

INITIAL STUDY

PROJECT FILE NO.: PP11-039

PROJECT DESCRIPTION: A proposed ordinance to amend Title 20 of the San Jose Municipal Code (the Zoning Code) to establish land use and zoning regulations pertaining to the siting of Medical Marijuana Collectives with the following major characteristics:

- A maximum number of 10 Medical Marijuana Collectives could be sited in San Jose, with no more than 2 per Council District.
- Medical Marijuana Collectives would be allowed in the Commercial General, Downtown Primary Commercial, Combined Industrial Commercial, and Light Industrial Zoning Districts.
- All Medical Marijuana Collectives would need to meet all of the following distance requirements:
 - 600 feet from Public and Private Schools (consistent with State law), and
 - 500 feet from child daycare, church with child daycare, community/recreation center, park, library, substance abuse rehabilitation center or another Collective, and
 - 150 feet from residential use, and
 - Additional potential criteria for Light Industrial parcels (not in an Enterprise Zone or other incentive zone; not within 1000 feet of a business that uses and/or stores hazardous materials); and
 - Not on the floors of buildings with active pedestrian use (defined as the ground floor of buildings located within the Downtown Core or Neighborhood Business Districts, which areas are more particularly identified in the San Jose General Plan and all floors of shopping centers located on a parcel or parcels totalling over 40 acres in size (such centers would include, by way of example, Eastridge, the Plant and other similarly-sized shopping centers).
- A Zoning Verification Certificate would be required for each establishment to determine whether or not a proposed Medical Marijuana Collective would meet all of the locational parameters set forth above.

The specific sections of the San Jose Municipal Code involved in the proposed ordinance include amending Title 1 of the Municipal Code by amending Section 1.13.050 of Chapter 1.13 to exempt a lawful Medical Marijuana Collective from the definition of a public nuisance and amending Title 20 of the San Jose Municipal Code by amending Section 20.10.040 of Chapter 20.10, amending Section 20.40.100 of Chapter 20.40; amending Section 20.50.100 of Chapter 20.50, amending Section 20.70.100 of Chapter 20.70, adding a new Part 9.5 to Chapter 20.80, adding a new Part 13 to Chapter 20.100, and amending Section 20.100.200 of Chapter 20.100, all to establish land use

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
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regulations pertaining to Medical Marijuana Collectives and to establish a related Zoning Verification Certificate process.

PROJECT LOCATION AND ASSESSOR'S PARCEL NUMBER(s): City-wide

LEAD AGENCY CONTACT INFORMATION: Laurel Prevetti, PBCE (535-7901)

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED: None

DETERMINATION

On the basis of this initial study:

| | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. |
| <input type="checkbox"/> | 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 the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared. |
| <input type="checkbox"/> | I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required. |
| <input type="checkbox"/> | I find the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated impact” on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached sheets/initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document. |
| <input type="checkbox"/> | I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are included in the project, and further analysis is not required. |

5-19-11

 Date

Laurel Prevetti

 Signature

Name of Preparer: Laurel Prevetti
 City of San Jose
 Department of Planning, Building and
 Code Enforcement

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I. AESTHETICS - Would the project:

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|---|--------------------------|--------------------------|--------------------------|---|-----|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards) ? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |

FINDINGS: The proposed ordinance would not alter the aesthetic environment of San Jose because Medical Marijuana Collectives would be located in zoning districts that are situated within the existing urban fabric of the City of San Jose and would need to comply with the existing, adopted Codes and Policies pertaining to land use development within those zoning districts.

MITIGATION MEASURES: None required.

II. AGRICULTURE AND FOREST RESOURCES - Would the project:

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|--|--------------------------|--------------------------|--------------------------|---|-------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,3,4 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,3,4 |
| c) Conflict with existing zoning for, or cause rezoning of, forest land [as defined in PRC Section 12220(g)], timberland, (as defined by PRC Section 4526), or timberland zoned Timberland Production [as defined by GC Section 51104(g)]? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,3,4 |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,3,4 |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,3,4 |

FINDINGS: The proposed ordinance would not impact agricultural and/or forest resources because Medical Marijuana Collectives would be located within the existing urban environment of San Jose. Medical Marijuana Collectives are not an allowed or conditional use that could be located in the open space or agricultural zoning districts. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

MITIGATION MEASURES: None Required.

III. AIR QUALITY - Would the project:

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|--|--------------------------|--------------------------|--------------------------|---|------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,14 |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,14 |

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| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,14 |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | 1,14 |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,14 |

FINDINGS:

Overall, the proposed ordinance would not impact air quality because several Medical Marijuana Collectives would be located throughout San Jose in structures located in zoning districts that anticipate and expect customers visiting business establishments. Medical Marijuana Collectives are not expected to generate traffic volumes beyond other permitted uses within the proposed applicable zoning districts. With the proposed provision of a maximum of ten Medical Marijuana Collectives, these establishments may experience high demand for their services. Under the proposed Title 6 regulations, all Collectives would be required to submit an operations plan for approval by the City. Operations plans may include demand management such as appointments or other mechanisms to reduce traffic impacts by Collective members to a less than significant level.

Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

In particular for item (d), the Bay Area Air Quality Management District (BAAQMD) Guidelines state that a project may be considered a sensitive receptor if it is a place where people live, play, or convalesce, or if sensitive individuals are likely to spend a significant amount of time at a site. State law requires a 600-foot distance requirement for Medical Marijuana Collectives from public and private schools (AB2650). The proposed ordinance also contains a 150-foot distance requirement from residential uses, and 500-foot requirements from child daycare, church with child daycare, community/recreation center, park, library, substance abuse rehabilitation center or another Collective.

Sensitive receptors (i.e., patients) may be visiting Medical Marijuana Collectives in the LI-Light Industrial and/or CIC Combined Industrial Commercial zoning districts. Within the LI and CIC zoning districts there may be sources of potential air pollutants and/or toxic air contaminants within 1,000 feet of the potential Medical Marijuana Collectives. Businesses that are potential sources of air pollution within the LI and CIC districts are regulated by the BAAQMD, thereby reducing any air quality impact to a less than significant level.

MITIGATION MEASURES: None Required.

IV. BIOLOGICAL RESOURCES - Would the project:

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| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,10 |
| b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,6,10 |

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| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,6 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,10 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,11 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |

FINDINGS: The proposed ordinance would not impact biological resources because Medical Marijuana Collectives would be located within the urban environment of San Jose. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

MITIGATION MEASURES: None Required.

V. CULTURAL RESOURCES - Would the project:

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|---|--------------------------|--------------------------|--------------------------|---|-----|
| a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,7 |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,8 |
| c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,8 |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,8 |

FINDINGS: The proposed ordinance would not impact cultural resources. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

MITIGATION MEASURES: None Required.

VI. GEOLOGY AND SOILS - Would the project:

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|---|--------------------------|--------------------------|--------------------------|---|--------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |
| 2) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |
| 3) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |

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| 4) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,5,24 |

FINDINGS: The proposed ordinance would not impact geology and/or soils. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

MITIGATION MEASURES: None Required.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

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|--|--------------------------|--------------------------|---|--------------------------|------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | 1,14 |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | 1,14 |
| (Note: Greenhouse gas(es) include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride) | | | | | |

FINDINGS: The proposed ordinance would not increase greenhouse gas emissions because Medical Marijuana Collectives would either be locating in existing buildings; replacing uses that generate similar amounts of traffic, and therefore similar amounts of greenhouse gases; or proposing new construction that would be subject to additional environmental review and would be required to be consistent with the City’s existing, adopted Codes and Policies pertaining to land use development.

MITIGATION MEASURES: None Required.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,12 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |

FINDINGS: The proposed ordinance would not facilitate hazards and/or the use hazardous materials. To the extent a Medical Marijuana Collective proposed the use of hazardous materials as part of its operation (i.e., on-site growing), the Collective would need to meet all of the City’s existing, adopted Codes and Policies pertaining to hazardous materials, including but not limited to a hazardous materials permit issued by the Fire Department.

MITIGATION MEASURES: None Required.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

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|---|--------------------------|--------------------------|--------------------------|---|------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,15 |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| e) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,17 |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,9 |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,9 |

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| i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| j) Be subject to inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |

FINDINGS: The proposed ordinance would not impact hydrology and water quality. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

MITIGATION MEASURES: None Required.

X. LAND USE AND PLANNING - Would the project:

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|---|--------------------------|--------------------------|--------------------------|---|-----|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |

FINDINGS: The proposed ordinance would not divide an established community in that Medical Marijuana Collectives are proposed to be allowed in certain commercial and industrial zoning districts, consistent with the character of the use. The proposed ordinance and its proposed distance criteria to sensitive uses would reinforce consistency between the proposed ordinance and existing land use patterns. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

MITIGATION MEASURES: None Required.

XI. MINERAL RESOURCES - Would the project:

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| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,23 |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,23 |

FINDINGS: The proposed ordinance would not impact mineral resources. Any building expansions, new construction, signs, etc. would all need to comply with the same Codes and Policies (including CEQA, if applicable) as any other physical construction projects. Zoning Verification is only to verify that they meet the proposed ordinance parameters. All City Policies and Municipal Code requirements would continue to apply to these uses.

MITIGATION MEASURES: None Required.

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XII. NOISE - Would the project result in:

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|---|--------------------------|--------------------------|--------------------------|---|-----------|
| a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,13,18 |
| b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |

FINDINGS: The proposed ordinance would not result in noise impacts because all medical marijuana collective activities would occur within buildings. To the extent a Medical Marijuana Collective proposed any construction, the proposal would be required to meet the City’s existing, adopted Codes and Policies pertaining to noise. Operation of a Medical Marijuana Collective would be subject to Zoning Ordinance requirements for noise.

MITIGATION MEASURES: None Required.

XIII. POPULATION AND HOUSING - Would the project:

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|---|--------------------------|--------------------------|--------------------------|---|-----|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |

FINDINGS: The proposed ordinance would allow Medical Marijuana Collectives in certain commercial and industrial districts, and would not displace people or housing units, in that Collectives would not take place in residential districts.

MITIGATION MEASURES: None Required.

XIV. PUBLIC SERVICES

| | | | | | |
|---|--------------------------|--------------------------|---|--------------------------|-----|
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | |
| Fire Protection? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | 1,2 |
| Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | 1,2 |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
|--------------------------|---------------------------------------|---|-------------------------------------|------------------|----------------------------|
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| Other Public Facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |

FINDINGS: The proposed ordinance would have a less than significant impact on public services because the Medical Marijuana Collectives would be subject to the Title 6 requirements, including an annual fee to cover enforcement, and must meet the distance requirements to schools under State law. While San Jose has had fires recently at “grow houses,” any on-site cultivation would need to meet Fire Code and any other applicable regulations, resulting in a less than significant impact.

MITIGATION MEASURES: None Required.

XIV. RECREATION

| | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|-----|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2 |

FINDINGS: The proposed ordinance would result in no impacts to recreation because the proposed ordinance includes distance criteria to sensitive uses, including parks and recreation centers.

MITIGATION MEASURES: None Required.

XV. TRANSPORTATION / TRAFFIC - Would the project:

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,19 |
| b) Cause the level of service at any local intersection to degrade from an acceptable LOS D or better under to an unacceptable LOS E or F under project conditions; or cause an increase in critical delay of 4.0 or more seconds and an increase in the critical demand to capacity ratio (V/C) of 0.010 or more at a City intersection that is projected to operate at LOS E or F under project conditions? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> | 1,2,19 |
| c) Cause an increase of one percent or more of the capacity at a freeway segment that is projected to operate at LOS F under project conditions; or cause a freeway segment to deteriorate from LOS E or better to LOS F? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,19 |
| d) Substantially impede the operation of a transit system as a result of congestion? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,19 |
| e) Create an operational safety hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,19 |
| f) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,19 |
| g) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,19 |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
|--|---------------------------------------|---|-------------------------------------|------------------|----------------------------|
| h) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,20 |
| i) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,18 |

FINDINGS: The proposed ordinance would not result in transportation and/or traffic impacts because Medical Marijuana Collectives would have similar transportation characteristics as uses permitted by right, such as pharmacies without drive-up windows and medical clinics, in the applicable zoning districts. The Institute of Transportation Engineers (ITE) has Medical Clinic (630) with an afternoon/evening (PM) peak hour rate of 5.18/1000 square feet (sf) and no published morning (AM) rate available.

ITE has a Pharmacy/Drugstore without drive thru (880) described as a retail facility that primarily sells prescription/nonprescription drugs and may sell general merchandise as well. Its trip generation rate is:

- a. AM 3.20/1000sf
- b. PM 8.42/1000sf

Based on a sample of existing medical marijuana businesses in San Jose, Collectives range in size from 1,000 to 5,000 sf and have patient consultation services as well as the provision of medical cannabis. One can expect the range of traffic in the afternoon peak hour to be 9 to 45 trips for facilities (using the pharmacy rate) ranging in 1000sf to 5000sf. This applies the pharmacy rate to the Collectives which is more active (generates more traffic) than a medical clinic in the afternoon peak.

With the proposed provision of a maximum of ten Medical Marijuana Collectives, these establishments may experience high demand for their services. Under the proposed Title 6 regulations, all Collectives would be required to submit an operations plan for approval by the City. Operations plans may include demand management such as appointments or other mechanisms to reduce traffic impacts by Collective members to a less than significant level.

MITIGATION MEASURES: None Required.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|--------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,15 |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,2,21 |
| c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,17 |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,22 |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,21 |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,21 |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,21 |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
|---------------|---------------------------------------|---|-------------------------------------|------------------|----------------------------|
|---------------|---------------------------------------|---|-------------------------------------|------------------|----------------------------|

FINDINGS: The proposed ordinance would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the proposed ordinance would direct Medical Marijuana Collectives to locations within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve them.

MITIGATION MEASURES: None Required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

| | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|------|
| a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,10 |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1,16 |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X | 1 |

FINDINGS: As discussed in the previous sections, the proposed ordinance would result in a few impacts at a less than significant level. Most impact topics would have no impacts.

MITIGATION MEASURES: None Required.

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less Than Significant With Mitigation Incorporated</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i> | <i>Information Sources</i> |
|---------------|---------------------------------------|---|-------------------------------------|------------------|----------------------------|
|---------------|---------------------------------------|---|-------------------------------------|------------------|----------------------------|

CHECKLIST REFERENCES

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4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
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6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
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21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
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24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974

