

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: April 11, 2022

TO: Agricultural Advisory Committee

FROM: Delaney Selvidge, Planning Staff, 650/363-1867

SUBJECT: Consideration of Amendments to Chapter 5.148 of the San Mateo County Ordinance Code regarding Commercial Cannabis Cultivation in the unincorporated area of San Mateo County.

County File Number: PLN2022-00066

PROPOSAL

The County proposes to amend the existing Commercial Cannabis Cultivation Ordinance (County Ordinance Code Chapter 5.148 "Regulations of Cannabis in the Unincorporated Area of San Mateo County"), adopted in 2018, in order to improve the program's regulatory effectiveness, streamline implementation, and respond to concerns raised by existing license holders operating in the unincorporated County. The proposed changes are summarized in Attachment A, set forth in detail in Attachment B, and briefly described as:

1. Addition of distribution activities to allowed activities for County License holders.
2. Elimination of requirement to provide replacement agriculture if the operator proposes to displace traditional agriculture existing as of June 1, 2017.
3. Extension of the license term from one year to five years.
4. Elimination of 66,000 square foot cap on canopy per License Owner.
5. Streamlining of the application requirements.
6. Modification of waste management requirements to require only a plan demonstrating compliance with applicable State regulations.
7. Other minor changes for clarity.

DECISION MAKER

Board of Supervisors

QUESTIONS FOR THE AGRICULTURAL ADVISORY COMMITTEE

1. What feedback would you like to provide to the County regarding the proposed amendments to the Commercial Cannabis Cultivation Ordinance?

2. Are there other amendments that you would suggest for the Commercial Cannabis Cultivation Ordinance?

BACKGROUND

Report Prepared By: Delaney Selvidge, Project Planner

Applicant: San Mateo County

Owner: N/A

Existing Zoning: Primarily PAD (Planned Agricultural District). However, there are a few parcels zoned RM-CZ (Resource Management – Coastal Zone) and TPZ-CZ (Timber Production Zone – Coastal Zone) that could be eligible for cannabis cultivation if the parcels have a General Plan land use designation of Agriculture, or if commercial agricultural use was conducted on the parcel for three consecutive years prior to the adoption of the existing Commercial Cannabis Cultivation Ordinance (2018).

General Plan Designation: Agriculture (and Open Space – Rural and Timber Production – Rural if the property was used for commercial agriculture for three consecutive years prior to the adoption of the existing Commercial Cannabis Cultivation Ordinance in 2018).

Environmental Evaluation: Staff prepared an Initial Study and Negative Declaration for the proposed ordinance amendment. The public comment period started on March 16, 2022 and ended on April 4, 2022.

Setting: All lands designated as “Agriculture” on the San Mateo County General Plan Land Use Map. These lands are distributed throughout the Coastal Zone of unincorporated San Mateo County. Also, lands designated as “Open Space – Rural” or “Timber Production – Rural” on the San Mateo County General Plan Land Use Map where a property has documented commercial agricultural production for three consecutive years prior to the adoption of the existing Commercial Cannabis Cultivation Ordinance in 2018.

Chronology:

<u>Date</u>	<u>Action</u>
November 13, 2017	- Initial Commercial Cannabis Cultivation Ordinance considered by the AAC.
December 12, 2017	- Initial Commercial Cannabis Cultivation Ordinance adopted by the Board of Supervisors.

- March 13, 2018 - Repeal of the initial Commercial Cannabis Cultivation Ordinance and adoption of the current Commercial Cannabis Cultivation Ordinance by the Board of Supervisors.
- November 13, 2018 - Amendment of the current Commercial Cannabis Cultivation Ordinance by the Board of Supervisors. Amendments included elimination of Dec. 31, 2018 sunset, modification of setbacks, and modifications to nursery operator requirements.
- March 16 - April 4, 2022 - Initial Study and Negative Declaration public comment period for the proposed ordinance amendments.
- April 11, 2022 - Proposed Commercial Cannabis Cultivation Ordinance amendments considered by the AAC.
- April 12, 2022 - Pescadero Municipal Advisory Council meeting.
- TBD - Board of Supervisors hearing.

Will the project be visible from a public road?

The proposed amendments to the existing ordinance will not authorize any new development by right. Existing greenhouse structures may be used for commercial cultivation of cannabis as allowed in the existing ordinance, subject to receipt of the required cannabis license, but no new development activities would be permitted as a result of the proposed amendments. The construction of new structures for cultivation (i.e., greenhouses) continues to be subject to existing permitting requirements, including discretionary Planning permits, such as a Coastal Development Permit. The proposed ordinance amendments make no changes to the types of parcels that are eligible for commercial cannabis cultivation licenses, nor do they authorize construction of any kind. Any future construction of new greenhouses and/or site development that could potentially be used for commercial cultivation will be subject to a separate permitting process at the time of application. Such a future permitting process will consider the impacts of the physical development of the parcel, including applicable design standards in the County Zoning Regulations and Local Coastal Program, which are designed, in part, to protect scenic vistas and views from existing residential areas and public lands.

In addition, the proposed ordinance amendments will not change screening requirements. Cannabis operations will still be required to be screened from public view by native, fire resistant vegetation; and any fencing of a cultivation site must be consistent with the surrounding area and not diminish the visual quality of the premises or surrounding area (Section 5.148.160 (j)).

Will any habitat or vegetation need to be removed for the project?

The proposed amendments to the existing Commercial Cannabis Cultivation Ordinance do not authorize any new construction or modify any land use regulations. As a result, the proposed ordinance amendments would not authorize any land disturbance that could result in any adverse impacts to sensitive habitats or species. Any impacts to biological resources due to the construction of any future greenhouse buildings that could potentially be used for cultivation will be subject to future discretionary review, including CEQA review.

Is there prime soil on the project site?

The presence of prime soil on an individual parcel is a project specific question. While there are currently two locations with existing commercial cannabis cultivation licenses within the County, staff cannot predict whether a particular parcel owner will choose to pursue commercial cannabis cultivation. Several applications for new cannabis cultivation licenses have been submitted, but these proposed operations are located on the same parcel as operators with existing licenses. The proposed amendments do not alter the parcels (ag zoned parcels or parcels traditionally used for ag) or locations (within existing greenhouses) where cannabis can be cultivated. The impacts, if any, of commercial cannabis cultivation operations and associated development on prime soil will be analyzed at the time an application for a cannabis license or development permit is submitted.

DISCUSSION

Planning and Building staff has drafted amendments to the existing Commercial Cannabis Cultivation Ordinance based on a comprehensive review of the regulatory effectiveness of the ordinance over the past 5 years and consideration of concerns raised by existing license holders operating in the unincorporated County. While some proposed amendments have the potential to make commercial cannabis more accessible to property owners and cannabis operators, such as eliminating the square footage cap on canopy and the agriculture replacement requirement, the types of parcels eligible for a license will not change as a result of the proposed amendments (cannabis cultivation remains limited to agricultural parcels, within greenhouses, and with the same property setbacks from sensitive uses).

The proposed ordinance amendments will not alter any existing County Zoning Regulations or Local Coastal Program provisions, or exempt operations from complying with the California Building Code. The construction of any new greenhouse structures for cannabis cultivation is subject to future discretionary review and the permitting procedures of the existing zoning regulations. Commercial cannabis cultivation operations will continue to be permitted in existing greenhouses under the proposed amended ordinance, subject to the appropriate environmental review and issuance of a staff-level cannabis license. The proposed ordinance amendments do not change these requirements of the existing ordinance.

The proposed ordinance amendments will streamline application requirements to focus on information necessary for County staff's review for conformance with the applicable regulations.

Staff has prepared an Initial Study and Negative Declaration (Attachment C) for the proposed amendments to the County's existing Commercial Cannabis Cultivation Ordinance.

The Negative Declaration (ND) was published for public comment on March 16, 2022 through April 4, 2022.

ATTACHMENTS

- A. Short Summary of Proposed Amendments to Cannabis Ordinance
- B. Detailed Summary of Proposed Amendments to Cannabis Ordinance
- C. Initial Study and Negative Declaration, as published on March 16, 2022 for public comment.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

SUMMARY OF PROPOSED CHANGES TO CANNABIS CULTIVATION ORDINANCE BY SECTION (04/2022)

Definitions (5.148.020):

- Change to the definition of “Premises” to allow for non-contiguous areas if infeasible on the site.

Prohibited Cannabis Activity (5.148.050):

- Expansion of cannabis cultivation licenses to allow for distribution of cannabis between State and local cannabis licensees. Physical locations for stand-alone distribution remain prohibited.

Application Requirements (5.148.060):

- Elimination of requirements to provide financial documentation related to the proposed cannabis activity.
- Elimination of many requirements related to providing personal information about owners.
- Elimination of the requirement to provide a copy of a rental agreement, as applicable.
- Elimination of the requirement to provide written proof that all employees are 21 years of age or older and to instead allow submission of an affirmation by the applicant.
- Changes to the labor peace agreement requirement in recognition that many applicants will not have hired employees prior to approval of a commercial cannabis cultivation license.
- Addition of requirement that provided security plan includes a graphical depiction of security measures.

Review, Approval and Issuance (5.148.070):

- Extend approval period of commercial cannabis cultivation licenses from one year to five years.

Grounds for Denial of an Application (5.148.080):

- Changes for clarity and to allow more discretion on the part of the Community Development Director regarding denial of commercial cannabis cultivation license applications.

License Renewal (5.148.090):

- Changes for clarity and to allow more discretion on the part of the Community Development Director regarding whether to revoke a commercial cannabis cultivation license that has not applied for license renewal within the required timeframe.
- Addition of a requirement to provide the current contact information of the primary point of contact.

Change in Ownership (renamed from License Nontransferable, 5.148.100)

- Addition of a procedure for transferring ownership of an operator with a valid cannabis license.

Fees (5.148.110)

- Clarification of the procedure for modification of an existing cannabis license.

Cultivation Requirements (5.148.160)

- Elimination of the 66,000 square feet per operator per parcel limit. Operators now need only to meet all State requirements and not conflict with other parts of the ordinance.
- Elimination of requirement to provide replacement agriculture if the operator proposes to displace agriculture that was existing as of June 1, 2017.
- Elimination of the prohibition on use of razor wire, chain link and similar fencing. Fencing and fencing materials are still required to be consistent with the surrounding area.
- Addition of requirement that structures must comply with Title 24, Part 6 Energy Code.
- Elimination of requirements for waste management. Operators must still properly store and secure all cannabis waste. Applicants now must only submit a plan demonstrating compliance with applicable State regulations regarding waste management.
- Alteration of water source documentation requirements to account for various water source types.
- Addition of a limitation on water use to the historic usage if groundwater is utilized and the well is within a basin that is a medium or high-priority basin under the Sustainable Groundwater Management Act.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B

PROPOSED REVISIONS TO CANNABIS ORDINANCE

Proposed changes to the cannabis ordinance are shown below, with additions shown in underline and deletions in ~~strikethrough~~. If adopted, the changes may also result in minor re-numbering/re-lettering of subsections for organizational clarity.

<i>5.148.020 "Definitions"</i>
(aa) "Premises" means the designated structure or structures and land specified in the Application that is owned, leased, or otherwise held under the control of an Applicant or Licensee where the commercial Cannabis Activity will be or is conducted. The Premises shall be a contiguous area, <u>to the extent feasible</u> , and shall only be occupied by one Licensee.
<i>5.148.050 "Prohibited Cannabis Activity"</i>
(b) Notwithstanding the foregoing, the following Commercial Cannabis Activities may occur in the unincorporated area of the County pursuant to a valid State License: <u>(1) transportation of Cannabis on public roads as expressly authorized under California Business and Professions Code Section 26080(b);</u> <u>(2) lawful delivery of Cannabis to a Customer, however, no physical location for such delivery service shall be permitted within the unincorporated area of the County; and</u> <u>(3) distribution of Cannabis and Cannabis Products among Licensees and other State License holders, however no physical location for stand-alone Distribution shall be permitted in the unincorporated County.</u>
<i>5.148.060 "Commercial Cannabis Activity License Application requirements"</i>
(b) In all cases, the Application shall contain, without limitation, the following information which Applicant shall certify under penalty of perjury is true and correct: <ol style="list-style-type: none">1. The name of the Applicant. For Applicants who are individuals, the Applicant shall provide both the first and last name of the individual. For Applicants who are business entities, the Applicant shall provide the legal business name of the Applicant and, if applicable, the business trade name ("DBA") of the Applicant. In either case, a single individual who shall act as the primary contact shall be identified by the Applicant.2. The commercial Cannabis Activity type the Applicant is applying for, including whether the proposed License will involve medical and/or non-medical commercial Cannabis Activity.3. A list of all State Licenses and any out-of-state or other local Licenses, permits, or authorizations to conduct commercial Cannabis Activity held by the Applicant, including the date the License was issued, the License number, and the licensing authority that issued the License, permit, or other authorization.4. Whether the Applicant has ever been denied the right to conduct commercial Cannabis Activity by the Department, State, or any other Cannabis Licensing Authority, including other licensing authorities within the State or in other states. The Applicant shall provide the type of License applied for, the name of the licensing authority that denied the Application, and the date of denial.5. The physical address(es) of the Premises and the parcel number(s) assigned to the Premises by the assessor. The address of record for the Applicant. The telephone number for the Premises. The website address of the Applicant's business, if applicable. The email address for the Applicant's business, if applicable. Contact information for the Applicant's designated primary contact person including the name, title, address, phone number, and email address of the individual. Contact

information for the designated agent for service of process including the name, title, address, phone number, and email address of this individual.

6. All Applicants who are business entities shall provide the business organizational structure of the Applicant, for example, partnership, limited liability company (LLC), or corporation. ~~The business-formation documents, which may include but are not limited to articles of incorporation, operating agreements, partnership agreements, and fictitious business name statements. The Applicant shall also provide all documents filed with the State, which may include but are not limited to articles of incorporation, certificates of stock, articles of organization, certificates of limited partnership, and statements of partnership authority.~~
7. A list of every fictitious business name the Applicant is operating under including the address where the business is located.
8. ~~The Applicant shall supply the following financial information related to the proposed commercial Cannabis Activity:~~
 - i. ~~A list of the Applicant's savings, checking, or other accounts maintained by a financial institution the Applicant intends to use in connection with the proposed commercial Cannabis Activity. The Applicant shall provide for each account, the financial institution's name, the financial institution's address, account type, and account number;~~
 - ii. ~~A list of loans made to the Applicant for its use in conducting the proposed commercial Cannabis Activity. For each loan, the Applicant shall provide the amount of the loan, the date of the loan, term(s) of the loan, security provided for the loan, and the name, address, and phone number of the lender;~~
 - iii. ~~A list of investments made to the Applicant for its use in conducting the proposed commercial Cannabis Activity. For each investment, the Applicant shall provide the amount of the investment, the date of the investment, term(s) of the investment, and the name, address, and phone number of the investor; and~~
 - iv. ~~A list of all gifts of any kind given to the Applicant for its use in conducting the proposed commercial Cannabis Activity. For each gift, the Applicant shall provide the value of the gift or description of the gift, and the name, address, and phone number of the provider of the gift.~~
9. A complete list of every owner. Each individual named on this list shall submit the following information: the full name of the owner; the owner's title within the Applicant entity; ~~the owner's date of birth and place of birth; the owner's social security number or individual taxpayer identification number;~~ the owner's home mailing address; the owner's telephone number. ~~This may include a number for the owner's home, business, or mobile telephone;~~ the owner's email address; the date the owner acquired an ownership interest in the Applicant entity; the percentage of the ownership interest held in the Applicant entity by the owner; if applicable, the number of shares in the Applicant entity that the owner holds; whether the owner has a financial interest in any other business in the State. For purposes of this section "financial interest" means an investment into a business, a loan provided to a business, or any other equity interest in a business; a copy of the owner's government issued identification; acceptable forms of identification are a document issued by a federal, state, county, or municipal government that includes the name, date of birth, physical description, and picture of the person, such as a driver License; and a copy of the owner's completed Application for electronic fingerprint images submitted to the Department of Justice as required by California Business and Professions Code Section 26051.5(a) for a State License or, if the owner has not completed such Application, an acknowledgment that issuance of any local License shall be conditioned upon successful completion of the Department of Justice background check then the

~~owner shall submit fingerprints and other necessary information for a criminal background check to be conducted by the Department and/or a third party authorized by the Department to perform background checks. All individual personal information provided by the Applicant, or than the name of the individual, will be protected from public disclosure unless otherwise required by law.~~

10. Evidence that the Applicant has the legal right to occupy and use the proposed Premises that complies with the requirements of the Department and the State. If the Applicant is not the landowner of the property upon which the Premises is located, the Applicant shall provide to the Department a document from the landowner that states that the Applicant has the right to occupy the property and acknowledging the Applicant may use the property for the commercial Cannabis Activity for which the Applicant is applying. ~~An applicant shall also provide a copy of the rental agreement, as applicable. If the applicant is the landowner of the property on which the Premises is located, the Applicant shall provide to the Department a copy of the title or deed to the property.~~ The Applicant shall provide evidence that the proposed location meets all State and County land use and zoning requirements.
11. The Applicant shall submit to the Department with his or her Application a complete and detailed site plan of the proposed Premises, along with detailed plans showing the proposed location of all Cannabis related activities, employee parking areas, all proposed improvements, and any other information determined by the Department to be necessary for the review of the Application. The plans must be to scale and must comply with all State rules, laws, and regulations regarding Premises diagrams. If the proposed Premises consist of only a portion of a property, the plans must be labeled indicating which part of the property is the proposed Premises and how the remaining property is/will be used. The Applicant must provide evidence that the Premises complies with all setback requirements set forth in this chapter.
12. The Applicant must submit to a pre-inspection of the Premises during regular business hours prior to the issuance of a License. Pre-inspections may include, without limitation, access by employees or agents of the following: the Department; County Code Compliance; County Division of Environmental Health; the applicable Fire Protection Agency; the County Sheriff's Office; the County Department of Agriculture/Weights and Measures; and the County Health System.
13. Prior to Application processing, the Premises shall be free of any violations of State and local standards, including, without limitation, County building standards, County land use requirements, County zoning requirements, County health and safety standards, and applicable fire standards, unless Applicant submits a plan to resolve any such violations to the satisfaction of the County Community Development Director.
14. The Applicant must provide a detailed description and plan for hiring local residents and affirm that Applicant will comply with all applicable federal, state, and local wage and labor requirements.
15. The Applicant must submit a staffing plan for the proposed commercial Cannabis Activity, an organizational chart that outlines the position and responsibilities of each employee, as well as the reporting or supervisory structure for each employee. The Applicant shall also affirm that they will comply with all applicable federal, state, and local laws related to the age of employees for the proposed commercial Cannabis Activity ~~provide written proof (i.e. California driver's License, California identification card, or certified copy of birth certificate) that all supervisors and employees are twenty on (2) years of age or older.~~
16. For an Applicant with twenty (20) or more employees, the Applicant shall attest that the Applicant has entered or will enter into a labor peace agreement, as required by California Business and Professions Code Section 26051.5(a)(5). Such agreement shall ensure full access for labor representatives to the Premises during regular business hours as allowed by the State.
17. If the Applicant has not yet received a State License, the Applicant shall attest that the Applicant intends to apply for a State License and agrees to submit documentation of the State License to the Department upon issuance. If the Applicant has already received a State License, the Applicant shall

provide a copy of such State License(s). The authority to conduct any Commercial Cannabis Activity pursuant to a County License is explicitly conditioned upon Applicant's receipt of a valid State License.

18. The Applicant shall provide a valid seller's permit number issued by the State and evidence that Applicant has complied with all other State registration requirements for tax purposes. If the Applicant has not yet received a seller's permit from the State, the Applicant shall attest that the Applicant is currently applying for a seller's permit and provide adequate documentation to the Department demonstrating such Application is currently pending. However, a valid State seller's permit is required to receive a License.
19. The Applicant shall provide proof that Applicant has complied with all State insurance requirements and proof that the Applicant has obtained a surety bond in the amount of not less than thirty-five thousand dollars (\$35,000.00) payable to the Department to ensure payment for the costs of confiscation, storage, clean-up or abatement of any wastes, including regulatory oversight costs, and/or destruction of Cannabis when such costs are necessitated by a violation of this chapter or other applicable federal, State, or local law. The surety bond shall be issued by a corporate surety Licensed by the State, is in addition to any such bond required by the State, and must be maintained at all times a valid License exists and for an additional six (6) months after a License has been revoked.
20. The Applicant shall submit a security plan for review and approval by the Department. The approved plan will be maintained by the Department and be made available to other County departments for the purposes of verification and inspections. At a minimum, the security plan will include: a description of the Applicant's video surveillance system, including camera placement and practices for the maintenance of video surveillance equipment; a description of how the Applicant will ensure that all access points to the Premises will be secured, including the use of security personnel; and a description of the Applicant's security alarm system. [The security plan shall include a graphical depiction of the security measures on a site plan; a narrative description alone is not sufficient.](#) The installation of security apparatus shall comply with all relevant permitting requirements, and shall not be installed until such permits are obtained.
21. The Applicant shall provide a detailed improvement and operations plan that demonstrates adequate compliance with ~~the~~ all requirements of this chapter, as determined in the discretion of the Community Development Director or ~~his~~ designee. The submitted plan shall, include, at a minimum, the information required by Sections 5.148.130 through 5.148.160 and summarized below:
 - i. Proposed hours of operation;
 - ii. Proposed improvement plan, identifying all the changes and improvements that will be made to the Premises, including without limitation changes to: site ingress and access; electrical, water, wastewater, storm water, parking and other infrastructure/facilities;
 - iii. Employee parking and transportation plan;
 - iv. Fire prevention plan;
 - v. Lighting and security plan;
 - vi. Waste disposal plan;
 - vii. Water management plan, including the proposed water supply, proposed conservation measures, and waste water discharge measures;
 - viii. Access restriction procedures, including measures ensuring that minors will not have access to Cannabis;
 - ix. Record keeping policy;

- x. Track and trace measures;
- xi. Odor prevention and ventilation measures;
- xii. Energy usage plan;
- xiii. Size, height, colors, and design of any proposed signage at the Premises;
- xiv. A pest-management plan, if applicable; and
- xv. Such other information as the Community Development Director determines is necessary to ensure compliance with State law and this chapter.

5.148.070 "Review, approval, and issuance of commercial Cannabis Activity Licenses"

- (b) Upon review of a complete Application, the Community Development Director, or ~~his~~ designee, shall deny the Application on one (1) or more grounds provided by Section 5.148.080, or may grant the requested License upon making all of the following findings:
 - (i) The Applicant's proposed Commercial Cannabis Activities comply with the provisions of this Chapter and all additional requirements of State Law and County Code;
 - (ii) The Application is either exempt from or has complied with the requirements of the California Environmental Quality Act ("CEQA");
 - (iii) Feasible mitigation measures or feasible alternatives identified during CEQA review necessary to avoid or substantially lessen any significant impact on the environment have been imposed as an enforceable condition of the License;
 - (iv) The Department has imposed written conditions on the proposed Commercial Cannabis Activity which require the Applicant to obtain a valid State License prior to engaging in any Commercial Cannabis Activity; and
 - (v) The Department has imposed written conditions on the proposed Commercial Cannabis Activity which, in the judgment or discretion of the Community Development Director or his designee, are necessary to preserve the health, welfare, or safety of the community or environment.
- (c) Each License shall be granted for a ~~one~~five-year period and shall expire ~~five~~~~one~~ (15) years after the date of its issuance.

5.148.080 "Grounds for denial of an Application"

- (a) The Community Development Director, or ~~his~~ designee, ~~may shall~~ deny an Application for a commercial Cannabis License for any of the following reasons:
 - (1) Based on the evidence in the record, the Community Development Director, or ~~his~~ designee, is unable to make the findings required by Section 5.148.070(b);
 - (2) The Applicant made a knowingly false statement of a material fact in the Application or knowingly omitted a material fact from the Application;
 - (3) The proposed commercial Cannabis Activities do not fully comply with the requirements of this chapter or any State law or regulation;
 - (4) The Applicant failed to provide all information required in the Application and/or failed to allow a pre-inspection of the proposed Premises;
 - (5) The Applicant has outstanding taxes, fees, or fines owed to the Department or to the County;
 - (6) An owner is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business and Professions Code Section 26057(b)(4), (b)(6); or

- (7) An owner has been sanctioned by the State or any other licensing authority for unauthorized commercial Cannabis Activities or has had a state License or any other License for commercial Cannabis Activities suspended or revoked in the three (3) years immediately preceding the date the Application is filed.

5.148.090 "License renewal"

- (a) To renew a License, a completed License renewal Application and renewal fee shall be received by the Department no fewer than sixty (60) calendar days before the expiration of the License. In the event the License is not renewed prior to the expiration date, it ~~may~~ shall be deemed revoked as of the date of its expiration, ~~and~~ in which case the Licensee must cease all commercial Cannabis Activity until such time that the Licensee is issued a new License from the Department. The Licensee and all owners will be subject to enforcement actions set forth below in Section 5.148.180 for continuing operations after a License has expired without a renewal.
- (b) The License renewal Application shall contain, at minimum, the following:
- (1) The name of the Licensee. For Licensees who are individuals, the Licensee shall provide both the first and last name of the individual. For Licensees who are business entities, the Licensee shall provide the legal business name of the Licensee. All renewal Applications shall identify a primary point of contact and provide current contact information.
 - (2) The License number and expiration date;
 - (3) The Licensee's address of record and Premises address;
 - (4) An attestation that all information provided to the Department in the original Application is accurate and current or a detailed explanation of any changes or discrepancies. If any of the documentation and information supplied by the Applicant in the original Application has changed, the Applicant shall submit updated information and documentation with the renewal form and shall provide such other information as the Department may require.
- (c) The Community Development Director, or ~~his~~ designee, ~~may~~ shall deny any request for a License renewal for any of the following reasons. The Community Development Director, or designee, shall also have the authority to impose new conditions on the License, if those conditions are reasonably necessary to avoid denial of a License renewal Application.
- (1) The License renewal Application is filed fewer than sixty (60) calendar days before expiration of the License;
 - (2) The Licensee does not fully comply with the requirements of this chapter or any State rule, law, or regulation;
 - (3) The Licensee has failed to fully comply with any condition imposed on the License;
 - (4) Changes in circumstances after the issuance or most recent renewal of the License result in an impact to the health, welfare, or safety of the community or environment that cannot be mitigated by the imposition of new conditions;
 - (5) The Licensee has failed to provide all information required in the License renewal Application and/or has failed to allow a requested inspection of the Premises;
 - (6) The Licensee has any outstanding taxes, fees, or fines owed to the Department or to the County;
 - (7) The License is suspended or revoked at the time of the request for License renewal;
 - (8) The Licensee is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business and Professions Code Section 26057(b)(4), (b)(6); or
 - (9) The Licensee or an owner has been sanctioned by the State or any other licensing authority for unauthorized commercial Cannabis Activities or has had a State License or any other License, permit,

or authorization for commercial Cannabis Activity suspended or revoked between the time the original License was issued and the filing of the request for License renewal.

5.148.100 "License nontransferable Change in ownership"

- (a) A License issued under this chapter does not create any interest of value, and is not transferable or assignable to another person or owner and automatically terminates upon transfer of ownership of the License. Any change in the owners requires submission the information required under Section 5.148.060(b)(8) to the Department a renewal Application pursuant to Section 5.148.090 within 14 calendar days of the effective date of the ownership change. The Licensee may continue to operate under the active license while the Department reviews the qualifications of the new owner(s) in accordance with State law and regulations and this chapter to determine whether the change would constitute grounds for denial of the license, if at least one existing owner is not transferring his or her ownership interest and will remain as an owner under the new ownership structure. If all owners will be transferring their ownership interest, the business shall not operate under the new ownership structure until a new license application has been submitted to and approved by the Department, and all application and license fees for the new application have been paid. Except in cases of death or incapacity of a Licensee as set forth below in paragraph (c), if the License is not renewed prior to transfer of ownership, it shall be deemed revoked and the Licensee must cease all commercial Cannabis Activities until such time that the Licensee is issued a new License from the Department. The Licensee and all owners will be subject to enforcement actions set forth below in Section 5.148.180 for continuing operations after a License has expired without a renewal.
- (b) A change in ownership occurs when a new person meets the definition of owner in Section 5.148.020(y). A License is issued to and covers only the Licensee with respect to the Premises identified on the License. The License does not run with the land and a Licensee shall not sublet any portion of the Premises.
- (c) A change in ownership does not occur when one or more owners leave the business by transferring their ownership interest to the other existing owner(s). In the event of the death, incapacity, receivership, assignment for the benefit of creditors of a Licensee, or other event rendering a Licensee incapable of performing the duties associated with the License, the Licensee's successor in interest (e.g., appointed guardian, executor, administrator, receiver, trustee, or assignee) shall notify the Department in writing within ten (10) business days of receiving legal authority to act on behalf of the Licensee and provide documentation (1) demonstrating that the Licensee is incapable of performing the duties associated with the License, such as a death certificate or a court order finding the Licensee lacks capacity, and (2) proving the successor in interest has legal authority to act on behalf of the Licensee, such as a court order or trust agreement. To continue operating under the License, the successor in interest shall submit a renewal Application pursuant to Section 5.148.090 within thirty (30) days of receiving legal authority to act on behalf of the Licensee. If the successor in interest fails to either notify the Department within ten (10) days or submit a renewal Application within thirty (30) days, as set forth above, the License shall be deemed revoked and the Licensee must cease all commercial Cannabis Activity until such time that the Licensee is issued a new License from the Department. The Licensee, all owners, and the successor in interest will be subject to enforcement actions set forth below in Section 5.148.180 for continuing operations after a License has expired without a renewal.
- (d) A License is issued to and covers only the Licensee with respect to the Premises identified on the License. The License does not run with the land and a Licensee shall not sublet any portion of the Premises.

5.148.110 "Fees"

- (a) The filing of an initial Application and/or an Application for renewal or modification of a License shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration and enforcement of this chapter. Such fees are non-refundable. Applicants and Licensees are responsible for the costs of inspections, investigations, and any other activity required pursuant to this chapter. All fees and costs specified by this chapter shall be established by resolution of the Board of Supervisors and may be amended from time to time.

- (b) In the event that the required fees are not established by the Board of Supervisors on or before January 1, 2018, Applications may be submitted ~~on~~ without such fees in the interim period before such fees are established. For any Applications submitted to the Department under this provision, payment of such fees shall be due within twenty-four (24) hours of the date such fees are established by the Board of Supervisors. Applications are not considered complete, and Licenses will not be issued, until all required fees have been paid.

5.148.160 "Cultivation requirements"

- (b) Number of Licenses. The Department will not restrict the total number of Licenses an owner is authorized to hold at any point in time, ~~or an provided the~~ owner's total authorized canopy, ~~provided as indicated in the Licenses, does not exceed a maximum of sixty-six thousand (66,000) square feet on a single parcel or across multiple parcels~~ the number of Licenses and canopy and meets all State ~~and County~~ requirements. Multiple cultivation Licenses may be located on the same parcel if each Premises has a unique entrance and immovable physical barriers between uniquely Licensed Premises. All Licensees must meet all applicable State and County land use and zoning requirements. Licensees are prohibited from commingling Cannabis from other Premises.
- (g) ~~Agricultural Production Protection. Cultivation shall not displace any non-Cannabis commercial production existing as of June 1, 2017. However, a Licensee may offset a proposed Cultivation Site by relocating existing agricultural production to another area of the property where the Premises is located on a 1:1 ratio, provided such relocation does not conflict with any applicable policy or regulation. If the proposed Cultivation Site is located on a parcel under a Land Conservation Act (Williamson Act) contract, the Licensee must comply with all San Mateo County Land Conservation Act Uniform Rules and Procedures before engaging in Commercial Cannabis Activities. A plan for compliance with this section shall be proposed at the Application stage.~~
- (j) Security and Fencing. All Cultivation Sites shall be screened from public view by native, fire resistant vegetation, and vehicle access fenced with locking gates. Fencing and fencing materials shall be consistent with the surrounding area and shall not diminish the visual quality of the Premises or surrounding area. ~~Razor wire, chain link, and similar fencing is not permitted.~~ Security measures shall be designed to ensure emergency access in compliance with fire safety standards. All structures used for Cultivation shall have locking doors to prevent free access. If a Licensee hires or contracts for security personnel to provide security services, such security personnel shall comply with all State requirements relating to proprietary/private security services as currently set forth in Chapters 11.4 and 11.5 of Division 3 of the California Business and Professions Code. A plan for compliance with this section and the surveillance, alarm, and monitoring requirements set forth above in Section 5.148.130 shall be proposed at the Application stage. Security plans will be confidential to the extent authorized by law.
- (n) Energy Usage. All electrical power, including, without limitation, for illumination, heating, cooling, and ventilation, shall be provided by on-grid power with one hundred (100) percent renewable energy source or on-site zero net energy renewable source such that annual consumed energy is less than or equal to the on-site renewable generated energy. All structures must comply with the current California Energy Efficiency Standards for newly constructed and or renovated buildings per Title 24, Part 6 Energy Code. The use of generators is prohibited, except for portable temporary use in emergencies only. A plan for compliance with this section shall be proposed at the Application stage.
- (r) Waste Management. All Cannabis waste must be properly stored and secured to prevent access by the public. ~~All garbage and refuse on the Cultivation Site shall be accumulated or stored in nonabsorbent, water tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on the Cultivation Site shall not be accumulated or stored for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh (7th) day. All non-Cannabis waste, including, without limitation, refuse, garbage, green waste, and recyclables, must be disposed of in~~

~~accordance with County and State codes, laws and regulations.~~ A plan ~~demonstrating for~~ compliance with ~~applicable State regulations this section regarding waste management~~ shall be proposed at the Application stage. The plan must address the storing, handling, and disposing of all waste by-products of Cultivation and, at minimum, characterize the anticipated amount and types of waste generated, identify the designated holding area(s) for Cannabis waste, and describe the operational measures that are proposed to manage, track/identify, and dispose of Cannabis waste in compliance with County and State standards.

- (s) Water Usage. ~~Licensees must identify a water supply source adequate to meet all cultivation uses on a sustainable basis for the Premises,~~ Applicants must provide evidence to the satisfaction of the Community Development Director, or designee, that adequate water is available to serve the proposed cannabis operation and other uses existing or proposed on the parcel on a sustainable basis. ~~If surface water is to be used, proof of adequate riparian water rights or appropriate water rights shall be provided. If ground water is to be used, such as agricultural wells, and the well to be utilized is within a basin that has been determined to be a medium or high-priority basin under the Sustainable Groundwater Management Act, the applicant must provide documentation to the satisfaction of the Community Development Director, or designee, that the water usage proposed on the parcel shall not exceed the historic water usage on the parcel, as determined by the Community Development Director. Finally, if water service is to be used, the applicant must provide a can and will serve letter from the water service provider that states that the water service provider shall serve the current and proposed uses on the parcel. Additionally, Licensees must~~ provide the Department with proposed conservation measures, demonstrate that Licensee is in compliance with all statutes, regulations, and requirements of the State Department of Food and Agriculture and State Water Resources Control Board, Division of Water Rights, and allow the Department and/or other County departments access to the Premises to monitor water usage. Domestic water sources must be from a source permitted by the County. A plan for compliance with this section shall be proposed at the Application stage. Applicants are encouraged to work with the San Mateo County Resource Conservation District for help in plan development.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

County of San Mateo
Planning and Building Department

**INITIAL STUDY
ENVIRONMENTAL EVALUATION CHECKLIST**
(To Be Completed by Planning Department)

1. **Project Title:** Commercial Cannabis Cultivation Ordinance Amendments
2. **County File Number:** PLN 2022-00066
3. **Lead Agency Name and Address:** County of San Mateo Planning and Building Department, 455 County Center, 2nd Floor Redwood City, CA 94063
4. **Contact Person and Phone Number:** Delaney Selvidge, Project Planner 650/363-1867
5. **Project Location:** All lands designated as “Agriculture” on the San Mateo County General Plan Land Use Map. These lands are distributed throughout the Coastal Zone of unincorporated San Mateo County. Also, lands designated as “Open Space – Rural” or “Timber Production – Rural” on the San Mateo County General Plan Land Use Map where said lands have documented commercial agricultural operations for the three consecutive years prior to adoption of the existing Commercial Cannabis Cultivation Ordinance on June 1, 2017.
6. **Assessor’s Parcel Number and Size of Parcel:** Various
7. **Project Sponsor’s Name and Address:** County of San Mateo Planning and Building Department 455 County Center, 2nd Floor Redwood City, CA 94063
8. **General Plan Designation:** Agriculture (and Open Space Rural and Timber Production – Rural where the three consecutive years of commercial agricultural operations prior to the adoption of the existing Commercial Cannabis Cultivation Ordinance is documented).
9. **Zoning:** Primarily PAD (Planned Agricultural Development). However, there are a few parcels with the “Agriculture” land use designation that also are zoned RM-CZ (Resource Management – Coastal Zone). Commercial cultivation operations could also occur on land zoned RM-CZ or TPZ-CZ (Timber Production Zone – Coastal Zone) if the applicant can document that there have been three consecutive preceding years of commercial agricultural operations on the parcel prior to the adoption of the existing Commercial Cannabis Cultivation Ordinance.
10. **Description of the Project:** The County is preparing an update to its cannabis ordinance, initially adopted in 2017, based on a comprehensive review of the effectiveness of the ordinance and consideration of concerns raised by existing license holders operating in the unincorporated County.

The existing cannabis ordinance creates a discretionary licensing program and limits the potential locations where commercial cannabis activities may occur based on the General Plan land use designation/historical agricultural use of the property and based on proximity to sensitive land uses. Because the County’s issuance of cannabis licenses is discretionary, CEQA compliance is considered for each license application. In addition, the cannabis ordinance does not directly authorize any new physical development, such as construction of

new greenhouses, or expansion of existing greenhouse complexes. Any new development needed to facilitate cannabis cultivation would require discretionary permits and review prior to issuance of any cannabis license. The proposed ordinance changes would not alter these program features.

Proposed ordinance changes include removing the canopy limit that was imposed on each owner of a license, allowing licensed cultivators to distribute their product between licensees instead of relying solely on a third party, and eliminating the requirement that cannabis licensees maintain non-cannabis production that may have existed in June of 2017. Other less substantive changes are intended to improve the program's regulatory effectiveness and streamline implementation. Overall, staff anticipates that the ordinance amendments may increase the amount of cannabis cultivated by a given licensee at a particular location and may reduce obstacles to cannabis cultivation on parcels not currently engaged in cannabis farming. The precise extent to which the amendments may facilitate expansion of cannabis cultivation depends on a number of factors and is speculative at this time. Features of the existing and proposed ordinance (including location restrictions, setbacks, and discretionary review process) and otherwise applicable County land use regulations (including permit review processes for new development) is expected to continue to significantly limit the scope of cannabis cultivation in the County and ensure review of all cannabis licenses and associated development on a case-by-case basis.

This IS/ND analyzes, at a programmatic level, the potential environmental impacts that might result from the proposed amended ordinance, as compared to the existing conditions under the existing ordinance. See Attachment A showing all proposed ordinance modifications.

11. **Surrounding Land Uses and Setting:** Various
12. **Other Public Agencies Whose Approval is Required:** None
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** Notices to the Tamien Nation, who have requested notice of relevant projects, were sent on January 22, 2022. The Tamien Nation has not requested consultation within 30 days of receipt of the notice regarding the proposed amendments to the commercial cannabis cultivation ordinance amendments.

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" or "Significant Unless Mitigated" as indicated by the checklist on the following pages.

	Aesthetics		Energy		Public Services
	Agricultural and Forest Resources		Hazards and Hazardous Materials		Recreation
	Air Quality		Hydrology/Water Quality		Transportation
	Biological Resources		Land Use/Planning		Tribal Cultural Resources
	Climate Change		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Wildfire
	Geology/Soils		Population/Housing		Mandatory Findings of Significance

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in 5. below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other California Environmental Quality Act (CEQA) process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to

applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c. **Mitigation Measures.** For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. **Supporting Information Sources.** Sources used or individuals contacted should be cited in the discussion.

1. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
1.a. Have a substantial adverse effect on a scenic vista, views from existing residential areas, public lands, water bodies, or roads?				X
<p>Discussion: The proposed ordinance amendments will not authorize any new development by right. Existing greenhouse structures continue to be eligible for use for commercial cannabis cultivation, subject to receipt of the required cannabis license. As is the case with the existing ordinance, no new development activities would be permitted as part of the cannabis cultivation license process. The construction of new structures for cultivation (i.e., greenhouses) remain subject to existing permitting requirements, including discretionary Planning permits. Any future construction of new greenhouses and/or site development that could potentially be used for commercial cultivation will be subject to a separate permitting process at the time of application. Such future permitting process will consider the impacts of the physical development of the parcel, including applicable design standards contained within the County Zoning Regulations and Local Coastal Program, which are designed, in part, to protect scenic vistas and views from existing residential areas and public lands.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018), (Proposed Amendments to Cannabis Cultivation Ordinance, 2022), (Local Coastal Program Policies, 2013).</p>				
1.b. Substantially damage or destroy scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
Discussion: See staff’s response to Question 1(a).				

Source:				
1.c.	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings, such as significant change in topography or ground surface relief features, and/or development on a ridgeline? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X
Discussion: See staff's response to Question 1(a).				
Source:				
1.d.	Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?		X	
Discussion: Any expansion of operations or new operations facilitated by these ordinance amendments have the potential to result in an increase in light coming from the parcels. The ordinance currently requires all lighting be fully shielded, downward casting, and not spill over onto other structures, other properties or the night sky. The requirement that between sunset and sunrise light shall not escape at a level that is visible from neighboring properties or the public right-of-way, and, to the extent feasible, from a fixed location two hundred fifty (250) feet in all directions from the structure where the Cultivation is being conducted will also continue to remain in effect. A lighting plan demonstrating compliance is required as part of any application for a new, expanded, or renewed permit.				
Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).				
1.e.	Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?		X	
Discussion: Existing or future structures that may be used for commercial cannabis cultivation under the current or amended ordinance may be located within designated Scenic Corridors. However, all cultivation operations must occur within enclosed buildings, specifically within mixed-light greenhouses. The greenhouse structures used for cultivation of cannabis will be visually indistinguishable from those used for any other agricultural operation. Any expansion of operations or new operations facilitated by these ordinance amendments would occur within these enclosed greenhouses. Any new structural development associated with such operations will be reviewed under the same visual resource standards as all other agricultural structures. As the locations available for cultivation, both structure and parcel type, have not been altered by the proposed amendments to the existing ordinance, the impact of the proposed ordinance amendments will be less than significant.				

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (San Mateo County Zoning Regulations, 2022); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).					
1.f.	If within a Design Review District, conflict with applicable General Plan or Zoning Ordinance provisions?			X	
Discussion: See staff's response to Question 1(e).					
Source:					
1.g.	Visually intrude into an area having natural scenic qualities?			X	
Discussion: See staff's response to Question 1(e).					
Source:					

<p>2. AGRICULTURAL 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 Department 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:</p>					
		<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
2.a.	For lands outside the Coastal Zone, 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?				X
<p>Discussion: State law (California Business and Professions Code Section 26060(a)) defines cannabis as an agricultural product for the purposes of cannabis cultivation licenses. As a result, the commercial cultivation of cannabis under both the current ordinance and proposed amendments is considered an agricultural use.</p> <p>Source: (California Business and Professions Code Section 26060, 2017); (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>					

2.b. Conflict with existing zoning for agricultural use, an existing Open Space Easement, or a Williamson Act contract?				X
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Discussion: As stated in 2(a) above, the cultivation of cannabis is considered an agricultural operation and would be treated as such in all these zoning related scenarios. Cannabis cultivation operations may be allowed on lands under a Williamson Act contract as long as the property complies with the requirements of the County’s Land Conservation Act Uniform Rules and Procedures. While the proposed amendments eliminate the existing Section 5.14.160(g) of the ordinance which states this requirement, any landowners under a Land Conservation Act (Williamson Act) contract must comply with all San Mateo County Land Conservation Act Uniform Rules and Procedures. This is regardless of whether the cannabis ordinance reiterates this requirement. Therefore, the proposed amendments to the existing ordinance will not result in any changes to the responsibilities of landowners under Williamson Act contracts or whose land contains Open Space Easements.

Source: (Land Conservation (Williamson) Act: Uniform Rules and Procedures, 2013); (Commercial Cannabis Cultivation Ordinance, 2018).

2.c. 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 forestland to non-forest use?				X
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Discussion: As stated in 2(a) and 2(b) above, the cultivation of cannabis is defined as an agricultural operation by State law. The existing ordinance allows cannabis cultivation subject to a cannabis cultivation license within existing greenhouse structures, which will not cause the conversion of any farmland or forestland. No new development activities would be permitted as part of the cannabis cultivation license process, and therefore the ordinance would not lead to any conversion of forestland to non-forest use. The construction of new structures for cultivation (i.e., greenhouses) remain subject to existing permitting requirements, including discretionary Planning permits. Any future construction of new greenhouses and/or site development that could potentially be used for commercial cultivation will be subject to a separate permitting process at that time. Such future permitting process will consider the impacts of the physical development of the parcel, including applicable state or federal regulations, when and if a specific project is proposed on a specific parcel. The proposed cannabis ordinance amendments include the removal of a section that requires that commercial cannabis cultivation not displace any non-cannabis commercial agricultural production existing as of January 1, 2017. Alternatively, a person seeking to engage in commercial cannabis cultivation could offset a proposed cultivation site by relocating existing agricultural production to another area of the property on a 1 to 1 ratio, provided such relocation does not conflict with any applicable policy or regulation. However, it was found that this section ordinance was difficult to implement and resulted in greenhouse space that had become vacant after June 1, 2017 being ineligible for cannabis cultivation, even if the vacancy was not related to cannabis cultivation. As such, we do not expect the elimination of this section to have significant impacts on traditional agricultural production. Additionally, removal of this replacement provision will not result in conversion of Farmland to non-agricultural uses, as cannabis cultivation is considered under State law as an agricultural use. Therefore, replacement of traditional agriculture with cannabis cultivation will result in replacing one agricultural use with another.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

2.d. For lands within the Coastal Zone, convert or divide lands identified as Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?				X
<p>Discussion: See staff's response to Question 2(c).</p> <p>Source:</p>				
2.e. Result in damage to soil capability or loss of agricultural land?				X
<p>Discussion: See staff's response to Question 2(c).</p> <p>Source:</p>				
<p>2.f. Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?</p> <p><i>Note to reader: This question seeks to address the economic impact of converting forestland to a non-timber harvesting use.</i></p>				X
<p>Discussion: See staff's response to Question 2(c).</p> <p>Source:</p>				

<p>3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
	Potentially Significant Impacts	Significant Unless Mitigated	Less Than Significant Impact	No Impact
3.a. Conflict with or obstruct implementation of the applicable air quality plan?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the current ordinance and proposed amended ordinance, can only occur within enclosed greenhouses subject to a cannabis license. There is no evidence at this time that cultivation operations (under the existing or proposed ordinance) will emit hazardous emissions that will violate standards contained in the 2017 Bay Area Clean Air Plan. There is the potential that future construction of greenhouses for cultivation could generate dust and particulate emissions akin to any typical construction project. Construction of any new greenhouses would still require discretionary permits pursuant to the County's existing land use regulations. If such proposals are submitted in</p>				

the future, they will be evaluated under CEQA for impacts at that time and mitigated as appropriate. Further, the existing ordinance requires the use of renewable energy sources and prohibits fossil-fuel generators except for portable temporary use in emergencies (5.148.160(m)). It also requires that commercial cannabis operators include proper ventilation and odor control filtration (5.148.130(f)). The proposed ordinance amendments make no changes to these requirements.

Source: (Bay Area Air Quality Management District, 2017); (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

3.b.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			X

Discussion: The commercial cultivation of cannabis is an agricultural use on parcels zoned and traditionally used for agriculture. Each individual license will be subject to a separate CEQA process that will consider any net increases of criteria pollutants. Therefore, it is not anticipated that the proposed cannabis cultivation ordinance amendments will impact criteria pollutant emissions.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

3.c.	Expose sensitive receptors to substantial pollutant concentrations, as defined by the Bay Area Air Quality Management District?			X
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Discussion: See staff's response to Question 3(a).

Source:

3.d.	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		X	
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Discussion: Cannabis cultivation has been known to produce significant odors when the plants flower prior to harvesting. These odors can have significant impacts upon populations in close proximity to the cannabis cultivator. The existing ordinance placed limits upon the proximity of cannabis cultivation to sensitive receptors, including requiring all premises used for mature plant cultivation to be set back a minimum of 600 feet from any residentially designated property (5.148.160(e)) and set back at least 300 feet from residential and business structures on surrounding properties (5.148.160(d)). In addition, all mature plant cultivation operations are required to install odor control filtration and ventilation systems and direct any exhaust vents away from residential uses or zones (5.148.130(f)). These setbacks and odor control requirements do not apply to nursery-only cultivation, because cannabis nursery stock is removed from the premises before plants reach the flowering stage, which is the stage known to contribute to odor

impacts. The proposed ordinance amendments would not modify the existing setbacks, or odor control filtration requirements, ensuring impacts will be less than significant.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

4. BIOLOGICAL RESOURCES. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
4.a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service or National Marine Fisheries Service?				X
<p>Discussion: While the proposed ordinance amendments may allow for an expansion of the number or size of cannabis cultivation operators within the County, the commercial cultivation of cannabis is an agricultural operation that, under the existing and proposed ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance, nor the proposed ordinance amendments authorize any new construction or modify any land use regulations. As a result, the amendments would not authorize any land disturbance that could result in any adverse impacts to sensitive habitats or species. Any impacts to biological resources due to the construction of any future greenhouse buildings that could potentially be used for cultivation will continue to be subject to future discretionary review, including CEQA review. Additionally, each cannabis license will continue to be subject to discretionary CEQA review and any impacts related to water use will be evaluated when and if a specific project is proposed on a specific parcel.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				
4.b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service or National Marine Fisheries Service?				X
<p>Discussion: See discussion under Question 4(a). Additionally, the existing ordinance provides that runoff containing sediments or other waste or byproducts, including fertilizers and pesticides, shall not be allowed to drain to any storm drain system, waterways, or adjacent lands, and shall comply with all applicable state and federal laws, and that individuals must develop a plan for compliance before engaging in commercial cannabis cultivation (5.148.160(j-k)). The proposed ordinance amendments make no changes to these provisions of the existing ordinance. It also provides that individuals must provide a plan for storing, handling, and disposing of all waste by-products and, at a</p>				

minimum, characterize the anticipated amount and types of waste generated, identify the designated holding area(s) for cannabis waste, and describe operational measures that are proposed to manage, track/identify, and dispose of cannabis waste in compliance with County and State standards. The proposed ordinance amendments make no changes to these provisions of the existing ordinance and therefore there will be no significant impact.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

4.c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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Discussion: This question is project and site specific. The proposed ordinance amendments will not authorize any new development by right. Existing greenhouse structures continue to be eligible for use for commercial cannabis cultivation, subject to receipt of the required cannabis license. As is the case with the existing ordinance, no new development activities would be permitted as part of the cannabis cultivation license process, and therefore the ordinance would not lead to any direct disturbance of wetlands. The construction of new structures for cultivation (i.e., greenhouses) remain subject to existing permitting requirements, including discretionary Planning permits. Any future construction of new greenhouses and/or site development that could potentially be used for commercial cultivation will be subject to a separate permitting process at that time. Such future permitting process will consider the impacts of the physical development of the parcel, including applicable state or federal regulations, when and if a specific project is proposed on a specific parcel.

Source: (San Mateo County Zoning Regulations, 2022); (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

4.d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
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Discussion: See staff’s response to Question 4(c).

Source:

4.e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)?				X
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Discussion: See staff’s response to Question 4(c).

Source:

4.f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				X
Discussion: See staff's response to Question 4(c).					
Source:					
4.g.	Be located inside or within 200 feet of a marine or wildlife reserve?				X
Discussion: See staff's response to Question 4(c).					
Source:					
4.h.	Result in loss of oak woodlands or other non-timber woodlands?				X
Discussion: See staff's response to Question 4(c).					
Source:					

5. CULTURAL RESOURCES. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
5.a.	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?			X
Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize any new construction or demolition. Adoption of the proposed amendments do not authorize any adverse impacts to cultural or historic resources. Any potential impacts upon cultural or historic resources due to the construction of any future greenhouse buildings that could potentially be used for cannabis cultivation would be analyzed as part of the discretionary planning permit review for that specific project.				
Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).				
5.b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?			X
Discussion: See staff's response to Question 5(a).				

Source:					
5.c.	Disturb any human remains, including those interred outside of formal cemeteries?				X
Discussion: See staff's response to Question 5(a).					
Source:					

6. ENERGY. Would the project:					
		<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
6.a.	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X
<p>Discussion: Due to the elimination of restrictions such as limits on the amount of canopy per owner and elimination of the agricultural production protection provision, the ordinance amendments could increase commercial cannabis cultivation in San Mateo County. However, in addition to other changes, cannabis cultivators will now be required to comply with the current California Energy Efficiency Standards for newly constructed and/or renovated buildings per Title 24, Part 6 Energy Code. Therefore, the proposed amendments will not result in wasteful, inefficient, or unnecessary consumption of energy resources.</p> <p>Source: (General Plan, Chapter 17, Energy and Climate Change Element, 2013); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>					
6.b.	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.				X
<p>Discussion: The existing ordinance requires that 100% of energy for cannabis cultivation operations be from either an on-grid renewable energy source or an on-site zero net energy renewable source. The proposed ordinance amendments do not change this provision sections of the existing ordinance. Additionally, Section 5.148.160(m) now requires that cannabis cultivators comply with Title 24 Part 6 Energy Code of the California Energy Efficiency standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>					

7. GEOLOGY AND SOILS. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
7.a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the following, or create a situation that results in:				
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? <i>Note: Refer to Division of Mines and Geology Special Publication 42 and the County Geotechnical Hazards Synthesis Map.</i>				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing and proposed ordinance, can only occur within enclosed greenhouses. The ordinance amendments do not authorize any new construction, and construction of any greenhouse intended for cannabis cultivation would require discretionary planning permits. This category of impact is site specific. Any potential impacts on or affecting geologic resources/hazards due to construction activities would be analyzed pursuant to existing planning review requirements at the time that a specific greenhouse is proposed.</p> <p>Source: (California Business and Professions Code Section 26060, 2017); (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				
ii. Strong seismic ground shaking?				X
<p>Discussion: See staff's response to Question 7(a)(i).</p> <p>Source:</p>				
iii. Seismic-related ground failure, including liquefaction and differential settling?				X
<p>Discussion: See staff's response to Question 7(a)(i).</p> <p>Source:</p>				
iv. Landslides?				X
<p>Discussion: See staff's response to Question 7(a)(i).</p> <p>Source:</p>				

<p>v. Coastal cliff/bluff instability or erosion?</p> <p><i>Note to reader: This question is looking at instability under current conditions. Future, potential instability is looked at in Section 7 (Climate Change).</i></p>				X
<p>Discussion: See staff's response to Question 7(a)(i). Source:</p>				
<p>7.b. Result in substantial soil erosion or the loss of topsoil?</p>				X
<p>Discussion: See staff's response to Question 7(a)(i). Source:</p>				
<p>7.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, severe erosion, liquefaction or collapse?</p>				X
<p>Discussion: See staff's response to Question 7(a)(i). Source:</p>				
<p>7.d. Be located on expansive soil, as defined in Table 18-1-B of Uniform Building Code, creating substantial direct or indirect risks to life or property?</p>				X
<p>Discussion: See staff's response to Question 7(a)(i). Source:</p>				
<p>7.e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</p>				X
<p>Discussion: See staff's response to Question 7(a)(i). Source:</p>				
<p>7.f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>				X

Discussion: See staff's response to Question 7(a)(i).

Source:

8. CLIMATE CHANGE. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
8.a. Generate greenhouse gas (GHG) emissions (including methane), either directly or indirectly, that may have a significant impact on the environment?				X
<p>Discussion: The proposed ordinance amendments would not authorize any new development by right. Existing greenhouse structures continue to be eligible for use for commercial cannabis cultivation, subject to receipt of the required cannabis license. As is the case with the existing ordinance, no new development activities would be permitted as part of the cannabis cultivation license process. The construction of new structures for cultivation (i.e., greenhouses) remain subject to existing permitting requirements, including discretionary Planning permits. Any future construction of new greenhouses and/or site development that could potentially be used for commercial cultivation will be subject to a separate permitting process at that time. Such future permitting process will consider the impacts of the physical development of the parcel, including greenhouse gas emissions, when and if a specific project is proposed on a specific parcel.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (General Plan, Chapter 17, Energy and Climate Change Element, 2013).</p>				
8.b. Conflict with an applicable plan (including a local climate action plan), policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
<p>Discussion: See staff's response to Question 8(b).</p> <p>Source:</p>				
8.c. Result in the loss of forestland or conversion of forestland to non-forest use, such that it would release significant amounts of GHG emissions, or significantly reduce GHG sequestering?				X
<p>Discussion: The existing ordinance allows cannabis cultivation subject to a cannabis license. The existing and proposed ordinance encourage cannabis cultivation within existing greenhouse structures, because construction of new greenhouses requires extensive discretionary planning review and permits. Because the existing and proposed ordinance encourage use of existing greenhouses, the ordinance is not expected to cause the conversion of any farmland or forestland.</p>				

Any future construction of new greenhouses and/or site development that could potentially be used for commercial cultivation will be subject to a separate discretionary permitting process at that time. Such future permitting process will consider the impacts of the physical development of the parcel, including greenhouse gas emissions or reduction in greenhouse gas sequestration, when and if a specific project is proposed on a specific parcel.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (General Plan, Chapter 17, Energy and Climate Change Element, 2013).

8.d. Expose new or existing structures and/or infrastructure (e.g., leach fields) to accelerated coastal cliff/bluff erosion due to rising sea levels?				X
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Discussion: The proposed ordinance amendments will not authorize any new development by right, including any alterations to the existing land condition. Existing greenhouse structures continue to be eligible for use for commercial cannabis cultivation, subject to receipt of the required cannabis license. As is the case with the existing ordinance, no new development activities would be permitted as part of the cannabis cultivation license process. The construction of new structures for cultivation (i.e., greenhouses) remain subject to existing permitting requirements, including discretionary Planning permits. Any future construction of new greenhouses and/or site development that could potentially be used for commercial cultivation will be subject to a separate permitting process at that time. Such future permitting process will consider the impacts of the physical development of the parcel, including risks due to rising sea levels or flooding, when and if a specific project is proposed on a specific parcel.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

8.e. Expose people or structures to a significant risk of loss, injury or death involving sea level rise?				X
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Discussion: See staff's response to Question 8(d).

Source:

8.f. Place structures within an anticipated 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
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Discussion: See staff's response to Question 8(d).

Source:

8.g. Place within an anticipated 100-year flood hazard area structures that would impede or redirect flood flows?				X
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Discussion: See staff's response to Question 8(d).

Source:

9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
9.a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (e.g., pesticides, herbicides, other toxic substances, or radioactive material)?				X

Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. The County's ordinance does not require that this plant be grown organically. Therefore, it is possible that individual growers will utilize commercial pesticides and/or herbicides as with other agricultural crops. The transportation, storage and use of commercial pesticides and herbicides is regulated by the State and overseen by the County Agricultural Commissioner. Submission of a Pesticide Plan is included as an application requirement. Hazardous materials (toxic substances or radioactive material) are regulated by the State and overseen by the County Environmental Health Director. Further, the ordinance expressly requires growers who utilize hazardous materials to comply with all applicable County and State hazardous materials requirements (Section 5.148.160(p)). Additionally, the ordinance provides that runoff containing sediment or other waste or byproducts, including fertilizers and pesticides, shall not be allowed to drain to a storm drain system, waterways, or adjacent lands, and shall comply with all applicable State and Federal laws, and that individuals must develop a plan for compliance before engaging in commercial cannabis cultivation (Section 5.148.160(j)). It also provides that individuals must provide a plan for storing, handling, and disposing of all waste by-products and, at minimum, characterize the anticipated amount and types of waste generated, identify the designated holding area(s) for cannabis waste, and describe operational measures that are proposed to manage, track/identify, and dispose of cannabis waste in compliance with County and State standards (Section 5.148.160(q)). The proposed ordinance amendments make no changes to these provisions of the existing ordinance; therefore, no impacts are anticipated.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

9.b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
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Discussion: See staff's response to Question 9(a).					
Source:					
9.c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
<p>Discussion: In addition to the discussion under Question 9(a), this question is predicated upon activities/development occurring in a known, specific location. At the present time, it is not known on a parcel by parcel basis where commercial growers will seek to establish growing operations in the future. The existing ordinance requests all commercial cannabis cultivation operations to be a minimum of 1,000 feet from all schools, and the proposed ordinance would not alter this requirement. In addition, as described in Question 9(a), any hazardous materials used for cultivation operations would be subject to regulatory oversight.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>					
9.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?				X
<p>Discussion: See staff's response to Question 9(a) and (c).</p> <p>Source:</p>					
9.e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. The proposed ordinance amendments do not make any changes to this provision of the ordinance. Neither the existing ordinance nor the proposed ordinance amendments authorize new construction. This category of impact is site specific. Any potential impacts due to construction on or near lands within two miles of an airport will be analyzed at the time that a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>					

9.f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
<p>Discussion: Under the existing ordinance, the commercial cultivation of cannabis is an agricultural operation that can only occur within enclosed mixed-light greenhouses. There is no evidence to conclude that either the existing ordinance or the proposed ordinance amendments will impair an adopted emergency response or evacuation plan.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				
9.g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorize any new construction. This category of impact is site specific. Any potential impacts due to construction on or near lands within a mapped wildland fire hazard area will be analyzed at the time that a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				
9.h. Place housing within an existing 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction, including housing, would be required to be proposed and permitted separately, and assessed at that time. This category of impact is site specific. Any potential impacts due to construction on or near lands within a mapped flood hazard area will be analyzed at the time that a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				
9.i. Place within an existing 100-year flood hazard area structures that would impede or redirect flood flows?				X
<p>Discussion: See staff's response to Question 9(h).</p> <p>Source:</p>				

9.j. 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?				X
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Discussion: In addition to the discussion under 9(h), any new construction will be assessed for hazards such as levee or dam failure at the time that a specific project is proposed on a specific piece of land. Any new construction shall be proposed and permitted under the applicable standards and requirements separately from an application for a cannabis cultivation license.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

9.k. Inundation by seiche, tsunami, or mudflow?				X
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Discussion: In addition to the discussion under 9(h), any new construction will be assessed for hazards such as inundation by seiche, tsunami or mudflow at the time that a specific project is proposed on a specific piece of land. Any new construction shall be proposed and permitted under the applicable standards and requirements separately from an application for a cannabis cultivation license.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

10. HYDROLOGY AND WATER QUALITY. Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
10.a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash))?				X

Discussion: The existing ordinance includes requirements for compliance with the Waste Discharge Requirements of the Regional Water Quality Control Board (see Section 5.148.160(k) of the existing ordinance). This section of the existing ordinance requires submittal of a wastewater treatment plan as part of the application process. Said plan is reviewed by the County Environmental Health Services for compliance with applicable State and Local regulations. The plan must show how excess irrigation water or effluent from cultivation areas shall be directed to a treatment and distribution system, irrigation, greywater or bio-retention treatment system. The

proposed ordinance amendments make no changes to this section of the ordinance; therefore, the proposed amendments will have no impact.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

10.b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
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Discussion: The proposed ordinance amendments may allow property owners who would not otherwise have pursued cannabis cultivation licenses to pursue such licenses. Restricting cultivation to existing greenhouse space, unless further discretionary permits are sought to construct additional greenhouses, will limit the extent each parcel can pursue cannabis cultivation. However, as specified in the existing ordinance, the operator must provide documentation that demonstrates that the parcel has adequate legally permitted water access to supply the proposed cannabis cultivation and any other uses on the parcel. Groundwater in California is regulated by the Sustainable Groundwater Management Act which developed a framework to protect ground water resources in the long term. According to the County’s Office of Sustainability, all 9 basins within San Mateo County are currently designated as Very Low Priority and therefore are not required to develop local groundwater sustainability agencies. However, adequate groundwater management is needed to preserve County water supplies. Therefore, the proposed ordinance amendments include water use requirements in Section 5.148.160(r) dependent upon the type of water source and the status of the applicable water basin. Therefore, the proposed amendments will have a less than significant impact on groundwater supplies and groundwater recharge.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (Sustainable Groundwater Management Act, 2019).

10.c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:				
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i. Result in substantial erosion or siltation on- or off-site;				X
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Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential alteration of existing drainage patterns due to construction of new or alteration of existing greenhouses will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (California Business and Professions Code Section 26060, 2017).

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential alteration of the rate or amount of surface runoff due to construction of new or alteration of existing greenhouses will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (California Business and Professions Code Section 26060, 2017).</p>				
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any impacts on capacity of existing or planned stormwater drainage systems or additional sources of polluted runoff due to construction of new or alteration of existing greenhouses will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (California Business and Professions Code Section 26060, 2017).</p>				
iv. Impede or redirect flood flows?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential impact to flood flows due to construction of new or alteration of existing greenhouses will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).</p>				
10.d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X

Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any project proposing construction of new or alteration of existing greenhouses within flood hazard, tsunami, or seiche zones will be analyzed for inundation risk at the time a specific project is proposed on a specific piece of land using applicable standards.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).

10.e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
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Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential conflicts with a water quality control plan or sustainable groundwater management plan will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards. Additionally, the proposed ordinance amendments include water use requirements in Section 5.148.160(r) dependent upon the type of water source and the status of the applicable water basin. Therefore, the proposed amendments will have a less than significant impact on groundwater supplies and groundwater recharge.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Sustainable Groundwater Management Act, 2019).

10.f. Significantly degrade surface or groundwater water quality?				X
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Discussion: See staff's response to Question 10(a).

Source:

10.g. Result in increased impervious surfaces and associated increased runoff?				X
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Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential impacts due to construction of new or alteration of existing greenhouses resulting in increased impervious surfaces will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).

11. LAND USE AND PLANNING. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
11.a. Physically divide an established community?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. State law (California Business and Professions Code Section 26060(a)) defines cannabis as an agricultural product for the purposes of commercial cannabis licensing. Therefore, cannabis cultivation is an agricultural use being proposed on agriculturally zoned or land traditionally utilized for agriculture. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. Additionally, all lands on which the proposed ordinance is applicable are located in rural area of within San Mateo County.</p> <p>Source: (California Business and Professions Code Section 26060, 2017); (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).</p>				
11.b. Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing and proposed ordinance, can only occur within enclosed greenhouses. The existing ordinance requires all individuals seeking to engage in commercial cannabis cultivation to provide evidence that the proposed operation meets all State and County land use and zoning requirements (Section. 5.148.130(b)). The proposed ordinance amendments do not alter this requirement. Potential impacts caused by future development such as proposing greenhouses on vacant land will be examined if and when such projects are proposed and considered, using applicable standards.</p> <p>Source: (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).</p>				

11.c. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?			X	
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Discussion: Due to the elimination of restrictions such as agricultural production protection requirements and limits on canopy per owner, the proposed ordinance amendments could result increase the number of parcels that choose to pursue commercial cannabis cultivation. Therefore, it is possible that adoption of the proposed ordinance amendments could lead to the development of new greenhouses on currently undeveloped agricultural land or expansion of an existing greenhouse complex. However, such development would be subject to an extensive review, permitting and, as applicable, mitigation process. To pursue such development would also require that the site has an adequate water source for irrigation, fire suppression and domestic consumption. Any impacts resulting from new construction or expansion of existing structures would be analyzed if and when a specific project is proposed on a specific piece of land using applicable standards, policies and CEQA requirements.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).

12. MINERAL RESOURCES. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
12.a. Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?				X

Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. State law (California Business and Professions Code Section 26060(a)) defines cannabis as an agricultural product. Therefore, cannabis is an agricultural use being proposed on agriculturally zoned or land traditionally utilized for agriculture. In cases where a cultivation business is proposed within existing greenhouses, any impact to known mineral resources occurred when the buildings were originally constructed. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and potential impacts upon mineral resources will be examined if and when such projects are proposed.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic

Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).				
12.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?				X
Discussion: See staff's response to Question 12(a).				
Source:				

13. NOISE. Would the project result in:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
13.a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. State law (California Business and Professions Code Section 26060(a)) defines cannabis as an agricultural product. Therefore, cannabis is an agricultural use being proposed on agriculturally zoned or land traditionally utilized for agriculture. Greenhouses typically use fans to pull outside air into the building and circulate it, which does generate noise. The existing ordinance states that these commercial operations are subject to the County's noise regulations which does not exempt stationary noise sources associated with agriculture. Therefore, if the operation of a greenhouse air circulation system were to violate the noise standards contained in the County noise regulations, it would be subject to code enforcement action just as any other noise violation would. The proposed ordinance amendments do not alter this section of the existing ordinance. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time for adherence to the County's noise regulations.</p> <p>Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Noise Regulations - San Mateo County Ordinance Code, 2006); (San Mateo County, 2013).</p>				
13.b. Generation of excessive ground-borne vibration or ground-borne noise levels?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. The proposed ordinance amendments do not alter this section of the existing ordinance. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to</p>				

be permitted separately and assessed at that time for adherence to applicable County and State regulations, including the County's Noise Control requirements set forth in Ordinance Code Chapter 4.88 (see 5.148.160(n) of the existing ordinance). There is not a reasonable expectation that commercial cultivation of cannabis will cause excessive ground-borne vibration or ground-borne noise levels.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Noise Regulations - San Mateo County Ordinance Code, 2006).

13.c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure to people residing or working in the project area to excessive noise levels?				X
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Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. The proposed ordinance amendments do not alter this section of the existing ordinance. Neither the existing ordinance nor the proposed amendments authorize new construction. This category of impact is site specific. Any potential impacts due to construction on or near lands within two miles of an airport will be analyzed at the time a specific project is proposed on a specific piece of land.

Source: (Commercial Cannabis Cultivation Ordinance, 2018) (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022).

14. POPULATION AND HOUSING. Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
14.a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	

Discussion: While it is hoped that permitting the commercial cultivation of cannabis will support the existing agricultural job sector in the region, it is not anticipated that the number of potential jobs created in San Mateo County will result in a significant new demand for housing, above and beyond that demand which already exists. While the proposed ordinance amendments may allow for an expansion of the number or size of cannabis cultivation operators within the County, the commercial cultivation of cannabis is an agricultural operation that, under the existing and proposed ordinance, can only occur within enclosed greenhouses. Any potential housing impacts due to construction of new greenhouses or expansion of existing greenhouse complexes will be assessed if and when a specific project is proposed on a specific piece of land.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic

Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).				
14.b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing nor the proposed ordinance amendments authorize any new construction. As discussed previously, commercial cultivation is only allowed on land designated as “Agriculture” on the San Mateo County General Plan Land Use map, or on land that has a documented history of agriculture. Proposed cultivation within existing greenhouses will by definition, not displace existing housing. Potential new greenhouse construction will not displace existing housing because the existing ordinance requires all commercial cultivation operations to be a minimum of 300 feet from an existing residence. The proposed cannabis ordinance amendments do not alter this section of the existing ordinance.</p> <p>Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).</p>				

<p>15. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p>				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
15.a. Fire protection?				X
15.b. Police protection?				X
15.c. Schools?				X
15.d. Parks?				X
15.e. Other public facilities or utilities (e.g., hospitals, or electrical/natural gas supply systems)?				X

Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing nor the proposed ordinance amendments authorize any new construction. Any new construction would be required to be permitted separately and assessed at that time. Any potential impact to public services due to construction of new or alteration of existing greenhouses will be analyzed at that time.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

16. RECREATION. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
16.a. Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorize any new construction. As was discussed previously, it is not anticipated that allowing commercial cultivation will result in a significant increase in the number of workers and/or residents who are working within this segment of the agricultural workforce.</p> <p>Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).</p>				
16.b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: See staff's response to Question 16(a).</p> <p>Source:</p>				

17. TRANSPORTATION. Would the project:				
	Potentially Significant Impacts	Significant Unless Mitigated	Less Than Significant Impact	No Impact
17.a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and parking?			X	
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorized any new construction. While the proposed changes to the commercial cannabis cultivation ordinance would allow licensees to transport their own product between licenses, this change would not result in more trips as this task is currently being completed by third parties instead of the license holders. Additionally, if a parcel chooses to transition to cannabis cultivation from agricultural production traditionally present on these parcels, the trips associated with cannabis are not anticipated to be significantly greater.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).</p>				
17.b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) <i>Criteria for Analyzing Transportation Impacts?</i> <i>Note to reader: Section 15064.3 refers to land use and transportation projects, qualitative analysis, and methodology.</i>			X	
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorize any new construction. Trips associated with cannabis cultivation are not anticipated to be significantly greater than those associated with agricultural cultivation traditionally present on these parcels.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021); (Local Coastal Program Policies, 2013).</p>				
17.c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X

Discussion: As discussed above, the commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorized any new construction. This impact is both site and project specific. Potential impacts caused by the development of vacant land with greenhouses or expansion of existing greenhouse complexes will be examined if and when such projects are proposed.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021).

17.d. Result in inadequate emergency access?

X

Discussion: See staff's response to Question 17(c).

Source:

18. TRIBAL CULTURAL RESOURCES. Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
18.a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)				X

Discussion: As discussed above, the commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorize any new construction. This impact is both site and project specific. Potential impacts related to development of vacant land with greenhouses or expansion of existing greenhouse complexes will be examined if and when such projects are proposed.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021).

<p>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Subdivision (c) of Public Resources Code Section 5024.1. (In applying the criteria set forth in Subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)</p>				<p>X</p>
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Discussion: As discussed above, the commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorize any new construction. This impact is both site and project specific. Potential impacts related to the development of vacant land with greenhouses or expansion of existing greenhouse complexes will be examined if and when such projects are proposed.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021).

19. UTILITIES AND SERVICE SYSTEMS. Would the project:

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<p>19.a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</p>			<p>X</p>	

Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorize any new construction. This impact is both site and project specific. Potential impacts caused by the development of vacant land with greenhouses or expansion of existing greenhouse complexes will be examined if and when such projects are proposed. Additionally, Section 5.148.160(j) of the existing and proposed ordinance requires the submittal of a stormwater management plan for any new construction.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021).

19.b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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Discussion: As discussed above, the commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed ordinance amendments authorize any new construction. However, due to the elimination of restrictions such as the agricultural production protection provision and limit on canopy per owner, the proposed ordinance amendments could result in parcels that could not or would not have chosen to grow cannabis, growing cannabis. Therefore, it is possible that adoption of the proposed ordinance amendments could facilitate the development of new greenhouses on currently undeveloped agricultural land or expansion of an existing greenhouse complex. Potential impacts related to the development of vacant land with greenhouses or expansion of existing greenhouse complexes is site and project specific and will be examined if and when such projects are proposed. Additionally, Section 5.148.160(r) of the ordinance includes water use requirements in dependent upon the type of water source and the status of the applicable water basin. Therefore, the proposed amendments will have a less than significant impact on groundwater supplies and groundwater recharge.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (Sustainable Groundwater Management Act, 2019).

19.c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?			X	
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Discussion: This category of impact is both site and project specific. Most areas designated as “Agriculture” or that have been traditionally used for agriculture tend to be outside of the boundaries of the County’s various sewer districts which primarily contain the urban areas of the County. However, for those few areas that do fall within district boundaries, the individual sewer district’s ability to provide service will be assessed at the time an application is submitted.

Source: (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (San Mateo County Zoning Regulations, 2022); (Geographic Information System: Planning and Building Map Viewer, 2021).

19.d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
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Discussion: At the present time, the County’s landfill (Ox Mountain Landfill) still has capacity to serve the County’s residents and businesses. As with all businesses and residences in the County, any potential cultivation business would be required to recycle and compost organic waste as much

as possible. The proposed ordinance amendments provide additional flexibility for operators to compost organic waste on site instead of using a waste removal service. It is anticipated that this will reduce the amount of waste generated by the operations, as multiple license operators have indicated an interest in composting organic waste on site. It is not anticipated that the existing, proposed or anticipated cannabis cultivation businesses will generate such a significant increase in solid waste that they overwhelm Ox Mountain's current capacity. In 2019 the South Bayside Waste Management Authority signed a contract with Republic Services, the operator of Ox Mountain Landfill, to continue service for County residents and business through at least 2029 with further options for extension. Therefore, Ox Mountain will continue to provide waste disposal for County with adequate capacity.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (South Bayside Waste Management Authority, 2019).

19.e. Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?				X
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Discussion: See discussion under Question 19(d) above. Additionally, each cannabis cultivation operator is required to apply for and obtain a state cannabis cultivation license. The proposed cannabis cultivation ordinance amendments align with the state requirements. Each operator will be required to obtain and maintain a state license prior to the start of cultivation and comply with state requirements as part of that process. This will ensure that operators meet local, state, and federal requirements.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022); (State of California Department of Cannabis Control, 2021).

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

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
20.a. Substantially impair an adopted emergency response plan or emergency evacuation plan?				X

Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed mixed-light greenhouses. There is no evidence to conclude that implementation of the proposed ordinance amendments will impair an adopted emergency response or evacuation plan. Potential impacts caused cannabis operators who are enabled to seek commercial cannabis cultivation licenses will be examined if and when such projects are proposed. Agencies reviewing applications include those involved in emergency response such as the Sheriff and applicable Fire Department. Applicants are required to seek approval and receive conditions, as applicable, to projects from these agencies before issuance of a cannabis cultivation license.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

20.b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential impact from pollutants due to construction of new or alteration of existing greenhouses will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				
20.c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential impacts due to the installation or maintenance of associated infrastructure will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022)</p>				
20.d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X
<p>Discussion: The commercial cultivation of cannabis is an agricultural operation that, under the existing ordinance, can only occur within enclosed greenhouses. Neither the existing ordinance nor the proposed amendments authorize new construction. Any new construction would be required to be permitted separately and assessed at that time. This category of impact is site specific. Any potential safety risks will be analyzed at the time a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				

21. MANDATORY FINDINGS OF SIGNIFICANCE.				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
21.a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
<p>Discussion: While the proposed ordinance amendments may increase the amount of cannabis cultivated in the County and the number of parcels participating in commercial cannabis cultivation, evaluation of such cultivation remains limited to within existing greenhouse buildings. Any new construction of greenhouses would be subject to separate permitting and impacts to habitat, plant or animal species, and cultural resources any potential impacts to environmental quality will be assessed at the time a specific project is proposed on a specific piece of land using applicable standards.</p> <p>Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).</p>				
21.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.)			X	
<p>Discussion: While the proposed ordinance amendments may increase the amount of cannabis cultivated in the County and the number of parcels participating in commercial cannabis cultivation, the potential impacts to the physical environment will vary depending upon the specific project proposed. As described in question 19(b), Section 5.148.160(r) of the ordinance has been altered to ensure adequate water for the proposed project and that if the water source is classified as at least medium risk under the California Groundwater Sustainability Act, the proposed project would need to prove that the water use proposed would not exceed the current water use on the parcel. Other cumulative effects are not anticipated due to the commercial cannabis ordinance amendments as each license will be evaluated for CEQA impacts and any proposed development will be evaluated as part of a discretionary permitting process. Therefore, the impact of the proposed ordinance amendments is anticipated to be less than significant.</p>				

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

21.c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

X

Discussion: While the proposed ordinance amendments may increase the amount of cannabis cultivated in the County and the number of parcels participating in commercial cannabis cultivation, any potential impacts to the physical environment will vary depending upon the proposed project and require a site-specific analysis. The proposed ordinance amendments, on their own, do not facilitate any adverse effects on human beings. Any potential environmental impacts will be assessed at the time a specific project is proposed on a specific piece of land using applicable standards.

Source: (Commercial Cannabis Cultivation Ordinance, 2018); (Proposed Amendments to Cannabis Cultivation Ordinance, 2022).

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RESPONSIBLE AGENCIES. Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
Bay Area Air Quality Management District		X	
Caltrans		X	
City		X	
California Coastal Commission		X	
California Department of Food and Agriculture		X	
County Airport Land Use Commission (ALUC)		X	
Other: _____		X	
National Marine Fisheries Service		X	
Regional Water Quality Control Board		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
Sewer/Water District:		X	
State Department of Fish and Wildlife		X	
State Department of Public Health		X	
State Water Resources Control Board		X	
U.S. Army Corps of Engineers (CE)		X	
U.S. Environmental Protection Agency (EPA)		X	
U.S. Fish and Wildlife Service		X	

<u>MITIGATION MEASURES</u>		
	<u>Yes</u>	<u>No</u>
Mitigation measures have been proposed in project application.		X
Other mitigation measures are needed.		X
The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines: No additional mitigation measures are needed.		

DETERMINATION (to be completed by the Lead Agency).

On the basis of this initial evaluation:

 X I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Planning Department.

 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 of the mitigation measures in the discussion have been included as part of the proposed project. 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.

(Signature)

Planner II

Date

(Title)

Attachment A: Proposed Amendments to Existing Commercial Cultivation of Cannabis Ordinance (4807).



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

PROPOSED REVISIONS TO CANNABIS ORDINANCE

Proposed changes to the cannabis ordinance are shown below, with additions shown in underline and deletions in ~~strikethrough~~. If adopted, the changes may also result in minor re-numbering/re-lettering of subsections for organizational clarity.

<i>5.148.020 "Definitions"</i>
(aa) "Premises" means the designated structure or structures and land specified in the Application that is owned, leased, or otherwise held under the control of an Applicant or Licensee where the commercial Cannabis Activity will be or is conducted. The Premises shall be a contiguous area, <u>to the extent feasible</u> , and shall only be occupied by one Licensee.
<i>5.148.050 "Prohibited Cannabis Activity"</i>
(b) Notwithstanding the foregoing, the following Commercial Cannabis Activities may occur in the unincorporated area of the County pursuant to a valid State License: <u>(1) transportation of Cannabis on public roads as expressly authorized under California Business and Professions Code Section 26080(b);</u> <u>(2) lawful delivery of Cannabis to a Customer, however, no physical location for such delivery service shall be permitted within the unincorporated area of the County; and</u> <u>(3) distribution of Cannabis among Licensees, however, no physical location for stand-alone Distribution activities shall be permitted within the unincorporated area of the County.</u>
<i>5.148.060 "Commercial Cannabis Activity License Application requirements"</i>
(b) In all cases, the Application shall contain, without limitation, the following information which Applicant shall certify under penalty of perjury is true and correct: <ol style="list-style-type: none">1. The name of the Applicant. For Applicants who are individuals, the Applicant shall provide both the first and last name of the individual. For Applicants who are business entities, the Applicant shall provide the legal business name of the Applicant and, if applicable, the business trade name ("DBA") of the Applicant. In either case, a single individual who shall act as the primary contact shall be identified by the Applicant.2. The commercial Cannabis Activity type the Applicant is applying for, including whether the proposed License will involve medical and/or non-medical commercial Cannabis Activity.3. A list of all State Licenses and any out-of-state or other local Licenses, permits, or authorizations to conduct commercial Cannabis Activity held by the Applicant, including the date the License was issued, the License number, and the licensing authority that issued the License, permit, or other authorization.4. Whether the Applicant has ever been denied the right to conduct commercial Cannabis Activity by the Department, State, or any other Cannabis Licensing Authority, including other licensing authorities within the State or in other states. The Applicant shall provide the type of License applied for, the name of the licensing authority that denied the Application, and the date of denial.5. The physical address(es) of the Premises and the parcel number(s) assigned to the Premises by the assessor. The address of record for the Applicant. The telephone number for the Premises. The website address of the Applicant's business, if applicable. The email address for the Applicant's business, if applicable. Contact information for the Applicant's designated primary contact person including the name, title, address, phone number, and email address of the individual. Contact information for the designated agent for service of process including the name, title, address, phone number, and email address of this individual.

6. All Applicants who are business entities shall provide the business organizational structure of the Applicant, for example, partnership, limited liability company (LLC), or corporation. ~~The business-formation documents, which may include but are not limited to articles of incorporation, operating agreements, partnership agreements, and fictitious business name statements. The Applicant shall also provide all documents filed with the State, which may include but are not limited to articles of incorporation, certificates of stock, articles of organization, certificates of limited partnership, and statements of partnership authority.~~
7. A list of every fictitious business name the Applicant is operating under including the address where the business is located.
8. ~~The Applicant shall supply the following financial information related to the proposed commercial Cannabis Activity:~~
 - i. ~~A list of the Applicant's savings, checking, or other accounts maintained by a financial institution the Applicant intends to use in connection with the proposed commercial Cannabis Activity. The Applicant shall provide for each account, the financial institution's name, the financial institution's address, account type, and account number;~~
 - ii. ~~A list of loans made to the Applicant for its use in conducting the proposed commercial Cannabis Activity. For each loan, the Applicant shall provide the amount of the loan, the date of the loan, term(s) of the loan, security provided for the loan, and the name, address, and phone number of the lender;~~
 - iii. ~~A list of investments made to the Applicant for its use in conducting the proposed commercial Cannabis Activity. For each investment, the Applicant shall provide the amount of the investment, the date of the investment, term(s) of the investment, and the name, address, and phone number of the investor; and~~
 - iv. ~~A list of all gifts of any kind given to the Applicant for its use in conducting the proposed commercial Cannabis Activity. For each gift, the Applicant shall provide the value of the gift or description of the gift, and the name, address, and phone number of the provider of the gift.~~
9. A complete list of every owner. Each individual named on this list shall submit the following information: the full name of the owner; the owner's title within the Applicant entity; ~~the owner's date of birth and place of birth; the owner's social security number or individual taxpayer identification number;~~ the owner's home mailing address; the owner's telephone number. ~~This may include a number for the owner's home, business, or mobile telephone;~~ the owner's email address; the date the owner acquired an ownership interest in the Applicant entity; the percentage of the ownership interest held in the Applicant entity by the owner; if applicable, the number of shares in the Applicant entity that the owner holds; whether the owner has a financial interest in any other business in the State. For purposes of this section "financial interest" means an investment into a business, a loan provided to a business, or any other equity interest in a business; a copy of the owner's government issued identification; acceptable forms of identification are a document issued by a federal, state, county, or municipal government that includes the name, date of birth, physical description, and picture of the person, such as a driver License; and a copy of the owner's completed Application for electronic fingerprint images submitted to the Department of Justice as required by California Business and Professions Code Section 26051.5(a) for a State License or, if the owner has not completed such Application, an acknowledgment that issuance of any local License shall be conditioned upon successful completion of the Department of Justice background check then the owner shall submit fingerprints and other necessary information for a criminal background check to be conducted by the Department and/or a third party authorized by the Department to perform

~~background checks. All individual personal information provided by the Applicant, or than the name of the individual, will be protected from public disclosure unless otherwise required by law.~~

10. Evidence that the Applicant has the legal right to occupy and use the proposed Premises that complies with the requirements of the Department and the State. If the Applicant is not the landowner of the property upon which the Premises is located, the Applicant shall provide to the Department a document from the landowner that states that the Applicant has the right to occupy the property and acknowledging the Applicant may use the property for the commercial Cannabis Activity for which the Applicant is applying. ~~An applicant shall also provide a copy of the rental agreement, as applicable. If the applicant is the landowner of the property on which the Premises is located, the Applicant shall provide to the Department a copy of the title or deed to the property.~~ The Applicant shall provide evidence that the proposed location meets all State and County land use and zoning requirements.
11. The Applicant shall submit to the Department with his or her Application a complete and detailed site plan of the proposed Premises, along with detailed plans showing the proposed location of all Cannabis related activities, employee parking areas, all proposed improvements, and any other information determined by the Department to be necessary for the review of the Application. The plans must be to scale and must comply with all State rules, laws, and regulations regarding Premises diagrams. If the proposed Premises consist of only a portion of a property, the plans must be labeled indicating which part of the property is the proposed Premises and how the remaining property is/will be used. The Applicant must provide evidence that the Premises complies with all setback requirements set forth in this chapter.
12. The Applicant must submit to a pre-inspection of the Premises during regular business hours prior to the issuance of a License. Pre-inspections may include, without limitation, access by employees or agents of the following: the Department; County Code Compliance; County Division of Environmental Health; the applicable Fire Protection Agency; the County Sheriff's Office; the County Department of Agriculture/Weights and Measures; and the County Health System.
13. Prior to Application processing, the Premises shall be free of any violations of State and local standards, including, without limitation, County building standards, County land use requirements, County zoning requirements, County health and safety standards, and applicable fire standards, unless Applicant submits a plan to resolve any such violations to the satisfaction of the County Community Development Director.
14. The Applicant must provide a detailed description and plan for hiring local residents and affirm that Applicant will comply with all applicable federal, state, and local wage and labor requirements.
15. The Applicant must submit a staffing plan for the proposed commercial Cannabis Activity, an organizational chart that outlines the position and responsibilities of each employee, as well as the reporting or supervisory structure for each employee. The Applicant shall also affirm that they will comply with all applicable federal, state, and local laws related to the age of employees for the proposed commercial Cannabis Activity provide written proof (i.e. California driver's License, California identification card, or certified copy of birth certificate) that all supervisors and employees are twenty on (2) years of age or older.
16. For an Applicant with twenty (20) or more employees, the Applicant shall attest that the Applicant has entered or will enter into a labor peace agreement, as required by California Business and Professions Code Section 26051.5(a)(5). Such agreement shall ensure full access for labor representatives to the Premises during regular business hours as allowed by the State.
17. If the Applicant has not yet received a State License, the Applicant shall attest that the Applicant intends to apply for a State License and agrees to submit documentation of the State License to the Department upon issuance. If the Applicant has already received a State License, the Applicant shall provide a copy of such State License(s). The authority to conduct any Commercial Cannabis Activity

pursuant to a County License is explicitly conditioned upon Applicant's receipt of a valid State License.

18. The Applicant shall provide a valid seller's permit number issued by the State and evidence that Applicant has complied with all other State registration requirements for tax purposes. If the Applicant has not yet received a seller's permit from the State, the Applicant shall attest that the Applicant is currently applying for a seller's permit and provide adequate documentation to the Department demonstrating such Application is currently pending. However, a valid State seller's permit is required to receive a License.
19. The Applicant shall provide proof that Applicant has complied with all State insurance requirements and proof that the Applicant has obtained a surety bond in the amount of not less than thirty-five thousand dollars (\$35,000.00) payable to the Department to ensure payment for the costs of confiscation, storage, clean-up or abatement of any wastes, including regulatory oversight costs, and/or destruction of Cannabis when such costs are necessitated by a violation of this chapter or other applicable federal, State, or local law. The surety bond shall be issued by a corporate surety Licensed by the State, is in addition to any such bond required by the State, and must be maintained at all times a valid License exists and for an additional six (6) months after a License has been revoked.
20. The Applicant shall submit a security plan for review and approval by the Department. The approved plan will be maintained by the Department and be made available to other County departments for the purposes of verification and inspections. At a minimum, the security plan will include: a description of the Applicant's video surveillance system, including camera placement and practices for the maintenance of video surveillance equipment; a description of how the Applicant will ensure that all access points to the Premises will be secured, including the use of security personnel; and a description of the Applicant's security alarm system. [The security plan shall include a graphical depiction of the security measures on a site plan; a narrative description alone is not sufficient.](#) The installation of security apparatus shall comply with all relevant permitting requirements, and shall not be installed until such permits are obtained.
21. The Applicant shall provide a detailed improvement and operations plan that demonstrates adequate compliance with [the](#) all requirements of this chapter, as determined in the discretion of the Community Development Director or [his](#) designee. The submitted plan shall, include, at a minimum, the information required by Sections 5.148.130 through 5.148.160 and summarized below:
 - i. Proposed hours of operation;
 - ii. Proposed improvement plan, identifying all the changes and improvements that will be made to the Premises, including without limitation changes to: site ingress and access; electrical, water, wastewater, storm water, parking and other infrastructure/facilities;
 - iii. Employee parking and transportation plan;
 - iv. Fire prevention plan;
 - v. Lighting and security plan;
 - vi. Waste disposal plan;
 - vii. Water management plan, including the proposed water supply, proposed conservation measures, and waste water discharge measures;
 - viii. Access restriction procedures, including measures ensuring that minors will not have access to Cannabis;
 - ix. Record keeping policy;

- x. Track and trace measures;
- xi. Odor prevention and ventilation measures;
- xii. Energy usage plan;
- xiii. Size, height, colors, and design of any proposed signage at the Premises;
- xiv. A pest-management plan, if applicable; and
- xv. Such other information as the Community Development Director determines is necessary to ensure compliance with State law and this chapter.

5.148.070 "Review, approval, and issuance of commercial Cannabis Activity Licenses"

- (b) Upon review of a complete Application, the Community Development Director, or ~~his~~ designee, shall deny the Application on one (1) or more grounds provided by Section 5.148.080, or may grant the requested License upon making all of the following findings:
 - (i) The Applicant's proposed Commercial Cannabis Activities comply with the provisions of this Chapter and all additional requirements of State Law and County Code;
 - (ii) The Application is either exempt from or has complied with the requirements of the California Environmental Quality Act ("CEQA");
 - (iii) Feasible mitigation measures or feasible alternatives identified during CEQA review necessary to avoid or substantially lessen any significant impact on the environment have been imposed as an enforceable condition of the License;
 - (iv) The Department has imposed written conditions on the proposed Commercial Cannabis Activity which require the Applicant to obtain a valid State License prior to engaging in any Commercial Cannabis Activity; and
 - (v) The Department has imposed written conditions on the proposed Commercial Cannabis Activity which, in the judgment or discretion of the Community Development Director or his designee, are necessary to preserve the health, welfare, or safety of the community or environment.
- (c) Each License shall be granted for a ~~one~~five-year period and shall expire ~~five~~~~one~~ (15) years after the date of its issuance.

5.148.080 "Grounds for denial of an Application"

- (a) The Community Development Director, or ~~his~~ designee, ~~may shall~~ deny an Application for a commercial Cannabis License for any of the following reasons:
 - (1) Based on the evidence in the record, the Community Development Director, or ~~his~~ designee, is unable to make the findings required by Section 5.148.070(b);
 - (2) The Applicant made a knowingly false statement of a material fact in the Application or knowingly omitted a material fact from the Application;
 - (3) The proposed commercial Cannabis Activities do not fully comply with the requirements of this chapter or any State law or regulation;
 - (4) The Applicant failed to provide all information required in the Application and/or failed to allow a pre-inspection of the proposed Premises;
 - (5) The Applicant has outstanding taxes, fees, or fines owed to the Department or to the County;
 - (6) An owner is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business and Professions Code Section 26057(b)(4), (b)(6); or

- (7) An owner has been sanctioned by the State or any other licensing authority for unauthorized commercial Cannabis Activities or has had a state License or any other License for commercial Cannabis Activities suspended or revoked in the three (3) years immediately preceding the date the Application is filed.

5.148.090 "License renewal"

- (a) To renew a License, a completed License renewal Application and renewal fee shall be received by the Department no fewer than sixty (60) calendar days before the expiration of the License. In the event the License is not renewed prior to the expiration date, it ~~may~~ shall be deemed revoked as of the date of its expiration, ~~and~~ in which case the Licensee must cease all commercial Cannabis Activity until such time that the Licensee is issued a new License from the Department. The Licensee and all owners will be subject to enforcement actions set forth below in Section 5.148.180 for continuing operations after a License has expired without a renewal.
- (b) The License renewal Application shall contain, at minimum, the following:
- (1) The name of the Licensee. For Licensees who are individuals, the Licensee shall provide both the first and last name of the individual. For Licensees who are business entities, the Licensee shall provide the legal business name of the Licensee. All renewal Applications shall identify a primary point of contact and provide current contact information.
 - (2) The License number and expiration date;
 - (3) The Licensee's address of record and Premises address;
 - (4) An attestation that all information provided to the Department in the original Application is accurate and current or a detailed explanation of any changes or discrepancies. If any of the documentation and information supplied by the Applicant in the original Application has changed, the Applicant shall submit updated information and documentation with the renewal form and shall provide such other information as the Department may require.
- (c) The Community Development Director, or ~~his~~ designee, ~~may~~ shall deny any request for a License renewal for any of the following reasons. The Community Development Director, or designee, shall also have the authority to impose new conditions on the License, if those conditions are reasonably necessary to avoid denial of a License renewal Application.
- (1) The License renewal Application is filed fewer than sixty (60) calendar days before expiration of the License;
 - (2) The Licensee does not fully comply with the requirements of this chapter or any State rule, law, or regulation;
 - (3) The Licensee has failed to fully comply with any condition imposed on the License;
 - (4) Changes in circumstances after the issuance or most recent renewal of the License result in an impact to the health, welfare, or safety of the community or environment that cannot be mitigated by the imposition of new conditions;
 - (5) The Licensee has failed to provide all information required in the License renewal Application and/or has failed to allow a requested inspection of the Premises;
 - (6) The Licensee has any outstanding taxes, fees, or fines owed to the Department or to the County;
 - (7) The License is suspended or revoked at the time of the request for License renewal;
 - (8) The Licensee is subject to prosecution or has been convicted or sanctioned for an offense or violation set forth under California Business and Professions Code Section 26057(b)(4), (b)(6); or
 - (9) The Licensee or an owner has been sanctioned by the State or any other licensing authority for unauthorized commercial Cannabis Activities or has had a State License or any other License, permit,

or authorization for commercial Cannabis Activity suspended or revoked between the time the original License was issued and the filing of the request for License renewal.

5.148.100 "License nontransferable Change in ownership"

- (a) A License issued under this chapter does not create any interest of value, and is not transferable or assignable to another person or owner and automatically terminates upon transfer of ownership of the License. Any change in the owners requires submission the information required under Section 5.148.060(b)(8) to the Department a renewal Application pursuant to Section 5.148.090 within 14 calendar days of the effective date of the ownership change. The Licensee may continue to operate under the active license while the Department reviews the qualifications of the new owner(s) in accordance with State law and regulations and this chapter to determine whether the change would constitute grounds for denial of the license, if at least one existing owner is not transferring his or her ownership interest and will remain as an owner under the new ownership structure. If all owners will be transferring their ownership interest, the business shall not operate under the new ownership structure until a new license application has been submitted to and approved by the Department, and all application and license fees for the new application have been paid. Except in cases of death or incapacity of a Licensee as set forth below in paragraph (c), if the License is not renewed prior to transfer of ownership, it shall be deemed revoked and the Licensee must cease all commercial Cannabis Activities until such time that the Licensee is issued a new License from the Department. The Licensee and all owners will be subject to enforcement actions set forth below in Section 5.148.180 for continuing operations after a License has expired without a renewal.
- (b) A change in ownership occurs when a new person meets the definition of owner in Section 5.148.020(y). A License is issued to and covers only the Licensee with respect to the Premises identified on the License. The License does not run with the land and a Licensee shall not sublet any portion of the Premises.
- (c) A change in ownership does not occur when one or more owners leave the business by transferring their ownership interest to the other existing owner(s). In the event of the death, incapacity, receivership, assignment for the benefit of creditors of a Licensee, or other event rendering a Licensee incapable of performing the duties associated with the License, the Licensee's successor in interest (e.g., appointed guardian, executor, administrator, receiver, trustee, or assignee) shall notify the Department in writing within ten (10) business days of receiving legal authority to act on behalf of the Licensee and provide documentation (1) demonstrating that the Licensee is incapable of performing the duties associated with the License, such as a death certificate or a court order finding the Licensee lacks capacity, and (2) proving the successor in interest has legal authority to act on behalf of the Licensee, such as a court order or trust agreement. To continue operating under the License, the successor in interest shall submit a renewal Application pursuant to Section 5.148.090 within thirty (30) days of receiving legal authority to act on behalf of the Licensee. If the successor in interest fails to either notify the Department within ten (10) days or submit a renewal Application within thirty (30) days, as set forth above, the License shall be deemed revoked and the Licensee must cease all commercial Cannabis Activity until such time that the Licensee is issued a new License from the Department. The Licensee, all owners, and the successor in interest will be subject to enforcement actions set forth below in Section 5.148.180 for continuing operations after a License has expired without a renewal.
- (d) A License is issued to and covers only the Licensee with respect to the Premises identified on the License. The License does not run with the land and a Licensee shall not sublet any portion of the Premises.

5.148.110 "Fees"

- (a) The filing of an initial Application and/or an Application for renewal or modification of a License shall be accompanied by payment of such fees as the Board of Supervisors may establish to recover the cost of administration and enforcement of this chapter. Such fees are non-refundable. Applicants and Licensees are responsible for the costs of inspections, investigations, and any other activity required pursuant to this chapter. All fees and costs specified by this chapter shall be established by resolution of the Board of Supervisors and may be amended from time to time.

- (b) In the event that the required fees are not established by the Board of Supervisors on or before January 1, 2018, Applications may be submitted ~~on~~ without such fees in the interim period before such fees are established. For any Applications submitted to the Department under this provision, payment of such fees shall be due within twenty-four (24) hours of the date such fees are established by the Board of Supervisors. Applications are not considered complete, and Licenses will not be issued, until all required fees have been paid.

5.148.160 "Cultivation requirements"

- (b) Number of Licenses. The Department will not restrict the total number of Licenses an owner is authorized to hold at any point in time, ~~or an provided the~~ owner's total authorized canopy, ~~provided as indicated in the Licenses, does not exceed a maximum of sixty-six thousand (66,000) square feet on a single parcel or across multiple parcels~~ the number of Licenses and canopy and meets all State ~~and County~~ requirements. Multiple cultivation Licenses may be located on the same parcel if each Premises has a unique entrance and immovable physical barriers between uniquely Licensed Premises. All Licensees must meet all applicable State and County land use and zoning requirements. Licensees are prohibited from commingling Cannabis from other Premises.
- (g) ~~Agricultural Production Protection. Cultivation shall not displace any non-Cannabis commercial production existing as of June 1, 2017. However, a Licensee may offset a proposed Cultivation Site by relocating existing agricultural production to another area of the property where the Premises is located on a 1:1 ratio, provided such relocation does not conflict with any applicable policy or regulation. If the proposed Cultivation Site is located on a parcel under a Land Conservation Act (Williamson Act) contract, the Licensee must comply with all San Mateo County Land Conservation Act Uniform Rules and Procedures before engaging in Commercial Cannabis Activities. A plan for compliance with this section shall be proposed at the Application stage.~~
- (j) Security and Fencing. All Cultivation Sites shall be screened from public view by native, fire resistant vegetation, and vehicle access fenced with locking gates. Fencing and fencing materials shall be consistent with the surrounding area and shall not diminish the visual quality of the Premises or surrounding area. ~~Razor wire, chain link, and similar fencing is not permitted.~~ Security measures shall be designed to ensure emergency access in compliance with fire safety standards. All structures used for Cultivation shall have locking doors to prevent free access. If a Licensee hires or contracts for security personnel to provide security services, such security personnel shall comply with all State requirements relating to proprietary/private security services as currently set forth in Chapters 11.4 and 11.5 of Division 3 of the California Business and Professions Code. A plan for compliance with this section and the surveillance, alarm, and monitoring requirements set forth above in Section 5.148.130 shall be proposed at the Application stage. Security plans will be confidential to the extent authorized by law.
- (n) Energy Usage. All electrical power, including, without limitation, for illumination, heating, cooling, and ventilation, shall be provided by on-grid power with one hundred (100) percent renewable energy source or on-site zero net energy renewable source such that annual consumed energy is less than or equal to the on-site renewable generated energy. All structures must comply with the current California Energy Efficiency Standards for newly constructed and or renovated buildings per Title 24, Part 6 Energy Code. The use of generators is prohibited, except for portable temporary use in emergencies only. A plan for compliance with this section shall be proposed at the Application stage.
- (r) Waste Management. All Cannabis waste must be properly stored and secured to prevent access by the public. ~~All garbage and refuse on the Cultivation Site shall be accumulated or stored in nonabsorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on the Cultivation Site shall not be accumulated or stored for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh (7th) day. All non-Cannabis waste, including, without limitation, refuse, garbage, green waste, and recyclables, must be disposed of in~~

~~accordance with County and State codes, laws and regulations.~~ A plan ~~demonstrating for~~ compliance with ~~applicable State regulations this section regarding waste management~~ shall be proposed at the Application stage. The plan must address the storing, handling, and disposing of all waste by-products of Cultivation and, at minimum, characterize the anticipated amount and types of waste generated, identify the designated holding area(s) for Cannabis waste, and describe the operational measures that are proposed to manage, track/identify, and dispose of Cannabis waste in compliance with County and State standards.

- (s) Water Usage. ~~Licensees must identify a water supply source adequate to meet all cultivation uses on a sustainable basis for the Premises, Applicants must provide evidence to the satisfaction of the Community Development Director, or designee, that adequate water is available to serve the proposed cannabis operation and other uses existing or proposed on the parcel on a sustainable basis. If surface water is to be used, proof of adequate riparian water rights or appropriate water rights shall be provided. If ground water is to be used, such as agricultural wells, and the well to be utilized is within a basin that has been determined to be a medium or high-priority basin under the Sustainable Groundwater Management Act, the applicant must provide documentation to the satisfaction of the Community Development Director, or designee, that the water usage proposed on the parcel shall not exceed the historic water usage on the parcel, as determined by the Community Development Director. Finally, if water service is to be used, the applicant must provide a can and will serve letter from the water service provider that states that the water service provider shall serve the current and proposed uses on the parcel. Additionally, Licensees must~~ provide the Department with proposed conservation measures, demonstrate that Licensee is in compliance with all statutes, regulations, and requirements of the State Department of Food and Agriculture and State Water Resources Control Board, Division of Water Rights, and allow the Department and/or other County departments access to the Premises to monitor water usage. Domestic water sources must be from a source permitted by the County. A plan for compliance with this section shall be proposed at the Application stage. Applicants are encouraged to work with the San Mateo County Resource Conservation District for help in plan development.