

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

for the

**8588 TESLA ROAD CANNABIS CULTIVATION
PROJECT**

PLN: 2020-00288

Prepared for:
County of Alameda
Community Development Agency
Planning Department

October 2021

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A. Background

1. **Project Title:** 8588 Tesla Road Cannabis Cultivation Project
2. **Lead Agency & Lead Agency Contact:** Albert Lopez, Planning Director, (510) 670-5400, Albert.Lopez@acgov.org; Alameda County Planning Department, 224 West Winton Avenue, Suite 111, Hayward, CA 94544
3. **Applicant Contact Information:** Frank Imhof, 962 Happy Valley Road, Pleasanton, CA 94566; James Halter, 8588 Tesla Road, Livermore, CA 94550
4. **Project Location:** The project site is located at 8588 Tesla Road, Livermore, California, 94550, approximately four miles southeast of the City of Livermore in unincorporated Alameda County. The proposed project is on 4.36 acres (APN: 009A-1625-002-07). Regional access to the project site is provided by Interstate 580 (I-580), which is located eight miles northwest of the project site; local access to the site is provided by Tesla Road (County Highway J12).
5. **Project Description:** The proposed project consists of the construction and operation of a cannabis facility consisting of 20 hoop house structures with a total of 20,000 square feet (SF) of mature plant canopy and one hoop house with a total of 3,000 SF of immature plant canopy. The proposed project would also include the construction of four water tanks and other ancillary improvements, including security fencing and lighting, access, and parking.
6. **Acreage of Project Site:** The project parcel is approximately 4.36 acres.
7. **Land Use Designations:** The 1994 East County Area Plan, a portion of the Alameda County General Plan, designates the project area as Large Parcel Agriculture and is zoned Agricultural.
8. **Surrounding Land Uses and Setting:** The 1994 East County Area Plan, a portion of the Alameda County General Plan, designates the project area as Large Parcel Agriculture and is zoned Agricultural.
9. **Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:** In compliance with Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1), notification letters were distributed to the California Indian Water Commission, Indian Canyon Mutsun Band of Costanoan, Ione Band of Miwok Indians Cultural Committee, Muwekma Ohlone Indian Tribe, Ohlone Indian Tribe, Torres Martinez Desert Cahuilla Indians, Trina Marine Ruano Family, Amah Mutsun Tribal Band, Confederated Villages of Lisjan, Coastanoan Rumsen Carmel Tribe, and North Valley Yokuts Tribe on September 14, 2021.
10. **Required Approvals from Other Public Agencies:**
 - California Department of Food and Agriculture – Department of Cannabis Control License
 - California Department of Fish and Wildlife (pursuant to California Code of Regulations Section 8102[w])
 - San Francisco Bay Regional Water Quality Control Board (pursuant to CCR Section 8102[p])
 - State Water Resources Control Board (pursuant to CCR Section 8102[p])
 - Alameda County Department of Environmental Health (pursuant to CCR Section 8308)
 - Alameda County Public Works Agency
11. **Date Prepared:** October 2021
12. **Prepared By:** Denise Duffy & Associates, Inc.

B. Sources

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Chapter 1. Introduction and Project Description

1.1 Introduction

This Initial Study has been prepared to evaluate the potential environmental effects associated with the 8588 Tesla Road Cannabis Cultivation Project (proposed project or project), located in unincorporated Alameda County, California (County). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et. seq., and the State CEQA Guidelines, California Code of Regulations (CCR) Section 15000 et. seq.

An Initial Study is an informational document prepared by a lead agency to determine if a proposed project may have a significant effect on the environment (CEQA Guidelines Section 15063, subd. (a)). If there is substantial evidence that a proposed project may have a significant effect on the environment, an Environmental Impact Report (EIR) must be prepared, in accordance with CEQA Guidelines Section 15064(a). However, if the Lead Agency determines that revisions in the proposed project plans or proposals made by or agreed to by the applicant mitigate the potentially significant effects to a less-than-significant level, an Initial Study/Mitigated Negative Declaration (IS/MND) may be prepared instead of an EIR (CEQA Guidelines Section 15070, subd.(b)). In this instance, the lead agency prepares a written statement describing the reasons a proposed project would not have a significant effect on the environment and, therefore, why an EIR need not be prepared. This IS/MND conforms to the content requirements under CEQA Guidelines §15071. The mitigation measures prescribed for environmental effects described in this IS/MND would be implemented in conjunction with the proposed project, as required by CEQA. The mitigation measures would be incorporated into the proposed project through proposed project conditions of approval. The County would adopt findings and a Mitigation Monitoring and Reporting Program (MMRP) for the proposed project in conjunction with approval of the proposed project.

The County is acting as the Lead Agency pursuant to CEQA Guidelines Section 15050(a). As the Lead Agency, the County oversaw the preparation of this Initial Study pursuant to CEQA Guidelines Section 15063, 15070, and 15152. This Initial Study will be circulated for agency and public review during a 30-day public review period pursuant to CEQA Guidelines Section 15073. Comments received by the County on this IS/MND will be reviewed and considered as part of the deliberative process in accordance with CEQA Guidelines Section 15074.

The East County Area Plan (ECAP) was adopted by the Alameda County Board of Supervisors in 1994. In 2000, Alameda County voters approved Measure D, which was an initiative that amended the County's General Plan to establish an Urban Growth Boundary.¹ The Urban Growth Boundary established by Measure D restricts the areas outside the boundary to agricultural, natural resource, and rural uses, and prevents the construction of infrastructure to support any urban development. The proposed project site is identified in the ECAP as an area within the protected land under Measure D. The proposed project would be consistent with the provisions of Measure D.

The following section is consistent with the requirements of CEQA Guidelines Section 15124 to the extent that it is applicable to the proposed project. This section contains a detailed description of the proposed project location, existing environmental setting, proposed project components and relevant characteristics, and applicable regulatory requirements.

¹ Alameda County. *East County Area Plan*. Revised by Initiative November 2000.

Cannabis Cultivation

In 1996, the voters of the State of California approved Proposition 215, titled “Compassionate Use Act of 1996,” and permitted the growth and cultivation of cannabis for medical purposes. On November 8, 2016, the voters of the State of California approved Proposition 65, which decriminalized the adult-use of cannabis for non-medical purposes and established a regulatory scheme at a state level. The Alameda County Ordinance Code was updated in 2018 to allow permitted cannabis cultivation operations in the unincorporated areas of Alameda County to grow both medical and adult use cannabis. Cannabis cultivation, as defined by Chapter 6.106 of the Alameda County General Ordinance Code, means any activity involving the plantings, growing, harvesting, drying, curing, grading, or trimming of cannabis.²

The California Department of Food and Agriculture (CDFA) has jurisdiction over the issuance of licenses to cultivate, propagate, and process commercial cannabis in California. The CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries, and cannabis processor facilities, where the local jurisdiction authorizes cannabis activities. All commercial cannabis cultivation activities within California require a cultivation license from the CDFA. Based on such, the project applicant would be required to demonstrate compliance with Chapter 6.106 of the County’s General Ordinance Code, as well as CDFW regulations in order to obtain a cultivation license.

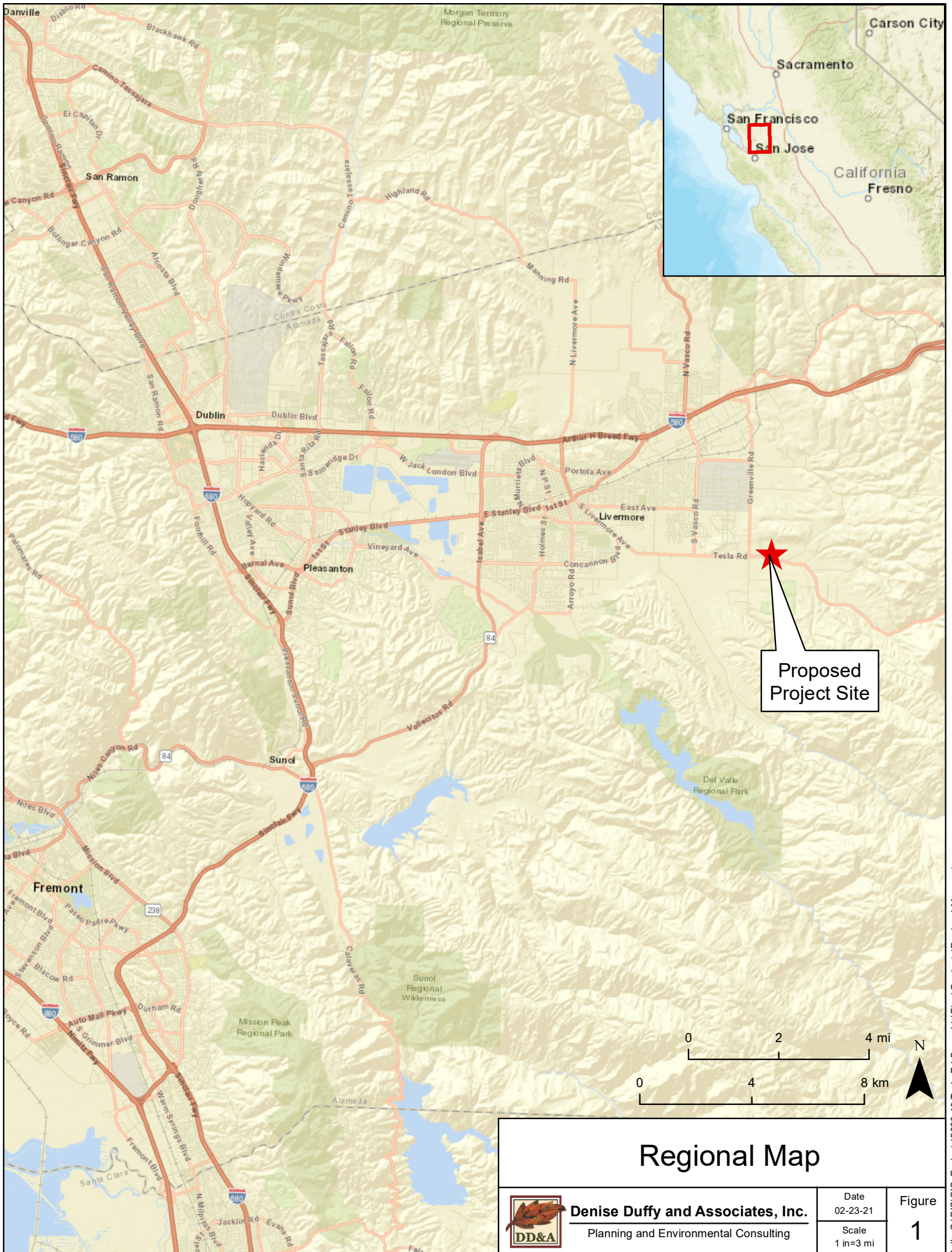
1.2 Project Location and Environmental Setting

The project site is located at 8588 Tesla Road, Livermore, California, 94550, approximately four miles southeast of the City of Livermore in unincorporated Alameda County (County) (**Figure 1**). The proposed project parcel is 4.36 acres (APN: 099A-1625-002-07) (**Figure 2**). Regional access to the project site is provided by I-580, which is located eight miles northwest of the project site; local access to the site is provided by Tesla Road (County Highway J12).

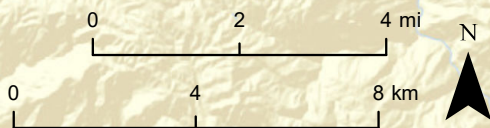
The 1994 ECAP, a portion of the Alameda County General Plan, designates the project parcel as Large Parcel Agricultural, and the site is zoned as Agricultural District. Allowed uses within the Large Parcel Agricultural designation include low-intensity agriculture, grazing, and related uses. The Agricultural District zone allows for the cultivation of commercial cannabis (Municipal Code 17.52.585) with a conditional use permit. As described above, the proposed project site is identified in the ECAP as an area within the protected land under Measure D. The proposed project would be consistent with the provisions of Measure D.

The project site consists of previously disturbed land and has been historically used for storing impounded vehicles and property (**Figure 2**). There are two existing structures on the eastern portion of the site, including an agricultural barn and a residence. An existing on-site well and electrical panel are directly north of the existing residence, which serve the property. The existing well and residence would have separate utility from the proposed project; approximately 1.5 acres within the 4.36-acre parcel would be used for cannabis operations. Trees run along the north and northwestern boundary of the project site. The Arroyo Seco Creek runs across the northeastern portion of the site. The site is relatively flat with minimal sloping. The site is located in a rural location and is surrounded by agricultural and rural residential land uses (**Figure 2**).

² Alameda County Community Development Agency. Alameda County General Ordinance Code. August 7, 2018.



Proposed Project Site



Regional Map



Denise Duffy and Associates, Inc.
 Planning and Environmental Consulting

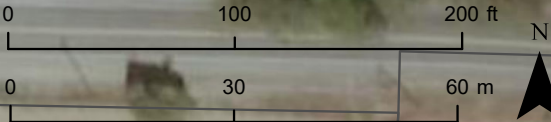
Date
02-23-21
 Scale
1 in=3 mi

Figure
1

- Proposed Project Site
- Parcel Boundaries



Tesla Road



99A-1900-11

99A-1900-12

Project Location



Denise Duffy and Associates, Inc.
 Planning and Environmental Consulting

Date
02-23-21
 Scale
1 in=85 ft

Figure
2

1.3 Project Description

Project Objectives

The objectives in establishing the proposed cannabis cultivation project for the commercial cultivation of outdoor cannabis in Alameda County include:

1. Construct and operate a cannabis facility consisting of 21 hoop houses on approximately 4.36 acres, pursuant to the laws and regulations of the State of California and Alameda County, including CEQA and any other applicable local, state, and federal standards.
2. Facilitate the commercial cannabis cultivation program in Alameda County.
3. Meet increasing demand for sun-grown outdoor cannabis.
4. Provide a steady stream of high-quality cannabis cultivated within the County to support local County dispensaries.

Project Components

The proposed project consists of the construction and operation of a cannabis facility consisting of 20 hoop house structures with a total of 20,000 SF of mature plant canopy, and one hoop house with a total of 3,000 SF of immature plant canopy (**Figure 3**). The proposed hoop houses for mature cannabis plants would occupy the western portion of the proposed project site and would be approximately 20,000 SF. Each hoop house would be 100 feet (ft) long and 10 ft wide. The single hoop house used for the immature cannabis plants would be 100 ft long and 30 ft wide, covering approximately 3,000 SF. Cannabis operations would occur within 1.5 acres of the 4.36-acre parcel.

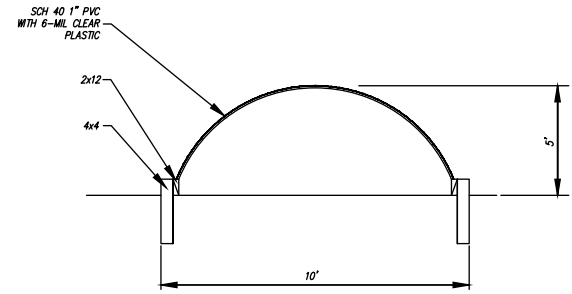
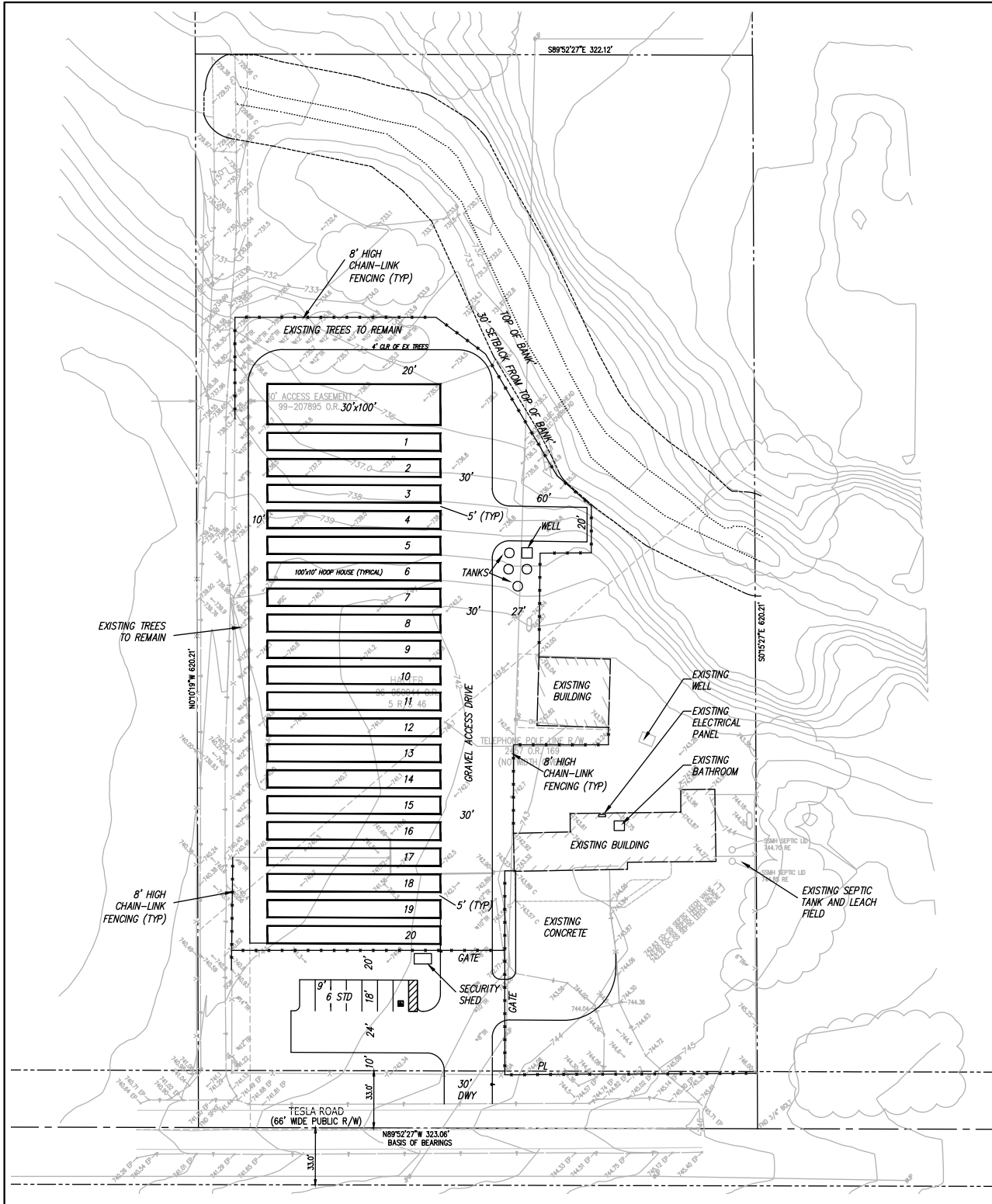
The proposed project would utilize the existing barn for processing activities (i.e., drying, trimming, curing, and similar activities). More specifically, the proposed project proposes to utilize the second floor of the barn for maintaining “mother” plants and clone procurement for immature cultivation. The ground floor would be used for drying and trimming the harvested cannabis. In addition, the proposed project proposes site improvements, including security measures such as security personnel, fencing, lights, cameras, and controlled access gates, as well as signage and emergency vehicle access. The following discussion provides a more detailed description of the key proposed project objectives and proposed project components.

Security, Site Fencing, and Lighting

The project applicant has prepared a detailed security plan in accordance with County Ordinance Code 6.106.080. Members of the public would not be provided access to the facility. The proposed project would implement controlled access to the property, and include full security measures with security personnel, site fencing, gates, lighting, cameras, and alarms to implement controlled access to the property. A minimum of one licensed security guard would be on-site 24 hours a day, with the potential to hire additional security guards seasonally as needed. Additional fencing would be installed around the cultivation site (**Figure 3**). Fencing installed around the cultivation site would consist of an eight-foot, cyclone fence with privacy slats. All gates would have lighting and cameras with video surveillance.



0 15 30 60 90
Scale 1" = 30'



1 HOOP HOUSE
NTS

Source: KIER + WRIGHT, February 2021

Proposed Site Plan



Denise Duffy and Associates, Inc.
Planning and Environmental Consulting

Date
02-23-21
Scale

Figure
3

As lighting would be used for security purposes and grow operation within the immature cultivation hoop house and barn, nighttime lighting is proposed; however, all lighting would be low wattage LED. More specifically, lighting within the immature cultivation area would be contained to avoid light exposure to the mature cultivation area. In accordance with Section 6.106.070 of County Ordinance Code, downward-facing lighting, shades, and other measures (e.g., motion detection lighting) to protect surrounding parcels or nearby residents would be incorporated into the proposed project design.

Electricity and Telecommunications

Electricity required for the proposed project would be minimal, and connect to and utilize existing infrastructure. The proposed project site has existing cellular reception and Wi-Fi; no new connections to telecommunication service providers would be necessary.

Access and Parking

During construction and operation, the proposed project site would be accessed via an existing driveway that is accessible via Tesla Road. Employee and truck parking is available on the southern portion of the proposed project site. Six (6) standard parking stalls and one (1) Americans with Disabilities Act (ADA)-compliant stall are proposed. No improvements, such as paving, are proposed to the existing parking area. Access would be designed to accommodate emergency vehicles.

Water Supply

Water consumption for the proposed project would use 2,000 gallons per day (gpd) for irrigation during the seasonal grow cycle. Annual water consumption would equate to approximately 1.29 acre feet per year (AFY). Irrigation would be provided by a new proposed on-site well, which would be monitored and metered. Water would be stored in the proposed four 10,000-gallon storage tanks located to the east of the proposed hoop houses and north of the existing barn. The potable water supply for the existing residence would be kept separate from the proposed project water supply system.

Wastewater

The proposed project would utilize portable restroom facilities during construction and operation (i.e., for seasonal employees during harvest) of the proposed project. The existing residence would provide the restroom facilities for the two (2) full-time employees that reside on-site during non-harvest operations (please refer to the discussion of on-site employees in the Operation section below).

Solid Waste

All solid waste generated during construction and operation of the proposed project will be disposed of per local, California, and federal regulations. Livermore Sanitation is currently providing waste disposal and recycling services for non-cannabis waste. Recycling and regular waste are stored in receptacles on site until transported by Livermore Sanitation to a waste management facility.

Cannabis waste disposal procedures would comply with CCR Title 16, Division 42, Sections 5054 and 5055, as well as Division 30, Sections 40141 and 42649.8(c) of the PRC. In addition, pursuant to CDFA regulations 8108 and 8308, the applicant has prepared a cannabis waste management plan, which would include composting cannabis waste. All composted cannabis waste would be done in compliance with Title 14 of the CCR at Chapter 3.1, commencing with Section 17850.

Drainage

Overland flow and runoff from the project site currently drain into the Arroyo Seco Creek. The Arroyo Seco Creek runs along the northern portion of the site. Generally, the direction of water flow within the project site is south to north. Per County Code 15.36.830, all proposed project facilities are located at a minimum of 20 feet from the top of bank. The proposed project facilities would be located at a minimum of 30 feet from the top of bank. The proposed project would not require new paving or buildings that would increase impervious surfaces at the site.

Construction

Construction activities for the proposed project would consist of site preparation on approximately 1.25 acres for the proposed hoop houses and water tanks. Construction activities would be limited to weekdays between the hours of 7 A.M. to 7 P.M. and no night-time construction is proposed. Gravel compaction would be required for access and parking area improvements. Construction equipment would include, but is not limited to, tractors, loaders, backhoes, rollers, and dozers. Staging areas would be located on-site. Two (2) construction personnel would be required for construction, and construction parking would be provided on-site in the southern portion of the site. Construction and operation access would occur via the existing private driveway road; no additional access roads would be required. Four (4) truck trips would be required for delivery of materials (e.g., lumber, pipes for hoop houses).

Construction of the hoop houses would not require grading or fill, as the plantings would follow the property's existing contour. No import or export of soil would be necessary. No grading would be required for the proposed improvements to the existing agricultural barn.

Four 10,000-gallon water tanks would be located on the east side of site. The proposed project is estimated to use 2,000 gallons of water daily, which would be used during the seasonal grow cycle (April to October). Construction would require five days and begin in July 2021. Depending on weather and permitting processes, operation would begin in July 2021.

Odor Mitigation

The proposed project applicant has prepared an Odor and Environmental Plan for the proposed project in accordance with County Ordinance Code Section 6.106.080.A.17 regarding cannabis cultivation requirements, as well as those set forth by the CDFA. The County's Municipal Code requires a description of the methods used to mitigate any potentially adverse impacts, such as odors, on surrounding property owners. To reduce potential odor impacts that may result from project operations, the proposed project would install charcoal filters within the processing building during harvest and processing cycles.

Operation

The proposed project would operate all months of the year with the hours of operation from 6 A.M. to 11 P.M. The proposed project operations would require two (2) full-time employees, including on-site security personnel, and up to a maximum of five (5) employees during harvest. The two full-time employees currently live on-site at the existing residence and would continue to reside on-site under proposed project conditions. Two (2) trucks would visit the site per month to provide materials. Harvest would occur twice annually for a duration of four (4) to five (5) days. Seasonal employees would carpool to the site, requiring a maximum of 10 trips per harvest, 20 trips a year.

1.4 Required Permits

This Initial Study is an informational document for both agency decision-makers and the public. The County is the Lead Agency responsible for certification of this Initial Study. It is anticipated that the proposed project would require permits and approvals from the following agencies.³

Local Agencies

A list of the anticipated discretionary permits and approvals required by the County of Alameda is provided below:

- Adoption of the IS/MND
- Approval of a MMRP and proposed project
- Approval of a Conditional Use Permit for outdoor cannabis cultivation

In addition to the above discretionary approvals, the following additional approvals would need to be obtained from the County of Alameda:

- Alameda County Department of Environmental Health (pursuant to CCR Section 8308)
- Alameda County Public Works Agency
- Zone 7 Water Agency
- Business License

Regional and State Agencies

- State Water Resources Control Board (SWRCB)
- California Department of Fish and Wildlife (CDFW)
- California Department of Food and Agriculture – Department of Cannabis Control License
- San Francisco Bay Regional Water Quality Control Board (RWQCB) – National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit and Stormwater Pollution Protection Plan (SWPPP)

³ This list is not considered exhaustive and additional agencies and/or jurisdictions may have permitting authority.

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Chapter 2. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist in the following chapter, **Chapter 4. Initial Study Environmental Checklist.**

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

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Chapter 3. Determination

On the basis of this initial evaluation:

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

DocuSigned by:
Sonia Urzua
F3DDC399A3D2445...

Signature

Sonia Urzua
Printed Name

October 12, 2021

Date

Albert Lopez, Planning Director
For

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Chapter 4. Initial Study Environmental Checklist

The following chapter assesses the environmental consequences associated with the proposed project. Mitigation measures, where appropriate, are identified to address potential impacts.

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 in the parentheses following each question. 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 project-specific screening analysis).
2. All answers must take into account the whole action involved, including offsite as well as onsite, 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 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.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other 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 information sources for potential impacts (e.g., general plans, zoning ordinances) into the checklist references. 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: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

4.1 Aesthetics

4.1.1 Environmental Setting

Scenic vistas consist of natural resources such as mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other areas designated for the express purpose of viewing and sightseeing. Scenic vistas do not exist within the vicinity of the project site, as the project site is located in a flat, rural area of the County. The site is not located near any major highway or body of water.

The project site consists of previously disturbed land and has been historically used for the storing of impounded vehicles and property. There are two existing structures on the eastern portion of the site, including an agricultural barn and a residence. The proposed project would involve hoop house cultivation of cannabis in an existing agricultural setting. Low wattage LED lighting is proposed for grow operation and for security purposes.

The Scenic Route Element of the County General Plan identifies the following as scenic route types: 1) Scenic Freeways and Expressways, 2) Scenic Thoroughfares, and 3) Scenic Rural-Recreation Routes. The State Scenic Highways Program is designed to protect and enhance California highways and adjacent corridors' natural scenic beauty through special conservation treatment. I-580 is designated as a State Scenic Highway. However, I-580 is located approximately eight miles northeast of the project site and the project site is not visible from the highway.

4.1.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.1.3 Explanation

- a, b) **No Impact.** The proposed project is not located within a scenic vista or state scenic highway. As described in the 1994 ECAP, most of the surrounding area consists of agricultural uses. The proposed project would consist of the development of hoop house cannabis cultivation consistent with the parcels zoning as well as with surrounding agricultural land uses. I-580 is a designated scenic highway within the County; however, it is located approximately eight miles northeast of the project site. Therefore, the proposed project would not be visible from an officially designated State Scenic Highway. Since the project site is not located within sight of a scenic vista or scenic highway, the proposed project would have no impact.
- c) **Less-than-Significant Impact.** The proposed project is located within a non-urbanized area and would involve agricultural uses within and adjacent to parcels zoned for agriculture. Public views in the project vicinity would consist primarily of views seen by motorists traveling on Tesla Road. The project site is surrounded by agricultural and vacant land. Most of the public views of the site are obstructed by trees on the western and northern boundaries of the site, existing barn and residence on the eastern boundary of the site, and trees and a wall along the frontage of Tesla Road (**Figures 4a and 4b**). The proposed hoop houses would be located on the western portion of the site. The construction and operation of the proposed hoop houses would not significantly alter the existing visual character or quality of the site, as the hoop houses would be developed on a relatively small area of land and would not obstruct any current views of the hills or landscape beyond the project site. In addition, the proposed project would be consistent with the County zoning and regulations governing land use and scenic quality. Therefore, the proposed project would result in a less-than-significant impact on the project's visual character and quality of public views site.
- d) **Less-than-Significant Impact.** Pursuant to Section 6.106.080 of County Ordinance Code, the proposed project would install low wattage LED grow operation lights within the hoop house and barn and safety lighting around the outside perimeter of the site, creating a new source of light glare where limited lighting currently exists. The objective of the safety lighting system is to illuminate dark areas within the project site. Lighting would be downward facing, employ shades and other measures to protect surrounding parcels in accordance with County Code and CCR Sections 8304(c) and 8304(g). The lighting system would only be triggered by motion detectors, which would limit the time when such systems are activities. Lights used for cultivation would also be shielded in order to reduce nighttime glare. Furthermore, all lighting in the parking area would be of County Code. Specifically, lighting within the parking area would be required to be designed so that light sources are directed downward and away from any residential area. Due to the setback from the nearest public roadway and residences, as well as existing vegetation and wall sheltering the hoop houses from view of the public roadway, the proposed project would have a less-than-significant impact to daytime or nighttime views in the area.



Proposed project site looking north.



Proposed project site looking west.



Proposed project site looking east.



Proposed project site looking south.

Title: **Site Photos**

Source: Denise Duffy & Associates, April 2021

Date January 2021
 Scale N/A
 Project 2020-48



Monterey | San Jose
Denise Duffy and Associates, Inc.
 Environmental Consultants Resource Planners
 947 Cass Street, Suite 5
 Monterey, CA 93940
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Figure
4a



View of Arroyo Seco Creek to east.



View of Arroyo Seco Creek to northwest.



View of entrance to proposed project site.



View of existing barn.

Title: **Site Photos**

Source: Denise Duffy & Associates, April 2021

Date January 2021
 Scale N/A
 Project 2020-48



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Figure
4b

4.2 Agricultural and Forestry Resources

4.2.1 Environmental Setting

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), established by the State Legislature in 1982, assesses the location, quality, and quantity of agricultural lands. In addition, the FMMP monitors the conversion of these lands over time. The FMMP is a non-regulatory program contained in Section 612 of the PRC. The program contains seven farmland categories (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing, Urban and Built-up Land, and Other Land) with a purpose of providing consistent and impartial analysis of agricultural land use and land use changes throughout California. The five farmland categories consist of the following:

- Prime Farmland (P) comprises the best combination of physical and chemical features able to sustain long-term agricultural production. Irrigated agricultural production is a necessary land use four years prior to the mapping date to qualify as Prime Farmland. The land must be able to store moisture and produce high yields.
- Farmland of Statewide Importance (S) possesses similar characteristics to Prime Farmland with minor shortcomings, such as less ability to hold and store moisture and more pronounced slopes.
- Unique Farmland (U) has a production history of propagating crops with high-economic value.
- Farmland of Local Importance (L) is important to the local agricultural economy. Local advisory committees and a county specific Board of Supervisors determine this status.
- Grazing Land (G) is suitable for browsing or grazing of livestock.
- Urban and Build-up Land (D) is land occupied by structures with building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel.
- Other Land (X) is land not included in any other mapping category. Common examples include low density rural developments.

The Alameda County Important Farmlands Map classifies the land containing the project site as “Other Land.” CEQA also requires consideration of impacts on lands that are under Williamson Act contract. The Williamson Act, codified in 1965 as the California Land Conservation Act, allows local governments to enter into contracts with private landowners, offering tax incentives in exchange for an agreement that the land will remain as agricultural or related open space use for a period of 10 years. The project site is not under a Williamson Act contract.

According to PRC Section 4526, the California Board of Forestry and Fire Protection defines “Timberland” as land not owned by the federal government, nor designated as experimental forest land, which is capable and available for growing any commercial tree species. The board defines commercial trees on a district basis following consultation with district committees and other necessary parties. There are no forest land, timberland, or timberland production areas, as zoned by applicable state and local regulations located within the County.

4.2.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
<p>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>				
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"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.2.3 Explanation

- a) **No Impact.** The land that contains the project site is classified as Other Land in the Alameda County Important Farmlands Map. Because the project site is not considered Prime or Unique Farmland, or Farmland of Statewide Importance, the proposed project would not convert such land to a non-agricultural use. The proposed project consists of the hoop house cultivation of cannabis. Therefore, it would be consistent with Other Land uses and would not result in the conversion of farmland to non-agricultural use. Section 17.06.040 of the County Code permits cannabis cultivation as a conditional use in Agricultural districts upon approval of a Conditional Use permit. Therefore, no impact would occur.
- b) **No Impact.** The proposed project is zoned Agricultural, which allows cannabis cultivation as a conditional use upon approval of a CUP by the Board of Zoning Adjustments. The proposed project is not located on land enrolled in Williamson Act contract. Thus, no impact would occur.

c-e) **No Impact.** As noted above, there are no forest land, timberland, or timberland production areas, as zoned by applicable state and local laws and regulations located within the County, or otherwise present on-site. The proposed project would not conflict with, or cause rezoning of forest land or timberland. Nor would the proposed project result in the loss or conservation of forest land; and would not involve other changes in the existing environment which could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest land. Thus, no impact would occur.

4.3 Air Quality

4.3.1 Environmental Setting

The Federal Clean Air Act and the California Clean Air Act mandate the control and reduction of certain air pollutants. Under these Acts, the United States Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific “criteria” pollutants. These pollutants are carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen oxides (NO_x), particulate matter less than 10 microns in diameter (PM₁₀), lead, and particulate matter less than 2.5 microns in diameter (PM_{2.5}).

The project site is located within the San Francisco Bay Area Air Basin (SFBAAB), which is comprised of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and Southern Sonoma Counties. The project site is regulated by the Bay Area Air Quality Management District (BAAQMD).

The U.S. EPA administers the National Ambient Air Quality Standards (NAAQS) under the Federal Clean Air Act. The U.S. EPA sets the NAAQS and determines if areas meet those standards. Violations of ambient air quality standards are based on air pollutant monitoring data and evaluated for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard.

The SFBAAB area is currently designated as a nonattainment area for the State and Federal O₃, State and Federal particulate matter 2.5 microns in diameter (PM_{2.5}), and State particulate matter 10 microns in diameter (PM₁₀) ambient air quality standards (CAAQS). The SFBAAB is designated attainment or unclassified for all other CAAQS. SFBAAB attainment status for National and California AAQS can be found in **Table 4.3-1** below. On January 9, 2013, the U.S. EPA issued a final rule to determine that the Bay Area has attained the 24-hour PM_{2.5} NAAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal PM_{2.5} NAAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the U.S. EPA and the U.S. EPA approves the proposed redesignation.

The primary sources of O₃ in the NCAAB are from automobile engine combustion, paints, coatings, and solvents. The primary sources of PM_{2.5} and PM₁₀ in the NCAAB are dust and fume-producing construction, industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).

Due to the nonattainment designations, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The most recent federal O₃ plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001, and approved by CARB on November 1, 2001. The plan was submitted to the U.S. EPA on November 30, 2001 for review and approval. The most recent State O₃ plan is the 2017 Clean Air Plan (CAP), adopted on April 19, 2017. The 2017 CAP was developed as a multi-pollutant plan that provides an integrated control strategy to reduce O₃, particulate matter (PM), toxic air contaminants (TACs), and greenhouse gases (GHG). The control strategies included in the 2017 CAP serve as the plan's backbone and build upon existing regional, state, and national programs for emissions reductions. The 2017 CAP includes 85 control measures, which provide an integrative approach to reducing O₃, PM, TACs, and GHG emissions.

Pollutant	State Standards ¹	National Standards
Ozone (O ₃)	Nonattainment	Nonattainment²
Inhalable Particulates (PM ₁₀)	Nonattainment	Unclassified
Fine Particulates (PM _{2.5})	Nonattainment	Nonattainment³
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment ⁶
Lead	Attainment	Attainment
Notes:		
1) The design value is a statistic based on the monitored concentrations that can be compared with the corresponding standard. The standard is violated if the design value exceeds the standard. Design values are computed on a site-by-site basis. Air District design value is the highest design value at any individual monitoring site.		
2) U.S. EPA lowered the national 8-hour O ₃ standard from 0.075 to 0.070 PPM (or 70 ppb) in October 2015.		
3) U.S. EPA tightened the national 24-hour PM _{2.5} standard from 65 to 35 µg/m ³ in 2006. On January 9, 2013, U.S. EPA issued a final rule to determine that the Air District attains the 24-hour PM _{2.5} national standard. This U.S. EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Air District attains the standard. Despite the U.S. EPA action, the Air District will continue to be designated as a non-attainment for the national 24-hour PM _{2.5} standard until the Air District submits a redesignation request and a maintenance plan to U.S. EPA, and U.S. EPA approves the proposed redesignation.		
Source: BAAQMD 2017 Clean Air Plan https://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-_proposed-final-cap-vol-1-pdf.pdf?la=en		

Plans to attain these standards already accommodate the future growth projections available at the time these plans were prepared. Any development project capable of generating air pollutant emissions exceeding regionally established criteria is considered significant for purposes of CEQA, whether or not such emissions have been accounted for in regional air planning. Any project that would directly cause or substantially contribute to a localized violation of an air quality standard would generate substantial air pollution impacts. The same is true for a project that generates a substantial increase in health risks from TACs.

Sensitive receptors are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors include residences, schools, and health care facilities. Sensitive receptors in the vicinity of the project consist of existing residences approximately 500 feet northeast of the proposed cultivation area.

4.3.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in substantial emissions (such as odors or rust) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.3.3 Explanation

a, b) **Less-than-Significant Impact.** CEQA Guidelines Section 15125(b) requires an evaluation of project consistency with applicable regional plans, including the 2017 CAP. As stated above, the BAAQMD has developed and implemented the 2017 CAP to address exceedance of State AAQS. The 2017 CAP focuses on protecting public health and protecting the climate. This plan describes a comprehensive control strategy that the BAAQMD will implement over the next three to five years.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation source control measures to be implemented in the region to attain State and Federal AAQS within the SFBAAB. To ensure continued attainment of AAQS, and to work towards attainment of AAQS for which the area is currently designated as nonattainment, the BAAQMD has adopted rules and regulations as well as thresholds of significance for project emissions, which are consistent with applicable air quality plans. The BAAQMD's significance thresholds associated with development projects for emissions of the O₃ precursors, reactive organic gases (ROG), and oxides of nitrogen (NO_x), as well as for PM₁₀ and PM_{2.5}, expressed in pounds per day (lbs/day) and tons per year (tons/yr), are identified below. By exceeding the BAAQMD's emission thresholds for ROG, NO_x, PM₁₀, or PM_{2.5}, a project would be considered to conflict or obstruct with implementation of the BAAQMD's air quality planning efforts.

Gravel compaction and other ground-disturbing activities during site preparation for the hoop houses, water storage tanks, and ancillary site improvements could result in impacts to air quality. Grading is not anticipated, as the site is previously disturbed and planting would follow the site's existing contour; disturbance activities could result in short-term, localized decrease in air quality due to the generation of particulate emissions (PM₁₀). The BAAQMD 2017 CEQA Air Quality Guidelines contains standards of significance for evaluating potential air quality effects of construction and operational activities of projects subject to the requirements of CEQA (see Tables

2-2 and 2-4, pgs. 2-4 and 2-6 of the BAAQMD 2017 CEQA Guidelines). According to BAAQMD, a project would violate an air quality standard and/or contribute to an existing or projected violation if it would:

- Emit 54 lbs/day or more of ROG or NO_x;
- Directly emit 54 lbs/day of PM_{2.5}; and
- Directly emit 82 lbs/day or more of PM₁₀ on site during operation or construction.

The BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. These are levels at which indirect sources and area sources could potentially emit 54 lbs/day or more of ROG or NO_x. If the project meets the screening criteria in Table 3-1 of the 2017 CEQA Air Quality Guidelines, the project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds of significance identified above. As a result, operation of the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutant and precursor emissions.

The list of project categories in Table 3-1 of the 2017 CEQA Air Quality Guidelines is not comprehensive and does not include cannabis-related activities, including hoop house cultivation or any other agricultural activities. Operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with the proposed development. The proposed project would generate minimal vehicle daily trips (see **Section 4.17 Transportation**). Construction of the proposed project would require two persons, who live on-site in a residence separate from the proposed project. Therefore, vehicle trip miles would be minimal. Operation of the proposed project would employ up to five employees throughout the year, including on-site security personnel. This amount of traffic is not anticipated to affect current level of service in the area. Further, construction and operational truck trips associated with the proposed project would include four trips during construction, and two vehicle trips per month during operation. In addition, the proposed project consists of a small cannabis cultivation facility and is not anticipated to generate large amounts of oxides or sulfur emissions. As a result, the proposed project's operation falls well below the categories listed in **Table 4.3-1**.

The project would also implement standard construction Best Management Practices (BMPs) related to dust suppression during construction, which would include:

- 1) Watering active construction areas two times per day;
- 2) Covering trucks hauling soil, sand, or other loose materials;
- 3) Prohibiting ground disturbing activities during periods of high wind (over 20 mph);
- 4) All vehicle speeds on unpaved roads shall be limited to 15 mph; and
- 5) Covering exposed stockpiles.

The implementation of BMPs would further ensure that potential construction-related emissions would be minimized.

The proposed project would not result in a substantial increase in emissions, as the site has been historically, and is currently, utilized for storing impounded vehicles and property and the project is not proposing a significant increase in the intensity of use. The proposed project would result in

a decrease in intensity of use associated with the reduction in vehicle trips that would be bringing impounded vehicles to the site. The proposed project would be consistent with the BAAQMD 2017 CAP. Implementation of the proposed project is not anticipated to result in a substantial increase in either direct or indirect emissions that would conflict with or obstruct implementation of the AQMP. In addition, the proposed project falls below the threshold for operation and construction-related air quality impacts. As a result, the proposed project is not anticipated to result in cumulatively considerable net increase in an existing or projected operational air quality violation. Therefore, this impact is considered less than significant.

- c) **Less-than-Significant Impact.** A “sensitive receptor” is generally defined as any residence including private homes, condominiums, apartments, or living quarters; education resources such as preschools and kindergarten through grade twelve (k-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. The closest off-site residence is located approximately 500 feet northwest of the cultivation area. The BAAQMD’s 2017 CEQA Air Quality Guidelines state that a project would have a significant impact to sensitive receptors if it would cause a violation of any CO, PM₁₀ or TAC standards at an existing or reasonably foreseeable sensitive receptor.

As stated above, the project would implement standard air quality BMPs and emissions resulting from construction of the proposed project are below applicable BAAQMD thresholds of significance. As discussed in discussion b), above, the proposed project would not exceed any BAAQMD thresholds, including CO and PM₁₀. Compliance with applicable BAAQMD regulations would also be required, which would minimize potential nuisance impacts to occupants of nearby sensitive land uses. For these reasons, construction activities would be considered to have a less-than-significant impact to sensitive receptors. Additionally, implementation of the proposed project would not result in the installation of any major stationary or mobile sources of emissions. The project's operational activities would have a less-than-significant impact to sensitive receptors as they are consistent with surrounding land uses and current zoning of the property.

- d) **Less-than-Significant Impact.** Pollutants associated with substantial emissions, such as odors, include odiferous aspects of cannabis cultivation process. The cultivation and composting of marijuana plants could result in pungent odors emanating from marijuana plants and associated marijuana products that could be a nuisance to nearby receptors. Although odor is not expected to be an issue due to the lack of proximity to any residential or commercial neighbors, odor will be managed with various measures, including installation of charcoal filters within the processing building during harvest processing cycles. Section 6.106 of County code requires that cannabis cultivation sites be designed to include odor control measures sufficient to ensure that odors are not detected outside of the lot on which the operation is located. Provision of such odor control devices would be ensured during County review of the cannabis cultivation permit required for operation of the proposed project. Considering the requirements of Section 6.106 of County Code, operation of the proposed project would not be permitted to result in the emission of objectionable odors detectable outside the lot within the project is operating.

Furthermore, Section 6.106 of County Code specifies that any condition resulting in violation of the cultivation permit conditions, which would include the emission of odors detectable outside of the subject lot, would be deemed a public nuisance, subject to enforcement by the County. County enforcement activity would ensure that the condition causing the emission of odors detectable outside of the lot within the project is operating would be rectified.

Should complaints about objectionable off-site odor be received, those complaints shall be recorded. Employees will be trained to take the following steps:

- Investigate the complaint and record all information.
- Determine if the odor traveled off-site by surveying the perimeter and making observations of existing wind patterns.
- Utilize on-site management practices to take steps to reduce the source of objectionable odors if possible.
- Document the event for further operational review.

If staff cannot take steps to reduce the odor, they are to notify the facility manager immediately. The applicant shall then investigate potential solutions, if applicable. An Odor Detection Form would be available to record odor detection notifications and/or complaints upon request.

It should be noted that BAAQMD also regulates objectionable odors through BAAQMD Regulation 7, Odorous Substances, which does not become applicable until the Air Pollution Control Officer (APCO) receives odor complaints from 10 or more complainants within a 90-day period. Once effective, Regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds, which remain effective until such time that citizen complaints have not been received by the APCO for one year. The limits of Regulation 7 become applicable again when the APCO receives odor complaints from five or more complainants within a 90-day period. Thus, if odor complaints are made after the proposed project is developed, the BAAQMD would ensure that such odors are addressed and any potential odor effects are reduced.

With the implementation of the proposed odor preventative measures and required compliance with County Code, the proposed project would have less-than-significant impact related to objectionable odors.

4.4 Biological Resources

4.4.1 Environmental Setting

The project site consists of previously disturbed land and has been historically used for storing impounded vehicles and property. Trees are located along the north and western boundary of the project site. The Arroyo Seco Creek runs across the northeastern portion of the site. The site is located in a rural location and is surrounded by agricultural and rural residential land uses.

4.4.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.4.3 Explanation

- a) **Less-than-Significant Impact with Mitigation Incorporated.** Special-status species are those plants and animals that have been formally listed or proposed for listing as Endangered or Threatened, or are Candidates for such listing under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA). Listed species are afforded legal protection under the ESA and CESA. Species that meet the definition of Rare or Endangered under CEQA Section 15380 are also considered special-status species. Animals on the CDFW’s list of “species of special concern” (most of which are species whose breeding populations in California may face extirpation if current population trends continue) meet this definition and are typically provided management consideration through the CEQA process, although they are not legally protected under the ESA or

CESA. Additionally, the CDFW also includes some animal species that are not assigned any of the other status designations in the CNDDDB on their “Special Animals” list. The CDFW considers the taxa on this list to be those of greatest conservation need, regardless of their legal or protection status.

Plants listed as rare under the California Native Plant Protection Act (CNPPA) or included in California Native Plant Society (CNPS) California Rare Plant Ranks (CRPR; formerly known as CNPS Lists) 1A, 1B, 2A, and 2B, are also treated as special-status species as they meet the definitions of Sections 2062 and 2067 of the CESA and in accordance with CEQA Guidelines Section 15380. In addition, species of vascular plants, bryophytes, and lichens listed as having special-status by CDFW are considered special-status plant species.

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3513 prohibit killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Birds of prey are protected in California under Fish and Game Code Section 3503.5. Section 3503.5 states that it is “unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto.” In addition, fully protected species under the Fish and Game Code Section 3511 (birds), Section 4700 (mammals), Section 5515 (fish), and Section 5050 (reptiles and amphibians) are also considered special-status animal species. Species with no formal special-status designation but thought by experts to be rare or in serious decline are also considered special-status animal species.

A site-specific, reconnaissance-level biological survey was conducted on January 18, 2021, by DD&A Senior Environmental Scientist, Erin Harwayne. Available reference materials were reviewed prior to conducting the field survey. The primary literature and data sources reviewed to determine the occurrence or potential for occurrence of special-status species at the site are as follows: California Natural Diversity Database (CNDDDB) occurrence reports from the Livermore U.S. Geological Survey (USGS) 7.5-minute quadrangle and eight surrounding quadrangles (Diablo, Tassajara, Byron Hot Springs, Altamont, Mendenhall Springs, La Costa Valley, Niles, and Dublin); current agency status information from the U.S. Fish and Wildlife Service (USFWS) and CDFW for species listed, proposed for listing, or candidates for listing as Threatened or Endangered under the federal ESA or the CESA; and those considered CDFW “species of special concern;” the CNPS *Inventory of Rare and Endangered Vascular Plants of California*; and aerial photographs of the site. The surveys included walking the entire site and identifying general and potentially sensitive habitat types, areas known or with potential habitat for special-status plant and wildlife species, and all plants to the intra-specific taxon necessary to dismiss them as special-status. Data from the surveys provide the basis of the analysis contained within this discussion.

Much of the project site is previously disturbed and historically used for storage of impounded vehicles and property. On the eastern portion of the site, there are two existing structures, including an agricultural barn and residence. Where development does not occur or is not previously disturbed, the site primarily consists of gravel and bare ground with some patches of ruderal vegetation. Ruderal areas are those areas which have been disturbed by human activities and are dominated by non-native annual grasses and other “weedy” species. Landscaped areas are also included within this vegetation type. Ruderal areas within the project site include vegetation dominated by including cheeseweed (*Malva parviflora*), black mustard (*Brassica nigra*), prickly sow thistle (*Sonchus asper*), foxtail chess (*Bromus madritensis*), foxtail barley (*Hordeum murinum*

ssp. *leporinum*), slender oat (*Avena barbata*), and ripgut brome (*Bromus diandrus*). The site contains a number of planted non-native, horticultural tree species, including pine (*Pinus* sp.), acacia (*Acacia* sp.), and eucalyptus (*Eucalyptus* sp.) trees, occur on the site. The Arroyo Seco Creek runs across the northeastern portion of the parcel.

Ruderal vegetation is considered to have low biological value as it is generally dominated by non-native plant species and consists of relatively low-quality habitat from a wildlife perspective. However, common wildlife species which do well in urbanized and disturbed areas, such as the American crow (*Corvus brachyrhynchos*), California ground squirrel (*Otospermophilus beecheyi*), striped skunk (*Mephitis mephitis*), western scrub jay (*Aphelocoma californica*), European starling (*Sturnus vulgaris*), and coast range fence lizard (*Sceloporus occidentalis bocourtii*) may forage within this vegetation type.

No special-status plants were observed on the site and none are expected to occur due to lack of suitable habitat.

The Arroyo Seco Creek is considered a sensitive habitat. The creek did not have any associated riparian habitat present at the time of the survey and no wetland habitat indicators were observed (**Figure 4b**). While the Arroyo Seco Creek runs through the northern end of the parcel, all of the proposed project components are located a minimum of 30 feet from the top of bank and no activities are proposed within the creek.

Although ruderal areas represent relatively low-quality wildlife habitat, the trees within the project site could provide suitable habitat for nesting raptors and other protected avian species. Raptors, their nests, and other nesting birds are protected under California Fish and Game Code. While the life histories of these species vary, overlapping nesting (approximately February through August) and foraging similarities allow for their concurrent discussion. Most raptors are breeding residents throughout most of the wooded portions of the state. Stands of live oak, riparian deciduous, or other forest habitats, as well as open grasslands, are used most frequently for nesting. Breeding occurs February through August, with peak activity May through July. Prey for these species includes small birds, small mammals, and some reptiles and amphibians. Many raptor species hunt in open woodland and habitat edges.

While trees would not be removed as part of the proposed project, construction, and construction-related disturbance adjacent to potential nesting habitat (i.e., trees) during the avian nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment within the site and immediately adjacent areas. This is a potentially significant impact that can be reduced to a less-than-significant level with the implementation of the mitigation measure identified below.

Mitigation

BIO-1 Activities that may directly affect (e.g., tree removal) or indirectly affect (e.g., noise/ground disturbance) nesting raptors or other protected avian species shall be timed to avoid the breeding season. Specifically, grading and excavation with heavy machinery and vegetation removal within 300 feet of suitable nesting habitat (i.e., trees within and adjacent to the project site) shall be scheduled during the non-breeding season (September 1 through January 31).

If avoidance of the non-breeding season is not possible, a qualified biologist shall conduct a pre-construction survey for nesting raptors or other protected avian species within 300 feet of the proposed construction activities. The survey shall be conducted

no more than 14 days prior to the initiation of construction and submitted to the Planning Department. If raptor or other bird nests are identified within or immediately adjacent to the project site during the pre-construction surveys, the qualified biologist shall notify the project applicant and/or contractor and an appropriate no-disturbance buffer shall be imposed within which no construction activities or disturbance shall take place (generally 300 feet in all directions for raptors; other avian species may have species-specific requirements) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist.

A note shall be placed on Final Grading Plan that the project shall adhere to the above requirements and a copy of said standards, components, and materials shall be submitted with grading and building plans prior to issuance of building permit(s) for project development.

- b, c) **Less-than-Significant Impact.** As described in discussion a) above, the project site consists mostly of previously developed and disturbed land (i.e., gravel and bare ground) with areas dominated by planted, non-native plant species. The Arroyo Seco Creek is considered a sensitive habitat. The creek did not have any associated riparian habitat present at the time of the survey and no wetland habitat indicators were observed (**Figure 4b**). While the Arroyo Seco Creek runs through the northern end of the parcel, all of the proposed project components are located a minimum of 30 feet from the top of bank and no construction or operation activities are proposed within the creek, additionally the project would not require new paving or buildings that would increase the impervious surfaces at the site. Runoff from the site currently flows to the north end of the parcel and into the creek. As discussed in **Section 4.10 Hydrology and Water Quality**, the proposed project would be required to enroll and obtain coverage under the Cannabis General Order Waste Discharge Requirements (WDR) program and obtain verification of the project water source by the SWRCB. Additionally, the proposed project would be required to implement BMPs under the NPDES permit and enroll in the WDR program to reduce potential impacts.

Therefore, the proposed project would have a less-than-significant impact on sensitive habitats.

- d) **Less-than-Significant Impact.** Wildlife movement corridors are areas where regional wildlife populations regularly and predictable move during dispersal or migration. Wildlife movement corridors in California are typically associated with valleys, rivers, and creeks supporting riparian vegetation, and ridgelines. The Arroyo Seco Creek runs across the northeastern portion of the project site and could be used as a wildlife movement corridor and for dispersal. The proposed project involves the use of the previously developed and disturbed site for cannabis cultivation purposes and would be setback over 30 feet from the creek. The proposed project would not involve any activities within the creek or immediately adjacent to the creek, and, therefore, impacts to wildlife movement would be less than significant.
- e) **No Impact.** The proposed project involves agricultural use at the project site zoned for agricultural uses and would not require tree removal. Therefore, the proposed project would not conflict with any County ordinances and policies related to biological resources.
- f) **Less-than-Significant Impact.** The project site is located within the San Joaquin Delta Watershed of Conservation Zone 2 of the East Alameda County Conservation Strategy (EACCS). Zone 2 of the EACCS contains 20% of the study areas' unprotected stream mileage, including the Arroyo Seco Creek. Zone 2 contains habitat for California red-legged frog, central California coast

steelhead, tricolored blackbird, and foothill yellow-legged frog as focal species that are protected under federal and state laws. As discussed in a) above, the project site does not contain any suitable habitat for focal species identified in the EACCS. Therefore, the proposed project would not conflict with the provisions of the adopted EACCS, or other approved local, regional, or State habitat conservation plan. This would be a less-than-significant impact.

4.5 Cultural Resources

4.5.1 Environmental Setting

Historical Resources

Historic resources include sites, structures, districts, landmarks, or other physical evidence of past human activity greater than 50 years old. CEQA Guidelines Section 15064.5 describes a historical resources as: 1) any resource that is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (CRHR); 2) a resource included in a local register of historical resources; and 3) any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant based on substantial evidence in light of the whole record. A substantial change includes the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance would be materially impaired (CEQA Guidelines §15064.5(b)).

The project site is located within the East Alameda County Survey area which has a history of farming and ranching. The area was formally established and named Murray Township in 1853 after an early settler named Michael Murray. The population grew shortly after and settlers quickly established ranchos. To recognize the importance of individual properties, historic districts, and contributing resources as key components to the County's heritage, the County compiled a list of landmarks and contributing buildings known as the Alameda County Register. The project site is not recognized as a landmark.

Archaeological Resources

At the time of European settlement, the project site was included in the territory controlled by the Costanoan or Ohlone Native Americans whose territory extended along the Pacific Coast from the San Francisco Bay to Point Sur and inland to the coast range mountains. The Ohlone were hunter-gatherers and maintained organized, complex social structures with as many as 30 or 40 villages consisting of up to 15 families. Sites were often situated near sources of fresh water in ecotones where the plant and animal life were diverse and abundant. There are no known archeological remains on the project site; however, given the County's rich Native American history, it is possible that prehistoric and, to a lesser extent, historic-period archeological resources could be found on the site.

4.5.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.5.3 Explanation

- a) **No Impact.** The project site does not contain any historic resources listed in the California Inventory of Historical Resources, California Historical Landmarks, or the National Register of Historic Places. Implementation of the proposed project would not have an impact on a historical resource as defined in accordance with the requirements of CEQA. Therefore, no impact to historical resources would occur as a result of project implementation.
- b, c) **Less-than-Significant Impact with Mitigation Incorporated.** Implementation of the proposed project is not anticipated to result in disturbance of eligible/significant cultural resources. The project site is located within an area of potential high archaeological sensitivity; however, the site has been previously disturbed and historically been used for storing impounded vehicles and property. While the surface of the project site has been altered through historic use, ground-disturbing activities associated with project implementation could have the potential to uncover and damage or destroy buried or previously unidentified cultural resources, including human remains. This is a potentially significant impact that can be reduced to a less-than-significant level with implementation of the mitigation measures identified below.

Mitigation

CR-1 Prior to the initiation of ground-disturbing activities, the contractor and/or project applicant shall inform all supervisory personnel and all contractors whose activities may have subsurface soil impacts of the potential for discovering archaeological resources.

If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resource(s) shall be halted and the project applicant shall immediately notify the Planning Department of the discovery. A qualified archaeologist shall be consulted to assess the significance of the find(s) according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the County and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered at the site shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional

museum curation, and documentation according to current professional standards. Appropriate mitigation may include no action, avoidance of the resource, and/or potential data recovery. Ground disturbance in the zone of suspended activity shall not commence without authorization from the archaeologist. Work may proceed on other parts of the site outside the 50-foot area while mitigation is being carried out.

CR-2 Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, PRC Section 5097398, and CEQA Guidelines Section 15064.5(e). According to the provisions of CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native America. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the site secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner of the descendant may request mediation by the NAHC.

4.6 Energy

4.6.1 Environmental Setting

The main forms of energy supply are electricity, natural gas, and oil. Electricity required for the proposed project would be minimal and utilize existing infrastructure. Pacific Gas & Electric (PG&E) is the service provider for the project site.

4.6.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
ENERGY. Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.6.3 Explanation

a) **Less-than-Significant Impact.**

Construction Energy Use. Construction of the proposed project would consist of site preparation for the proposed hoop houses, water tanks, and ancillary improvements on-site (i.e., lighting, fencing, gates, etc.). The proposed project would not involve the construction of any structures that would be subject to the California Green Building Standards Code or the Building Energy Efficiency Standards.

Construction would require five days beginning in July 2021. The construction of the proposed project would require energy for the manufacturing and transportation of hoop house and water tank materials, preparation of the site (e.g., gravel compaction), and the actual construction of the structures. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The construction energy use has not been determined at this time. However, the proposed project would not cause inefficient, wasteful, or unnecessary energy consumption as the construction schedule and process are already designed to be efficient to avoid excess monetary costs. Energy used required to complete construction would be limited and short-term. Therefore, energy use during construction would be less than significant.

Operational Energy Use. The total energy demand of a cannabis operation depends heavily on the type of cultivation, manufacturing, location of the project, as well as the types of equipment required. Hoop house cultivation involves minimal equipment and has low energy demands, primarily limited to electricity for security lighting and fuel use associated with worker trips. Additional lighting would be required within the existing barn, utilized for processing activities (i.e., drying, trimming, curing, and similar activities.). As described above, all lighting would be low wattage LED and would be limited to one hoop house and cultivation in the existing barn. In addition, trip generation from the proposed project is minimal. As a result, implementation of the proposed project would not result in a substantial environmental impact on energy resources.

Based on the discussion above, the proposed project would not result in potentially significant environmental impact during operation or construction due to wasteful, inefficient, or unnecessary energy consumption or wasteful use of energy resources during project operation or construction. Thus, impacts to energy use would be less than significant.

- b) **Less-than-Significant Impact.** As stated above, the construction and operation of the proposed project would have a less-than-significant impact on energy use due to the limited energy usage and efficiency and, thus, would not conflict with local or state plans for energy efficiency.

4.7 Geology and Soils

4.7.1 Environmental Setting

The project site is in the southeastern corner of Alameda County in the northwestern portion of the San Joaquin Valley and near the border of the Coast Range and the Great Valley geomorphic provinces. The Coast Range is a series of valleys and mountains along the west coast of California that extends from Oregon to the Santa Ynez River near Santa Barbara. The Great Valley is a 400-mile, northwest-southeast trending structural basin that extends along the center of the state from the Klamath Range in the north to the Tehachapi Mountains in the south. The proposed project site is relatively flat, and the natural geology of the project site is comprised of Pliocene-Pleistocene sandstone, shale, and gravel deposits. Pleasanton

gravelly loam (PgA), 0 to 3 percent slopes, is the primary soil type covering the project site. This well-drained soil is formed in alluvium from sandstone and shale on nearly level valleys and fans.

Geologic Hazards

Based on a review of relevant literature, the following assessments can be made about the potential geologic hazards that might be present on the project site:

Surface fault rupture – No active faults cross the project site.

Earthquake ground-shaking – The most significant geologic hazard in the project area is the possibility of a strong ground-shaking due to an earthquake.

Liquefaction – During strong ground-shaking, loose, saturated, cohesionless soils can experience a temporary loss of shear strength. This phenomenon is known as liquefaction. Liquefaction of soils is dependent on grain size distribution, relative density of the soils, degree of saturation, and intensity and duration of the earthquake. The potential hazard associated with liquefaction is seismically induced settlement. All or a portion of the proposed project site lies within a liquification zone. More specifically, a liquefaction zone runs across the northeastern portion of the proposed project site and coincides with the Arroyo Seco creek.

Slope stability – Slope instability depends on the steepness of the slope, underlying geology, surface soil strength, and moisture in the soil. Were significant excavation, grading, or fill work to be required during construction, slope stability hazards could be introduced at the site. Because the site is relatively flat, more than one mile from any hill of significant size, and no significant excavation is planned during construction, there would be no potential for direct impact from landslides at the project site.

Subsidence – Natural phenomena can cause subsidence during tectonic movement, consolidation, hydro-compaction, or rapid sedimentation. Subsidence can also result from human activities, such as withdrawal of water or hydrocarbons in the subsurface soils. No known subsidence problems exist in the project vicinity.

Expansive Soils – Expansive soils shrink and swell with wetting and drying. The shrink-swell capacity of expansive soils can result in differential movement beneath foundations. The Pleasanton Gravelly Loam identified as the prominent soil type within the project site has a moderate to high shrink-swell potential.

Soil Erosion – Although the potential for soil erosion from water on the flat project site is low, the area is subject to moderate winds that could contribute to erosion of loose soils during the during construction of the proposed project.

Paleontological Resources

Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) in which they were originally buried. Paleontological resources represent limited, a non-renewable, sensitive scientific, and education resources. The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations, make it possible to predict where fossils will or will not be encountered.

The natural geology of the project site is comprised of Pliocene-Pleistocene sandstone, shale, and gravel deposits. These deposits primarily consist of non-marine sedimentary rocks.

4.7.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.7.3 Explanation

- a.i) **Less-than-Significant Impact.** There are no active faults cross the region and the project site is not located within an Alquist-Priolo Earthquake Zone. As a result, the risk of fault rupture is low, and the impact is less than significant.
- a.ii) **Less-than-Significant Impact.** Although the site is not located within an Alquist-Priolo Earthquake Zone, the site is located approximately one mile southeast from the Los Positas Fault, two miles west of the Greenville Fault, 10 miles north east of the Verona Fault, 11 miles north east of the Calaveras fault, 17 miles north east of the Hayward fault, 36 miles east of the San Andres fault, and, as a result, in considered to be within a seismically active area. Due to the site's location in a seismically active region, the proposed project could be subject to strong seismic ground-shaking during its life. The proposed project involves the cannabis cultivation at the site and would include constructing hoop houses, water tanks, and utilizing existing on-site structures. The residence on the project parcel is separate from the proposed project. The proposed project site would be unoccupied, and the project would not otherwise expose people or property to damage from strong ground shaking, were it to occur. Therefore, potential impacts from strong seismic ground-shaking are less than significant.
- a.iii) **Less-than-Significant Impact.** As discussed above, liquefaction is a possibility on the site. However, the proposed project would not result in the construction of any buildings and the proposed project site would be unoccupied. These factors result in the potential for impact due to liquefaction to be less than significant.
- a.iv) **No Impact.** The proposed project site is located on flat agricultural land, would not involve significant excavation or grading, and would not be exposed to potential landslide related hazards. Therefore, there would be no impact in relation to landslides.
- b) **Less-than-Significant Impact.** Per Alameda Municipal Code Section 15.36.50.F, the proposed project would not require a grading permit from the County since the property is zoned as agricultural and grading activities would be associated with agricultural operations. Furthermore, construction of the hoop houses and site improvements would not require grading or fill. Gravel compaction would be required for access and parking area improvements.

The proposed project would be subject to the requirements of the NPDES Program General Storm Water Permit, which includes the preparation of a SWPPP for construction activities disturbing one acre or more. The construction and operation of the proposed project would result in minimal disturbance of approximately 1.25 acres. Any temporary erosion related to construction would be minimized through the implementation of standard construction phase BMPs related to erosion. Erosion control measures and associated BMPs would be consistent with the California Stormwater Best Management Practices Handbooks' recommended measures. Applicable measures may include the following:

- Stockpiling and disposing of demolition debris, concrete, and soil.
- Protecting existing storm drain inlets and stabilizing disturbed areas.
- Hydroseeding/re-vegetating disturbed areas.
- Minimizing areas of impervious surfaces.
- Implementing runoff controls (e.g., percolation basins and drainage facilities).

- Properly managing construction materials.
- Managing waste, aggressively controlling litter, and implementing sediment controls.
- Limiting grading to the minimum area necessary for construction and operation of the project.

Compliance with the State requirements and implementation of BMPs would ensure that construction activities associated with the proposed project would not cause substantial soil erosion or the loss of topsoil. This would be a less-than-significant impact.

- c) **Less-than-Significant Impact.** As described in aiii) and aiv) above, although there may be some potential for liquefaction on the project site, the potential for the project to result in on- or off-site landslides, lateral spreading, subsidence, or collapse is low. The geologic unit on which the project is located would not become unstable because of the project. As such, this impact would be less than significant.
- d) **Less-than-Significant Impact.** The soils on the project site have a moderate to high shrink-swell potential. The shrinking/swelling of soils can adversely impact building structures, such as foundations and roads. However, the proposed project would not involve the construction of any new structures. Therefore, this impact would be less than significant.
- e) **No Impact.** The proposed project would utilize portable restroom facilities during construction and operation (i.e., for seasonal employees during harvest) of the proposed project. The existing residence would provide the restroom facilities for the two (2) full-time employees that reside on-site during non-harvest operations. The existing restroom facilities within the residence are connected to an existing septic system and no improvements are proposed as part of the project; therefore, no Wastewater Treatment System review is necessary. Therefore, this impact would have no impact.
- f) **Less-than-Significant Impact with Mitigation Incorporated.** The project site is underlain by or Pliocene-Pleistocene age nonmarine sedimentary rocks, composed of sandstone, shale, and gravel deposits. Paleontological resources have not previously been recorded within the project site. However, previously unknown, or buried resources could be present. As discussed above in **Section 4.5 Cultural Resources**, ground disturbing activities on the site could impact unknown paleontological resources. Potential impacts would be reduced to a less-than-significant level with implementation of Mitigation Measures CR-1 and CR-2.

Mitigation

GEO-1 Implement Mitigation Measures CR-1 and CR-2

4.8 Greenhouse Gas Emissions

4.8.1 Environmental Setting

Various gases in the earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the

greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), O₃, water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

An individual project’s GHG emissions are at a micro-scale level relative to global emission and effects to climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

The project site consists of previously disturbed land and has been historically used for storing impounded vehicles and property. The proposed project would involve the construction and operation of hoop house cannabis cultivation. Construction and operation of the proposed project would result in up to five employees year-round and associated work trips. As such, the implementation of the proposed project would cumulatively contribute to increase in GHG emissions. The primary source of GHG emissions for the proposed project would continue to be mobile source emissions. The common unit of measurement for GHG emissions is expressed in terms of annual metric tons of CO₂ equivalents (MTCO_{2e}/yr).

The project site is located within Alameda County and is within the jurisdictional boundaries of the BAAQMD. Both Alameda County and BAAQMD have recommended approaches for analyzing a project’s potential impacts related to GHG emissions. The following discussion presents an analysis of potential impacts related to GHG emissions under Alameda County and BAAQMD approaches separately.

4.8.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.8.3 Explanation

a, b) **Less-than-Significant Impact.**

Alameda County

The County has adopted a Community Climate Action Plan (CCAP), which includes measures directed at reducing GHG emissions from existing and future development throughout unincorporated portions of the County. Upon adoption, the CCAP was integrated into the County's General Plan. Successful implementation of the CCAP is intended to reduce GHG emissions to 15 percent below 2005 levels by 2020 and set the County on a path toward reducing emissions to 80 percent below 1990 levels by 2050, as required by statewide GHG emission reduction goals. In

order to determine the consistency of a proposed project with the CCAP, the CCAP directs staff to consider the following: the extent to which the project supports or includes applicable strategies and measures, or advances the actions identified in the CCAP; the consistency of the project with population projections adopted by the ABAG; and the extent to which the project would interfere with implementation of CCAP strategies, measures, or actions.

The proposed project would not include the development of any new residences but would involve the employment of approximately five employees. Given the lack of on-site development of new residential units, the proposed project would not result in direct population growth in excess of ABAG's growth projections. Furthermore, five employees are a relatively small number of employees compared to the area's existing population. Therefore, the proposed project would not be anticipated to result in a direct on-site or indirect increase in population beyond ABAG's growth assumptions for the reason.

The majority of the CCAP's measures concern County actions and provide direction for County staff to develop regulations for future development within the County. While the CCAP measures apply to the entire unincorporated County, some CCAP measures are more applicable to the west county communities than the east county communities due to the higher density of these areas; for example, smart growth, some bike and pedestrian infrastructure, and transit-oriented development related measures. Since the proposed project does not involve the development of the site and consists of agricultural operations, there are no CCAP measures that would apply to the proposed project. As such, the proposed project would not conflict with any CCAP measures.

Considering the proposed project would not conflict with ABAG's population projections for the area and there are no applicable CCAP measures, the proposed project would not conflict with the CCAP.

BAAQMD

BAAQMD maintains thresholds of significance for project-level evaluations of GHG emissions. The BAAQMD threshold of significance for project-level operational GHG emissions is 1,100 MTCO_{2e}/yr. BAAQMD's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move towards climate stabilization. If a project would generate GHG emissions above the threshold level, the project would be considered to generate significant GHG emissions and conflict with applicable GHG regulations.

As discussed in **Section 4.3 Air Quality**, the proposed project would fall well below the level of land use under the categories within Table 3-1. Therefore, the proposed project would fall below the 1,100 MTCO_{2e}/yr thresholds of significant in unmitigated operational GHG emissions.

Construction GHG emissions are a one-time release and, therefore, are not typically expected to generate a significant contribution to global climate change. BAAQMD has not adopted a threshold of significance for construction related GHG emissions. However, the proposed project would not require grading, ground disturbing activities would include gravel compaction. Therefore, the proposed project would not be expected to significantly impact GHG emissions, based on BAAQMD's approach to analysis.

Based on the analysis above, the proposed project would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs; impacts would be less than significant.

4.9 Hazards and Hazardous Materials

4.9.1 Environmental Setting

As defined by the CCR, hazardous materials are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

To comply with Government Code Section 65962.5 (known as the “Cortese List”), the following databases/lists were checked in April 2021 for potentially hazardous waste or substances occurring at the project site:

- List of Hazardous Waste and Substances sites from the Department of Toxic Substances Control (DTSC) EnviroStor database;
- List of Leaking Underground Storage Tank Sites by County and Fiscal Year from Water Board GeoTracker database;
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit;
- List of “active” Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO) from Water Board; and
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

The database review concluded that the project site is not located in an area of known hazardous material contamination.

The California Department of Forestry and Fire Protection (CalFire) prepares maps of Very High Fire Hazard Severity Zones (VHFHS), which are used to develop recommendations for local land use agencies and for general planning purposes. CalFire categorizes parcels into VHFHS and Non-VHFHS zones. The project site is not located in a high fire hazard severity zones, as delineated by CalFire.

The project is not within an Airport Review Area. The closest airport and airstrip to the site is Meadowlark Field approximately 18 miles north of the project site, and the Livermore Municipal Airport 10 miles northwest of the project site. The school nearest the site is Arroyo Seco Elementary School in Livermore, CA, approximately 3.7 miles from the project site.

4.9.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>
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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.9.3 Explanation

a-b) **Less-than-Significant Impact.** The proposed project consists of hoop house cannabis cultivation. Construction activities would not involve routine transport, use, or disposal of hazardous waste. Construction activities would not involve routine transport, use, or disposal of hazardous waste. Cannabis plants and byproduct are organic waste and not hazardous, as defined in PRC Section 42649.8(c). The proposed project would handle cannabis waste in accordance with CCR Section 8308, Cannabis Waste Management. In accordance with State disposal requirements, the proposed project would compost some organic waste on-site and any remaining waste would be hauled to a

facility that recycles organic material. In transport of any cannabis product, the track and trace system would be used to account for all cannabis product leaving the site.

The proposed project would not employ the use of pesticides and would minimize the use of fertilizer to the extent possible. Additionally, the proposed project would adhere to County Ordinance Code Chapter 6.106 regulations on handling of pesticides and fertilizers. Because cannabis waste and associated fertilizer products are not hazardous, the project would not create a significant hazard to the public through the routine transport, use, or disposal of hazardous materials. As a result, a less-than-significant impact would occur.

Chapter 6.95 of the Alameda County Health and Safety Code requires a Hazardous Materials Business Plan (HMBP) if the project plans to keep hazardous waste above the set thresholds. The thresholds are 55 gallons of a liquid, 500 pounds of a solid, and 200 cubic feet of any compressed gas. Because the proposed project does not plan to use hazardous waste in excess of the set amounts, an HMBP is not required.

Construction activities associated with the proposed project may involve the use of products such as concrete, paints, and adhesives, as well as heavy equipment, which would contain fuels, oils, and hydraulic fluid. However, the project contractor would be required to comply with all California Health and Safety Codes and local ordinances regulating the handling, storage, and transportation of hazardous and toxic materials, as overseen by CalEPA and DTSC. As such, the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. As a result, a less-than-significant impact would occur.

- c) **No Impact.** There are no schools within one-quarter mile radius of the project boundaries. As a result, the project would not result in the generation of a hazardous emission within a one-quarter mile radius of a school. There would be no impact in connection with the proposed project.
- d) **No Impact.** The project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5. There would be no impact in connection with the proposed project.
- e) **No Impact.** The project site is not located within two (2) miles of an airport or private airstrip and would not create a safety hazard or excessive noise for people residing in the project area. There would be no impact in connection with the proposed project.
- f) **No Impact.** The proposed project is consistent with the planned and permitted uses per the zoning designation and would not alter the existing circulation system's layout. Development of the project would not result in any modifications to roadways currently providing emergency vehicle access. The Alameda County Sheriff's Office manages and coordinates evacuations in unincorporated areas of the County. In the case of an emergency, the Sheriff's Office would notify the public of designated evacuation plans. As a result, the proposed project would not interfere with an adopted emergency evacuation or emergency response plan. As such, this impact would be less than significant.
- g) **Less-than-Significant Impact.** The proposed project is located in a rural area of the County and is not adjacent to an urbanized area. The project site is not located within a VHFSZ, as delineated by CalFire. In addition, the proposed project would not involve the placement of housing or other inhabitable buildings on the site. The project parcel has an existing residence that is separate from

the proposed project. Therefore, the proposed project would not expose people or structures to the risk of loss, injury, or death involving wildland fires. Thus, this impact would be less than significant.

4.10 Hydrology and Water Quality

4.10.1 Environmental Setting

Groundwater is the major source of water supply in the County. Groundwater is generally available throughout the County. The project is located on the Livermore Valley Groundwater Basin, which is within the San Francisco Bay Hydrologic Basin. Irrigation for the project would be provided by a new proposed on-site well, which would be monitored and metered.

Per the Federal Emergency Management (FEMA) Flood Hazard Maps, the project site is not located within flood hazard zone.

Tsunamis or “tidal waves” are a series of waves generated in a body of water by an impulsive disturbance along the seafloor that vertically displaces the water. A seiche can be considered very similar to a tsunami. The difference is that the water waves are generated in a closed or restricted body of water such that a lake or within a harbor.

4.10.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 which would:				
i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY. Would the project:				
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.10.3 Explanation

- a) **Less-than-Significant Impact.** The proposed project is under the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (SFBRWQB), which operates under the SWRCB to regulate stormwater discharges associated with construction activities for cannabis projects. Where clearing, grading, or excavation results in land disturbance of one or more acres, Performance Standard NDCC-13 of the County’s NPDES permit requires applicants to show proof of coverage under the State’s General Construction Permit prior to receipt of any construction permits. Thus, because the project would disturb more than one acre, the project would be required to comply with the County’s NPDES permit. The Countywide Clean Water Program requires that all construction projects within the County incorporate construction controls using specific BMPs outline by the program.

As stated by the Cannabis Cultivation Policy, the SWRCB certifies that cannabis cultivation activities must comply with the Policy and General Order conditions.

During operation, the proposed project would adhere to all State and local requirements regarding waste discharge requirements. All commercial cannabis cultivators must enroll and obtain coverage under the Cannabis General Order WDR program and obtain verification of the project water source by the SWRCB.

The Arroyo Seco Creek runs across the northeastern portion of the proposed project site. Per County Code, all proposed project facilities would be located over 20 feet from the top of bank and are proposed at a minimum of 30 feet from the top of the bank. Further, the proposed project would not result in a significant increase in impervious surfaces.

Implementation of BMPs under the NPDES permit and enrollment in the WDR program would reduce potential impacts to water quality standards and waste discharge requirements to a less-than-significant level.

- b) **Less-than-Significant Impact.** As described in the *Environmental Setting*, the project site is located within the San Francisco Bay Hydrologic Region's Livermore Valley Groundwater Basin. The Livermore Valley Groundwater Basin is managed by the Alameda County Flood Control and Water Conservation District (ACFCWCD), which was created in 1949 by the state legislature. The ACFCWCD is comprised of 10 active zones; Zone 7 covers the eastern portion of Alameda County. Zone 7 serves as the water wholesaler, supplier, and flood control agency. Zone 7's water supply comes from three sources: (1) imported surface water from the State Water Project; (2) local runoff into Lake Del Valle; and (3) surface water stored in the groundwater basin.

The Livermore Valley Groundwater Basin has a storage capacity of over 240,000 acre-feet, with a natural recharge of about 13,000 acre-feet. For several years, Zone 7 has developed programs to monitor, assess, and manage the groundwater basin. In 2005, the agency developed a Groundwater Basin Management Plan to combine existing programs and policies and develop a future groundwater management policy and procedures framework. Zone 7 is responsible for monitoring groundwater use by municipalities, and monitors private and agricultural extraction wells. Title 23, CCR Section 356, requires the agency to conduct annual reports and periodic evaluations to summarize the years groundwater monitoring and management efforts. The most recent report, published in March 2021, summarizes the groundwater conditions, which have remained stable and have recovered from the 2011-2015 drought. In addition, groundwater levels in all areas of Zone 7 have remained above historic lows. Furthermore, during the 2020 water year, Zone 7 imported 26,200 acre-feet of water to meet potable uses and continued to pursue efforts to strengthen supply reliability of imported water and reduce demand through continued promotion of local conservation efforts. Additional groundwater management during the 2020 water year was completed through use of quotas and adjustments to groundwater pumping, and continued implementation of management ordinances and policies. At the end of the 2020 Water Year, the operational groundwater storage was 111.5 thousand acre feet (TAF), which was 88% of the estimated historical high for operational storage. As such, the 2020 Water Year Annual Report states there were no undesirable results for groundwater storage during the 2020 Water Year.

Historically, the site was used for storing impounded vehicles and property, which required water use for dust control, car washes, and other maintenance activities. The site averaged approximately 50 impounded vehicles and various property items that were stored daily on approximately 1.0 acre. Water storage for the project would be provided by four 10,000-gallon storage tanks on the project site. The existing residence would provide the restroom facilities for the two (2) full-time employees that reside on-site during non-harvest operations. The proposed project would utilize portable restroom facilities during construction and operation (i.e., for seasonal employees during harvest) of the proposed project.

Water consumption for the proposed project would use 2,000 gpd for irrigation during the seasonal grow cycle. Annual water consumption would equate to approximately 1.29 AFY. As stated above, irrigation would be provided by a new proposed on-site well. Per the requirements of Zone 7, an application would be required for the construction and operation of a new well. Based on data provided in the Groundwater Management Plan for Livermore-Amador Valley Groundwater Basin, the average extraction for agricultural irrigation is approximately 500 AFY, which is considerably more than what is proposed. As discussed above and in Impact Discussion e) below,

the proposed project would be subject to regulations and policies developed, implemented, and regulated by Zone 7 through the agency's Groundwater Management Plan.

In addition, the proposed project would not involve paving for site improvements, and, therefore, the proposed project would not result in a significant increase in impervious surfaces. Therefore, the proposed new well would supply sufficient water for the proposed project's construction and operation without decreasing groundwater supplies or interfering with groundwater recharge.

- ci-ciii) **Less-than-Significant Impact.** The proposed project would not affect local drainage patterns or alter a system or river and would not cause erosion or siltation. The proposed project would not require grading, and the hoop house construction would follow the exiting contours of the property. Gravel compaction would be required for access and parking area improvements but would not result in significant increase in impervious surfaces. Therefore, impacts would be less-than-significant.

- civ) **No Impact.** According to FEMA, the proposed project is located within an Area of Minimal Flood Hazard (Zone X). Dams built in the Bay Area over the last 150 years were constructed using then-current construction techniques and seismic knowledge of the time. In the 1970s, State law required dam owners to develop maps depicting areas that might be inundated by dam failure. The Alameda County Emergency Operations Plan does not map the project site in an area which would be impacted by dam failure. Additionally, the project would not involve construction or placement of housing within a flood zone. Therefore, the proposed project would not impede or redirect flows, including those that may result from flooding or dam failure. Therefore, no impact would occur.

- d) **Less-than-Significant Impact.** The project site is located over 20 miles from the coastline and over 17 miles from to Bethany Reservoir and over 8 miles to Del Valle Reservoir. The project site is not considered at risk of inundation by the California Office of Emergency Services. Therefore, impacts would be less-than-significant.

- e) **Less-than-Significant Impact.** The proposed project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. Irrigation would be provided by a new proposed on-site well, which would be monitored and metered in accordance with the required permit. As discussed above, the proposed project annual consumption of water would be approximately 1.29 AFY. The proposed well would pump from the Livermore Valley Groundwater Basin, which is managed by Zone 7. As discussed in Impact Discussion (b), Zone 7 is the water wholesaler, supplier, and flood control agency for the Livermore Groundwater Basin. The agency developed a Groundwater Basin Management Plan in 2005 to combine existing programs and policies and develop a future groundwater management policy and procedures framework. Title 23, CCR Section 356, requires Zone 7 to conduct annual reports and periodic evaluations to summarize the years groundwater monitoring and management efforts. The proposed project would be subject to policies and regulations developed, implemented, and enforced by Zone 7, and, therefore, would not conflict with or obstruct the implementation of the Groundwater Basin Plan. Therefore, impacts would be less-than-significant.

4.11 Land Use and Planning

4.11.1 Environmental Setting

The project site is located in a rural area of unincorporated Alameda County, California. The property consists primarily of previously disturbed land and has been historically used for storing impounded

vehicles and property. The surrounding land is primarily agriculture or rural residential land use. The 1994 ECAP, a portion of the Alameda County General Plan, is the development-guiding document and designates the project parcel as Large Parcel Agriculture. The site is zoned as Agricultural District. Allowed uses within the Large Parcel Agriculture designation includes low intensity agriculture, grazing, and related uses. The Agricultural District Zone allows for cultivation of commercial cannabis (Municipal Code 17.52.585) with a conditional use permit.

The ECAP was adopted by the Alameda County Board of Supervisors in 1994. In 2000, Alameda County voters approved Measure D, which was an initiative that amended the County’s General Plan to establish an Urban Growth Boundary.⁴ The Urban Growth Boundary established by Measure D restricts the areas outside the boundary to agricultural, natural resource, and rural uses, and prevents the construction of infrastructure to support any urban development. The proposed project site is identified in the ECAP as an area within the protected land under Measure D. The proposed project would be consistent with the provisions of Measure D.

4.11.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.11.3 Explanation

- a) **No Impact.** A project risks dividing an established community if the project would introduce infrastructure or alter land uses so as to change the land use conditions in the surrounding community or isolate an existing land use. The proposed project would consist of the construction and operation of hoop houses for cannabis cultivation and is located on privately owned land that is designated and zoned for agricultural use. As such, the proposed project would be consistent with the County's land use and zoning designations. Land uses in the vicinity consist of agricultural and sparse rural residences. Given that the existing single-family residence does not belong to an established community and would not be demolished as part of the proposed project, the project would not have the potential to physically divide an established community. Therefore, no impact would occur.
- b) **No Impact.** The proposed project site is zoned Agricultural and would comply with Chapters 17.52.585 and 6.106 of the County Ordinance Code, which regulates the cultivation of cannabis in the unincorporated areas of Alameda County. The site is located in an area outside of the urban growth boundary as established by Measure D. Measure D restricts areas outside of the urban growth boundary to agricultural, natural resources, and rural uses, and prevents the construction of

⁴ Alameda County. *East County Area Plan*. Revised by Initiative November 2000.

infrastructure to support any urban development. The County Zoning Ordinance states that cultivation of cannabis may be an appropriate conditionally permitted use in the agricultural districts and outside of the urban growth boundary established by Measure D. Because the proposed project would be consistent with all applicable land use plans, policies, and regulations with jurisdiction over the project, no impact would occur.

4.12 Mineral Resources

4.12.1 Environmental Impacts

The Surface Mining and Reclamation Act of 1975 (SMARA) is the primary state law concerning mineral resources. Mineral resources including sand, gravel, and building stone are important for commercial purposes. Because of mineral resources' economic importance, SMARA limits new development in areas with significant mineral deposits. SMARA also requires state geologists to classify specified areas into Mineral Resource Zones (MRZs).

The project site is located within an unincorporated area of the County, and this area has not been designated by the California Department of Conservation, Division of Mines and Geology. Furthermore, the project site is not within an area designated by the County General Plan as a mineral resource.

4.12.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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"/>	<input checked="" type="checkbox"/>

4.12.3 Explanation

a, b) **No Impact.** As stated above, the site has not been mapped for mineral resources. Furthermore, the project site and adjoining lands have been designated by the ECAP for agricultural use and, therefore, would not involve mineral extraction operations. The ECAP does not include the project site as a zone for mineral extraction. As a result, there would be no impact associated with the loss of mineral resources or locally important mineral resource recovery site.

4.13 Noise

4.13.1 Environmental Setting

The policies in the ECAP identify noise standards to avoid conflicts between noise-sensitive uses and noise source contributors. The project site is located in an agricultural area with minimal residence activity surrounding the site. The primary source of noise in the project vicinity is traffic noise associated with

Tesla Road. Sensitive noise receptors in the vicinity of the project consist of the rural residence located approximately 480 feet north of the project site.

Implementation Program 104 of the ECAP identifies that the County shall require the use of noise reduction techniques to mitigate noise impacts generated by transportation-related and stationary sources as specified in the *California Office of Noise Control Land Use Compatibility Guidelines*. The ECAP identifies Noise Exposure as locations generally exposed to noise levels exceeding 60 dBA Community Equivalent Level.

4.13.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
NOISE. Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 two miles of a 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"/>	<input checked="" type="checkbox"/>

4.13.3 Explanation

- a) **Less-than-Significant Impact.** The proposed project would consist of the construction and operation of cannabis facilities on previously developed and disturbed land that was historically been used for storing impounded vehicles and property.

Construction Noise

Construction of the proposed project would take approximately five days. Construction activities would be limited to the hours between 7 A.M. and 7 P.M., and no nighttime construction is proposed. The project would not require grading; however, gravel compaction would be required for access and parking improvements. Construction noise from site development would include mechanical equipment, delivery of construction materials, and similar activities. As a result, construction-related noise would be temporary, minimal, and short in duration. Because noise levels dissipate with distance from the source, noise levels received by the surrounding sensitive receptors would fluctuate depending on the distance of the noise source on the project site from the fixed location of the receptor. Based on the Federal Highway Administration’s Construction Noise Handbook, activities related to construction would generate maximum noise levels ranging from 76 to 80 dB at a distance of 50 feet. The noise levels from construction operations decrease at a

rate of approximately 6 dB per doubling of distance from the noise source. Therefore, construction noise levels at the nearest off-site sensitive receptor (480 feet) would be approximately 62 dB at most. According to the Noise Element of the Alameda County General Plan, residences surrounded by agricultural land should not be exposed to noise levels above 65 dB. Considering that construction-related noise is not anticipated to exceed 62 dB at the nearest residence, the construction activity would not exceed the Alameda County General Plan Noise Standard.

In addition, construction noise would only occur during the 5-day construction period. Chapter 6.60 of the County Code includes various regulations and standards for noise levels and vibration within the County. Section 6.60.070 of the Code exempts all noise sources associated with construction provided construction activities are restricted to the hours of 7:00 A.M. to 7:00 P.M., Monday through Friday, and 8:00 A.M. to 5:00 P.M. on Saturday and Sunday. The proposed construction activities would be limited to such hours in compliance with County Code.

Operational Noise

The project involves the cultivation of cannabis in hoop houses and utilization of the existing barn for processing activities (i.e., drying, trimming, curing, and similar activities). More specifically, the proposed project proposes to utilize the second floor of the barn for maintaining “mother” plants and clone procurement for immature cultivation. The ground floor would be used for drying and trimming the harvested cannabis. Typical noise-generating equipment associated with cannabis cultivation include ventilation fans, truck loading/unloading, and water pumps. Traffic to the project site would be limited to employees and authorized personnel, as operation is not open to the public. Because the two full-time employees live on-site, traffic trips would be limited to deliveries (two monthly truck trips) and seasonal employees (up to five seasonal employees during harvest). Harvest would occur twice annually for a duration of four to five days. Seasonal employees would carpool to the site, requiring a maximum of 10 trips per harvest, 20 trips a year. Because the two full-time employees live on-site, daily trips associated with the project are expected to be minimal and less than two per day. Given the minimal addition of trips, the proposed project would not result in substantial amounts of additional traffic noise.

The temporary nature of construction activities on the project site, as well as adherence to the noise standards under the County Code, would ensure that the project would not generate any substantial temporary or permanent increase in ambient noise levels, resulting in a less-than-significant impact.

- b) **Less-than-Significant Impact.** Heavy-duty construction equipment would be used during construction of the proposed project. Construction equipment would consist of tractors/loaders/backhoes, rollers, and dozers. Such equipment has the potential to generate groundborne vibration. As described in discussion a) above, construction activities would be limited in duration and temporary. Sensitive receptors in the vicinity of the proposed project consist of a small, rural residence located approximately 480 feet to the north of the project site. Due to the short duration of construction activities, it is not anticipated to cause a significant generation of excessive groundborne vibration or groundborne noise levels, resulting in a less-than-significant impact.
- c) **No Impact.** The proposed project is not within two miles of an airport, and, therefore, the proposed project would not result in the exposure of people residing or working in the project area to excessive noise level. Therefore, no impact would occur.

4.14 Population and Housing

4.14.1 Environmental Setting

The proposed project is within the Agricultural Zoning District and would not displace any existing housing. According to the ECAP, in 2010, the population in the East County Area was approximately 225,200.

4.14.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
POPULATION AND HOUSING. Would the project:				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.14.3 Explanation

a, b) **No Impact.** The proposed project consists of a hoop house cannabis cultivation facility which would not induce population growth in the project area either directly or indirectly. The proposed project does not involve demolition of any housing, construction of any housing, or major infrastructure extension. As such, the project would not displace substantial numbers of existing housing or people, necessitating the construction or replacement of housing elsewhere. Thus, the proposed project would result in no impact with regard to population and housing.

4.15 Public Services

4.15.1 Environmental Setting

Fire Protection: Fire protection services are provided to the project site by the Alameda County Fire Department. Station 20 is the closest fire station located at 7000 East Avenue, Livermore, California, which is located approximately two miles from the project site by way of surface streets.

Police Protection: Police protection services are provided to the project site by the Alameda County Sheriff's Department. The County's closest Sheriff's Office is located 6289 Madigan Road, Dublin California, which is located approximately 15 miles from the project site by way of surface streets and I-580.

Schools: The project is located within the Livermore Valley Joint Unified School District. The closest school to the proposed project is Arroyo Seco Elementary School, which is located approximately 3.7 miles northwest of the project site.

Parks: The closest park to the proposed project includes Bruno Canziani Neighborhood Park, which is located approximately 2.8 miles northwest of the project site.

4.15.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.15.3 Explanation

- a-b) **Less-than-Significant Impact.** The proposed project would be consistent with land use and zoning designations and would not involve the construction of housing, which would induce population growth in the area. Alameda Fire Department and Alameda County Sheriff already serve adjacent properties, including the project site. The proposed project would not trigger the need to construct new stations or expand existing services. Additionally, because the project would adhere to all applicable regulations regarding fire and police services, the proposed project would not create additional demand for fire and polices protection services. This represents a less-than-significant impact.
- c-e) **No Impact.** The proposed project consists of a hoop house cannabis cultivation facility and would not result in the development of housing or increased population. Thus, the proposed project would not directly or indirectly result in an increase in demand for new schools, parks, or other public facilities. Therefore, no impact would occur.

4.16 Recreation

4.16.1 Environmental Setting

Please refer to the discussion under **Section 4.15.1 Public Services**, above.

4.16.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
RECREATION. Would the project:				
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"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.16.2 Explanation

a, b) **No Impact.** The proposed project would not involve the placement of housing or other development that would create a demand for recreational services or facilities. Consequently, the proposed project would not result in the physical deterioration of existing neighborhood or regional parks or other recreational facilities, nor would the project require construction or expansion of recreational facilities. Thus, no impact would occur.

4.17 Transportation

4.17.1 Environmental Setting

Regional access to the project site is provided by I-580, which is located eight miles northwest of the project site; local access to the site is provided by Tesla Road (County Highway J12).

The Alameda County Transportation Commission (Alameda CTC), as the congestion management agency for the County, prepares the Congestion Management Program (CMP). The CMP incorporates various strategies and measures to improve congestion management on the Alameda County multimodal transportation system. The CMP is required to incorporate five key elements: level of service monitoring of a designated CMP roadway network, a multimodal performance element, a travel demand management element, a land use analysis program, and a capital improvement program.

4.17.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.17.3 Explanation

- a) **Less-than-Significant Impact.** The proposed project operations would require two (2) full-time employees, including on-site security personnel, and up to a maximum of five (5) employees during harvest. The two full-time employees currently live on-site at the existing residence and would continue to reside on-site under proposed project conditions. Two (2) trucks would visit the site per month to provide materials. Harvest would occur twice annually for a duration of four (4) to five (5) days. Seasonal employees would carpool to the site, requiring a maximum of 10 trips per harvest, 20 trips a year.

This minimal increase in traffic is not anticipated to affect current level of service in the area. Therefore, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. Per Alameda County CMP, projects that are consistent with an applicable General Plan and would result in fewer than 100 peak hour trips are not subject to review by the Alameda CTC. The proposed project would not generate over 100 peak hour trips. This would be a less-than-significant impact.

- b) **Less-than-Significant Impact.** Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of vehicle miles traveled (VMT) attributable to a project is the most appropriate measure of evaluating transportation impacts. The proposed project would not generate over 100 peak-hour trips; thus, the project is consistent with the Alameda CTC CMP, which evaluated VMT and has incorporated programs to reduce VMT within the County. Based on the above, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), resulting in less-than-significant impact.

- c) **No Impact.** The proposed project would not substantially increase hazards due to geometric design features or incompatible uses, as the proposed project would not construct new roads and use the existing roadway network. Therefore, no impact would occur.
- d) **No Impact.** The proposed project would not result in inadequate emergency access. The project site consists of an existing, private access road, which could be used by emergency vehicles in the case of an emergency at the project site. Parking associated with the project site would be on-site and would not pose an obstacle for emergency vehicles on Tesla Road, resulting in no impact.

4.18 Tribal Cultural Resources

4.18.1 Environmental Settings

California AB 52, in effect since July 2015, provides CEQA protections for tribal cultural resources. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under PRC Section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the CRHR or a local historic register, or that the lead agency has determined to be of significant tribal cultural value.

In compliance with AB 52 (PRC Section 21080.3.1), a project notification letter was distributed to the California Indian Water Commission, Indian Canyon Mutsun Band of Costanoan, Ione Band of Miwok Indians Cultural Committee, Muwekma Ohlone Indian Tribe, Ohlone Indian Tribe, Torres Martinez Desert Cahuilla Indians, Trina Marine Ruano Family, Amah Mutsun Tribal Band, Confederated Villages of Lisjan, Coastanoan Rumsen Carmel Tribe, and North Valley Yokuts Tribe on September 14, 2021.

At the time of preparation of this IS/MND, Alameda County had yet to receive any requests for notification from tribes. The project site is not located in the California Register and is not included as a historic resource pursuant to the Alameda County Register. Currently, there are no Traditional Cultural Properties or Cultural Landscapes identified within unincorporated Alameda County. The County has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the County.

4.18.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native America Tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.18.3 Explanation

- a) **No Impact.** As described above in **Section 4.5 Cultural Resources**, the project site does not contain any resources that are listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in RPC Section 5020.1(k). There are no historical resources within the project area, and, therefore, no impact would occur.
- b) **Less-Than-Significant Impact with Mitigation Incorporated.** No tribal cultural resources or Native American resources have been documented on the project site and Alameda County has not received any requests for notification from tribes. However, previously unknown, or buried resources could be present. As discussed above in **Section 4.5 Cultural Resources**, ground disturbing activities on the site could impact unknown archeological resources including Native American artifacts and human remains. Potential impacts would be reduced to a less-than-significant level with implementation of Mitigation Measures CR-1 and CR-2.

Mitigation

TRC-1 Implement Mitigation Measures CR-1 and CR-2.

4.19 Utilities and Service Systems

4.19.1 Environmental Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: Not applicable, portable restrooms will be provided;
- Water Service: Proposed New Well;
- Solid Waste: Livermore Sanitation;
- Natural Gas & Electricity: PG&E.

4.19.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.19.3 Explanation

- a-c) **Less-than-Significant Impact.** Brief discussions of the wastewater, stormwater drainage, water, electrical, natural gas, and telecommunications that would serve the proposed project are provided below.

Wastewater

The proposed project would utilize portable restrooms for construction and operation of the project.

Stormwater

The proposed project would have minimal runoff from construction and operation of the project. Construction of the hoop house cannabis cultivation facility would follow the project site's existing contours (i.e., no grading would be required). Similarly, no paving is required, and, therefore, the proposed project would not result in a significant increase in impervious surfaces. Per County Code, and the proximity of the proposed project to the Arroyo Seco Creek, the proposed project would be located at a minimum of 20 feet from the top of the bank (i.e., all project components are located at minimum of 30 feet from the top of bank).

Water

The proposed project would consume 2,000 gallons of water per day for irrigation during the seasonal grow cycle. Annual water consumption would equate to approximately 1.29 AFY. Water would be provided by a new proposed well. Water pumped from the on-site well is regionally managed by Zone 7. The well on the proposed project site would supply sufficient water for the project's construction and operation without decreasing groundwater supplies or interfering with groundwater recharge.

Electricity, Natural Gas, and Telecommunications

PG&E would provide electricity and telecommunications for the proposed project by way of existing electrical infrastructure in the project vicinity. The proposed project would not require natural gas service. The proposed project would require additional electricity than currently used on-site due to the required security lighting proposed and necessary grow lights. While additional lighting would be installed, the use would be consistent with what would be expected from an agricultural operation. Thus, impacts to electricity, natural gas, and telecommunications infrastructure would be less than significant.

Conclusion

The proposed project would utilize existing infrastructure to supply water, wastewater, stormwater, and electrical power to the project site. Thus, a less-than-significant impact would occur.

- d-e) **Less-than-Significant Impact.** As discussed in **Section 4.9, Hazards and Hazardous Materials**, the proposed project would dispose of solid waste in accordance with CCR Section 8308, Cannabis Waste Management. The proposed project would compost organic solid on-site, and any remaining waste would be hauled to a facility that recycles organic materials, in compliance with all applicable local and State regulations. The Vasco Road Landfill serves Alameda County and accepts solid waste, in accordance with the Cannabis Waste Management regulations. The Vasco Road Landfill had a remaining capacity of 6 million tons in 2022. The proposed project would produce waste associated with cannabis cultivation and some incidental waste from employee presence.

During construction of the proposed project, solid waste is not anticipated to be generated as demolition would not occur. Should any construction waste be generated, the waste would be temporary, and would be disposed of appropriately in compliance with all applicable regulations related to solid waste, including Section 5.408 of the 2016 CalGreen, which requires that at least 65

percent of non-hazardous construction waste (not including soil and land-clearing debris) is recycled or salvaged for reuse.

Considering the remaining capacity at the Vasco Road Landfill, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs, and would comply with federal, State, and local statutes and regulations related to solid waste. Therefore, a less-than-significant impact would occur.

4.20 Wildfire

4.20.1 Environmental Setting

The project site is not located within a Fire Hazard Severity Zone in State Responsibility Area or Very-High Fire Hazard Severity Zones of Local Responsibility Area for wildland fires, as designated by CalFire.

4.20.2 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 impact to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.20.3 Explanation

a-d) **Less-than-Significant Impact.** As stated above in **Section 4.9 Hazards and Hazardous Materials**, the proposed project is not located within or near a VHFSA or State Responsibility Area. Compliance with all applicable State and local ordinances would ensure that the proposed project would not expose people or structures to the risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are mixed with wildland. Additionally, as noted in **Section 4.9**, the proposed project's implementation would not interfere with any emergency operations plan or evacuation route. Therefore, a less-than-significant impact would occur.

4.21 Mandatory Findings of Significance

4.21.1 Environmental Impacts

Environmental Impacts	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporated	Less-than-Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.21.2 Explanation

- a) **Less-than-Significant Impact with Mitigation Incorporated.** The proposed project would not: 1) degrade the quality of 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 major periods of California history or prehistory. The proposed project would result in temporary and permanent impacts to biological and cultural resources that would be mitigated to a less-than-significant level through the incorporation of mitigation measures identified in this IS/MND. Compliance with the mitigation measures contained in this document would ensure that all impacts are less than significant. Moreover, the proposed project would not adversely impact a cultural or historic resource that is an important example of a major period in California history with mitigation proposed in this IS/MND. Mitigation would reduce potential impacts to cultural resources resulting from ground disturbing construction activities. With the implementation of these measures, as described in this IS/MND, the project would not have the potential to degrade the quality of the environment. Overall, impacts would be less than significant. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND.

- b) **Less-than-Significant Impact.** Under CEQA “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. The proposed project would not result in a cumulatively considerable adverse environmental effect. This IS/MND contains mitigation to ensure that all impacts would be minimized to a less-than-significant-level. The project would have temporary air quality impacts, and GHG emissions that would contribute to the overall regional and global GHG emissions. However, air quality impacts and GHG emissions would not exceed the BAAQMD’s thresholds of significance. In addition, the proposed project would not induce potential population growth beyond existing levels; therefore, the project would not conflict with and/or obstruct the implementation of the BAAQMD 2017 AQMP or any other plans to address exceedance of State air quality standards. For these reasons, the project would have a less-than-significant cumulative impact on air quality and GHG emissions. Overall, the project would have a less-than-significant cumulative impact.

As stated above and in topical sections of this IS/MND, in many cases, this project would have no effect on the impacts cited. Because all potential impacts would be mitigated to less-than-significant levels with implementation of the mitigation measures required within the IS/MND, the proposed project would not result in individual or cumulative significant impacts.

- c) **Less-than-Significant Impact with Mitigation Incorporated.** The proposed project would not cause any adverse environmental effects on human beings. With implementation of the mitigation measures described in this IS/MND, the project would not result in substantial adverse effect on human beings, either directly or indirectly. No additional mitigation is necessary beyond mitigation identified in each of the respective topical CEQA sections contained in this IS/MND.

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