



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

The City of San Marcos intends to adopt a Negative Declaration ND 17-006 for the project described below. An electronic copy of the Negative Declaration is available for public review on the City's web site at www.san-marcos.net. A printed copy is available for review at the City of San Marcos, Development Services Department, 1 Civic Center Drive, San Marcos, CA 92069-2949. Upon request, the document is also available digitally on a CD for a nominal fee.

PROJECT NO.: TA 17-0004 / ND 17-006

APPLICANT: City of San Marcos

DESCRIPTION OF THE PROJECT: This project consists of a proposed Ordinance to expressly and permanently prohibit all commercial cannabis activities in all zones within the City's jurisdiction, including, but not limited to, both medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives or similar establishments where cannabis is sold, as well as commercial cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale and any and all associated business and/or operations activities and uses, the outdoor cultivation of cannabis, the indoor cultivation of cannabis in excess of what is permitted under the California "Medicinal and Adult-Use Cannabis Regulation and Safety Act", and the use and possession of cannabis and cannabis products in public places, places where smoking is prohibited under the San Marcos Municipal Code and otherwise, and within buildings owned, leased or occupied by the City. The proposed Ordinance will permanently establish the regulations described above that are currently in place under a temporary moratorium imposed by way of an urgency ordinance, which was adopted by the City Council on October 25, 2016, extended on November 15, 2016, and then extended for a final period on August 8, 2017. Medical marijuana dispensaries, whether fixed or mobile, marijuana processing and marijuana delivery services are also currently prohibited in all zones within the City's jurisdictional limits pursuant to SMMC Chapter 5.54 and Title 20 of the SMMC (Zoning Ordinance).

LOCATION: City-wide. Assessor's Parcel Number: N/A

ND PUBLIC REVIEW PERIOD: From 9/7/17 to 9/27/17.

PUBLIC HEARING DATE: A Planning Commission public hearing is scheduled to consider the proposed project on Monday, October 9, 2017 at 6:30 PM, in Council Chambers of the City of San Marcos located at 1 Civic Center Drive, San Marcos, CA 92069.

The purpose of this notice is to give interested persons an opportunity to be informed of the environmental review process and to provide comments during the public review period prior to any action taken by the City. If you have questions about this Notice, you may contact Joseph Farace, Principal Planner by calling 760-744-1050, Extension 3248, or jfarace@san-marcos.net.

COUNTY CLERK: Please post this notice until September 27, 2017 per Section 21092.3 of the Public Resources Code.

*Negative Declaration means a written statement/analysis describing the reasons why a proposed project's impacts will be less than significant on the environment.



**CITY OF SAN MARCOS
NEGATIVE DECLARATION
MND 17-006
ORDINANCE PROHIBITING COMMERCIAL CANNABIS ACTIVITIES**

DATE: September 7, 2017

APPLICANT: City of San Marcos

- 1. PROJECT CASE NUMBER(S) / TITLE:** TA 17-0004/Ordinance Prohibiting Commercial Cannabis Activities
- 2. LEAD AGENCY NAME AND ADDRESS:** City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069.
- 3. CONTACT PERSON AND PHONE NUMBER:** Joseph Farace, Principal Planner, (760) 744-1050 ext. 3248
- 4. PROJECT LOCATION:** City-wide
- 5. PROJECT SPONSOR'S NAME AND ADDRESS:** City of San Marcos
- 6. GENERAL PLAN DESIGNATION:** N/A
- 7. ZONING:** N/A

8. DESCRIPTION OF PROJECT:

This project consists of a City-wide proposed Ordinance to expressly and permanently prohibit all commercial cannabis activities in all zones within the City's jurisdiction, including, but not limited to, both medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives or similar establishments where cannabis is sold, as well as commercial cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale and any and all associated business and/or operations activities and uses, the outdoor cultivation of cannabis, the indoor cultivation of cannabis in excess of what is permitted under the California "Medicinal and Adult-Use Cannabis Regulation and Safety Act" ("MAUCRSA"), and the use and possession of cannabis and cannabis products in public places, places where smoking is prohibited under the San Marcos Municipal Code ("SMMC") and otherwise, and within buildings owned, leased or occupied by the City. The proposed Ordinance will permanently establish the regulations described above that are currently in place under a temporary moratorium imposed by way of an urgency ordinance, which was adopted by the City Council on October 25, 2016, extended on November 15, 2016, and then extended for a final period on August 8, 2017. Medical marijuana dispensaries, whether fixed or mobile, marijuana processing and marijuana delivery services are also currently prohibited in all zones within the City's jurisdictional limits pursuant to SMMC Chapter 5.54 and Title 20 of the SMMC ("Zoning Ordinance").

Section 15378(a) of the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Chapter 3) defines an activity as a "project" if it has the potential to result in either a direct, or a reasonably foreseeable indirect, physical change to the environment. The proposed Ordinance is a

not a project within the meaning of CEQA because there is no potential for it to result in a physical change in the environment, either directly or indirectly. Even if the proposed ordinance is found to be subject to CEQA, the proposed Ordinance is exempt from CEQA pursuant to the exemption contained in CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility of a significant effect on the environment. Additionally, the Court of Appeal in *Union of Medical Marijuana Patients, Inc. v. City of San Diego* held that the enactment or amendment of a zoning ordinance will not constitute a project unless it also may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. ((2016) 4 Cal.App.5th 103, 124). However, for purposes of this Negative Declaration, the City reviewed the proposed ordinance as though it is a project under CEQA because the California Supreme Court granted review in the *Union of Medical Marijuana Patients, Inc. v. City of San Diego* case, and will be addressing the issue of whether an amendment to a zoning ordinance is or is not a “project” under CEQA.

9. PROJECT OBJECTIVES

The City has defined the following objectives for the project:

- Provide City-specific land use and fiscal information, and policy recommendations to the City Council for compliance with the MAUCRSA.
- Continue the City’s ongoing commitment to consult and cooperate with Federal, State, regional and local agencies by periodically reviewing adopted regulations to ensure compliance with the City Council’s policy direction.
- Promote and protect the public health, safety and welfare of the City’s residents and businesses, and prevent adverse impacts that cannabis operations, activities and uses may have on nearby properties and residents.

10. SURROUNDING LAND USES AND SETTING:

The project will be implemented City-wide. The City has approximately 90,000 residents, and is bordered by Escondido to the east, Encinitas to the Southwest, Carlsbad to west, and Vista to the northwest. To date, most jurisdictions within the County of San Diego ban all commercial cannabis activity, including, but not limited to cultivation, manufacturing, processing, delivery and dispensaries, as follows: Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, National City, Poway, County of San Diego, Santee, Solana Beach, and Vista. The following cities allow limited commercial cannabis activities: La Mesa (medical marijuana cultivation, processing, and dispensaries), Lemon Grove (medical marijuana dispensaries), Oceanside (medical marijuana delivery), and City of San Diego (medical and recreational marijuana dispensaries).

11. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g. PERMITS, FINANCING APPROVAL OR PARTICIPATION AGREEMENT): None.

12. HAVE CALIFORNIA NATIVE AMERICAN TRIBES TRADITIONALLY AND CULTURALLY AFFILIATED WITH THE PROJECT AREA REQUESTED CONSULTATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.3.1? IF SO, HAS CONSULTATION BEGUN?

The City has notified Tribal Government contacts in accordance with Assembly Bill 52, Public Resources Code Section 21080.3.1. A letter was received from the Rincon Band of Luiseno Indians and consultation has been initiated.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public

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Resources Code section 21083.3.2.). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

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

DETERMINATION:

On the basis of this initial evaluation:

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



Signature

Joseph Farace, Principal Planner
Printed Name

September 7, 2017
Date

INITIAL STUDY ENVIRONMENTAL CHECKLIST

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS -- *Would the project:*

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) Substantially degrade the existing visual character or quality of the site and its surroundings?
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Aesthetics Discussion:

(a) San Marcos is located in the northern portion of San Diego County. The majority of the City is located on the valley floor, with State Route 78 (SR-78) running through the center of the City. Landforms such as the mountain ranges to the north and south of San Marcos contribute to its scenic corridors. SR-78 provides background views to travelers of the Merriam Mountains and views of Mount Whitney, Double Peak and California State University San Marcos (CSUSM) to the south. Foreground views from SR-78 are generally of developed areas (e.g., commercial, light industrial, and residential development) on each side of the highway. The proposed project would ban any new marijuana-related facilities throughout the City. It is not anticipated the project would result in any change to any scenic vista. No impacts would occur and no further analysis is warranted.

(b) SR-78 is not identified as a Scenic Highway per the Caltrans State Scenic Highways Program, although the City has designated SR-78 as a view corridor to surrounding ridgelines. The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries,

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cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any change to any scenic resources. No impacts would occur and no further analysis is warranted.

(c) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any degradation to the existing visual character or quality of the City. No impacts would occur and no further analysis is warranted.

(d) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would create a new source of substantial light or glare which could adversely affect day or nighttime views in the City. No impacts would occur and no further analysis is warranted.

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

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract
- 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 AGENDA ITEM #2)

51104(g))?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Result in the loss of forest land or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Agriculture and Forest Resources Discussion:

(a) – (e) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would impact any agriculture or forest resources. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY -- *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Air Quality Discussion:

(a) As discussed in the Air Quality Analysis (RECON, Air Quality Analysis for San Marcos Ordinance Prohibiting Commercial Cannabis Activities September 5, 2017 [“Air Quality Analysis”], Appendix A), the applicable regional air quality plan is the Regional Air Quality Strategy (RAQS) that sets forth the San Diego Air AGENDA ITEM #2

Pollution Control District (SDAPCD) strategies for achieving the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The San Diego Air Basin (SDAB) is designated a non-attainment area for the federal and state ozone standard. Accordingly, the RAQS was developed to identify feasible emission control measures and provide expeditious progress toward attaining the standards for ozone. The two pollutants addressed in the RAQS are reactive organic gas (ROG) and oxides of nitrogen (NOX), which are precursors to the formation of ozone. Projected increases in motor vehicle usage, population, and growth create challenges in controlling emissions and, by extension, to maintaining and improving air quality. The RAQS, in conjunction with the Transportation Control Measures (TCMs) prepared by the San Diego Association of Governments (SANDAG), were most recently adopted in 2016 as the air quality plan for the region.

The growth projections used by the SDAPCD to develop the RAQS emissions budgets are based on the population, vehicle trends, and land use plans developed in general plans and used by SANDAG in the development of the regional transportation plans and sustainable communities strategy. As such, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the General Plan would not conflict with the RAQS (Air Quality Analysis, Appendix A).

The project would not result in a land use change or population growth greater than that anticipated in the RAQS. The project would not result in the generation of new construction or operational emissions; therefore, the project would not result in an increase in emissions that are not already accounted for in the RAQS (Air Quality Analysis, Appendix A). Thus, the project would not obstruct or conflict with implementation of the RAQS and no air quality impacts would occur.

(b) The project would not result in any new emissions; therefore, the project would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing or projected air quality violations (Air Quality Analysis, Appendix A). No impacts would occur and no further analysis is warranted.

(c) The region is classified as an attainment area for all criterion pollutants except ozone, PM10, and PM2.5. PM10 and PM2.5 are emitted directly by various processes, including incomplete fuel combustion, automobile emissions, dust, and cooking. Unlike other criteria pollutants, ozone is not emitted directly, but is a result of atmospheric activity on precursors. NOX and ROG are known as the chief "precursors" of ozone. These compounds react in the presence of sunlight to produce ozone. As discussed, the project would not result in any construction or operational emissions. Therefore, the project would not result in a cumulatively considerable net increase in emissions of ozone, PM10, or PM2.5 (Air Quality Analysis, Appendix A). No impacts would occur and no further analysis is warranted.

(d) Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (Air Quality Analysis, Appendix A). There are schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities throughout the City. However, the project would not involve any changes in land use or generation of new emissions and would, therefore, not expose any sensitive receptors to substantial pollutant concentrations. No impacts would occur and no further analysis is warranted.

(e) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. The project will not create any new odor sources and would not generate any odors. No impacts would occur and no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES -- *Would the project:*

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- 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?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- 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?

Biological Resources Discussion:

(a) – (f) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any impacts to biological

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resources in the City. No impacts would occur and no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant w Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- *Would the project:*

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic features?
- d) Disturb any human remains, including those interred outside of formal cemeteries?

Cultural Resources Discussion:

(a) – (d) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any impacts to historical, archaeological, paleontological resources, or to any unique geologic features, and will not disturb human remains. No impacts would occur and no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant w Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- *Would the project:*

- a) 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, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii) Strong seismic ground shaking?

- iii) Seismic-related ground failure, including liquefaction?
- iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Geology and Soils Discussion:

(a)- (e) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any impacts to geology and soils in the City. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS -- *Would the project:*

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

Greenhouse Gas Emissions Discussion:

(a) Typically, GHG emissions associated with a project are generated during construction, and during operation from various sources including mobile (on-road vehicles), energy (electricity and natural gas), area (landscape maintenance equipment), water and wastewater, and solid waste sources. GHG emissions are reported in terms of total annual MT CO2E (RECON, Greenhouse Gas Analysis for the San Marcos Ordinance Prohibiting Commercial

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Cannabis Activities, September 5, 2017 [“Greenhouse Gas Analysis”], Appendix B). The project would not result in the construction or operation of any new structures. No impacts would occur and no further analysis is warranted.

(b) The project is the adoption of an ordinance that would prohibit commercial cannabis activities in all zones within the City’s jurisdiction. According to the traffic report, the project would not generate any new daily trips (TIA, Appendix C). The project would not result in the generation of any new vehicle trips or construction or operation of any new structures. Therefore, the project would not result in the generation of any new GHG emissions from construction activities, vehicles, or building operations. Furthermore, as the project would not result in the generation of GHG emissions the project would not conflict with the Climate Action Plan (CAP) policies or goal of achieving specific GHG emissions reductions (Greenhouse Gas Analysis, Appendix B). As the project would not result in any net new GHG emissions and would not conflict with the CAP, the project would not result in a significant impact on global GHG emissions. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS -- *Would the project:*

- a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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?

Hazards and Hazardous Materials Discussion:

(a) – (h) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any hazards or hazardous materials in the City. No impacts would occur and no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY -- *Would the project:*

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

b) Have a potentially significant adverse impact on groundwater quality or cause or contribute to an exceedance of applicable groundwater receiving water quality objectives or degradation of beneficial uses?

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

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site (e.g. downstream)?

e) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?

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f) 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 would result in flooding on-or off-site?

g) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

h) Result in increased impervious surfaces and associated increased runoff?

i) Result in significant alteration of receiving water quality during or following construction?

j) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).

k) Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list. If so, can it result in an increase in any pollutant for which the water body is already impaired?

l) Be tributary to environmentally sensitive areas (e.g. MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions?

m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?

n) Otherwise substantially degrade water quality?

o) 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?

p) Place within a 100-year flood hazard area structures

which would impede or redirect flood flows?

q) 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?

r) Inundation by seiche, tsunami, or mudflow?

Hydrology and Water Quality Discussion:

(a) – (r) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would violate any water quality standards or waste discharge requirements; adversely impact groundwater quality or supplies; alter the existing drainage patterns in any part of the City; create or contribute to runoff water; increase impervious surfaces; alter receiving water quality; cause pollutant discharges; be tributary to an impaired water body or environmentally sensitive area; impact surface water quality; place any structure in the flood hazard boundary or area; expose people or structures to risks involved with flooding, seiche, tsunami or mudflow. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -- *Would the project:*

a) Physically divide an established community?

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?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Land Use and Planning Discussion:

(a) The proposed project is not expected to result in the division of established communities as it would ban any new marijuana-related facilities. No impacts would occur and no further analysis is warranted.

(b) The proposed project includes an amendment to Chapter 5.54 of the SMMC and Title 20 of the SMMC (Zoning Ordinance). The impacts of the potential conflicts with other City ordinances and policies, if any, are not expected to be significant since medical marijuana dispensaries are currently prohibited in the City under the SMMC, and all commercial cannabis activities are currently prohibited in the City under the temporary moratorium. No impacts would occur and no further analysis is warranted.

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(c) The proposed project would all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City so would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES -- *Would the project:*

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

Mineral Resources Discussion:

(a) – (b) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any impacts to mineral resources or mineral resource recovery sites. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE -- *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?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

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

Noise Discussion:

(a) – (f) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in the generation of any noise or vibrations. No impacts would occur and no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING – 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)?

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

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

Population and Housing Discussion:

(a) – (c) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would directly or indirectly induce population growth, displace existing housing, require the construction of replacement housing or displace substantial numbers of people. No impacts would occur and no further analysis is warranted.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES --

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

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

Public Services Discussion:

(a) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would result in any physical impacts associated with the provision of new or physically altered governmental facilities. No impacts would occur and no further analysis is warranted.

	Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact

XV. RECREATION --

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

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?

Recreation Discussion:

(a) - (b) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated the project would increase the use or expansion of AGENDA ITEM #2

existing neighborhood and regional parks or other recreational features, and would not require construction of new recreational facilities. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC -- *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?
- 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?
- 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?
- d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?
- e) Result in inadequate emergency access?
- 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?

Transportation/ Traffic Discussion:

- a) It is not anticipated that the proposed project would generate construction and operation trips, potential roadway lane closures, which could temporarily disrupt any bicycle traffic on local roadways, or impact bus stops or designated bicycle lanes. It is not anticipated that the proposed project would result in changes to the existing roadway network, nor would there be the potential for incompatible uses (e.g., farm equipment), construction activities (e.g., for new buildings or structures) as the proposed project will ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, in the City, it will not add vehicle trips to the network of roadways AGENDA ITEM #2

within the City from construction vehicles or vehicles such as to be used as equipment for future cultivation, manufacturing and processing/packaging, and employee trips. The City of San Marcos currently prohibits medical marijuana dispensaries within City boundaries. Therefore, traffic associated with customers traveling from the City to a neighboring jurisdiction to acquire medical cannabis will not change since those trips are currently taking place. As the project proposes to expressly and permanently prohibit cannabis activities, operations and uses in all zones within the City's jurisdiction, consistent with the City's current regulations, the existing traffic conditions will be maintained and no change in traffic will result due to the project (Linscott Law & Greenspan, Traffic Assessment for San Marcos Ordinance Prohibit Commercial Cannabis Activities, September 5, 2017 ["TIA"], Appendix C). The proposed ordinance will also prohibit recreational cannabis dispensaries. Recreational cannabis sales will not be permitted by the State until sometime after January 1, 2018. In addition there is currently no indication of which neighboring jurisdictions and no locations of where recreational cannabis dispensaries will be established. As a result, it is not possible to determine the level of impact of future additional trips associated with recreational cannabis dispensaries outside of City boundaries.

b) It is not anticipated that the proposed project would generate construction and operation trips, or cause potential roadway lane closures. It is not anticipated that the proposed project would result in changes to the existing roadway network, nor would there be the potential for incompatible uses (e.g., farm equipment), construction activities (e.g., for new buildings or structures) as the proposed ordinance would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold. The proposed project will not add vehicle trips to the network of roadways within the City from construction vehicles or vehicles such as to be used as equipment for future cultivation and processing/packaging, and employee trips. The City of San Marcos currently prohibits medical cannabis dispensaries within City boundaries. Therefore, traffic associated with customers traveling from the City to a neighboring jurisdiction to acquire medical cannabis will not change since those trips are currently taking place. As the project proposes to expressly and permanently prohibit cannabis activities, operations and uses in all zones within the City's jurisdiction, consistent with the City's current regulations, the existing traffic conditions will be maintained and no change in traffic will result due to the project (TIA, Appendix C). The proposed ordinance will also prohibit recreational cannabis dispensaries. Recreational cannabis sales will not be permitted by the State until sometime after January 1, 2018. In addition there is currently no indication of which neighboring jurisdictions and no locations of where recreational cannabis dispensaries will be established. As a result, it is not possible to determine the level of impact of future additional trips associated with recreational cannabis dispensaries outside of City boundaries.

c) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City. It is not anticipated that the proposed project would 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. No impacts would occur and no further analysis is warranted.

d) It is not anticipated the proposed project would increase hazards due to a design feature as it would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold. No impacts would occur and no further analysis is warranted.

e) It is not anticipated the proposed project would result in inadequate emergency access as it would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold. No impacts would occur and no further analysis is warranted.

f) It is not anticipated that the proposed project would conflict with any policies, plans, or programs regarding public transportation, bicycle or pedestrian facilities. The proposed project will ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, in the City and will therefore not add vehicle trips to the network of roadways within the City from construction vehicles or vehicles such as to be used as equipment for future cultivation and processing/packaging, and employee trips. The City of San Marcos currently prohibits medical marijuana dispensaries within City boundaries. Therefore, traffic associated with customers traveling from the City to a neighboring jurisdiction to acquire medical cannabis will not change since those trips are currently taking place. As the project proposes to expressly and permanently prohibit cannabis activities, operations and uses in all zones within the City's jurisdiction, consistent with the City's current regulations, the existing traffic conditions will be maintained and no change in traffic will result due to the project (TIA, Appendix C). The proposed ordinance will also prohibit recreational cannabis dispensaries. Recreational cannabis sales will not be permitted by the State until sometime after January 1, 2018. In addition there is currently no indication of which neighboring jurisdictions and no locations of where recreational cannabis dispensaries will be established. As a result, it is not possible to determine the level of impact of future additional trips associated with recreational cannabis dispensaries outside of City boundaries.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. TRIBAL CULTURAL RESOURCES -- *Would*

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

- a) Listed of eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall Consider the significance of the resource to a California Native American tribe.

Tribal Cultural Resources Discussion:

- (a) – (b) The proposed project would ban all commercial cannabis activities, including, but not limited to, AGENDA ITEM #2

medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City so would not result in any change to the significance of a tribal cultural resource. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. UTILITIES AND SERVICE SYSTEMS -- *Would the project:*

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- 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?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- 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?
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

Utilities and Service Systems Discussion:

(a) – (g) The proposed project would ban all commercial cannabis activities, including, but not limited to, medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, and similar establishments where cannabis is sold, throughout the City so would not result in any change to wastewater treatment facilities, storm water drainage facilities, water supplies or landfill capacity. No impacts would occur and no further analysis is warranted.

Potentially Significant Impact	Less Than Significant w/ Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIX. MANDATORY FINDINGS OF SIGNIFICANCE --

- 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? ("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)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

APPENDIX "A"

Air Quality



An Employee-Owned Company

September 5, 2017

Mr. Joseph Farace, Principal Planner
City of San Marcos
1 Civic Center Drive
San Marcos CA 92069

Reference: Air Quality Analysis for San Marcos Ordinance Prohibiting Commercial Cannabis Activities
(RECON Number 8796)

Dear Mr. Farace:

The purpose of this letter report is to assess potential short- and long-term local and regional air quality impacts that may result from the adoption of a Citywide Ordinance Prohibiting Commercial Cannabis Activities (project). Linscott, Law & and Greenspan (LLG) prepared a traffic memorandum assessing any traffic impacts resulting from the project (LLG 2017). This assessment of air quality emissions is based primarily on the 2017 traffic memo associated with the project. The thresholds used in the impact analysis are based on federal and state Ambient Air Quality Standards (AAQS) and assessed in accordance with the regional guidelines, policies, and standards and the San Diego Air Pollution Control District (SDAPCD). As discussed in this assessment, the project would not result in any significant impacts associated with air quality.

1.0 PROJECT DESCRIPTION

The City of San Marcos (City) proposes to adopt a Citywide Ordinance Prohibiting Commercial Cannabis Activities to expressly and permanently prohibit all commercial cannabis activities in all zones within the City's jurisdiction, including, but not limited to, both medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, or similar establishments where cannabis is sold, as well as commercial cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale and any and all associated business and/or operations activities and uses, the outdoor cultivation of cannabis, the indoor cultivation of cannabis in excess of what is permitted under the California "Medicinal and Adult-Use Cannabis Regulation and Safety Act," and the use and possession of cannabis and cannabis products in public places, places where smoking is prohibited under the San Marcos Municipal Code (SMMC) and otherwise, and within buildings owned, leased, or occupied by the City. The project will permanently establish the regulations described above that are currently in place under a temporary moratorium imposed by way of an urgency ordinance, which was adopted by the City Council on October 25, 2016, extended on November 15, 2016, and then extended for a final period on August 8, 2017. Medical marijuana dispensaries, whether fixed or mobile, marijuana processing and marijuana delivery services are also currently prohibited in all zones within the City's jurisdictional limits pursuant to the SMMC Chapter 5.54 and Title 20 of the SMMC (Zoning Ordinance).

2.0 ENVIRONMENTAL SETTING

The City lies within the San Diego Air Basin (SDAB), which is regulated by the SDAPCD. Air quality at a given location is a function of the types and quantities of pollutants being emitted into the air locally and throughout the basin, and the dispersal rates of pollutants within the region. The major factors affecting pollutant dispersion are wind speed and direction, the vertical dispersion of pollutants (which is affected by inversions), and the local topography.

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2.1 Regulatory Framework

2.2.1 Federal Regulations

AAQS represent the maximum levels of background pollution considered safe, with an adequate margin of safety, to protect the public health and welfare. The federal Clean Air Act (CAA) was enacted in 1970 and amended in 1977 and 1990 [42 United States Code (USC) 7401] for the purposes of protecting and enhancing the quality of the nation's air resources to benefit public health, welfare, and productivity. In 1971, in order to achieve the purposes of Section 109 of the CAA [42 USC 7409], the U.S. Environmental Protection Agency (U.S. EPA) developed primary and secondary National Ambient Air Quality Standards (NAAQS).

Six criteria pollutants of primary concern have been designated: ozone (O₃), carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), lead (Pb), and respirable particulate matter (particulate matter less than 10 microns [PM₁₀] and particulate matter less than 2.5 microns [PM_{2.5}]). The U.S. EPA developed primary and secondary NAAQS. The NAAQS are summarized in Table 1.

If an air basin is not in federal attainment for a particular pollutant, the basin is classified as non-attainment area for that pollutant. The SDAB is currently classified as a federal non-attainment area for ozone.

2.2.2 State Regulations

The California Air Resources Board (CARB) has developed the California Ambient Air Quality Standards (CAAQS), which include other pollutants than only the federally identified criteria pollutants. The CAAQS are summarized in Table 1.

Similar to the federal CAA, the state classifies areas air basins as either attainment or non-attainment areas for each pollutant based on the comparison of measured data with the CAAQS. The SDAB is a non-attainment area for the state ozone standards, the state PM₁₀ standard, and the state PM_{2.5} standard.

2.2.3 State Implementation Plan

The California State Implementation Plan (SIP) is a collection of documents that set forth the state's strategies for achieving AAQS. The SDAPCD is responsible for preparing and implementing the portion of the SIP applicable to the SDAB. The SDAPCD adopts rules, regulations, and programs to implement and attain federal and state air quality standards, and appropriates money (including permit fees) to achieve its objectives.

2.2.4 Regional Air Quality Strategy

The SDAPCD prepared the original 1991/1992 Regional Air Quality Strategy (RAQS) in response to requirements set forth in the California Clean Air Act (CCAA). The CCAA requires areas that are designated non-attainment of state ambient air quality standards for ozone, CO, SO₂, or NO₂ to prepare and implement state plans to attain the standards by the earliest practicable date (California Health and Safety Code Section 40911(a)). With the exception of state ozone standards, each of these standards has been attained in the SDAB (SDAPCD 2016).

Included in the RAQS are the Transportation Control Measures (TCMs) prepared by the San Diego Association of Governments (SANDAG) that control emissions from mobile sources (SDAPCD 2016). The RAQS and TCM set forth the steps needed to accomplish attainment of CAAQS for ozone. The most recent update of the RAQS and corresponding TCMs were adopted in 2016.

Table 1
 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ¹		National Standards ²					
		Concentration ³	Method ⁴	Primary ^{4,5}	Secondary ^{4,6}	Method ⁷			
Ozone ⁸	1 Hour	0.09 ppm (180 $\mu\text{g}/\text{m}^3$)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry			
	8 Hour	0.07 ppm (137 $\mu\text{g}/\text{m}^3$)		0.070 ppm (137 $\mu\text{g}/\text{m}^3$)					
Respirable Particulate Matter (PM ₁₀) ⁹	24 Hour	50 $\mu\text{g}/\text{m}^3$	Gravimetric or Beta Attenuation	150 $\mu\text{g}/\text{m}^3$	Same as Primary Standard	Inertial Separation and Gravimetric Analysis			
	Annual Arithmetic Mean	20 $\mu\text{g}/\text{m}^3$		—					
Fine Particulate Matter (PM _{2.5}) ⁹	24 Hour	No Separate State Standard		35 $\mu\text{g}/\text{m}^3$	Same as Primary Standard	Inertial Separation and Gravimetric Analysis			
	Annual Arithmetic Mean	12 $\mu\text{g}/\text{m}^3$	Gravimetric or Beta Attenuation	12 $\mu\text{g}/\text{m}^3$	15 $\mu\text{g}/\text{m}^3$				
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non-dispersive Infrared Photometry	35 ppm (40 mg/m ³)	—	Non-dispersive Infrared Photometry			
	8 Hour	9.0 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)	—				
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		—	—				
Nitrogen Dioxide (NO ₂) ¹⁰	1 Hour	0.18 ppm (339 $\mu\text{g}/\text{m}^3$)	Gas Phase Chemi-luminescence	100 ppb (188 $\mu\text{g}/\text{m}^3$)	—	Gas Phase Chemi-luminescence			
	Annual Arithmetic Mean	0.030 ppm (57 $\mu\text{g}/\text{m}^3$)		0.053 ppm (100 $\mu\text{g}/\text{m}^3$)	Same as Primary Standard				
Sulfur Dioxide (SO ₂) ¹¹	1 Hour	0.25 ppm (655 $\mu\text{g}/\text{m}^3$)	Ultraviolet Fluorescence	75 ppb (196 $\mu\text{g}/\text{m}^3$)	—	Ultraviolet Fluorescence; Spectro-photometry (Pararosaniline Method)			
	3 Hour	—		—	0.5 ppm (1,300 $\mu\text{g}/\text{m}^3$)				
	24 Hour	0.04 ppm (105 $\mu\text{g}/\text{m}^3$)		0.14 ppm (for certain areas) ¹¹	—				
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) ¹¹	—				
Lead ^{12,13}	30 Day Average	1.5 $\mu\text{g}/\text{m}^3$	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption			
	Calendar Quarter	—		1.5 $\mu\text{g}/\text{m}^3$ (for certain areas) ¹²	Same as Primary Standard				
	Rolling 3-Month Average	—		0.15 $\mu\text{g}/\text{m}^3$					
Visibility Reducing Particles ¹⁴	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No National Standards					
Sulfates	24 Hour	25 $\mu\text{g}/\text{m}^3$	Ion Chromatography						
Hydrogen Sulfide	1 Hour	0.03 ppm (42 $\mu\text{g}/\text{m}^3$)	Ultraviolet Fluorescence						
Vinyl Chloride ¹²	24 Hour	0.01 ppm (26 $\mu\text{g}/\text{m}^3$)	Gas Chromatography						

Table 1
Ambient Air Quality Standards

NOTES:

ppm = parts per million; ppb = parts per billion; $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter; – = not applicable.

- 1 California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- 2 National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
- 3 Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- 4 Any equivalent measurement method which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.
- 5 National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- 6 National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- 7 Reference method as described by the U.S. EPA. An “equivalent method” of measurement may be used but must have a “consistent relationship to the reference method” and must be approved by the U.S. EPA.
- 8 On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- 9 On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 $\mu\text{g}/\text{m}^3$ to 12.0 $\mu\text{g}/\text{m}^3$. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 $\mu\text{g}/\text{m}^3$, as was the annual secondary standards of 15 $\mu\text{g}/\text{m}^3$. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 $\mu\text{g}/\text{m}^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- 10 To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national standards are in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national standards to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- 11 On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- 12 The ARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- 13 The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu\text{g}/\text{m}^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- 14 In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are “extinction of 0.23 per kilometer” and “extinction of 0.07 per kilometer” for the statewide and Lake Tahoe Air Basin standards, respectively.

SOURCE: CARB 2016.

2.2 Existing Air Quality

Air quality is commonly expressed as the number of days per year in which air pollution levels exceed federal standards set by the U.S. EPA or state standards set by the CARB. The SDAPCD maintains 10 air quality monitoring stations located throughout the greater San Diego metropolitan region. Air pollutant concentrations and meteorological information are continuously recorded at these stations. Measurements are then used by scientists to help forecast daily air pollution levels.

The Escondido-East Valley Parkway monitoring station located at 600 East Valley Parkway (approximately 5.25 miles northeast of the City) is the nearest station to San Marcos. The Escondido monitoring station measures ozone, NO₂, PM₁₀, and PM_{2.5}. Table 2 provides a summary of measurements collected at the Escondido monitoring station for the years 2011 through 2015.

Table 2
Summary of Air Quality Measurements Recorded at the
Escondido - East Valley Parkway Monitoring Station

Pollutant/Standard	2011	2012	2013	2014	2015
Ozone					
Days State 1-hour Standard Exceeded (0.09 ppm)	1	0	0	1	0
Days State 8-hour Standard Exceeded (0.07 ppm)	2	1	4	7	2
Days Federal 8-hour Standard Exceeded (0.075 ppm)	2	0	0	5	0
Max. 1-hr (ppm)	0.098	0.084	0.084	0.099	0.079
Max 8-hr (ppm)	0.089	0.073	0.074	0.079	0.071
Nitrogen Dioxide					
Days State 1-hour Standard Exceeded (0.18 ppm)	0	0	0	0	0
Days Federal 1-hour Standard Exceeded (0.100 ppm)	0	0	0	0	0
Max 1-hr (ppm)	0.062	0.062	0.061	0.063	0.048
Annual Average (ppm)	Na	0.013	0.013	0.011	Na
PM₁₀					
Measured Days State 24-hour Standard Exceeded (50 µg/m ³)	0	0	1	0	0
Calculated Days State 24-hour Standard Exceeded (50 µg/m ³)*	0.0	0.0	6.0	0.0	--
Measured Days Federal 24-hour Standard Exceeded (150 µg/m ³)	0	0	0	0	0
Calculated Days Federal 24-hour Standard Exceeded (150 µg/m ³)*	0.0	0.0	0.0	0.0	--
Max. Daily (µg/m ³)	40.0	33.0	82.0	44.0	31.0
State Annual Average (µg/m ³)	18.8	18.1	23.1	21.5	--
Federal Annual Average (µg/m ³)	18.8	18.0	23.2	21.6	17.5
PM_{2.5}					
Measured Days Federal 24-hour Standard Exceeded (35 µg/m ³)	0	1	1	1	0
Calculated Days Federal 24-hour Standard Exceeded (35 µg/m ³)*	0.0	3.1	1.1	1.0	Na
Max. Daily (µg/m ³)	27.4	70.7	56.3	82.3	62.5
State Annual Average (µg/m ³)	10.4	Na	10.5	9.6	--
Federal Annual Average (µg/m ³)	10.4	10.5	11.0	9.9	--
SOURCE: CARB 2017.					
ppm = parts per million					
µg/m ³ = micrograms per cubic meter					
-- = Not available.					
* Calculated days value. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. The number of days above the standard is not necessarily the number of violations of the standard for the year.					

3.0 THRESHOLDS OF SIGNIFICANCE

Thresholds used to evaluate potential impacts to air quality are based on applicable criteria in the California Environmental Quality Act (CEQA) Guidelines Appendix G and SDAPCD regulations. The project would have a significant air quality impact if it would:

1. Obstruct or conflict with the implementation of the RAQS.
2. Result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including the release of emissions which exceed quantitative thresholds for ozone precursors).
4. Expose sensitive receptors to substantial pollutant concentration including air toxics such as diesel particulates.
5. Create objectionable odors affecting a substantial number of people.

4.0 AIR EMISSIONS

4.1 Construction Emissions

Construction emissions associated with a project are temporary, short-term sources of air emissions. Sources of construction-related air emissions include the following:

- Fugitive dust from grading activities;
- Construction equipment exhaust;
- Construction-related trips by workers, delivery trucks, and material-hauling trucks; and
- Construction-related power consumption.

Construction-related pollutants result from dust raised during demolition and grading, emissions from construction vehicles, and chemicals used during construction. Fugitive dust emissions vary greatly during construction and are dependent on the amount and type of activity, silt content of the soil, and the weather. Vehicles moving over paved and unpaved surfaces, demolition, excavation, earth movement, grading, and wind erosion from exposed surfaces are all sources of fugitive dust.

However, the project is the adoption of an ordinance that would prohibit commercial cannabis activities in all zones within the City's jurisdiction. The project would not result in any construction activities or the use of any construction equipment. Therefore, the project would not result in the generation of any construction-related air emissions.

4.2 Operational Emissions

Operational emissions associated with a project can be generated by mobile and area sources. Mobile source emissions would originate from traffic generated by a project. Area source emissions would result from the use of natural gas, consumer products, and landscaping equipment, as well as the application of architectural coatings.

The project is the adoption of an ordinance that would prohibit commercial cannabis activities in all zones within the City's jurisdiction. According to the traffic report, the project would not generate any new daily trips (Linscott, Law & Greenspan 2017). The project would not result in the generation of any new vehicle trips or operation of any new structures. Therefore, the project would not result in the generation of any new mobile or areas sources of emissions from vehicle or building operation.

5.0 IMPACT ANALYSIS

1. Would the project obstruct or conflict with the implementation of the San Diego RAQS?

The RAQS is the applicable regional air quality plan that sets forth the SDAPCD's strategies for achieving the NAAQS and CAAQS. The SDAB is designated a non-attainment area for the federal and state ozone standard. Accordingly, the RAQS was developed to identify feasible emission control measures and provide expeditious progress toward attaining the standards for ozone. The two pollutants addressed in the RAQS are reactive organic gas (ROG) and oxides of nitrogen (NOx), which are precursors to the formation of ozone. Projected increases in motor vehicle usage, population, and growth create challenges in controlling emissions and, by extension, to maintaining and improving air quality. The RAQS, in conjunction with the TCM, were most recently adopted in 2016 as the air quality plan for the region.

The growth projections used by the SDAPCD to develop the RAQS emissions budgets are based on the population, vehicle trends, and land use plans developed in general plans and used by SANDAG in the development of the regional transportation plans and sustainable communities strategy. As such, projects that propose development that is consistent with the growth anticipated by SANDAG's growth projections and/or the General Plan would not conflict with the RAQS. In the event that a project would propose development that is less dense than anticipated by the growth projections, the project would likewise be consistent with the RAQS. In the event that development which is greater than anticipated in the growth projections is proposed, further analysis would be warranted to determine if the project would exceed the growth projections used in the RAQS for the specific subregional area.

The project would not result in a land use change or population growth greater than that anticipated in the RAQS. The project would not result in the generation of new construction or operational emissions; therefore, the project would not result in an increase in emissions that are not already accounted for in the RAQS. Thus, the project would not obstruct or conflict with implementation of the RAQS and no air quality impacts would occur.

2. Would the project result in emissions that would violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The project would not result in any new emissions; therefore, the project would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing or projected air quality violations. No air quality impacts would occur.

3. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including release emissions which exceed quantitative thresholds for ozone precursors)?

The region is classified as an attainment area for all criterion pollutants except ozone, PM₁₀, and PM_{2.5}. PM₁₀ and PM_{2.5} are emitted directly by various processes, including incomplete fuel combustion, automobile emissions, dust, and cooking. Unlike other criteria pollutants, ozone is not emitted directly, but is a result of atmospheric activity on precursors. NOx and ROG are known as the chief "precursors" of ozone. These compounds react in the presence of sunlight to produce ozone.

As discussed, the project would not result in any construction or operational emissions. Therefore, the project would not result in a cumulatively considerable net increase in emissions of ozone, PM₁₀, or PM_{2.5}, and no significant air quality impacts would occur.

4. Would the project expose sensitive receptors to substantial pollutant concentration including air toxics such as diesel particulates?

Sensitive land uses include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities. There are schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities throughout the City.

However, the project would not involve any changes in land use or generation of new emissions and would, therefore, not expose any sensitive receptors to substantial pollutant concentrations.

5. Would the project create objectionable odors affecting a substantial number of people?

The project would not create any new odor sources and would not generate any odors; therefore, no odor impacts would occur.

6.0 CONCLUSIONS

The primary goal of the RAQS is to reduce ozone precursor emissions. Consistency with the RAQS is determined by analyzing a project with the assumptions in the RAQS. The project is consistent with the regional growth anticipated by SANDAG. The project would, therefore, not result in an increase in emissions that are not already accounted for in the RAQS. Thus, the project would not interfere with implementation of the RAQS or other air quality plans.

The project would not result in a net increase in air emissions. Therefore, the project would not result in regional emissions that would exceed the NAAQS or CAAQS or contribute to existing or projected air quality violations.

There are sensitive uses located throughout the City. However, the project would not result in the exposure of sensitive receptors to substantial pollutant concentrations.

The project does not include odor sources. The project would not involve the use of construction equipment. Therefore, no significant odor impacts would occur.

If you have any questions about the results of this analysis, please contact me at
wmaddux@reconenvironmental.com or (619) 308-9333 x124.

Sincerely,



William A. Maddux
Senior Environmental Air Quality Specialist

WAM:sh

7.0 REFERENCES CITED

California Air Resources Board (CARB)

2016 Ambient Air Quality Standards. California Air Resources Board. May 4.

2017 California Air Quality Data Statistics. California Air Resources Board Internet Site.

<http://www.arb.ca.gov/adam/welcome.html>. Top 4 Summary and Hourly Listing. Accessed July 12, 2017.

Linscott, Law & Greenspan Engineers (LLG)

2017 Memorandum: San Marcos Ordinance Prohibiting Commercial Cannabis Activities Traffic Assessment, September 5.

San Diego Air Pollution Control District (SDAPCD)

2016 2016 Revision of the Regional Air Quality Strategy for San Diego County. Final. December 2016.

APPENDIX "B"

Greenhouse Gas Analysis

RECON

An Employee-Owned Company

September 5, 2017

Mr. Joseph Farace, Principal Planner
City of San Marcos
1 Civic Center Drive
San Marcos CA 92069

Reference: Greenhouse Gas Analysis for the for San Marcos Ordinance Prohibiting Commercial Cannabis Activities (RECON Number 8796)

Dear Mr. Farace:

The purpose of this letter report is to assess potential greenhouse gas (GHG) impacts that may result from the adoption of a Citywide Ordinance Prohibiting Commercial Cannabis Activities (project). Linscott, Law & Greenspan (LLG) prepared a traffic memorandum assessing any traffic impacts resulting from the project (LLG 2017). As discussed in this assessment, the project would not result in any significant impacts associated with GHG emissions.

1.0 PROJECT DESCRIPTION

The City of San Marcos (City) proposes to adopt a citywide Ordinance Prohibiting Commercial Cannabis Activities to expressly and permanently prohibit all commercial cannabis activities in all zones within the City's jurisdiction, including, but not limited to, both medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives, or similar establishments where cannabis is sold, as well as commercial cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale and any and all associated business and/or operations activities and uses, the outdoor cultivation of cannabis, the indoor cultivation of cannabis in excess of what is permitted under the California "Medicinal and Adult-Use Cannabis Regulation and Safety Act," and the use and possession of cannabis and cannabis products in public places, places where smoking is prohibited under the San Marcos Municipal Code (SMMC) and otherwise, and within buildings owned, leased, or occupied by the City. The project will permanently establish the regulations described above that are currently in place under a temporary moratorium imposed by way of an urgency ordinance, which was adopted by the City Council on October 25, 2016, extended on November 15, 2016, and then extended for a final period on August 8, 2017. Medical marijuana dispensaries, whether fixed or mobile, marijuana processing and marijuana delivery services are also currently prohibited in all zones within the City's jurisdictional limits pursuant to the SMMC Chapter 5.54 and Title 20 of the SMMC (Zoning Ordinance).

2.0 EXISTING CONDITIONS

A 2005 GHG emissions inventory was prepared as a part of preparation of the City's Climate Action Plan (CAP). The inventory was conducted using the International Council on Environmental Initiatives Cities for Climate Protection inventory methodology. Table1 summarizes the inventory. As shown, the primary sources of GHG emissions in the City are transportation, energy use in commercial and industrial buildings, and energy use in residential buildings.

AGENDA ITEM #2

Table 1 City of San Marcos 2005 Community-wide Greenhouse Gas Emissions by Source		
Category	MT CO ₂ E	Percent of Total
On-Road Transportation	144,517	35%
Commercial/Industrial	103,192	25%
Residential	82,754	20%
Solid Waste	21,714	5%
Wastewater	6,568	2%
Water	12,757	3%
Off-Road	40,437	10%
TOTAL	411,939	100.0%

MT CO₂E = metric tons of carbon dioxide equivalent
SOURCE: City of San Marcos 2013.

3.0 REGULATORY FRAMEWORK

In response to rising concern associated with increasing GHG emissions and global climate change impacts, several plans and regulations have been adopted at the international, national, and state levels with the aim of reducing GHG emissions. The following is a discussion of the most applicable plans and regulations.

3.1 State

3.1.1 Executive Orders and Statewide GHG Emission Targets

S-3-05

This Executive Order (EO) established the following GHG emission reduction targets for the state of California:

- by 2010, reduce GHG emissions to 2000 levels;
- by 2020, reduce GHG emissions to 1990 levels; and
- by 2050, reduce GHG emissions to 80 percent below 1990 levels.

This EO also directs the secretary of the California Environmental Protection Agency (EPA) to oversee the efforts made to reach these targets, and to prepare biannual reports on the progress made toward meeting the targets and on the impacts to California related to global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry. With regard to impacts, the report shall also prepare and report on mitigation and adaptation plans to combat the impacts. The first Climate Action Team Assessment Report was produced in March 2006, and has been updated every two years.

B-30-15

This EO, issued on April 29, 2015, establishes an interim GHG emission reduction goal for the state of California by 2030 of 40 percent below 1990 levels. This EO also directed all state agencies with jurisdiction over GHG emitting sources to implement measures designed to achieve the new interim 2030 goal as well as the pre-existing long-term 2050 goal identified in EO S-3-05. Additionally, this EO directed California Air Resources Board (CARB) to update its *Climate Change Scoping Plan* to address the 2030 goal.

3.1.2 California Global Warming Solutions Act

In response to EO S-3-05, the California Legislature passed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and thereby enacted Sections 38500–38599 of the California Health and Safety Code. The heart of AB 32 is its requirement that CARB establish an emissions cap and adopt rules and regulations that would reduce GHG emissions to 1990 levels by 2020. AB 32 also required CARB to adopt a plan by January 1, 2009 indicating how emission reductions would be achieved from significant GHG sources via regulations, market mechanisms, and other actions.

AGENDA ITEM #2

Approved in September 2016, Senate Bill (SB) 32 updates the California Global Warming Solutions Act of 2006 and enacts EO B-30-15. Under SB 32, the state is required to reduce its GHG emissions 40 percent below 1990 levels by 2030. In implementing the 40 percent reduction goal, CARB is required to prioritize emissions reductions and to consider the social costs of the emissions of GHGs. The term “social costs” is defined as “an estimate of the economic damages, including, but not limited to, changes in net agricultural productivity; impacts to public health; climate adaptation impacts, such as property damages from increased flood risk; and changes in energy system costs, per metric ton of greenhouse gas emission per year.”

3.1.3 Climate Change Scoping Plan

As directed by the California Global Warming Solutions Act of 2006, in 2008, CARB adopted the *Climate Change Scoping Plan: A Framework for Change* (*Scoping Plan*), which identifies the main strategies California will implement to achieve the GHG reductions necessary to reduce forecasted business as usual (BAU) emissions in 2020 to the state’s historic 1990 emissions level (CARB 2008). In January 2017, CARB released *The 2017 Climate Change Scoping Plan Update, The Proposed Strategy for Achieving California’s 2030 Greenhouse Gas Target* (Proposed Second Update to the Scoping Plan; CARB 2017a). The comment period for the Proposed Second Update to the Scoping Plan ended in March 2017. The Proposed Second Update to the Scoping Plan identifies the state strategy for achieving the state’s 2030 reduction target. The plan proposes to build on existing programs such as the Cap-and-Trade Regulation, Low Carbon Fuel Standard (LCFS), Advanced Clean Cars (ACC) Program, Renewable Portfolio Standard (RPS), Sustainable Communities Strategy, and the Short-Lived Climate Pollutant Reduction Strategy. It also proposes further strategies to reduce waste emissions through cogeneration, reduce GHG emissions from the refinery sector by 20 percent, and new policies to address GHG emissions from natural and working lands.

3.1.4 California Advanced Clean Car Program

The ACC Program, adopted January 2012, combines the control of smog, soot-causing pollutants, and GHG emissions into a single coordinated package of requirements for model years 2015 through 2025. Accordingly, the ACC Program coordinates the goals of the Pavley, low emissions vehicle, zero emission vehicle, and Clean Fuels Outlet programs in order to lay the foundation for the commercialization and support of these ultra-clean vehicles. AB 1493 (Pavley) directed CARB to adopt vehicle standards that lowered GHG emissions from passenger vehicles and light-duty trucks to the maximum extent technologically feasible, beginning with the 2009 model year. CARB has adopted amendments to its regulations that would enforce AB 1493 but provide vehicle manufacturers with new compliance flexibility. CARB has also adopted a second phase of the Pavley regulations, originally termed “Pavley II” but now called the Low Emission Vehicle III” (LEV III) Standards or ACC Program, that covers model years 2017 to 2025. CARB estimates that LEV III will reduce vehicle GHGs by an additional 4.0 million metric tons of carbon dioxide equivalent (MT CO₂E) for a 2.4 percent reduction over Pavley I. These reductions come from improved vehicle technologies such as smaller engines with superchargers, continuously variable transmissions, and hybrid electric drives. On August 7, 2012, the final regulation for the adoption of LEV III became effective.

3.1.5 Low Carbon Fuel Standard

EO S-01-07 directed that a statewide goal be established to reduce the carbon intensity of California’s transportation fuels by at least 10 percent by 2020 through a LCFS. LCFS promotes the use of GHG-reducing transportation fuels, e.g., liquid biofuels, renewable natural gas, electricity, and hydrogen, through a declining carbon intensity standard. The carbon intensity of a fuel is a measure of the GHG emissions associated with the production, distribution, and consumption of a fuel. CARB approved LCFS in 2009 and implemented it in 2010 as an early action measure under AB 32. Subsequently CARB approved amendments to the LCFS, which began implementation on January 1, 2013. Due to a court ruling that found procedural issues related to the original adoption of the LCFS, CARB re-adopted the LCFS regulation in September 2015, which went into effect on January 1, 2016. The program establishes a strong framework to promote the low carbon fuel adoption necessary to achieve the governor’s 2030 and 2050 GHG goals (CARB 2016).

3.1.6 Regional Emissions Targets – Senate Bill 375

SB 375, the 2008 Sustainable Communities and Climate Protection Act, was signed into law in September 2008 and requires CARB to set regional targets for reducing passenger vehicle GHG emissions in accordance with the Scoping Plan. The purpose of SB 375 is to align regional transportation planning efforts, regional GHG reduction targets, and fair-share housing allocations under state housing law. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy or Alternative Planning Strategy to address GHG reduction targets from cars and light-duty trucks in the context of that MPO's Regional Transportation Plan. San Diego Association of Governments (SANDAG) is the San Diego region's MPO. The currently adopted CARB targets for the SANDAG region require a 7 percent reduction in GHG emissions per capita from automobiles and light-duty trucks compared to 2005 levels by 2020, and a 13 percent reduction by 2035. The proposed updated targets for the SANDAG region require a 15 percent reduction by 2020 and a 21 percent reduction by 2035 (CARB 2017b).

3.1.7 Renewables Portfolio Standard

The RPS promotes diversification of the state's electricity supply and decreased reliance on fossil fuel energy sources. Originally adopted in 2002 with a goal to achieve a 20 percent renewable energy mix by 2020 (referred to as the "Initial RPS"), the goal has been accelerated and increased by EO S-14-08 and S-21-09 to a goal of 33 percent by 2020. In April 2011, SB 2 (1X) codified California's 33 percent RPS goal. In September 2015, the California Legislature passed SB 350, which increases California's renewable energy mix goal to 50 percent by the year 2030. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.

3.1.8 Assembly Bill 341 – Solid Waste Diversion

The Commercial Recycling Requirements mandate that businesses (including public entities) that generate 4 cubic yards or more of commercial solid waste per week and multi-family residential with five units or more arrange for recycling services. Businesses can take one or any combination of the following in order to reuse, recycle, compost, or otherwise divert solid waste from disposal. Additionally, AB 341 mandates that 75 percent of the solid waste generated be reduced, recycled, or composted by 2020.

3.1.9 California Code of Regulations, Title 24 – California Building Code

The California Code of Regulations, Title 24, is referred to as the California Building Code (CBC). It consists of a compilation of several distinct standards and codes related to building construction including plumbing, electrical, interior acoustics, energy efficiency, handicap accessibility, and so on. Of particular relevance to GHG reductions are the CBC's energy efficiency and green building standards.

The California Code of Regulations, Title 24, Part 6 is the Energy Efficiency Standards or California Energy Code. The Energy Code is updated periodically to incorporate and consider new energy efficiency technologies and methodologies as they become available. New construction and major renovations must demonstrate their compliance with the current Energy Code through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the California Energy Commission (CEC). The previous Energy Code, known as the 2013 Energy Code, became effective July 1, 2014. The most current version of the Energy Code, the 2016 Energy Code, became effective January 1, 2017. Until the 2016 Title 24 requirements take effect, the CEC cannot complete a comprehensive study characterizing the resulting electricity demand and natural gas use reductions. However, preliminary CEC estimates indicate that residences built consistent with 2016 Title 24 requirements will be 28 percent more energy efficient than homes built consistent with 2013 Title 24 requirements, and non-residential uses built consistent with 2016 Title 24 requirements will be 5 percent more energy efficient than those built consistent with 2013 Title 24 requirements (CEC 2015).

The California Green Building Standards Code, referred to as CalGreen, was added to Title 24 as Part 11 first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the

2010 CBC). The 2013 CalGreen institutes mandatory minimum environmental performance standards for all ground-up (i.e., new) construction of non-residential and residential structures. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory Green Building Standards and may adopt additional amendments for stricter requirements. The mandatory standards applicable to the project require:

- 20 percent reduction in indoor water use relative to specified baseline levels;
- 50 percent construction/demolition waste diverted from landfills;
- Inspections of energy systems to ensure optimal working efficiency; and
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particle boards.

3.2 Local

3.2.1 *San Marcos General Plan*

The General Plan, adopted in 2012, provides a basis for decision-making for land use and development actions. It consists of an organized set of goals, policies, and implementation programs that guide both the distribution of land uses and the way land is used. In regards to climate change, the Conservation and Open Space Element of the General Plan identifies Goal COS-4, to improve regional air quality and reduce GHG emissions that contribute to climate change. To achieve this goal, Policy COS-4.4 directs the City to implement measures to reduce GHG emissions, and includes the following language:

Quantify community-wide and municipal GHG emissions, set a reduction goal, identify and implement measures to reduce GHG emissions as required to by governing legislation.

The Implementation Plan for the General Plan specifically calls for development of a CAP. Implementation Program COS-4.2 reads:

Develop a Climate Action Plan for reducing GHG emissions to meet state requirements. Components of the plan should include:

1. Quantify GHG emissions, both existing and projected, over a specified time period;
2. Establish a level below which the contributions to GHG emissions from activities covered by the plan would not be cumulatively considerable;
3. Identify and analysis the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;
4. Specify strategies and measures to be implemented at the project level that would collectively achieve the specified emission level;
5. Establish a program for monitoring and reporting results.

3.2.2 *San Marcos Climate Action Plan*

The City CAP addresses major sources of GHG emissions in the City and sets forth a detailed and long-term strategy that the City and community can implement to achieve GHG emissions reduction targets. The CAP fulfills General Plan Goal COS-4 and Implementation Program COS-4.2. Implementation of the CAP supports the state's emission reduction targets. The City has adopted a reduction target of 15 percent below 2005 baseline emission levels by the year 2020, and 28 percent below 2005 baseline emission levels by the year 2030. The CAP includes a baseline GHG inventory as well as future GHG projections under a BAU scenario. Additionally, to account for State measures that have been implemented since preparation of the

original Scoping Plan, the City's CAP has created an "adjusted forecast" that includes the effects the ACC program, LCFS, RPS, 2013 Title 24, and CalGreen. To meet the reduction targets, the City will need to reduce its GHG emissions 14 percent (or 58,960 MT CO₂E) below the adjusted forecast by 2020 and 33 percent (or 148,694 MT CO₂E) below the adjusted forecast by 2030 through implementation of local measures and actions. To reach this target, the CAP identifies a comprehensive set of climate action measures associated with local government operations, energy, transportation and land use, off-road equipment, water and wastewater, solid waste, urban greening, community education and outreach, and adaptation. The measures identified in the CAP have the potential to reduce GHG emissions within the City by 64,876 MT CO₂E by 2020 and 148,731 MT CO₂E by 2030 (City of San Marcos 2013).

4.0 THRESHOLDS OF SIGNIFICANCE

The California Environmental Quality Act (CEQA) Guidelines, Appendix G Environmental Checklist, includes the following two questions regarding assessment of GHG emissions:

- 1) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
- 2) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs?

As stated in the CEQA Guidelines, these questions are "intended to encourage thoughtful assessment of impacts and do not necessarily represent thresholds of significance" (Title 14, Division 6, Chapter 3 Guidelines for Implementation of the CEQA, Appendix G, VII Greenhouse Gas Emissions).

The CEQA Guidelines require lead agencies to adopt GHG thresholds of significance. When adopting these thresholds, a lead agency would be allowed to consider (1) thresholds of significance adopted or recommended by other public agencies, (2) thresholds recommended by experts, provided that the thresholds are supported by substantial evidence, and/or (3) develop their own significance threshold.

Appendix E.1 of the City's CAP provides a consistency worksheet that can be used to demonstrate project compliance with the CAP. If it is determined that a project is not consistent with the CAP, further analysis is required to demonstrate that the project's GHG emissions fall below the GHG thresholds provided in Appendix E.2 of the CAP. The project is required to demonstrate that it would not substantially interfere with implementation of the CAP.

If compliance with the CAP cannot be demonstrated through the consistency worksheet, to demonstrate that a project does not interfere with implementation of the CAP, it must demonstrate that it would achieve a project-level GHG efficiency threshold of 2.76 MT CO₂E per service population (resident and employee) for projects built by 2020 and 1.93 MT CO₂E per service population for projects built after 2020. According to Appendix E.1, emissions rates below these levels indicate that the project's GHG emissions are less than significant and the project would not interfere with the City's CAP. It is important to note that the GHG thresholds would apply only to net new emissions associated with new projects. Though existing development is responsible for some share of the City's GHG emissions, the City has developed measures to reduce emissions from existing development as part of this CAP. Net new emissions include only those emissions attributed to the project and take into account emissions displaced by the project. Depending on the characteristics of the project, net new emissions could be positive, neutral, or negative.

5.0 GHG EMISSIONS AND IMPACTS

Typically, GHG emissions associated with a project are generated during construction, and during operation from various sources including mobile (on-road vehicles), energy (electricity and natural gas), area (landscape maintenance equipment), water and wastewater, and solid waste sources. GHG emissions are reported in terms of total annual MT CO₂E.

Mr. Joseph Farace
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September 5, 2017

Based on the project description, the project would not result in the construction or operation of any new structures.

The project is the adoption of an ordinance that expressly and permanently prohibits cannabis activities, operations and uses in all zones within the City's jurisdiction, consistent with the City's current regulations. According to the traffic report, the project would not generate any new daily trips (Linscott Law & Greenspan 2017). The project would not result in the generation of any new vehicle trips or construction or operation of any new structures. Therefore, the project would not result in the generation of any new GHG emissions from construction activities, vehicles, or building operations. Furthermore, as the project would not result in the generation of GHG emissions the project would not conflict with the CAP policies or goal of achieving specific GHG emissions reductions. As the project would not result in any net new GHG emissions and would not conflict with the CAP, the project would not result in a significant impact on global GHG emissions and no significant impact would occur.

If you have any questions about the results of this analysis, please contact me at wamaddux@reconenvironmental.com or (619) 308-9333 x124.

Sincerely,



William A. Maddux
Senior Environmental Air Quality Specialist

WAM:jg

7.0 REFERENCES CITED

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- 2015 2016 Building Energy Efficiency Standards – Adoption Hearing. Accessed at <http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/>. June 10, 2015.

Linscott, Law, and Greenspan Engineers (LLG)

- 2017 Memorandum: San Marcos Ordinance Prohibiting Commercial Cannabis Activities Traffic Assessment, September 5.

San Marcos, City of

- 2013 City of San Marcos Climate Action Plan. Adopted by City Council Resolution September 10, 2013.

APPENDIX "C"

Traffic Assessment

MEMORANDUM

To: Nic Abboud
City of San Marcos

Date: September 7, 2017

From: K.C. Yellapu, P.E.
Erika Carino, E.I.T.
LLG, Engineers

LLG Ref: 3-17-2779

Subject: Traffic Assessment for San Marcos Ordinance Prohibiting Commercial Cannabis Activities

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INTRODUCTION

Linscott, Law & Greenspan, Engineers (LLG) has prepared this memorandum to discuss the effects of San Marcos' proposed Ordinance Prohibiting Commercial Cannabis Activities (herein referred to as the Project) on traffic. The City of San Marcos currently prohibits medical marijuana dispensaries within City boundaries under a temporary moratorium imposed by way of an urgency ordinance, which was adopted by the City Council on October 25, 2016, extended on November 15, 2016, and then extended for a final period on August 8, 2017. Medical marijuana dispensaries, whether fixed or mobile, marijuana processing and marijuana delivery services are also currently prohibited in all zones within the City's jurisdictional limits pursuant to SMMC Chapter 5.54 and Title 20 of the SMMC (Zoning Ordinance).

The Project proposes to expressly and permanently prohibit all commercial cannabis activities in all zones within the City's jurisdiction, including, but not limited to, both medicinal and non-medicinal cannabis dispensaries, cooperatives, collectives or similar establishments where cannabis is sold, as well as commercial cultivation, possession, manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale and any and all associated business and/or operations, activities, and uses, the outdoor cultivation of cannabis, the indoor cultivation of cannabis in excess of what is permitted under the California "Medicinal and Adult-Use Cannabis Regulation and Safety Act", and the use and possession of cannabis and cannabis products in public places, places where smoking is prohibited under the San Marcos Municipal Code and otherwise, and within buildings owned, leased or occupied by the City.

TRIP GENERATION

As the Project will continue to ban all commercial cannabis activities in all zones within the City, traffic associated with customers traveling from the City to a neighboring jurisdiction to acquire medical marijuana will not change since those trips are currently taking place.

EXISTING + PROJECT

The regulations described in the *Introduction* are currently in place under a temporary moratorium imposed by way of an urgency ordinance. Medical marijuana

AGENDA ITEM #2

dispensaries (whether fixed or mobile), marijuana processing, and marijuana delivery services are also currently prohibited in all zones within the City's jurisdictional. Therefore, this prohibition is reflected in the existing traffic patterns.

Since the Project proposes to expressly and permanently prohibit commercial cannabis activities in all zones within the City's jurisdiction, the existing traffic conditions will be maintained and no change in traffic will result due to the Project.

CONCLUSIONS

In conclusion, the Project will not result in any additional new trips on the City's street system. Therefore, no significant traffic impacts are determined for the Existing + Project analysis scenario.

Please call if you have any questions.

cc: File

AGENDA ITEM #2