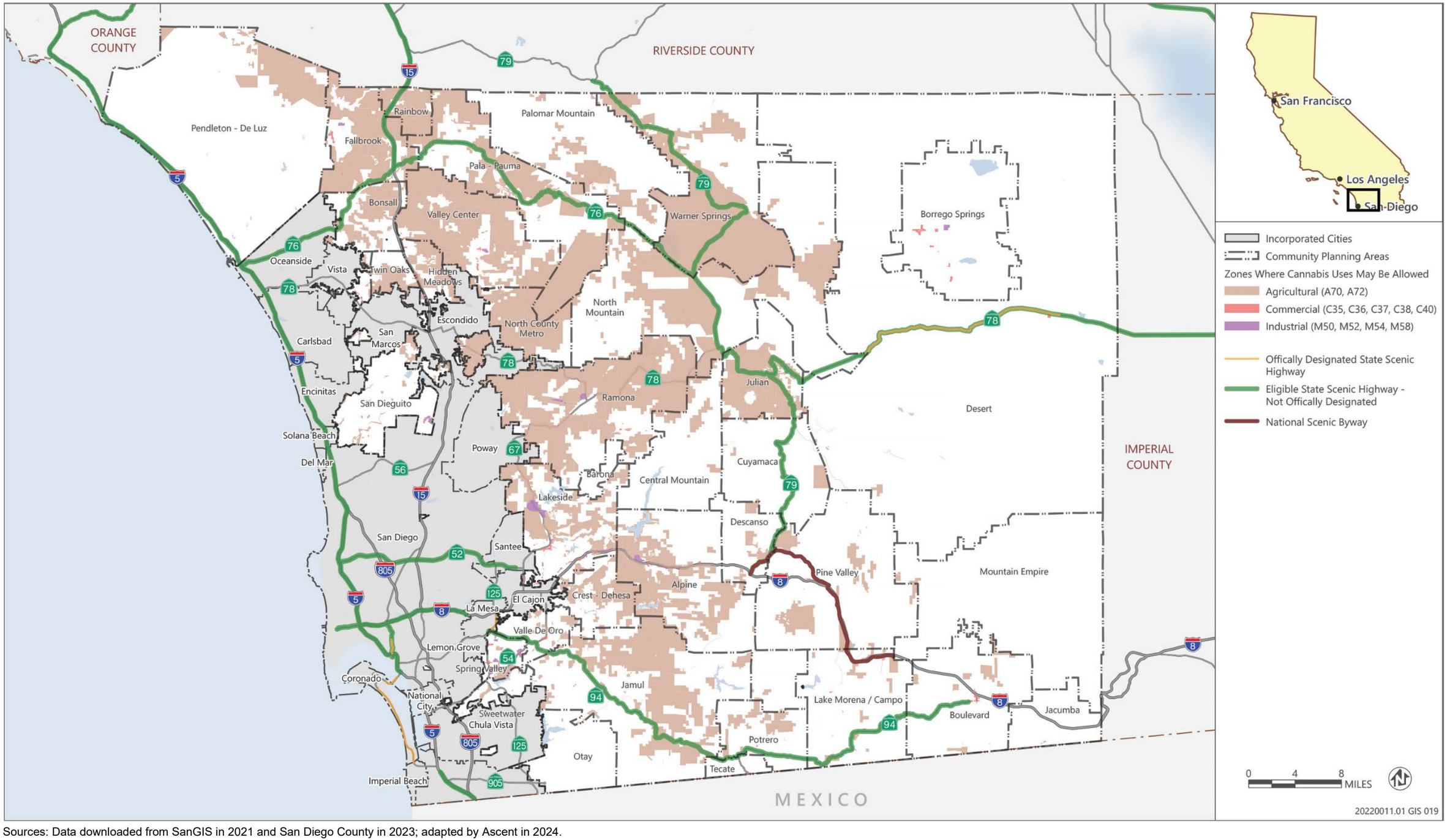


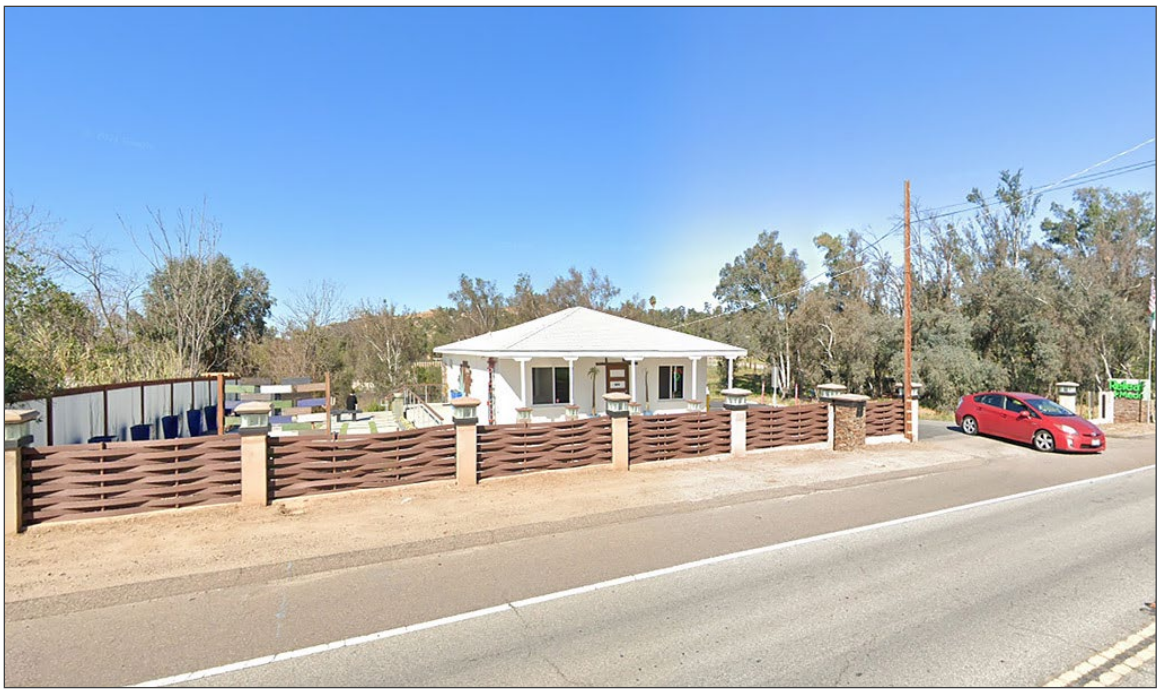
Sources: Data downloaded from SanGIS in 2021 and San Diego County in 2024; adapted by Ascent in 2024.

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

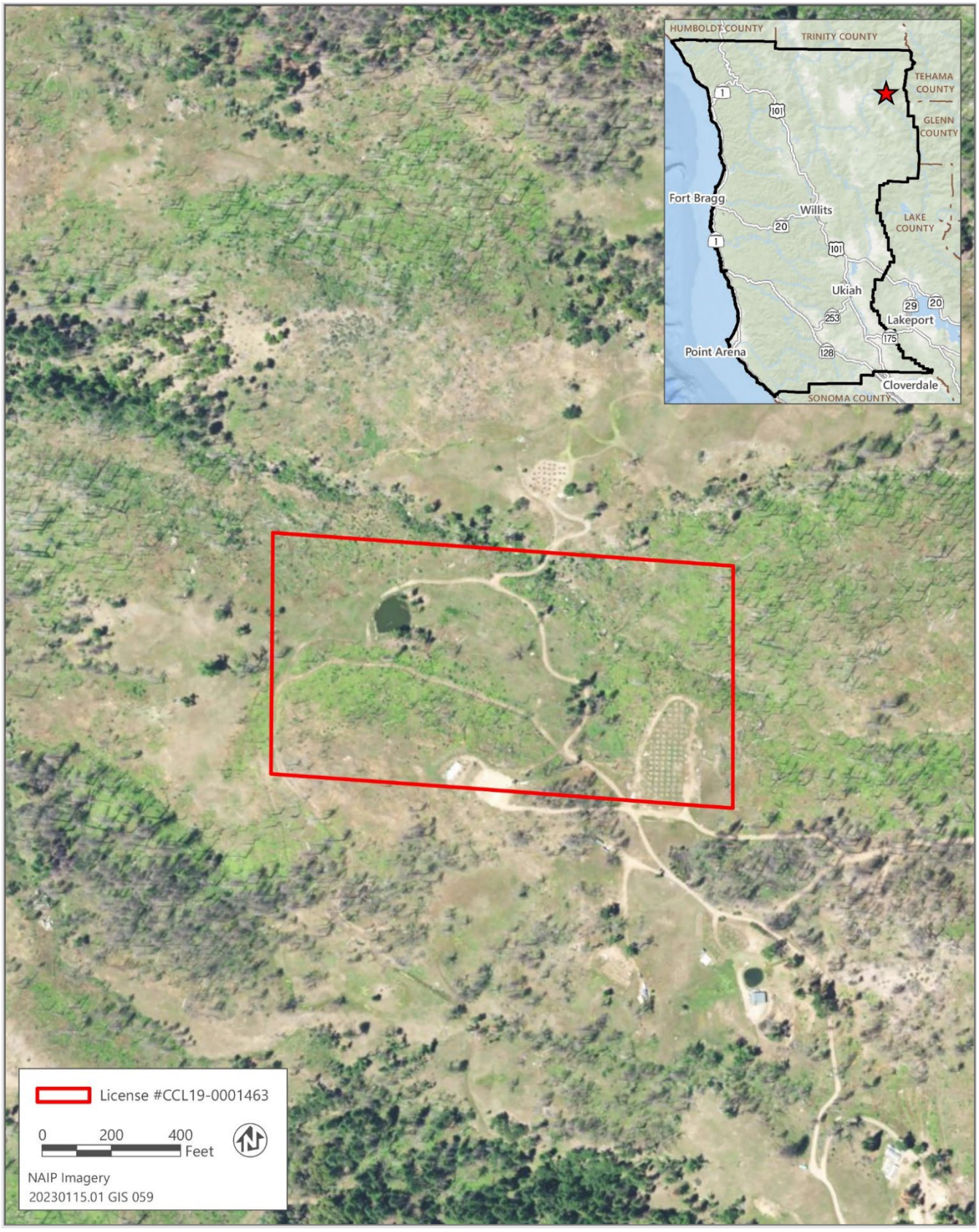
Source: Photograph taken by Ascent in 2023.

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 Draft 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*

<u>Federal Insecticide, Fungicide, and Rodenticide Act</u>

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.

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.

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.

Category	Considered Important Farmland under CEQA[1]	Definition
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; 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.

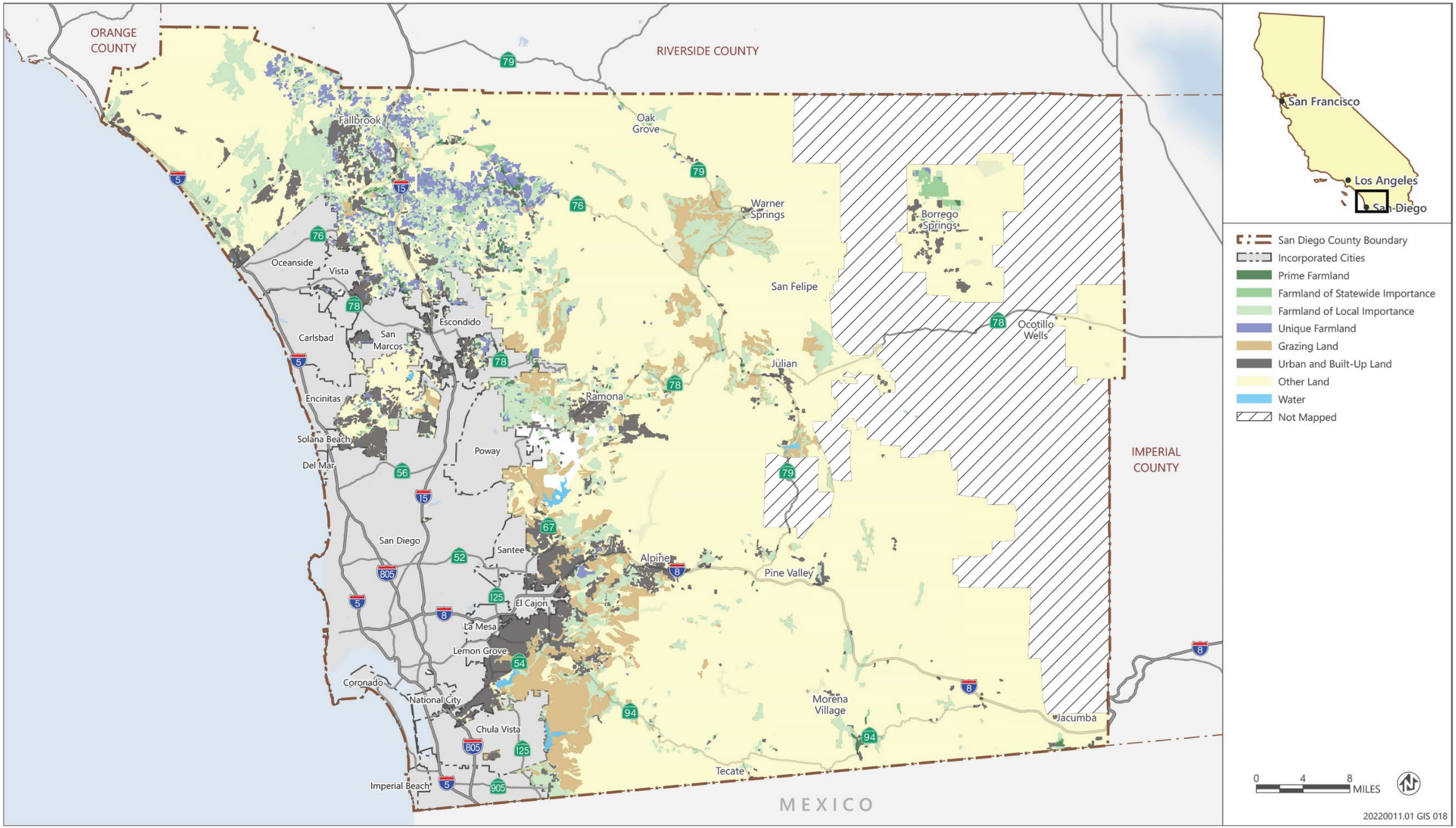
Source: DOC 2024.

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 draft 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 3, Division 8, Chapter 1 and pertain to cultivation sites.

Section 8306: 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.

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.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. 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 Draft 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 Draft 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 Draft 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). 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 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 species-specific 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).

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 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).

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 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 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).

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 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).

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 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.

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 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.

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 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.

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 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, 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, 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, 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, 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.

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. 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-approved CEQA consultant list) 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 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.

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.

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.

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.

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.

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.

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 (*Strix occidentalis occidentalis*) 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. 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 (*Athene cunicularia*) 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. 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 (*Buteo swainsoni*) 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.

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.

- 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. 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. 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 Section10(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. 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 II (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. 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. 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. 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. 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. 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. 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, 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. 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 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.

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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

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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.
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.

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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.
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.

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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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

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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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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.
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.

Species	Listing Status[1] Federal	Listing Status[1] State	Listing Status[1] CRPR	MSCP Categories[2]	Habitat
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

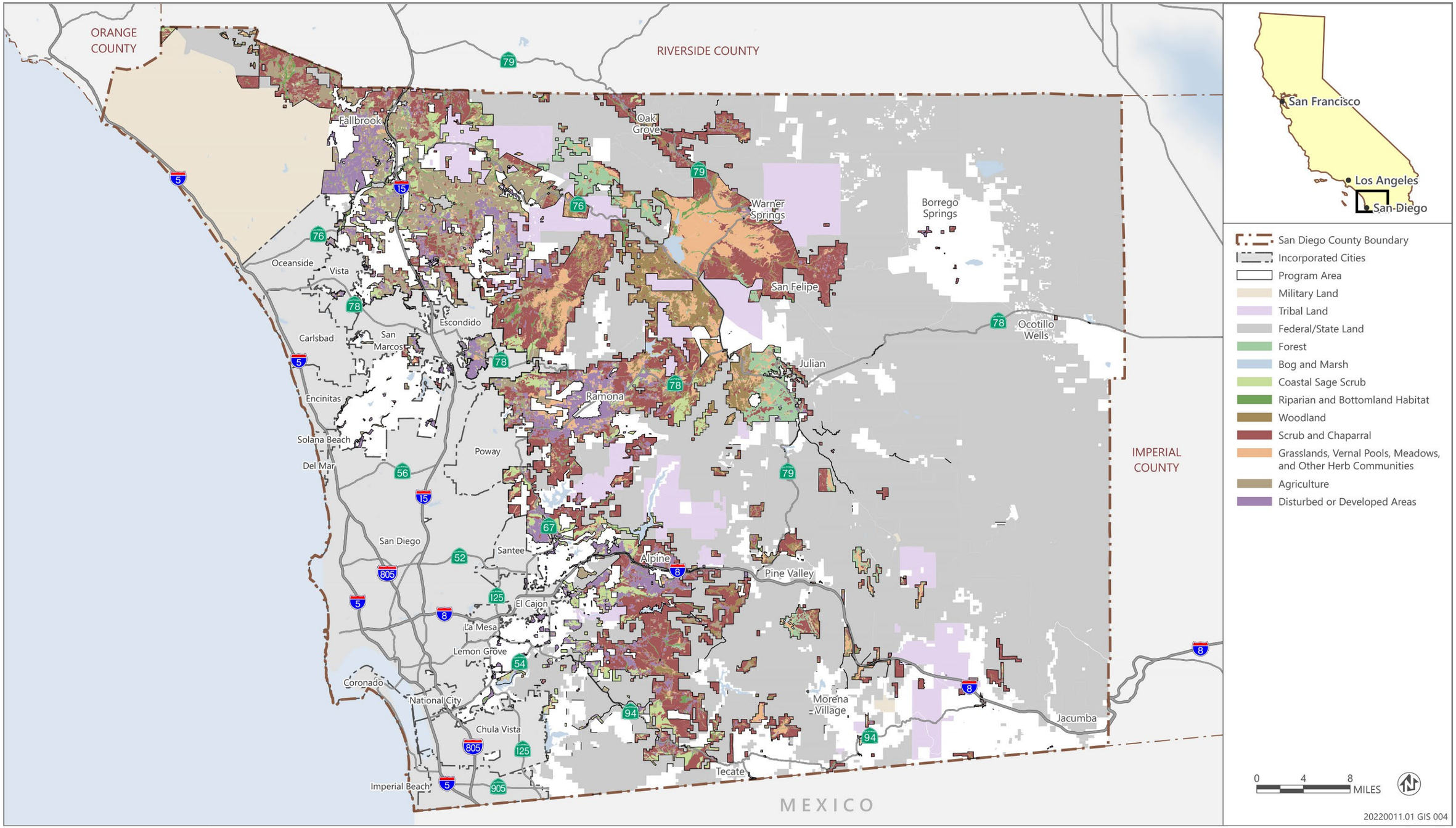
1. A Regional Water Board may adopt site-specific WDRs or an enforcement order for a cannabis cultivator with requirements that are inconsistent with the setbacks in this table if the Executive Officer determines that the site-specific WDRs or enforcement order contains sufficient requirements to be 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).

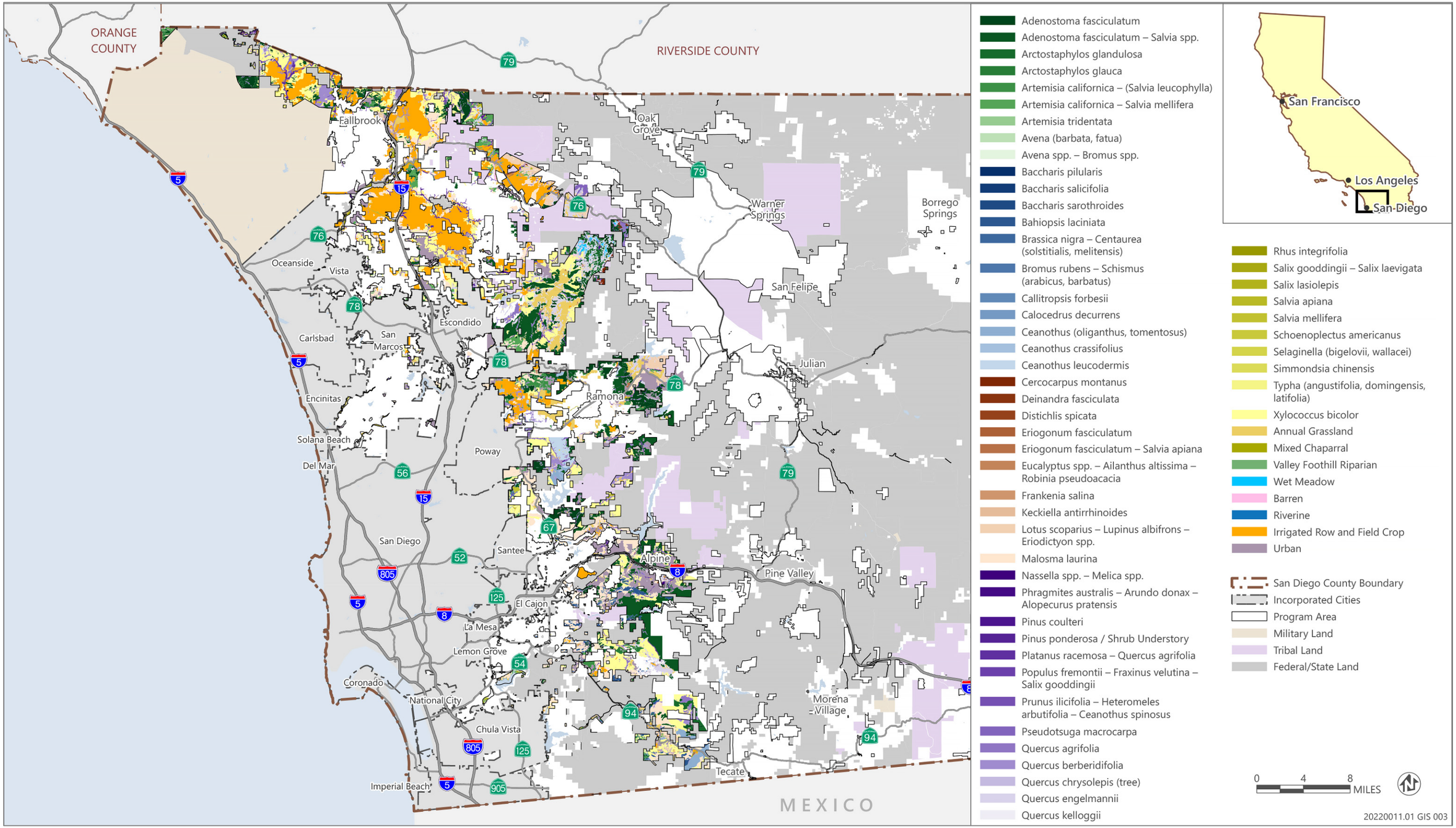
4. Spring riparian setbacks default to the applicable watercourse riparian setback 150 feet downstream and/or upstream of the spring's confluence with the watercourse or 150 feet downstream of the point where the spring forms a watercourse with defined bed and banks.

Source: SWRCB 2023.



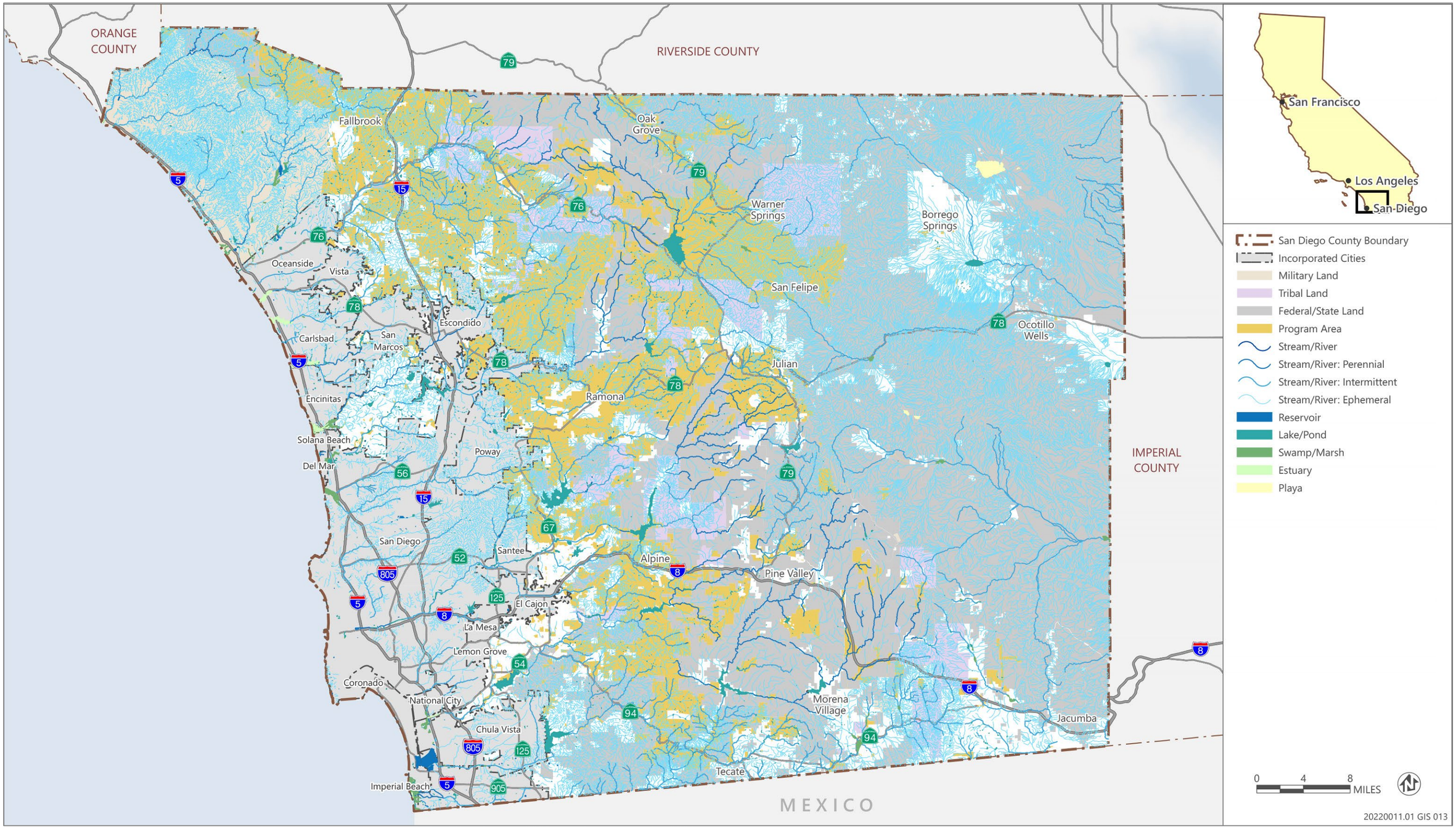
Sources: Data downloaded from SanGIS in 2024, adapted by Ascent in 2024.

Figure 2.5.1 **Vegetation and Habitat Types in the Program Area**



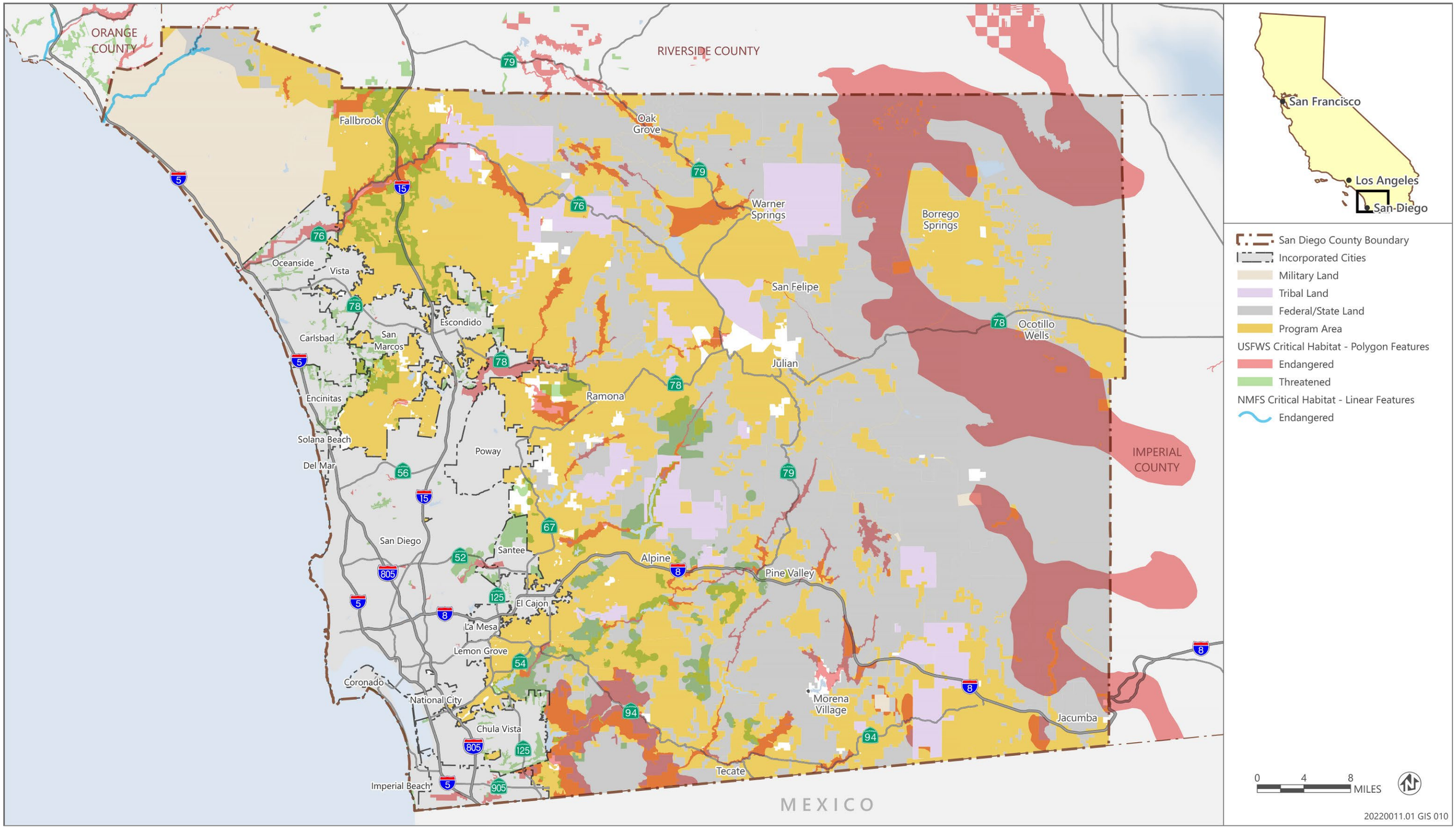
Sources: Data downloaded from CDFW in 2024; adapted by Ascent in 2024.

Figure 2.5.2 **Vegetation Alliances in Western San Diego County**



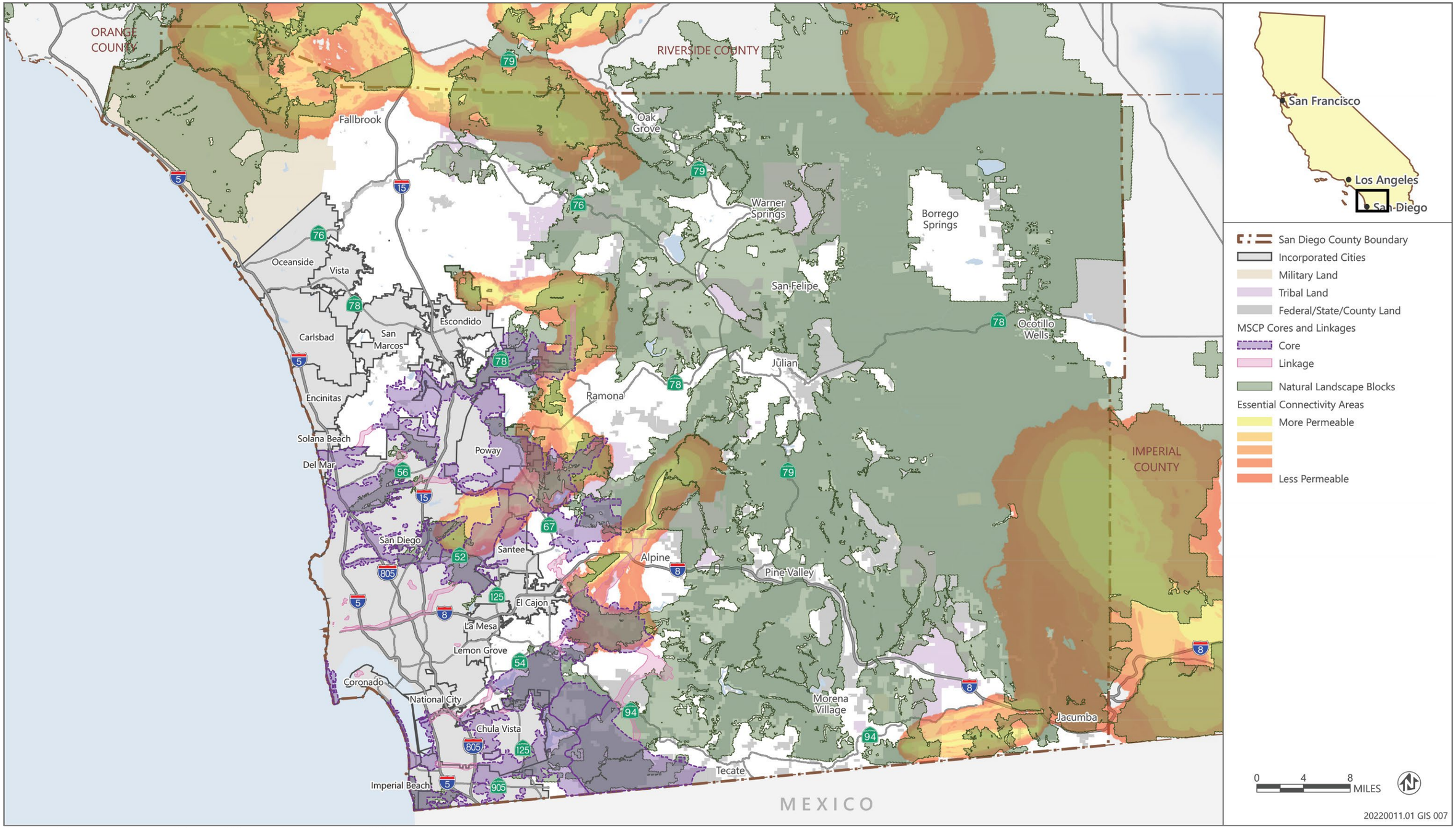
Sources: Data downloaded from USGS (NHD) in 2023, SanGIS in 2021, and County of San Diego in 2023; adapted by Ascent in 2024.

Figure 2.5.3 **Aquatic Habitat in the Program Area**



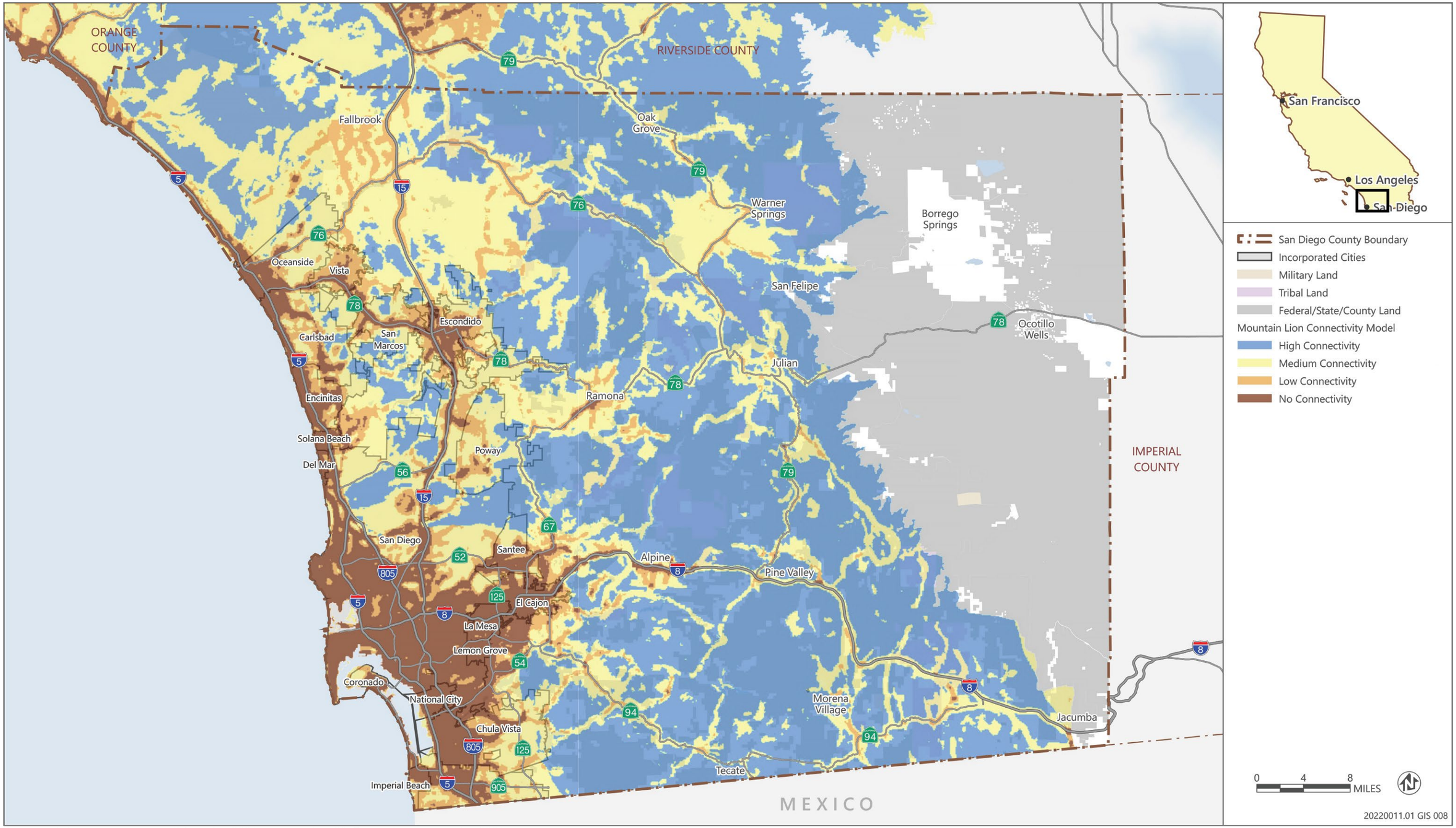
Sources: Data downloaded from USFWS and NOAA Fisheries in 2024; adapted by Ascent in 2024.

Figure 2.5.4 **Designated Critical Habitat in San Diego County**



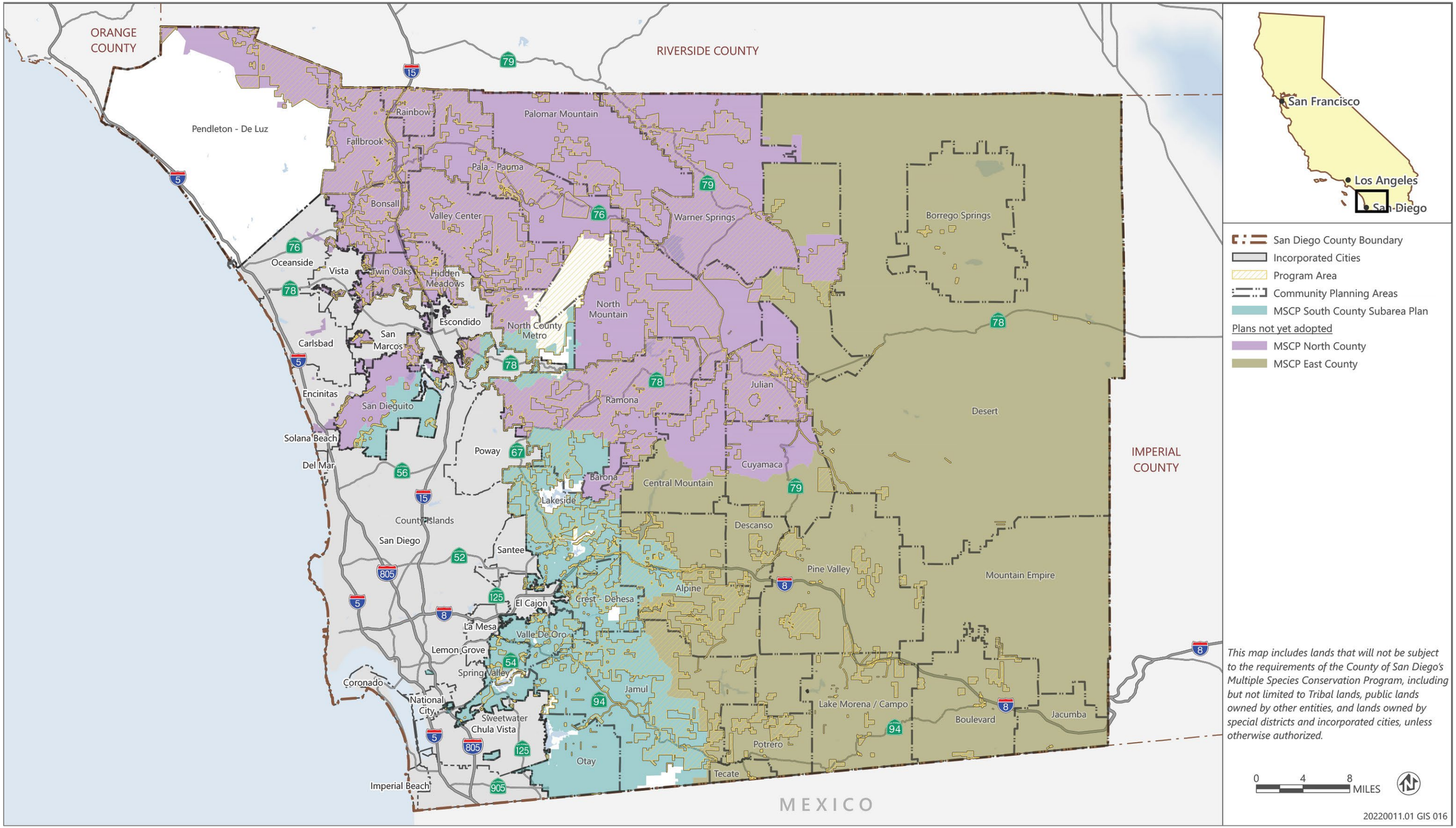
Sources: Data downloaded from CDFW in 2024; adapted by Ascent in 2024.

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 Draft 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 2011b: 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 2011b).

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 2011a):

- **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 Draft 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 2011b).

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 2011b).

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 2011b).

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 2011b).

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. 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.

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 Draft 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 Draft 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.

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 Draft 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 Draft 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 (San Diego County 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 County: 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 County 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.

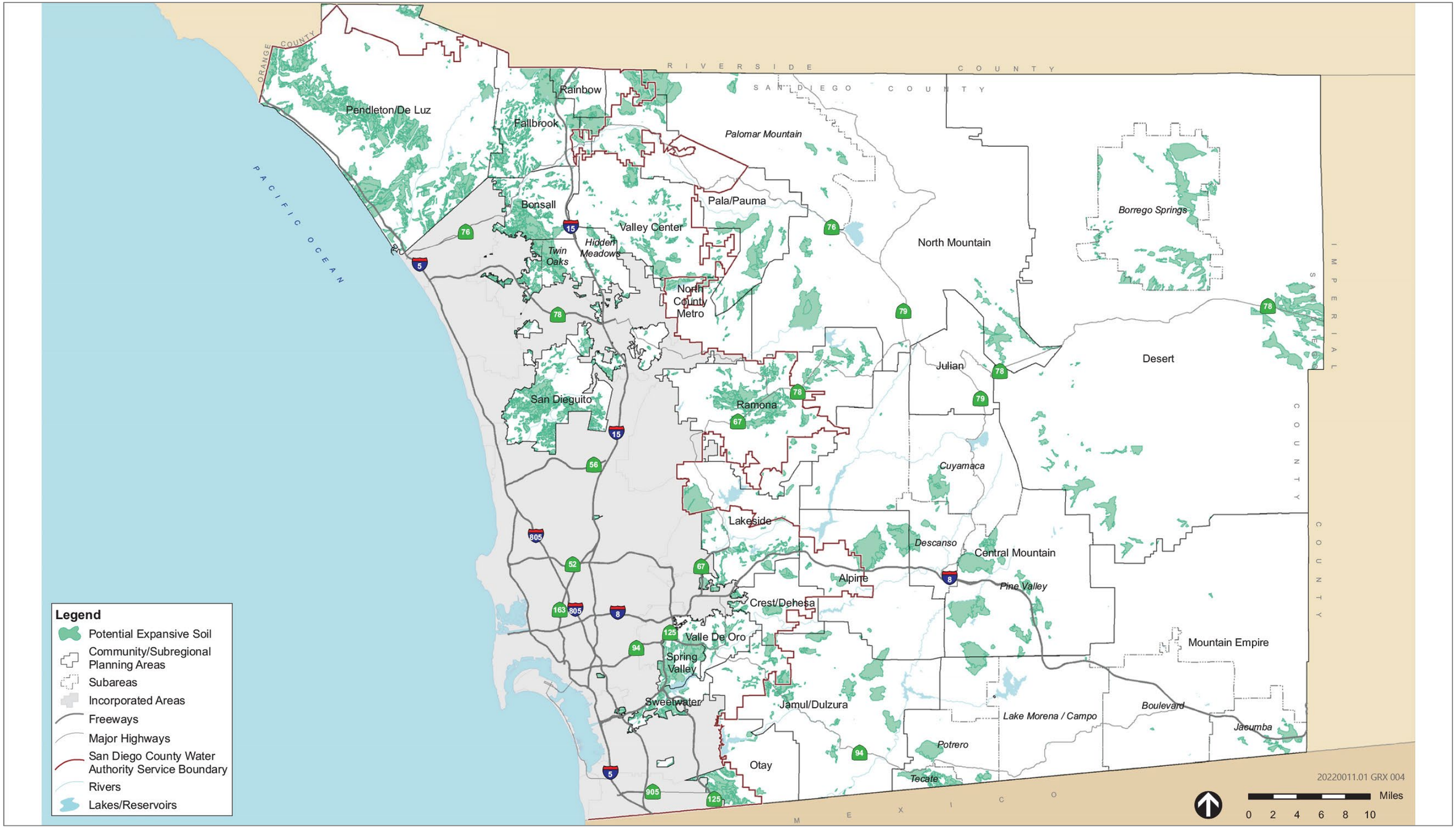
Source: US Geological Survey 2024.

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

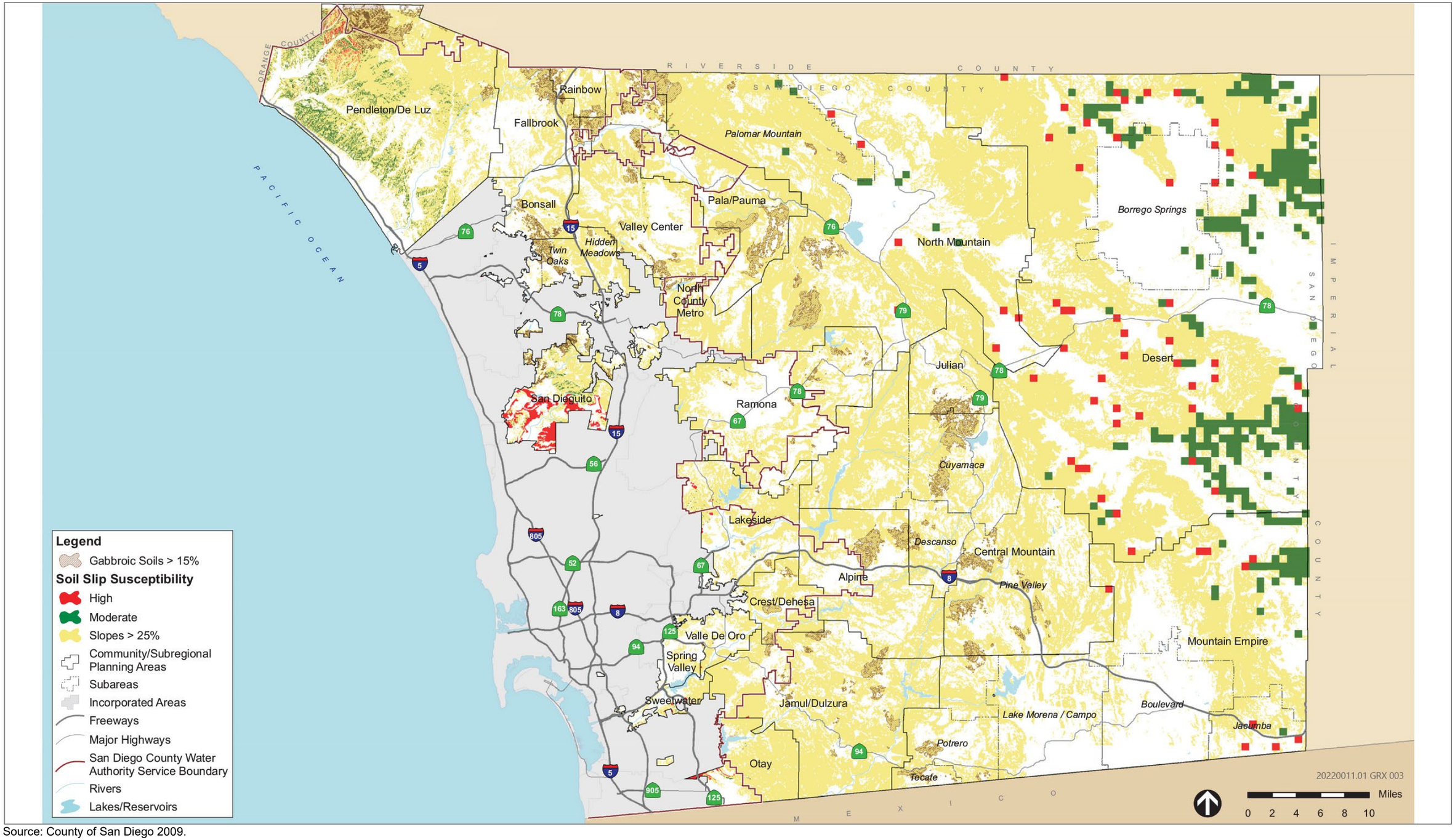
Geologic Feature	Reason for Uniqueness	Locality
Dos Cabazas marble	Unusual tight folding in marble, alternating bands of calcite, finely disseminated graphite, and garnet. Some schist and green diopside. Only place in the county to find Wollastonite.	Vicinity San Diego and Arizona Eastern Railroad to 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.



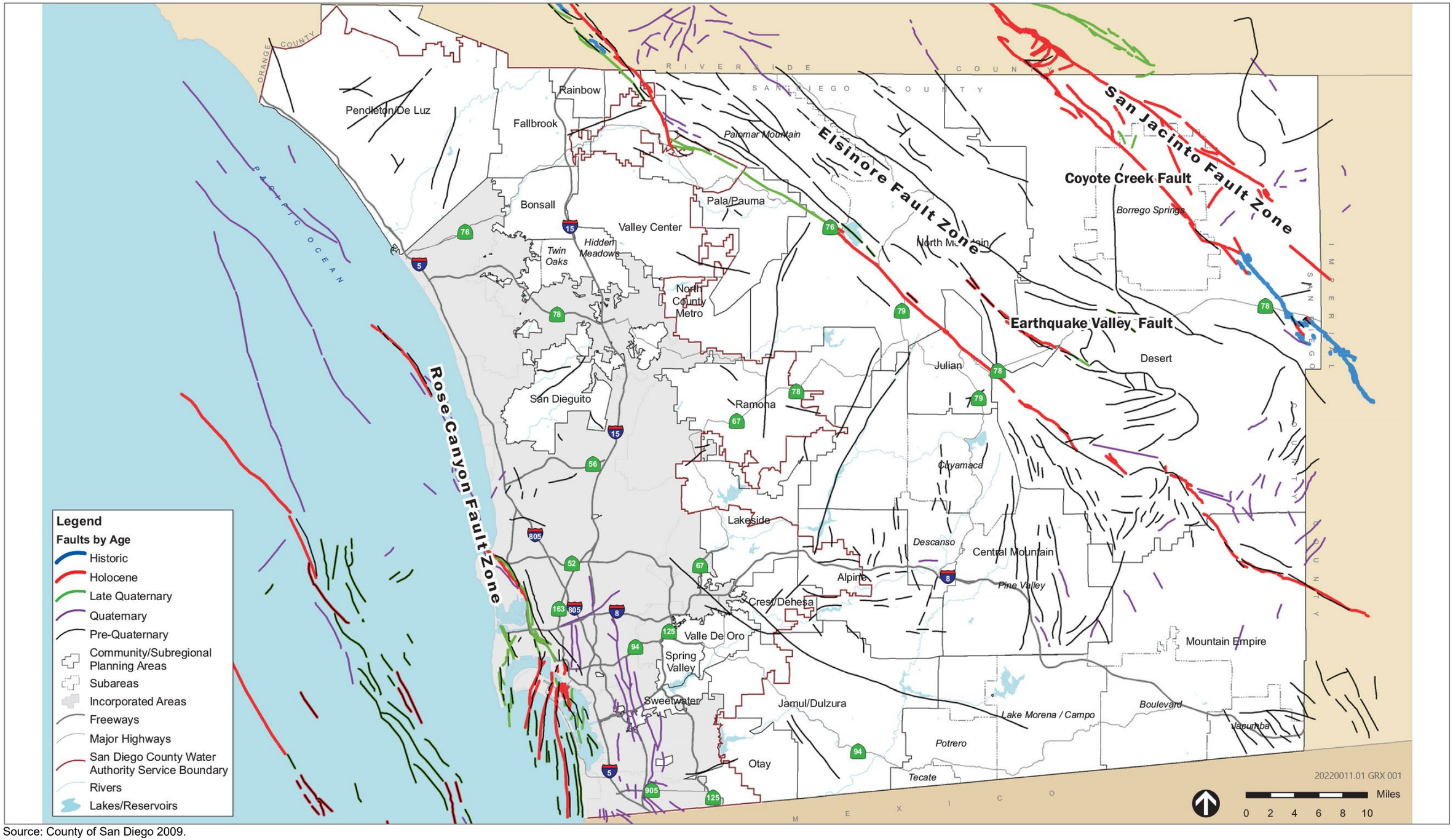
Source: County of San Diego 2009.

Figure 2.8.1 **Potential Expansive Soils in San Diego County**



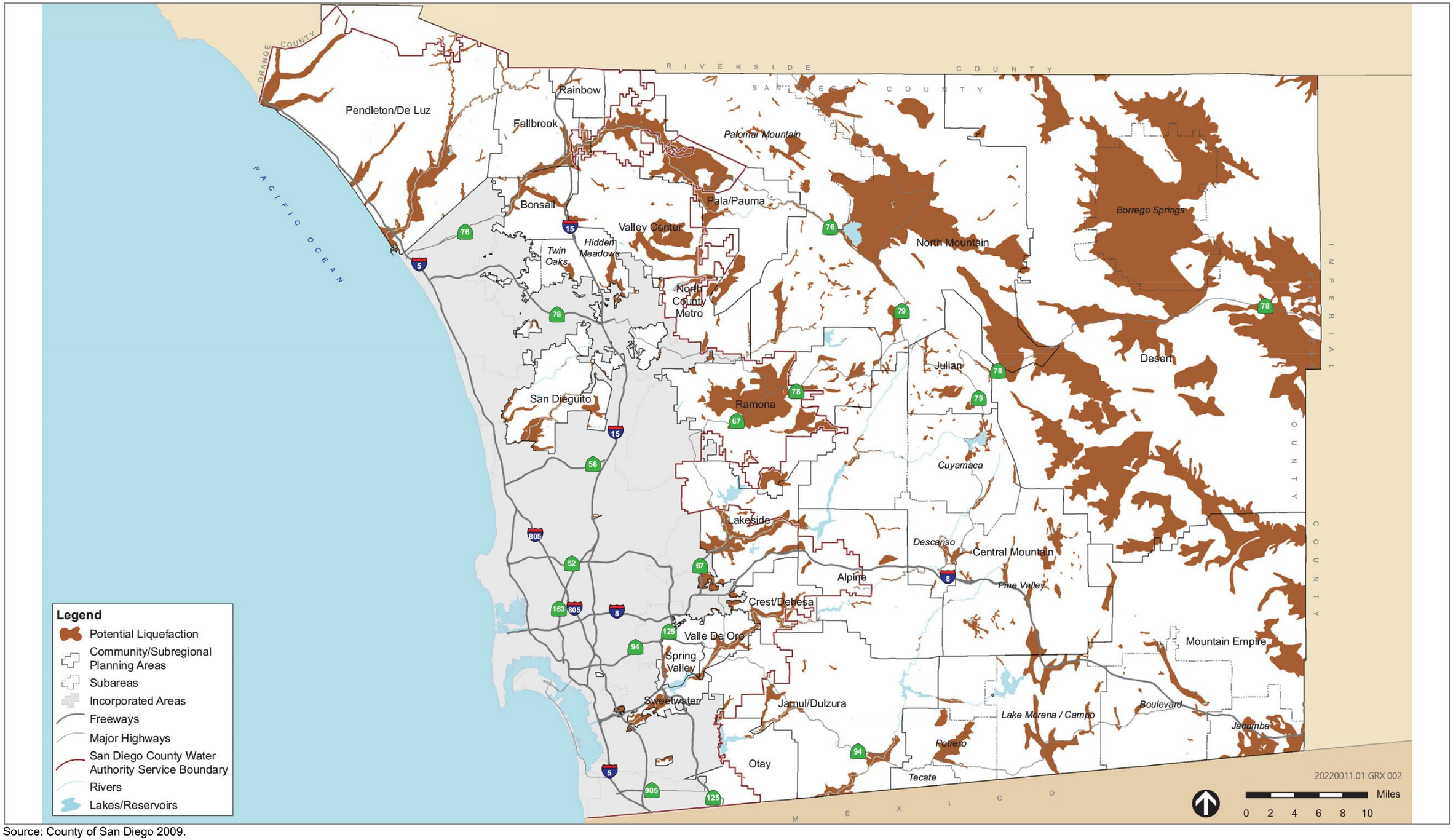
Source: County of San Diego 2009.

Figure 2.8.2 **Areas Susceptible to Landslides in San Diego County**



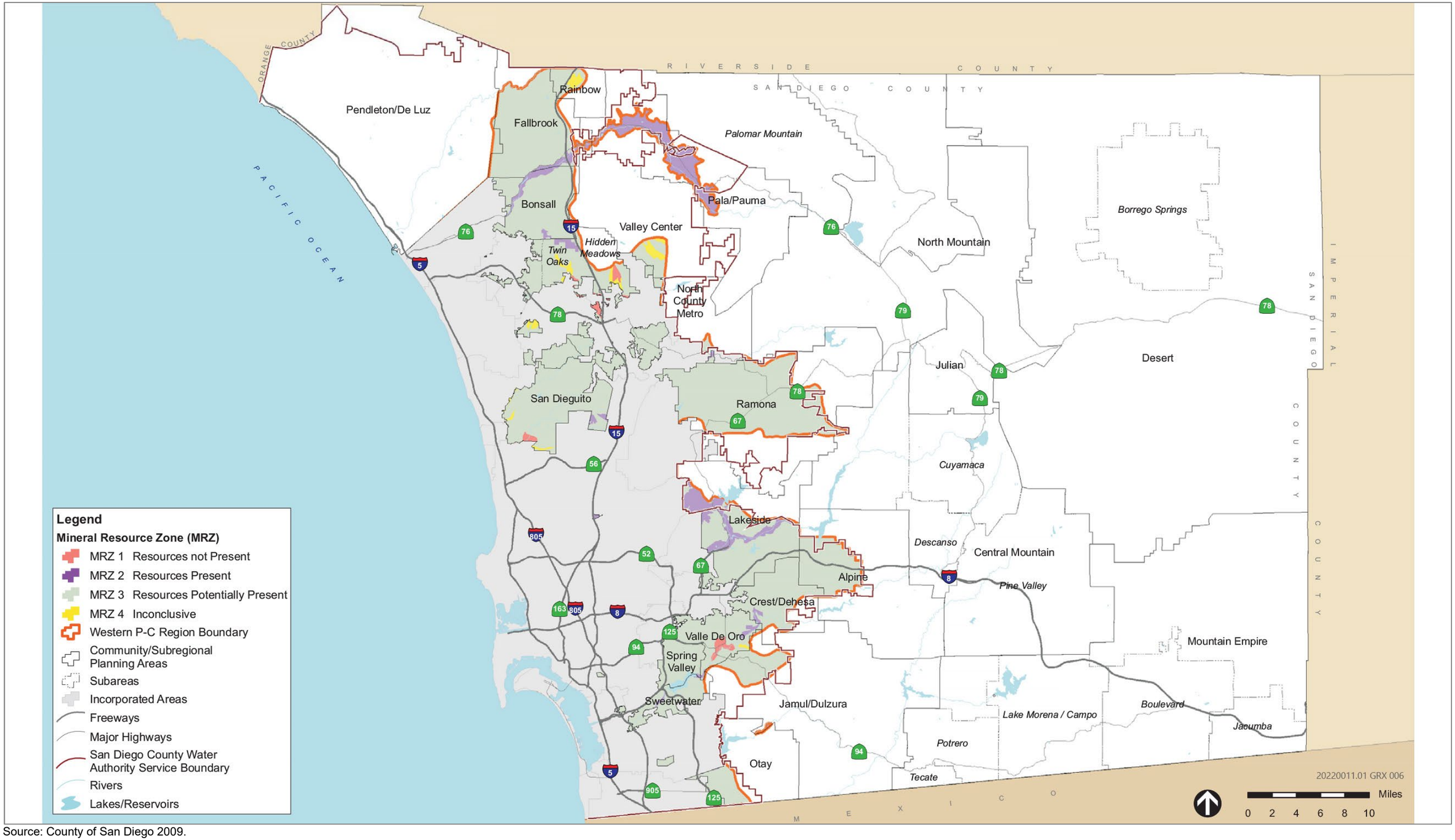
Source: County of San Diego 2009.

Figure 2.8.3 **Mapped Faults in San Diego County**



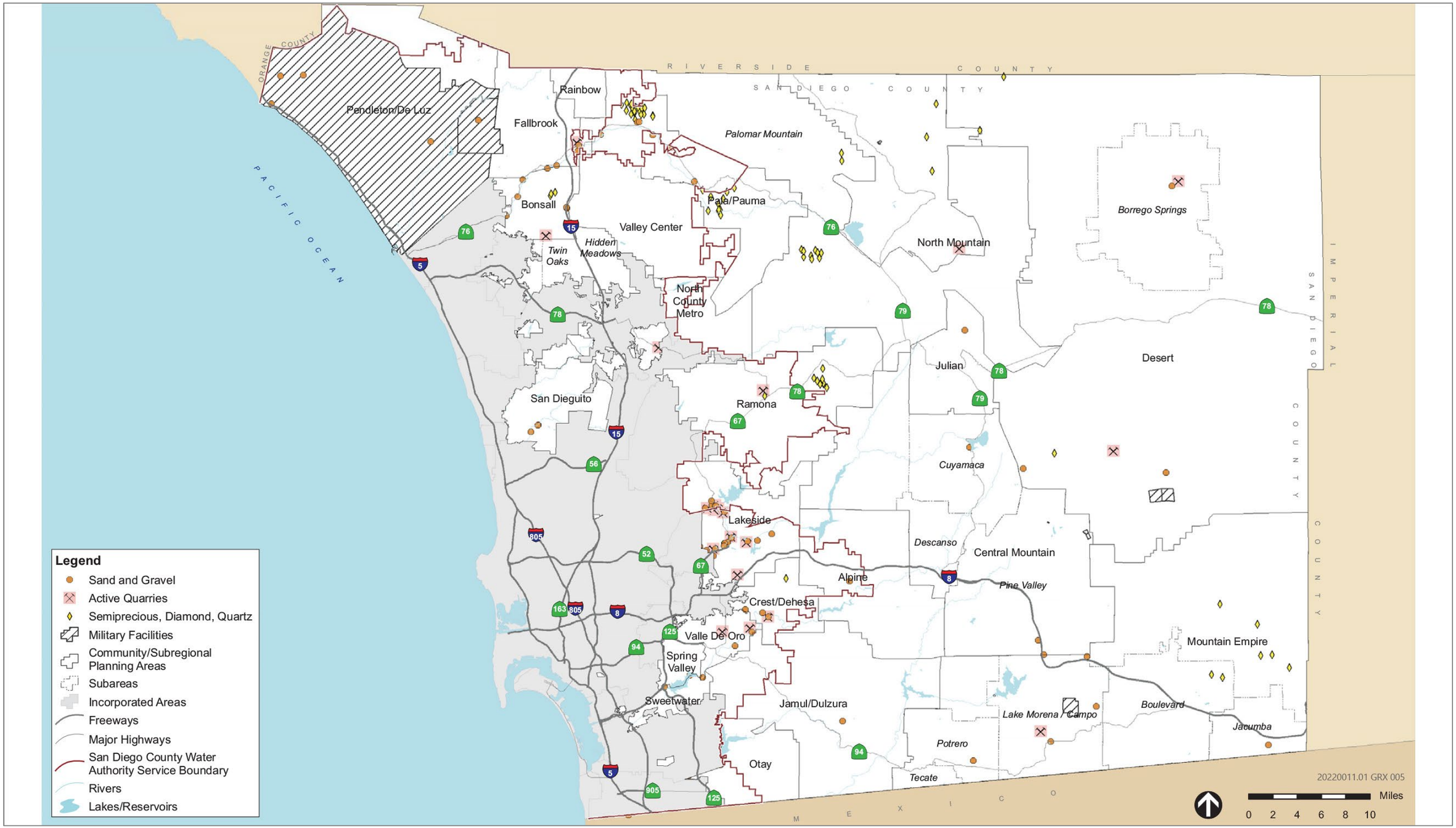
Source: County of San Diego 2009.

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 Draft 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

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 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

Commercial cannabis facilities shall implement the measures enumerated in the County's Climate Action Plan Checklist as applicable.

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 Draft 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 Draft 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 (San Diego County 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. There are currently no Cannabis Priority Watersheds designated 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. 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.

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.

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.

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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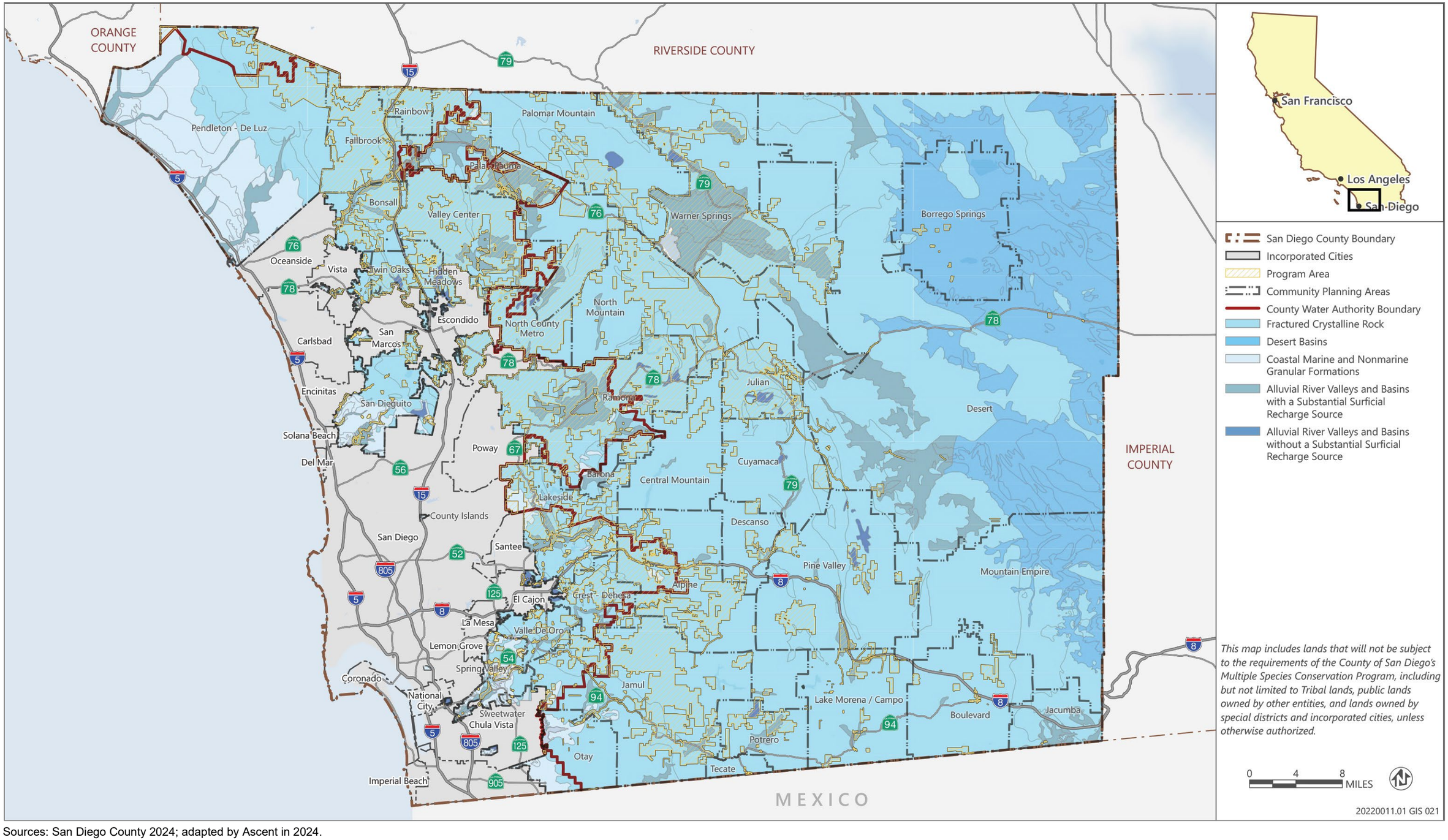
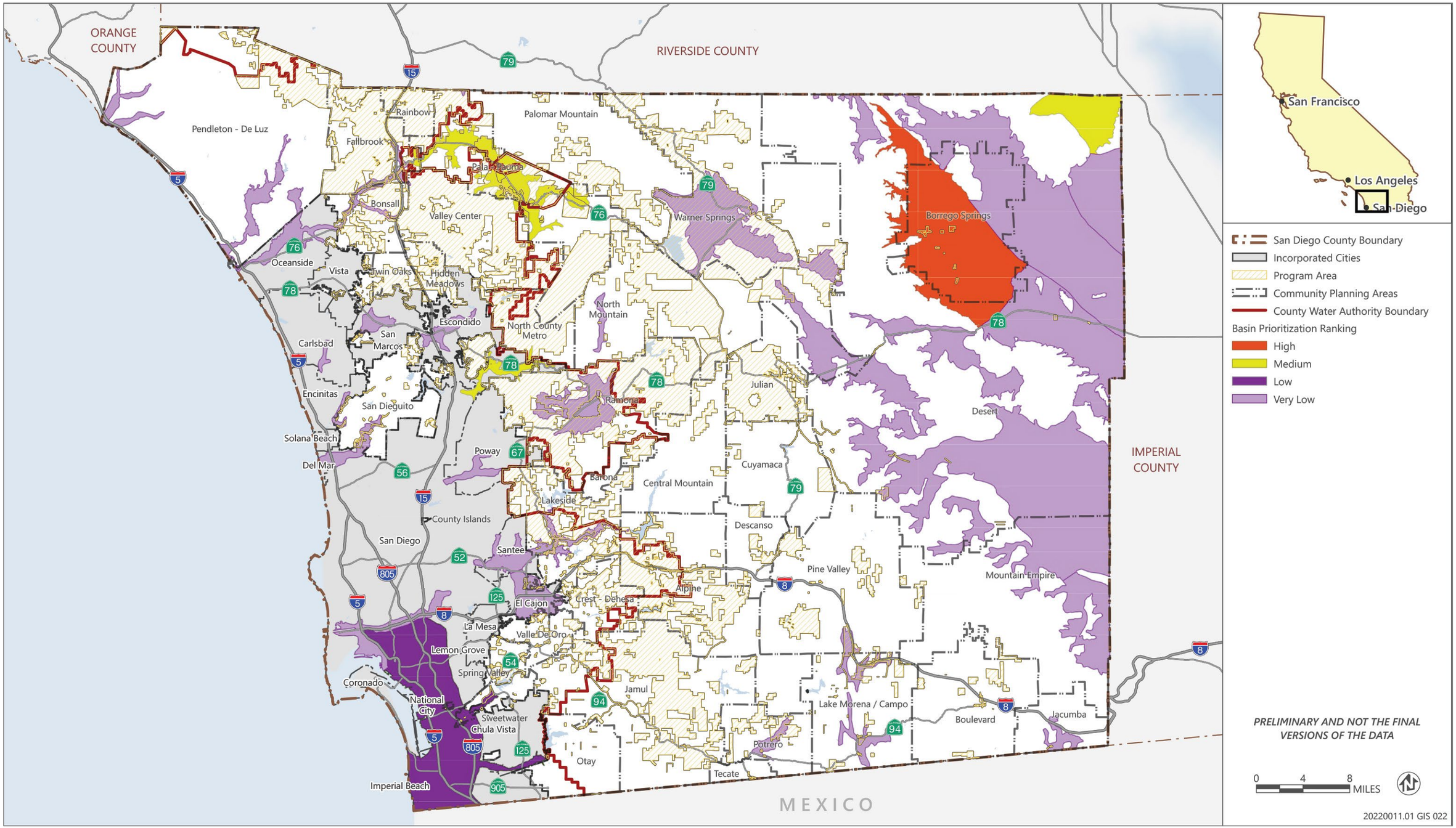


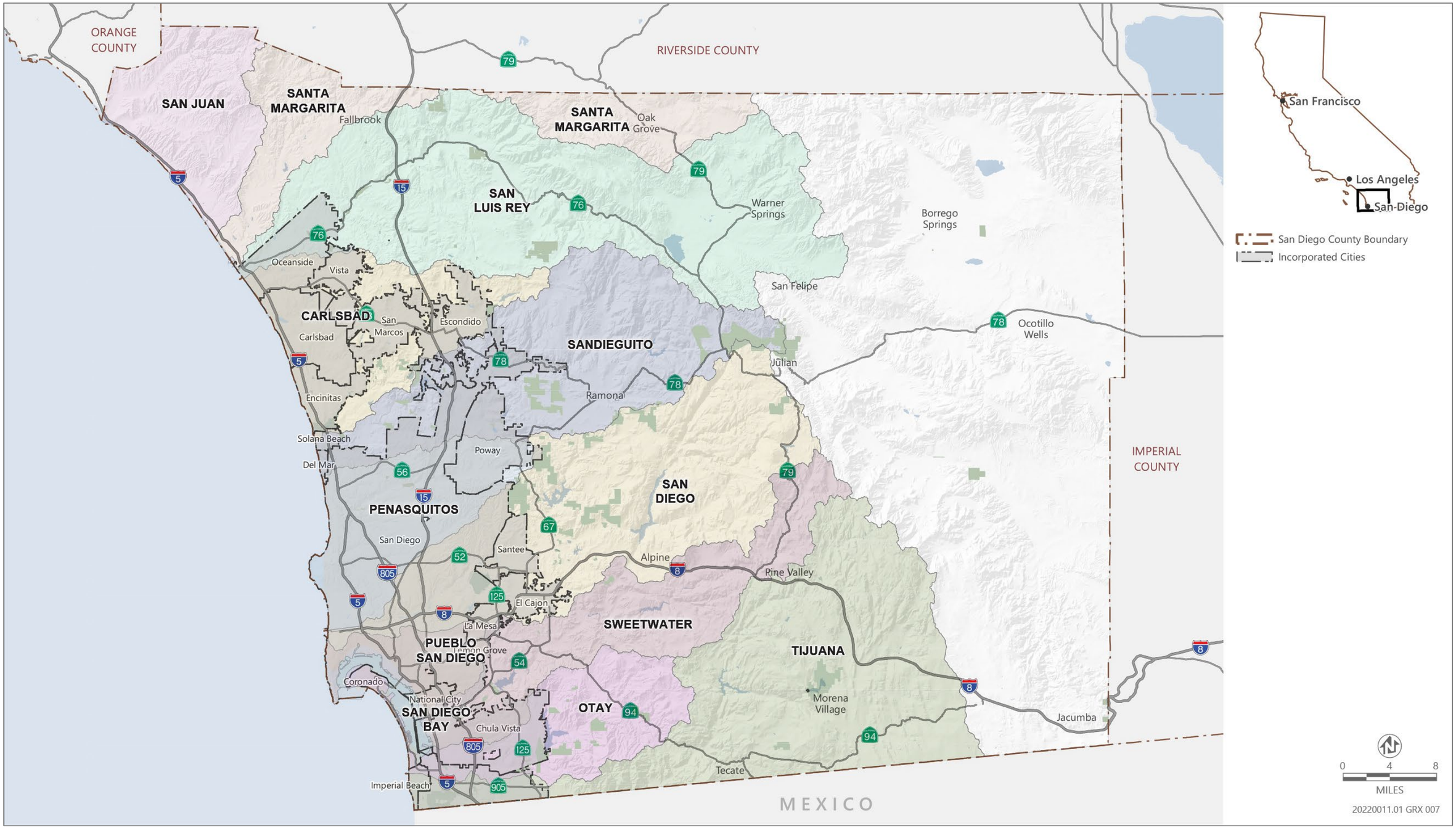
Sources: San Diego County 2024; adapted by Ascent in 2024.

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 Draft PEIR in each relevant resource section. All comments received in response to the NOP are presented in Appendix A of this Draft 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 Draft 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 Draft

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 Draft 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 Draft 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 Draft 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 Draft 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 Draft 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 Draft 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 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.

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	

Notes:

[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:

[1] Institute of Transportation Engineers 2021

[2] 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 Draft 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 Draft 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 Draft 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.
- **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.
- **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.

[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).

Thus, further analysis may be required at the time in which specific uses are identified, as described further in section 2.16.3.5.

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 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.

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 2.16.3, 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 2.16.3, 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 2.16.3, 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 2.16.3, 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 2.16.3, 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 2.16.3, 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 2.16.3, 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 2.16.3, 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 include a VMT analysis that determines 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 shall conduct 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.

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 2.16.3, 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 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.

Source: Data provided by Intersecting Metrics in 2024.

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 Project	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.

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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 Draft 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
- Jamul Indian Village: November 16, 2023; February 5, 2024; August 6, 2024
- 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
- San Luis Rey Band of Mission Indians: November 1, 2023; December 18, 2024
- 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 Draft 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 Draft 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

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.

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

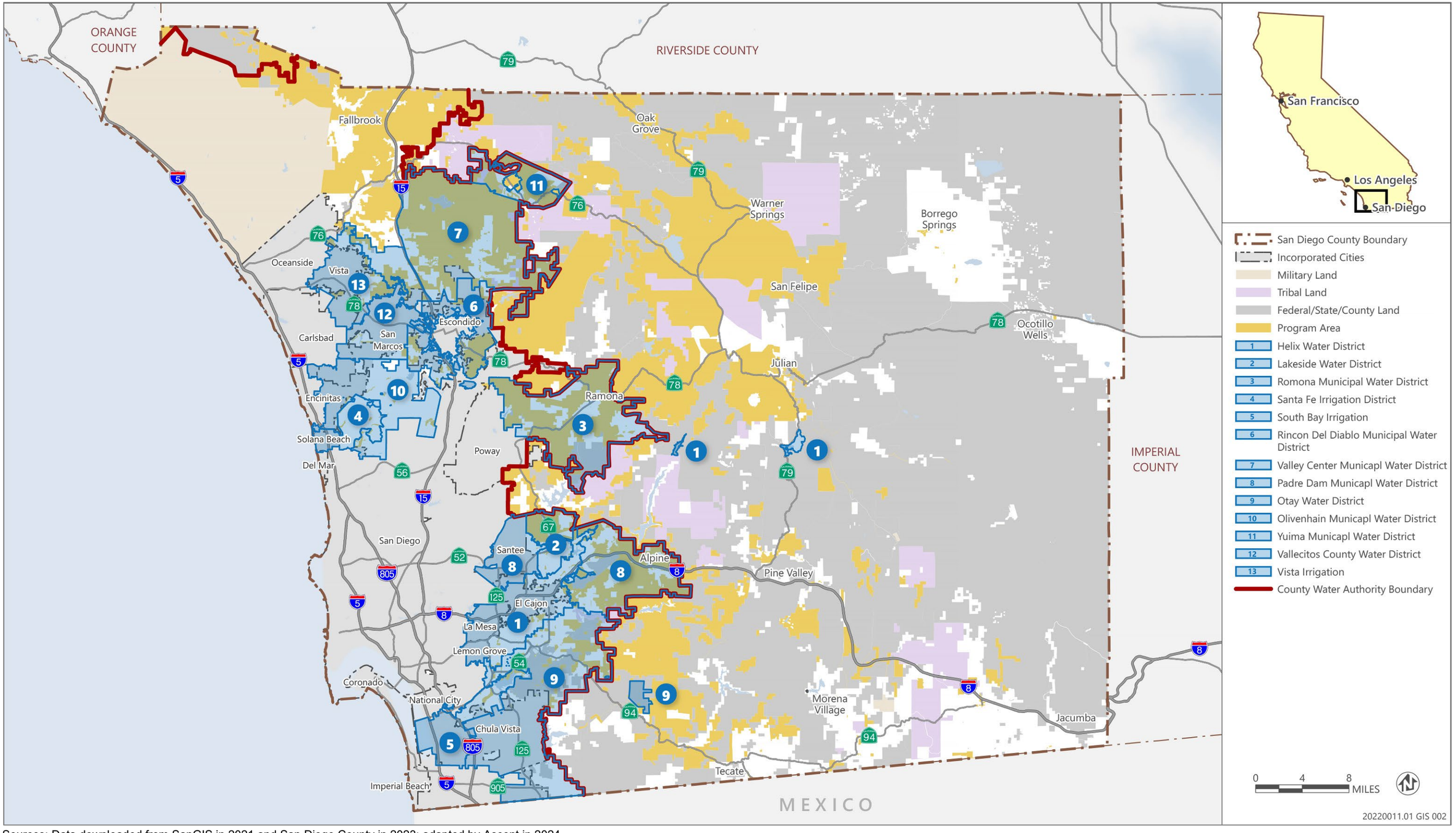
Source: County of San Diego 2022.

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 Draft 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 Draft 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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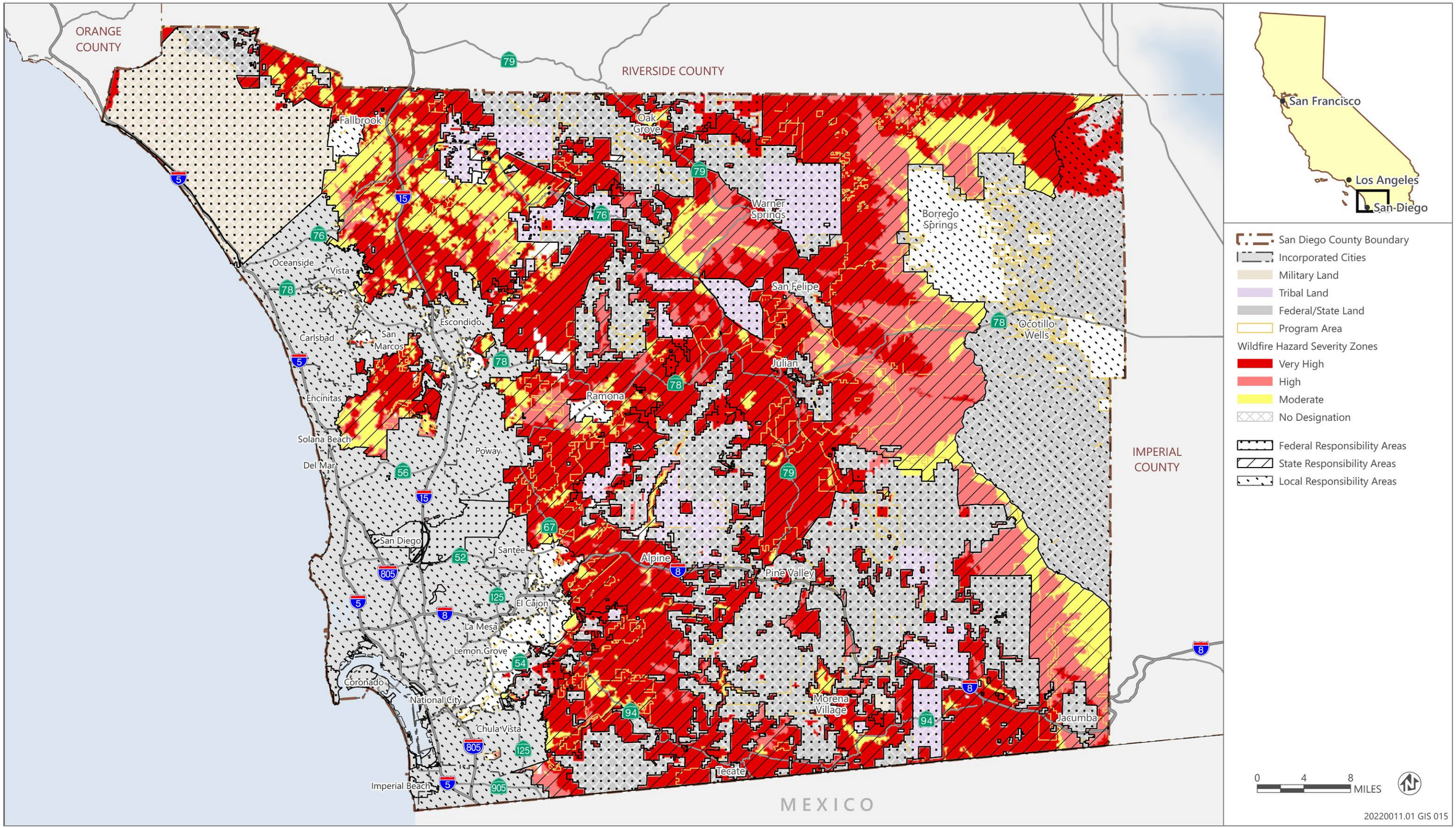

Sources: Data downloaded from CALFIRE in 2023, SanGIS in 2021, and San Diego County in 2023; adapted by Ascent in 2024.

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 Draft 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 Draft PEIR. No resource topics were scoped out during the NOP or preparation of this Draft 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 Draft 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 Draft 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 Draft 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 Draft 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 Draft 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.

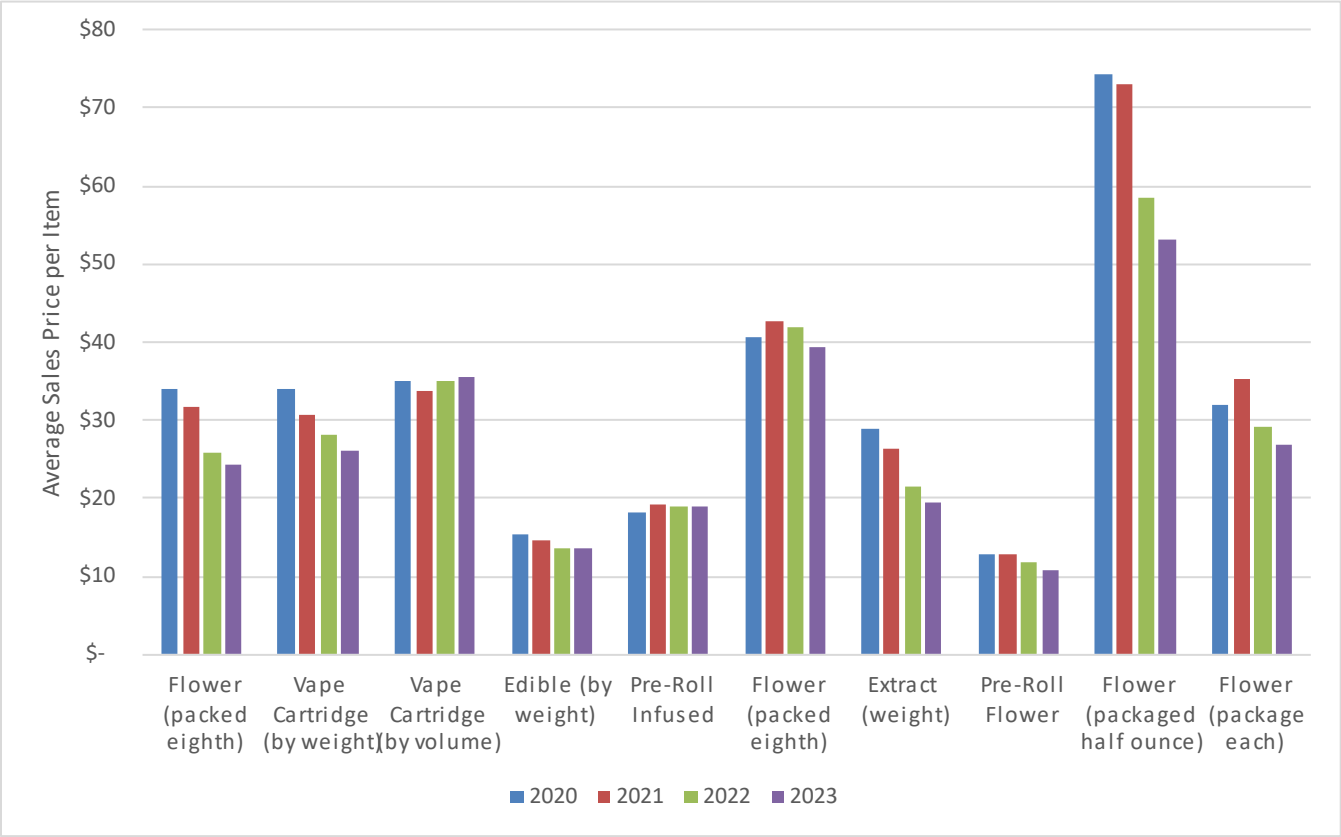
As identified in Table 2.18.4 in Section 2.18, “Utilities and Service Systems,” it is estimated that new commercial cannabis operations under the Cannabis Program could have a total municipal water demand of up to 668 acre-feet per year. The 2020 Urban Water Management Plans (UWMPs) concluded San Diego 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 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.

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. 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 approved CEQA consultant list) 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 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.

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.

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.

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.

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.

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.

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.

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.

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, 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. 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. 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. 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 Section10(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. 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. 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. 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. 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. 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. 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. 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 County 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, 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. 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 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.

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. 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.

8.1.4 Energy

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.

8.1.5 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.

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.

8.1.6 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 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.

8.1.7 Transportation

M-TR.2-1: Conduct VMT Analysis and Identify VMT Impacts

Applications for cannabis facilities shall include a VMT analysis that determines 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 shall conduct 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.

8.1.8 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

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.