

Third Addendum to the Medical Marijuana Land Use  
Regulations Ordinance Initial Study/Negative Declaration

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**San José Medical Marijuana  
Municipal Code and City Manager's  
Office Regulation Amendments  
File No.: PP16-076**

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September 2016

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## **ACRONYMS AND ABBREVIATIONS**

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|        |  |
|--------|--|
| BAAQMD | Bay Area Air Quality Management District   |
| CDFW   | California Department of Fish and Wildlife |
| CEQA   | California Environmental Quality Act       |
| EIR    | Environmental Impact Report                |
| GHG    | Greenhouse Gas                             |
| MND    | Mitigated Negative Declaration             |
| NOD    | Notice of Determination                    |
| RWQCB  | Regional Water Quality Control Board       |
| USFWS  | United States Fish and Wildlife Service    |
| VMT    | Vehicle Miles Traveled                     |

## **SECTION 1.0 INTRODUCTION AND PURPOSE**

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### **1.1 PURPOSE OF THE INITIAL STUDY**

The City of San José as the Lead Agency, has prepared this Initial Study/Addendum for the proposed amendments to the San José Medical Marijuana Municipal Code and City Manager's Office Regulations in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The purpose of this Initial Study/Addendum is to evaluate the environmental impacts of the proposed amendments to Title 6 and Title 20 of the Municipal Code and amend related regulations enforced by the City Manager's Office concerning medical marijuana collectives registered in San José. This Initial Study/Addendum evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project, in light of the analysis and environmental determinations that have already been made by the City in adopting the existing regulatory scheme.

### **1.2 PRIOR INITIAL STUDY/NEGATIVE DECLARATION AND ADDENDA**

The City in June 2011 prepared an Initial Study (File # PP11-039) evaluating the proposed regulatory scheme that now exists governing the existing 16 collectives in San José. The 2011 IS/ND concluded the proposed regulatory scheme for medical marijuana collectives in San José would not result in any significant impacts. The City published the 2011 Initial Study/Negative Declaration (IS/ND) for a 20-day public review and comment period. During this period, the Initial Study was available to local, state, and federal agencies and to interested organizations and individuals for review. The City Council adopted the IS/ND and approved the proposed set of regulations in 2011. Subsequently, the City in September 2011 prepared a First Addendum (File # PP11-076) to the 2011 IS/ND to add additional registration provisions to Title 6, and in 2014 prepared a Second Addendum (File # PP14-030 to amend provisions to Title 20, including allowing for cultivation.

### **1.3 SUBSEQUENT ENVIRONMENTAL REVIEW**

This current Initial Study is intended to support a Third Addendum to the 2011 IS/ND to address the proposed regulatory changes discussed in Section 3.0 Project Description that follows. CEQA Guidelines §15162 states that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines §15164 states that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR or Negative Declaration if some changes or additions are necessary, but none of the conditions described in §15162 (above) calling for preparation of a subsequent EIR have occurred.

Given the proposed project description and knowledge of the existing regulatory scheme and current collectives (based on the proposed project, and previous environmental review), the City of San José has concluded that the proposed project would not result in any new impacts not previously disclosed in the aforementioned IS/ND. For these reasons, an EIR or new ND is not required and an Addendum has been prepared for the proposed project.

This Third Initial Study/Addendum will not be circulated for public review, but will be attached to the 2011 IS/ND and First and Second Addenda pursuant to CEQA Guidelines §15164(c).

#### **1.4 CONSIDERATION OF THE INITIAL STUDY/ADDENDUM AND PROJECT**

The City Council will consider the adoption of this Third Initial Study/Addendum for the project at a regularly scheduled meeting. The City Council shall consider the Third Initial Study/Addendum together with any comments received at or prior to the public hearing. Upon adoption of the Third Initial Study/Addendum, the City may proceed with project approval actions.

#### **1.5 NOTICE OF DETERMINATION**

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

## **SECTION 2.0 PROJECT INFORMATION**

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### **2.1 PROJECT TITLE**

San José Medical Marijuana Municipal Code and City Manager's Office Regulation Amendments

### **2.2 LEAD AGENCY CONTACT**

Whitney Berry, Environmental Planner  
City of San José  
Department of Planning, Building & Code Enforcement  
200 East Santa Clara Street  
San José, CA 95113

### **2.3 PROJECT PROPONENT**

City of San José

### **2.4 PROJECT LOCATION**

Citywide

### **2.5 ASSESSOR'S PARCEL NUMBER**

Citywide

### **2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT**

Citywide

### **2.7 HABITAT PLAN DESIGNATION**

Not Applicable

### **2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS**

City Council adoption of an ordinance amending Municipal Code chapters Title 6 and Title 20

City Manager adoption of amended regulations addressing medical marijuana

## SECTION 3.0 PROJECT DESCRIPTION

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### 3.1 BASELINE CONDITIONS

There are currently 16 registered medical marijuana collectives in the City of San José. Registered collectives are required to operate within the limits of the City's and State of California's regulatory framework. This framework governs where collectives can operate, who can operate collectives, and how collectives are mandated to operate. The City's Zoning Ordinance allows collectives to locate in the following zoning districts: *Light Industrial, Heavy Industrial, Combined Industrial/Commercial, Industrial Park, and Downtown Primary Commercial* (excluding ground level). Collectives are not allowed to locate within the North San José Area Development Policy boundary, International Business Park boundary, and the Edenvale Area Development Policy boundary.

To protect sensitive uses, collectives are not allowed to locate within specific distances of sensitive uses, as listed below. A map showing the approximate location of the existing parcels within the City of San José that meet these siting criteria is shown on Figure 1.

- 1,000 feet of public or private preschools, elementary schools, or secondary schools, child daycare centers, community and recreation centers, parks, or libraries;
- 500 feet of substance abuse rehabilitation centers or emergency residential shelters;
- 150 feet of places of religious assembly, adult daycare centers, or residential uses; or
- 50 feet of another registered collective.

Registered medical marijuana collectives are allowed a maximum of one dispensary location and one cultivation/manufacturing facility. Collectives have the following options as to where these facilities can be located: one dispensary/cultivation/manufacturing co-facility located in the City of San José, one dispensary and one cultivation/manufacturing facility both located in San José, or one dispensary located in San José and one cultivation/manufacturing facility located in either Santa Clara, Alameda, Merced, San Benito, San Mateo, San Joaquin, Santa Cruz, or Stanislaus counties. Currently there are 17 facility locations operated by the registered collectives within the City of San José, although the City's code would potentially allow up to 32 facilities. Of these 17 locations, 15 are combined dispensary/cultivation/manufacturing facilities, one is a cultivation facility, and one is a dispensary. No approved facilities are located outside San José.

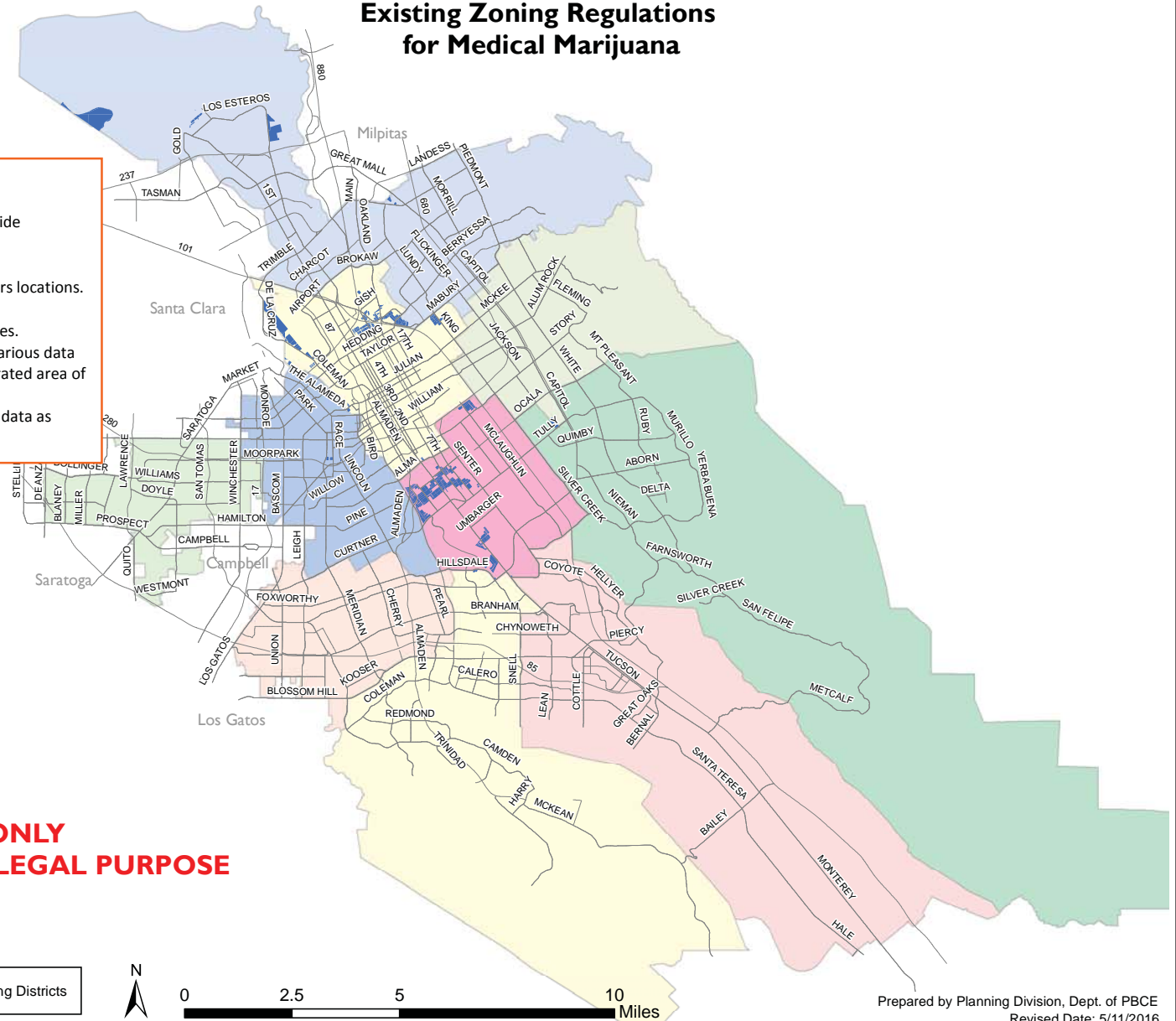
Collectives registered in the City of San José are allowed the transaction/transfer of marijuana and/or marijuana products between one another. Registered San José collectives are not allowed the transaction/transfer of marijuana and/or marijuana products between collectives not registered with San José. In response to collectives' concerns that they needed more time to cultivate and manufacture product, the San José City Council voted for collectives to continue receiving product from third-party vendors through December 18, 2016, providing collectives a full year "carryover period" to get their cultivation underway. Additionally, collectives are not allowed to deliver marijuana and/or marijuana products to their patients, who may reside outside of San José and must travel to the collective or have a primary caregiver other than the collective pick up the marijuana and/or marijuana products.



## Existing Zoning Regulations for Medical Marijuana

### Disclaimers

- Map made for **ILLUSTRATIVE** purposes only.
- Map does not illustrate residential uses that are outside Residential Zoning Districts.
- Map does not illustrate Adult Day Care locations.
- Map does not illustrate Emergency Residential Shelters locations.
- Map does not illustrate Drop-In Service Centers.
- Map does not illustrate any Legal Non-Conforming uses.
- Sensitive Uses data/locations are an aggregation of various data sources and exclude locations outside of the incorporated area of the City of San Jose.
- Map is a snapshot in time that reflects best available data as of October 1, 2014.



## 3.2 PROJECT COMPONENTS

The proposed project includes an ordinance amending Title 6 – Business Licenses and Regulations and Title 20 – Zoning of the San José Municipal Code and amendments to certain City Manager’s Office (CMO) regulations. The specific changes to the Municipal Code and CMO regulations are identified below.

### Changes to Title 6

#### **Secondary Locations:**

- Allow registered collectives secondary/multiple up to two (2) locations in total for cultivation, manufacturing<sup>1</sup>, and extraction.
- Maintain zoning districts and sensitive-use buffers for cultivation, manufacturing and distribution.
- Allow each individual registered collective a maximum of two (2) locations for cultivation and/or manufacturing – up to one (1) in San José and up to one (1) outside of San José in California.

#### **Cultivation throughout California:**

- Allow registered collectives in San José to cultivate throughout the State of California (where permissible). This would involve the City of San José charging collectives for City staff time and expenses to conduct inspections at facilities located outside the City of San José, in addition to fees currently charged for inspections at facilities located within the City of San José.
- Allow each individual collective one (1) cultivation location anywhere in the State of California that would count towards the maximum two (2) locations for cultivation and/or manufacturing identified above.

#### **Burglar and Fire Alarms:**

- Replace Section 6.88.420.B with more specific requirements for the provision, installation, programming, powering, monitoring, and maintenance of the required burglar alarm system.
- Add a Section to Chapter 6.88 to include specific requirements for the provision, installation, programming, powering, monitoring and maintenance of the required automatic fire alarm system.

### Changes to Title 6 and Title 20

**Add a definition of “Medical Marijuana Collective, Dispensary Site Only” in Title 6 and a reference to this definition in Title 20.**

**Add “Medical Marijuana Collective, Dispensary Site Only” as an enumerated land use in Title 20, Chapter 20.50 “Industrial Zoning Districts.”**

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<sup>1</sup> Manufacturing of medical marijuana products involves the manufacture of edible marijuana products, extraction of chemical compounds from marijuana plants, manufacture of topical products, and other processes to make marijuana infused products or other medical marijuana products.

### **Shared Cultivation Sites:**

- Allow a maximum of two (2) collectives to inhabit a single (1) cultivation site for multiple separate grow operations.
- Within the shared cultivation site, the crops of each collective must be kept separate and closed to the public.
- Maintain the zoning districts and sensitive-use buffers at cultivation sites that are shared by two (2) collectives.

### **Removal of 50-foot Buffer for Cultivation and Manufacturing:**

- Remove the 50-foot buffer restriction required between individual cultivation and manufacturing locations. The buffer restriction would remain in place for dispensary locations. Dispensaries might include cultivation onsite indoors in conjunction with dispensary operations.

### Changes to Title 6 and CMO Regulations

### **Transactions/Transfers between Registered and Licensed/Permitted Cultivators, Manufacturers, and Distributors:**

- Allow for transactions/transfers between registered and licensed/permitted/registered cultivators, manufacturers, and distributors of medical marijuana products throughout the State of California.

### **Distribution of Medical Marijuana Products:**

- Allow distribution of medical marijuana products to registered dispensaries in the City of San José.

### **Delivery of Medical Marijuana Products:**

Allow legally certified San José registered collectives to deliver medical marijuana products to patients in San José and areas within Santa Clara, Alameda, and San Mateo counties where allowed **subject to the following:**

- Members cannot sign-up unless they first join the collective in person.
- Orders must be placed directly to the collective, pre-packaged with label and tag for intended patient at the collective's dispensing location, then delivered from that location by a delivery driver working directly for the collective who has been backgrounded/badged as a delivery driver. GPS logs will be maintained by collectives to verify delivery.
- No "unallocated" marijuana on the vehicle is allowed – the only marijuana on the vehicle must be pre-packaged for a specific patient per that specific patient's (or primary caregiver's) order.
- Unless prohibited by the local jurisdiction, allow deliveries to Santa Clara, Alameda, and San Mateo counties.
- Maximum of generally three (3) delivery vehicles per collective.
- Deliveries may be made between 6am and midnight (with staff recommendation likely to be between 8am and 10pm).

- Maximum amounts of marijuana per delivery vehicle at any given time: approximately 10 ounces of dried flower, approximately 28 grams of marijuana concentrate, approximately 30 marijuana infused products, approximately 12 live non-flowering plants per patient and no more than approximately 120 live non-flowering plants per vehicle.

### Other Changes

**Make other technical, formatting or non-substantive changes within Title 6 and Title 20 of the Municipal Code, and the City Manager’s Regulations.**

**Adopt a Fee Resolution to add fees to cover costs of additional items and scope related to implementation of the new and revised provisions regulating Medical Marijuana Collectives in San José.**

### **3.3 DIRECT AND REASONABLY FORESEEABLE INDIRECT ENVIRONMENTAL CHANGES**

The proposed project involves a set of changes to existing regulations, and does not involve any activities by the City of San José that will directly change the baseline environmental setting described previously. Rather, the physical environmental changes that would result from the proposed project will be indirect, in that existing registered collectives will be allowed to operate differently than currently, and potentially in different, multiple locations. These indirect effects will be realized as changes to the operations of existing registered collectives, discussed below, as well as potentially the opening of new facilities, within San José or elsewhere in California where allowed. Given there are no direct physical changes to evaluate concerning specific sites and facility operations, and that the environment impacts resulting from the proposed ordinance/regulation amendments will be indirect in nature, the analysis in this Initial Study necessarily must rely on reasonable assumptions or predictions about the manner in which the registered collectives will respond to the proposed altered regulations.

#### **3.3.1 Reasonably Foreseeable Operational Environmental Changes**

There are three components of the proposed changes to the Municipal Code and CMO regulations that could affect the amount and location of vehicular travel associated with each registered collective, by influencing the vehicle miles traveled (VMT) to/from each facility:

1. the addition of delivery services by San José registered collectives (to patients both within and outside San José),

Under the proposed Municipal Code and CMO regulation changes, registered collectives would be allowed to deliver medical marijuana products to patients in Santa Clara, Alameda, and San Mateo counties. The introduction of delivery services would reduce the number of patient trips to dispensary locations, which could reduce VMT associated with patient procurement of marijuana products. Delivery vehicles would accrue VMT during deliveries to patients; however, these services could more efficiently provide marijuana products to patients through combining or linking trips (i.e. delivering to multiple patients per delivery trip, rather than each patient traveling to/from the registered collective). Therefore, the addition of delivery services is

anticipated to result in less VMT per patient compared with existing conditions. It is not expected that patient numbers will increase substantially as a result of the ordinance beyond what is anticipated due to natural growth from an aging population and a growing City. There may be some increase from patients moving from illegal delivery market to the legitimate registered market.

2. San José registered collectives will be allowed to be involved in the transaction/transfer of medical marijuana products with registered and licensed/permitted cultivators, manufacturers, and distributors throughout the State of California,

The changes would also allow San José registered collectives to be involved in the transaction/transfer of medical marijuana products with registered and licensed/permitted cultivators, manufacturers, and distributors throughout California. This would involve the transportation of marijuana and/or marijuana products from San José registered collectives (operating within or outside of San José) to other collectives throughout the State. VMT associated with collective operations would increase above existing conditions since vehicles would now be moving between the other registered and licensed/permitted cultivators, manufacturers, and distributors and the San José registered collective's cultivation site (also potentially outside the City, discussed below). However, marijuana and marijuana products are relatively light commodities that would not, in this instance, require major trucking/shipping activities subject to state law.

3. and registered collectives may open cultivation facilities throughout California.

Lastly, the changes would allow San José registered collectives to open cultivation facilities throughout California (where permissible). Under existing conditions, collectives in San José are only allowed to have cultivation facilities within San José or in Santa Clara, Alameda, Merced, San Benito, San Mateo, San Joaquin, Santa Cruz, or Stanislaus counties. Cultivation facilities located further from San José could result in increased VMT to transport marijuana from cultivation facilities to manufacturing/dispensing locations. However, marijuana and marijuana products are relatively light commodities that would not, in this instance, require major trucking/shipping activities subject to state law. As state law evolves, the "owners" of a San José registered collective could open a separate business and get a state license anywhere in California. State law has limits for the number of licenses per licensee.

### **3.3.2 Reasonably Foreseeable Site/Development Specific Impacts**

The proposed changes to the Municipal Code and CMO regulations do not specifically include development of collective facilities within or outside of the City of San José, although it is foreseeable registered collectives may take advantage of the increased flexibility provided under the amended regulations and establish new facilities allowed under the regulations. The Municipal Code and CMO regulation changes could allow for increased development of cultivation and manufacturing locations within the City and development of cultivation facilities throughout the State of California (where permissible). The specific site or sites, whether in San José or elsewhere in California as allowed, cannot be predicted now in the absence of specific development applications by a collective(s). Therefore, the anticipated future physical changes to the environment from construction or alteration of the collectives' facilities can only be discussed at a conceptual or programmatic level. To the extent a registered collective seeks to develop a new facility or alter an

existing facility as allowed under the proposed regulations, whether in San José or elsewhere in California, that future discretionary development proposal would be subject to project-level, site-specific environmental review under CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed or modified collective facility to result in environmental impacts would be evaluated and mitigation measures would be identified, as necessary, by the lead agency in whose jurisdiction the facility would be located.

## SECTION 4.0 ENVIRONMENTAL CHECKLIST AND IMPACT DISCUSSION

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This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

|     |                                     |      |                                    |
|-----|-------------------------------------|------|------------------------------------|
| 4.1 | Aesthetics                          | 4.10 | Land Use and Planning              |
| 4.2 | Agricultural and Forestry Resources | 4.11 | Mineral Resources                  |
| 4.3 | Air Quality                         | 4.12 | Noise and Vibration                |
| 4.4 | Biological Resources                | 4.13 | Population and Housing             |
| 4.5 | Cultural Resources                  | 4.14 | Public Services                    |
| 4.6 | Geology and Soils                   | 4.15 | Recreation                         |
| 4.7 | Greenhouse Gas Emissions            | 4.16 | Transportation/Traffic             |
| 4.8 | Hazards and Hazardous Materials     | 4.17 | Utilities and Service Systems      |
| 4.9 | Hydrology and Water Quality         | 4.18 | Mandatory Findings of Significance |

The discussion for each environmental subject includes the following subsections:

- **Environmental Checklist** – The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section.
- **Impact Discussion** – This subsection discusses the project’s impact as it relates to the environmental checklist questions. For significant impacts, feasible mitigation measures are identified. “Mitigation measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.

## 4.1 AESTHETICS

### 4.1.1 Environmental Checklist

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:   |                                |  |                                     |                          |                     |
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?                                     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

### 4.1.2 Impact Discussion

**a)-c) Have a substantial adverse effect on a scenic vista? Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Substantially degrade the existing visual character or quality of the site and its surrounding?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not substantially alter the aesthetic environment of San José because Medical Marijuana Collectives would be located in zoning districts that are situated within the existing urban fabric of the City of San José and would need to comply with the existing, adopted Codes and Policies pertaining to land use development within those zoning districts.

As discussed in *Section 3.0 Project Description*, the current proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in substantial effects on scenic vistas, damage to scenic resources within a designated state scenic highway, and/or degrade the existing visual character of the site and its surroundings would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**



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

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to create a new source of substantial light or glare that would adversely affect day or nighttime views in the area would be evaluated and mitigation measures would be identified, as necessary. Development occurring in San José would be required to conform to the City's Outdoor Lighting Policy for Private Development. Each lead agency's planning review process will ensure compatibility of the lighting and building materials of future development with surrounding uses. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

## 4.2 AGRICULTURAL AND FORESTRY RESOURCES

### 4.2.1 Environmental Checklist

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:   |                                |  |                                     |                          |                     |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Result in a loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

### 4.2.2 Impact Discussion

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

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

**Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?**

**Result in a loss of forest land or conversion of forest land to non-forest use?**

**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?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not impact agricultural and/or forest resources because Medical Marijuana Collectives would be located within the existing urban environment of San José. Medical Marijuana Collectives are not an allowed or conditional use that could be located in the open space or agricultural zoning districts. The 2011 IS/ND concluded any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in substantial adverse effects on agricultural and/or forestry resources as defined by CEQA would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

### 4.3 AIR QUALITY

#### 4.3.1 Environmental Checklist

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:  |                                |  |                                     |                          |                     |
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

#### 4.3.2 Impact Discussion

##### a)-d) Conflict with or obstruct implementation of the applicable air quality plan?

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

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

**Expose sensitive receptors to substantial pollutant concentrations?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not impact air quality because the Medical Marijuana Collectives would be located throughout San José in structures located in zoning districts that anticipate and expect customers visiting business establishments. Medical Marijuana Collectives do not generate traffic volumes beyond other allowed uses within the proposed applicable zoning districts. Under then-proposed Title 6 regulations, all registered Collectives would be required to submit an operations plan for approval by the City. Operations plans may include demand management such as appointments or other mechanisms to reduce traffic impacts by

Collective members to a less than significant level. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. All City Policies and Municipal Code requirements would continue to apply to these uses.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. The proposed changes could increase vehicle miles travelled (VMT) as a result of increased patients being served by the registered collectives now that deliveries would be made, and as a result of collectives cultivating outside the City and conducting transactions/transfers outside the City, and therefore, could affect air quality. Future development allowed under the proposed regulations would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process for a new or modified collective, cultivation, and/or manufacturing facility, the potential for the proposed facility to conflict with or obstruct implementation of the applicable air quality plan would be evaluated and mitigation measures would be identified, as necessary. Future development of collective facilities in the City of San José and elsewhere in the nine-county Bay Area would be required to conform with the Bay Area Air Quality Management District's (BAAQMD) 2010 Clean Air Plan, while facilities proposed outside the Bay Area would be reviewed according to the Air Basin Plan for that region of the state. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**d) Create objectionable odors affecting a substantial number of people?**

As part of the operations of the existing 16 registered collectives, two odor complaints have been received by the City on registered collectives. There are no known complaints to BAAQMD. Only one complaint to the City was confirmed, and an inspection was completed and the violation was verified by Code Enforcement and corrected.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Any new facilities or development located in the City of San José under the proposed regulations would be subject to provisions of Title 6 of the Municipal Code requiring that an odor management plan be included in the operations plan submitted to the City. The odor management plan must detail steps the collective will take to install air purification systems and air scrubbers to ensure that the odor of medical marijuana will not emanate beyond the walls of the collective's premises. Compliance with this regulatory requirement would ensure potential odor impacts are avoided or reduced. Future development allowed under the proposed regulations would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to create objectionable odors would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

#### 4.4 BIOLOGICAL RESOURCES

##### 4.4.1 Environmental Checklist

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:   |                                |  |                                     |                          |                     |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

##### 4.4.2 Impact Discussion

**a)-d) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?**

**Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?**

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

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

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not impact biological resources because Medical Marijuana Collectives would be located within the urban environment of San José. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in substantial adverse effects on candidate, sensitive, or special status species, identified sensitive natural communities, federally protected wetlands, and/or native resident or migratory fish or wildlife species would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**e)-f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to conflict with any local policies or ordinances protecting biological resources would be evaluated and mitigation measures would be identified, as necessary. Trees removed during future development of collective facilities in the City of San José would be replaced at ratios consistent with the City's Tree Ordinance. During the environmental

review process, the potential for the proposed development to result in a conflict with an adopted habitat conservation plan or natural community conservation plan would be evaluated and mitigation measures would be identified, as necessary. Future development of collective facilities in the City of San José would be required to comply with the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**



## 4.5 CULTURAL RESOURCES

### 4.5.1 Environmental Checklist

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:   |                                |  |                                     |                          |                     |
| a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?     | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?                               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Disturb any human remains, including those interred outside of formal cemeteries?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

### 4.5.2 Impact Discussion

**a)-d) Cause a substantial adverse change in the significance of an historical resource? Cause a substantial adverse change in the significance of an archaeological resource? Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? Disturb any human remains, including those interred outside of formal cemeteries?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not impact cultural resources. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. All City Policies and Municipal Code requirements would continue to apply to these uses.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in substantial adverse effects on cultural resources would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

## 4.6 GEOLOGY AND SOILS

### 4.6.1 Environmental Checklist

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:   |                                |  |                                     |                          |                     |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                |  |                                     |                          |                     |
| 1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| 2. Strong seismic ground shaking?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| 3. Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| 4. Landslides?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

### 4.6.2 Impact Discussion

**a)-e) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, or iv) landslides?**

**Result in substantial soil erosion or the loss of topsoil?**

**Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?**

**Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not result in impacts to geology and/or soils. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. All City Policies and Municipal Code requirements would continue to apply to these uses.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in significant geology and soils impacts would be evaluated and mitigation measures would be identified, as necessary. Future development of collective facilities would be required to be in conformance with the most current California Building Code standards. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

## 4.7 GREENHOUSE GAS EMISSIONS

### 4.7.1 Environmental Checklist

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:   |                                |  |                                     |                          |                     |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

### 4.7.2 Impact Discussion

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

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not increase greenhouse gas emissions because Medical Marijuana Collectives would either be locating in existing buildings; replacing uses that generate similar amounts of traffic, and therefore similar amounts of greenhouse gases; or proposing new construction that would be subject to additional environmental review and would be required to be consistent with the City's existing, adopted Codes and Policies pertaining to land use development.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. The proposed changes, as discussed in *Section 3.3.1 Reasonably Foreseeable Operational Environmental Changes*, could incrementally increase vehicle miles travelled (VMT) and, therefore, could generate additional greenhouse gas (GHG) emissions. Future development allowed under the proposed regulations would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to generate GHG emissions and/or conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions would be evaluated and mitigation measures would be identified, as necessary. Future development of collective facilities in the City of San José would be required to conform to the City's GHG Reduction Strategy. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

## 4.8 HAZARDS AND HAZARDOUS MATERIALS

### 4.8.1 Environmental Checklist

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:  |                                |  |                                     |                          |                     |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| f) For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

#### 4.8.2 Impact Discussion

a)-h) **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 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, will 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, will the project result in a safety hazard for people residing or working in the project area?**

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

**Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?**

**Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not facilitate hazards and/or the use hazardous materials. The 2011 Initial Study concluded to the extent a Medical Marijuana Collective proposed the use of hazardous materials as part of its operation (i.e., on-site growing), the Collective would need to meet all of the City's existing, adopted Codes and Policies pertaining to hazardous materials, including but not limited to a hazardous materials permit issued by the Fire Department.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in significant hazards and hazardous material impacts would be evaluated and mitigation measures would be identified, as necessary. Numerous laws and regulations are in place at the Federal, State, and local levels to ensure the safe handling,

transport, use, storage, and disposal of hazardous materials. All future development allowed under the proposed changes to the Municipal Code and CMO regulations would comply with all applicable Federal, State, and local hazardous material laws and regulations. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

## 4.9 HYDROLOGY AND WATER QUALITY

### 4.9.1 Environmental Checklist

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:   |                                |  |                                     |                          |                     |
| a) Violate any water quality standards or waste discharge requirements?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| f) Otherwise substantially degrade water quality?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |



|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:                            |                                |  |                                     |                          |                     |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

#### 4.9.2 Impact Discussion

##### a) **Violate any water quality standards or waste discharge requirements?**

**Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?**

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

**Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?**

**Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Otherwise substantially degrade water quality?**

**Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**Place within a 100-year flood hazard area structures which will impede or redirect flood flows?**

**Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

**Result in inundation by seiche, tsunami, or mudflow?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not impact hydrology and water quality. The 2011 Initial Study concluded any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any

other physical construction projects. All City Policies and Municipal Code requirements would continue to apply to these uses.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in significant hydrology and water quality impacts would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**4.10 LAND USE AND PLANNING**

**4.10.1 Environmental Checklist**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:  |                                |  |                                     |                          |                     |
| a) Physically divide an established community?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.10.2 Impact Discussion**

**a)-c) Physically divide an established community?**

**Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?**

**Conflict with any applicable habitat conservation plan or natural community conservation plan?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not divide an established community in that Medical Marijuana Collectives are proposed to be allowed in certain commercial and industrial zoning districts, consistent with the character of the use. The 2011 ordinance and its distance criteria to sensitive uses would reinforce consistency between the proposed ordinance and existing land use patterns. The 2011 IS/ND concluded any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. All City Policies and Municipal Code requirements would continue to apply to these uses.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental

review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to physically divide an established community, conflict with any applicable land use plan, policy, or regulation, and/or conflict with any habitat conservation plan or natural community conservation plan would be evaluated and mitigation measures would be identified, as necessary. As discussed in *Section 4.4 Biological Resources*, future development of collective facilities in the City of San José would be required to comply with the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**4.11 MINERAL RESOURCES**

**4.11.1 Environmental Checklist**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:  |                                |  |                                     |                          |                     |
| a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?                                 | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.11.2 Impact Discussion**

**a)-b) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? 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?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not impact mineral resources.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**4.12 NOISE AND VIBRATION**

**4.12.1 Environmental Checklist**

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project result in:   |                                |  |                                     |                          |                     |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.12.2 Impact Discussion**

**a)-f) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?**

**Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

**Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project**

**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, will the project expose people residing or working in the project area to excessive noise levels?**

**For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not result in noise impacts because all medical marijuana collective activities would occur within buildings. The 2011 Initial Study concluded to the extent a Medical Marijuana Collective proposed any construction, the proposal would be required to meet the City's existing, adopted Codes and Policies pertaining to noise. Operation of a Medical Marijuana Collective would be subject to Zoning Ordinance requirements for noise.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in substantial noise or vibration impacts would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

## 4.13 POPULATION AND HOUSING

### 4.13.1 Environmental Checklist

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                           | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|---------------------|
| Would the project:  |                                |  |                                     |                                     |                     |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1-4                 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1-4                 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1-4                 |

### 4.13.2 Impact Discussion

**a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not result in substantial growth, either directly or indirectly.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. The new or modified facilities are not expected to attract or support large employment populations to San José specifically, nor California in general to the extent San José registered collectives have facilities elsewhere in California. The facilities are akin to warehouse/manufacturing uses and, therefore, the potential for the proposed amended regulations to induce substantial population growth is minimal. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**b)-c) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

**Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**



The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found the proposed ordinance would allow Medical Marijuana Collectives in certain commercial and industrial districts, and would not displace people or housing units, in that Collectives would not take place in residential districts.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. It is not anticipated collective facilities would be located on sites with housing uses, or nearby housing, such that existing housing or people would be displaced by the new or altered facilities. Therefore, the proposed new regulations would not result in any impact as identified in the 2011 IS/ND. **(No Impact)**

**4.14 PUBLIC SERVICES**

**4.14.1 Environmental Checklist**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project   |                                |  |                                     |                          |                     |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 Protection?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| - Police Protection?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| - Schools?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| - Parks?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| - Other Public Facilities?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.14.2 Impact Discussion**

**a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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 public services?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would have a less than significant impact on public services because the Medical Marijuana Collectives would be subject to the Title 6 requirements, including an annual fee to cover enforcement, and must meet the distance requirements to schools under State law. The 2011 IS/ND concluded while San José had experienced fires in the past at "grow houses," any on-site cultivation would need to meet Fire Code and any other applicable regulations, resulting in a less than significant impact.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. The new or modified facilities are not expected to attract or support large employment populations to San José specifically, nor California in general to the extent San Jose registered collectives have facilities elsewhere in California. The facilities are akin to warehouse/manufacturing uses, and therefore the proposed ordinance and regulation amendments would not result in increased demands for public services that would cause the need for new or

physically altered governmental facilities. The collective facilities allowed under the ordinance would be built according to fire and building codes, and may generate calls for emergency personnel at various times, but that is a fiscal impact, and the facilities will pay taxes and other fees to help offset any increased calls for service. CEQA is not concerned with fiscal impacts that do not translate to physical changes to the environment. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**4.15 RECREATION**

**4.15.1 Environmental Checklist**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                       | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.15.2 Impact Discussion**

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

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

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would result in no impacts to recreation because the ordinance includes distance criteria to sensitive uses, including parks and recreation centers.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. The new or modified facilities are not expected to attract or support large employment populations to San José specifically, nor California in general to the extent San Jose registered collectives have facilities elsewhere in California. The facilities are akin to warehouse/manufacturing uses and, therefore, the proposed ordinance and regulation amendments would not result in increased demands for recreational facilities that would cause the need for new or expanded recreational facilities. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**4.16 TRANSPORTATION/TRAFFIC**

**4.16.1 Environmental Checklist**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:  |                                |  |                                     |                          |                     |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.16.2 Impact Discussion**

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

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

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

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not result in transportation and/or traffic impacts because Medical Marijuana Collectives would have similar transportation characteristics as uses permitted by right, such as pharmacies without drive-up windows and medical clinics, in the applicable zoning districts.

Existing registered medical marijuana facilities in San José have employee counts ranging from 13-83. It is reasonable to assume half of all employees may be on site at a given time, and not all of those are necessarily arriving during the AM or PM peak commute hours. The 2011 IS/ND concluded under the then-proposed Title 6 and Title 20 regulations, all Collectives would be required to submit an operations plan for approval by the City. Operations plans may include demand management such as appointments or other mechanisms to reduce traffic impacts by Collective members to a less than significant level.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. The proposed changes could incrementally increase vehicle miles travelled (VMT). Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. It is reasonable to assume that patient trips to/from the collectives will primarily be off-peak, meaning patients or their caregivers travelling to the collectives would not compete with commuters and avoid the most congested periods of the day by driving off-peak. Deliveries may occur during peak hours at times, but there is not expected to be a high volume of delivery vehicles, and those trips would also be made off-peak at times. During the environmental review process, the potential for the proposed specific collective facility to conflict with any applicable plans, policies, or regulations regarding transportation would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

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

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental

review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in a change in air traffic patterns would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**d)-e) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? Result in inadequate emergency access?**

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to substantially increase hazards due to a design feature or incompatible land use and/or result in inadequate emergency access would be evaluated and mitigation measures would be identified, as necessary. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**4.17 UTILITIES AND SERVICE SYSTEMS**

**4.17.1 Environmental Checklist**

|   | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| Would the project:  |                                |  |                                     |                          |                     |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                      | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.17.2 Impact Discussion**

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

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

**Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

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



**Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

**Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the ordinance would direct Medical Marijuana Collectives to locations within the City of San José Urban Service Area where such facilities exist, and have the capacity to serve them.

As discussed in *Section 3.0 Project Description*, the proposed Municipal Code and CMO regulation changes do not involve any direct physical changes to the environment, although registered collectives may establish new facilities allowed under the regulations, which may be in San José or elsewhere as allowed in California. Future development allowed under the proposed regulations, whether in San José or elsewhere, would be subject to project-level, site-specific environmental review pursuant to CEQA by the appropriate lead agency. During the environmental review process, the potential for the proposed development to result in substantial adverse effects on utilities and service systems would be evaluated and mitigation measures would be identified, as necessary. Collective facilities currently operating in San José are using and discharging comparable amounts of water and wastewater, respectively, to that of other uses located on similarly zoned sites. Therefore, future collective facilities that would be located in San José would also be expected to use and discharge comparable amounts of water and wastewater. Therefore, the proposed new regulations would result in a less than significant impact as identified in the 2011 IS/ND. **(Less Than Significant Impact)**

**4.18 MANDATORY FINDINGS OF SIGNIFICANCE**

**4.18.1 Environmental Checklist**

|  | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact        | No Impact                | Checklist Source(s) |
|--|--------------------------------|--|-------------------------------------|--------------------------|---------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| b) Does the project have impacts that are individually limited, but cumulatively considerable (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| c) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1-4                 |

**4.18.2 Impact Discussion**

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**
- b) Does the project have impacts that are individually limited, but cumulatively considerable?**
- c) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?**

**d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

The Initial Study prepared in 2011 for the Municipal Code amendments establishing the regulations that allow for the current 16 registered collectives found they would not result in significant impacts, degrade the quality of the environment, reduce the habitat of a fish or wildlife species, threaten a plant or animal community, or rare or endangered plant or animal, or impact cultural resources. The 2011 IS/ND concluded the project would not result in cumulatively considerable impacts, and would not achieve short-term goals to the disadvantage of long-term goals, nor would there be adverse effects on humans, either directly or indirectly. The analysis provided in this 2016 Initial Study/Addendum, Sections 4.1 through 4.17, documents the findings of the 2011 Initial Study remain valid for the current proposed regulatory amendments to the 16 registered San José medical marijuana collectives, as there would be no significant impacts, either directly or indirectly, resulting from the proposed changes, and therefore none of the conditions included in CEQA Guidelines Section 15162 calling for preparation of an EIR or a new Negative Declaration are present, and the project qualifies for an Addendum to the 2011 IS/ND.

## Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the existing collective facilities in San José and Municipal Code and CMO regulations.
2. Medical Marijuana Land Use Regulations Ordinance Initial Study/Negative Declaration, File # PP11-039.
3. First Addendum to the Medical Marijuana Land Use Regulations Ordinance Initial Study/Negative Declaration, File # PP11-076.
4. Second Addendum to the Medical Marijuana Land Use Regulations Ordinance Initial Study/Negative Declaration, File # PP14-030.

## SECTION 5.0 REFERENCES

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1. City of San José. *Medical Marijuana Land Use Regulations Ordinance Initial Study/Negative Declaration*. May 2011.
2. City of San José. *Addendum to the Medical Marijuana Land Use Regulations Ordinance Initial Study/Negative Declaration*. September 2011.
3. City of San José. *Addendum to the Medical Marijuana Land Use Regulations Ordinance Initial Study/Negative Declaration*. April 2014.

## **SECTION 6.0 LEAD AGENCY AND CONSULTANTS**

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### **6.1 LEAD AGENCY**

#### **City of San José**

Department of Planning, Building, and Code Enforcement

Harry Freitas, Director

Jason Rogers, Division Manager

Whitney Berry, Environmental Planner

### **6.2 CONSULTANTS**

#### **David J. Powers & Associates, Inc.**

Environmental Consultants and Planners

Akoni Danielsen, Principal Project Manager

Demetri Loukas, Senior Project Manager

Max Russer, Assistant Project Manager

Zach Dill, Graphic Artist