

# PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: November 18, 2021

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM / No. 4

PROJECT TYPE: Adult Use & Medicinal (Movocan)  
CUP #21-0016 SUPERVISOR DIST #1  
LOCATION: 2129 Winterhaven Drive APN: 056-282-013  
Winterhaven, California PARCEL SIZE: 6,887 sf.

GENERAL PLAN (existing) Winterhaven Urban Area Plan GENERAL PLAN (proposed) NA  
ZONE (existing) C-2 General Commercial ZONE(proposed) N/A

GENERAL PLAN FINDINGS  CONSISTENT  INCONSISTENT  MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 11/18/21

APPROVED  DENIED  OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: \_\_\_\_\_

APPROVED  DENIED  OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE 09/09/21

INITIAL STUDY: #21-0024

NEGATIVE DECLARATION  MITIGATED NEG. DECLARATION  EIR

## DEPARTMENTAL REPORTS / APPROVALS:

|              |                                     |      |                                     |          |
|--------------|-------------------------------------|------|-------------------------------------|----------|
| PUBLIC WORKS | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/>            | ATTACHED |
| AG           | <input type="checkbox"/>            | NONE | <input checked="" type="checkbox"/> | ATTACHED |
| APCD         | <input type="checkbox"/>            | NONE | <input checked="" type="checkbox"/> | ATTACHED |
| E.H.S.       | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/>            | ATTACHED |
| FIRE / OES   | <input type="checkbox"/>            | NONE | <input checked="" type="checkbox"/> | ATTACHED |
| SHERIFF.     | <input checked="" type="checkbox"/> | NONE | <input type="checkbox"/>            | ATTACHED |
| OTHER        |                                     |      |                                     |          |

## REQUESTED ACTION:

It is recommended that Planning Commission conduct a public hearing, that you hear all the opponents and proponents of the proposed project. Staff would then recommend that the Planning Commission take the following actions:

- Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing on September 9, 2021;
- Make the De Minimus finding that the projects will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Codes; and
- Approve Conditional Use Permits #21-0016 for a Cannabis Adult/Medicinal Use Storefront with delivery, subject to conditions of approval and authorize the Planning & Development Services Director to execute the CUP Agreements.

**STAFF REPORT**  
**Planning Commission**  
**November 18, 2021**

**SUBJECT:**                   **Conditional Use Permit (CUP) #21-0016**

**PROJECT NAME:**           Movocan Adult Use & Medicinal Dispensary with Delivery

**APPLICANTS:**             Movocan, Inc.\ Angel Fernandez 2625 Heal Circle, El Centro, Ca 92243

**PROJECT LOCATION:**

The proposed project is located at 2129 Winterhaven Road, Winterhaven, CA on APN # 056-282-013-000. The legal description for this parcel is Lot 37 & 38, Block 11 of the Townsite of Winterhaven (2129 Winterhaven Dr, Winterhaven, CA) (Supervisory District #1), of the County of Imperial, State of California.

**Project Summary:**

Currently, Permittee, will acquire, re-model and repurpose a building located at 2129 Winterhaven, Winterhaven, CA. Movocan (Angel Fernandez) is **proposing a 1,445 square foot Adult Use/ Medicinal cannabis retail** space with Delivery. The purpose of this dispensary will be to give this County's customers and medical patients a place where they can find relief and safe access to medicinal cannabis products. Movocan is expecting approx. 100 customers a day. The delivery operations will include 1 to 2 vehicles depending on the volume of orders. Movocan will be doing business as AROMA.

**Land Use Analyses:**

The project parcel is designated Commercial"" under the Imperial County's Winterhaven Urban Area Plan. The Parcel with existing building is zoned C-2, General Commercial uses. The Imperial County Title 9 Division 5, Chapter 13 (m) allows for Commercial Cannabis Retail Sales/Delivery & a Cannabis Distribution Facility with an approved Conditional Use Permit. The proposed cannabis projects are consistent with the County's Cannabis Ordinance Title 14 and Title 9, Division 4, Chapter 6.

**Surrounding Land Uses, Zoning and General Plan Designations:**

| <b>DIRECTION</b>    | <b>CURRENT LAND USE</b> | <b>ZONING</b>           | <b>GENERAL</b>     |
|---------------------|-------------------------|-------------------------|--------------------|
| <b>Project Site</b> | Commercial              | C-2 General Commercial. | Urban/ Commercial  |
| <b>North</b>        | Commercial              | C-2 General Commercial  | Urban/ Commercial  |
| <b>South</b>        | Commercial              | C-2 General Commercial. | Urban/ Commercial  |
| <b>East</b>         | Commercial              | C-2 General Commercial  | Urban/ Commercial  |
| <b>West</b>         | Commercial              | C-2 General Commercial  | Urban / Commercial |

**Environmental Determination:**

A Negative Declaration (ND) was prepared and certified on September 9, 2021, for this project site in accordance with CEQA Guidelines. The EEC Committee consists of a seven (7) member panel, integrated by the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and the Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. After review by the EEC members, the members recommended a Negative Declaration.

The project was publicly posted and circulated from September 9, 2021 thru September 30, 2021 all comments were received, reviewed and made part of this project.

**RECOMMENDED ACTIONS:**

It is recommended that Planning Commission conduct a public hearing, that you hear all the opponents and proponents of the proposed project. Staff would then recommend that the Planning Commission take the following actions:

- a) Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the


- Environmental Evaluation Committee (EEC) hearing on September 9, 2021;
- b) Make the De Minimus finding that the projects will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined In Section 711.2 of the Fish and Game Codes; and
  - c) Approve Conditional Use Permits #21-0016 for a Cannabis Adult/Medicinal Use Storefront with delivery, subject to conditions of approval and authorize the Planning & Development Services Director to execute the CUP Agreements.

**Prepared By:** David Black, Planner IV  
Planning & Development Services



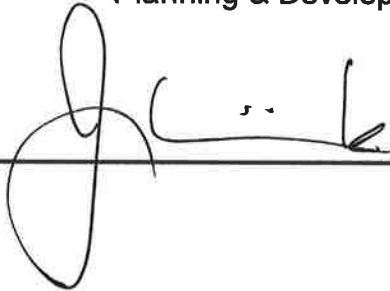
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**Reviewed By:** Michael Abraham, AICP, Assistant Director  
Planning & Development Services



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**Approved By:** Jim Minnick, Director  
Planning & Development Services



**Attachments:**

- Attachment A: Site/Location Map
- Attachment B: Resolution for Negative Declaration with Findings.
- Attachment C: Planning Commission CUP Resolutions & Findings
- Attachment D: Conditional Use Permits #21-0016
- Attachment E: EEC Package & applications & comments.




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Attachment A  
SITE PLAN, & LOCATION MAP

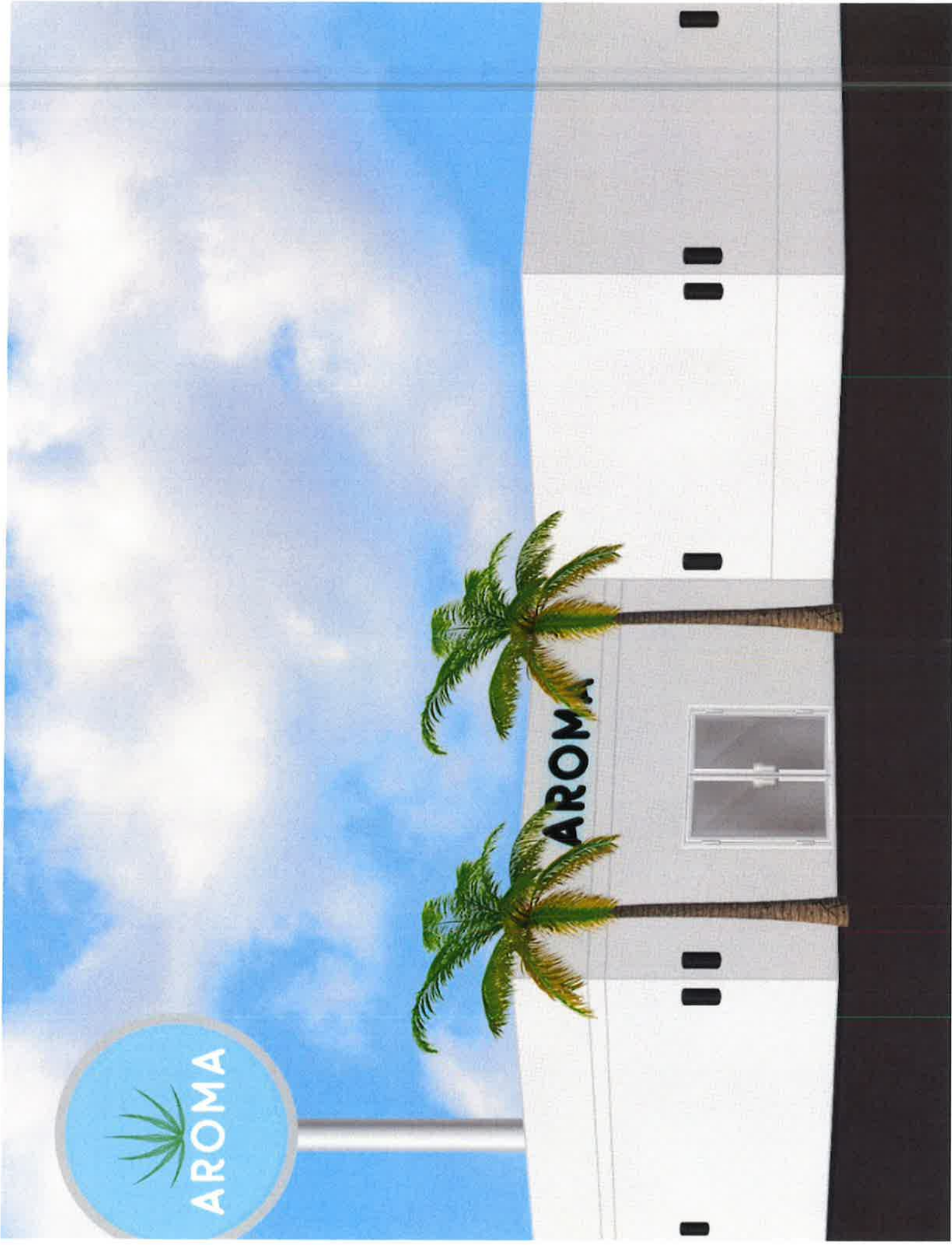
# PROJECT LOCATION MAP



**MOVOCAN  
CUP #21-0016,  
INITIAL STUDY #21-0024  
APN 056-282-013-000**

-  Highways
-  Parcels
-  Project Location

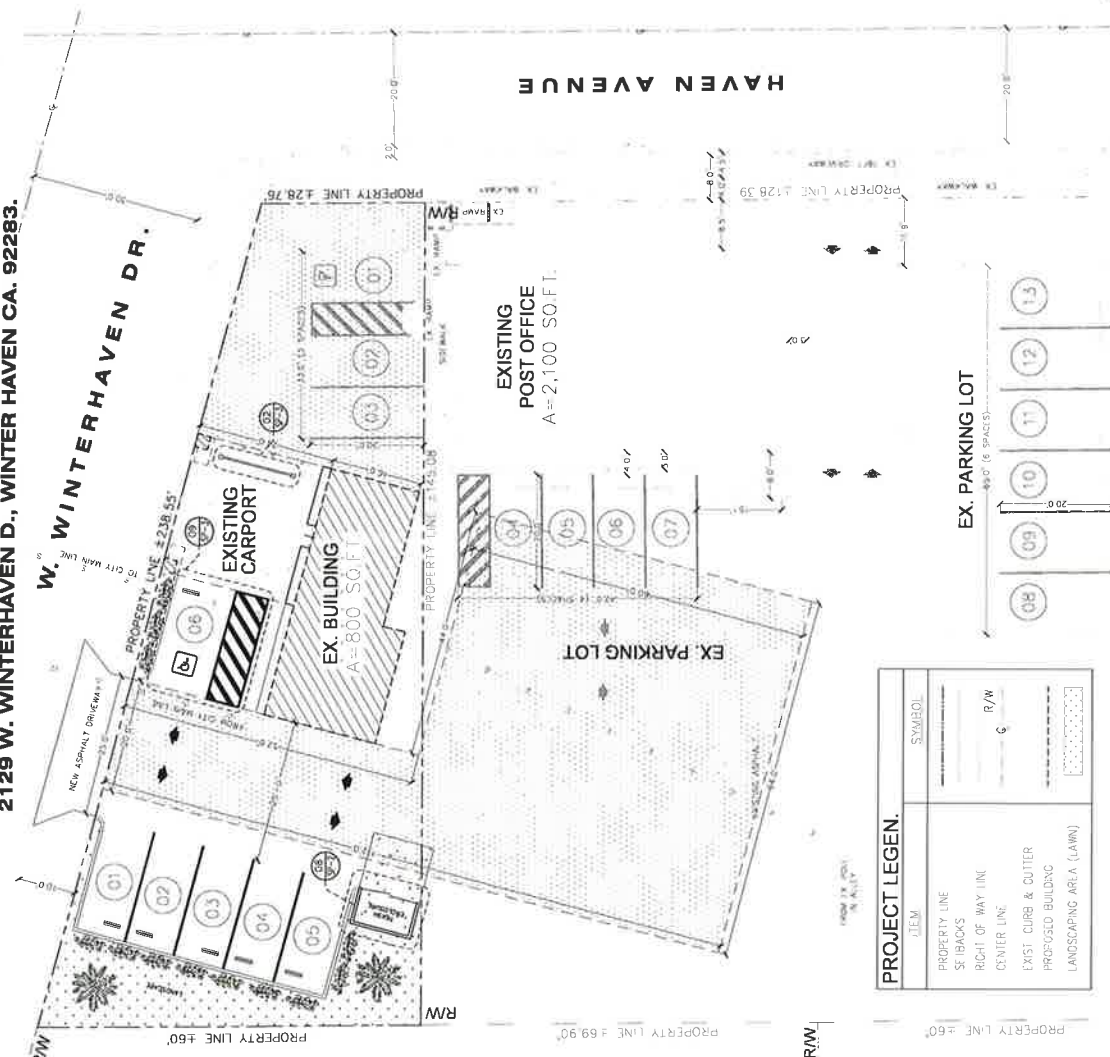




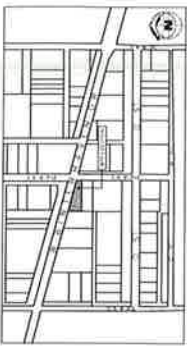
AROMA

# CUP # 21-0016 MOVOCAN - DISPENSARY SITE PLAN.

2129 W. WINTERHAVEN D., WINTER HAVEN CA. 92283.



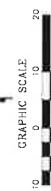
### VICINITY MAP.



- BUILDING CODE:**
- THE 2018 EDITION OF THE CALIFORNIA BUILDING CODE (CBC) ADOPTS THE 2018 INTERNATIONAL BUILDING CODE (IBC), AND THE AMENDMENTS.
  - THE 2019 EDITION OF CALIFORNIA RESIDENTIAL CODE (CRC) ADOPTS THE INTERNATIONAL RESIDENTIAL CODE (IRC), AND THE AMENDMENTS.
  - THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE, TITLE 14 PART 3 (CEC19), ADOPTS THE 2017 EDITION OF NFPA 70B NATIONAL ELECTRICAL CODE (NEC17).
  - THE 2019 CALIFORNIA MECHANICAL CODE (CMC19), ADOPTS THE 2018 UNIFORM MECHANICAL CODE (UMC18), AND THE AMENDMENTS.
  - THE 2019 CALIFORNIA PLUMBING CODE (CPC19), ADOPTS THE 2018 UNIFORM PLUMBING CODE (UPC18), AND THE AMENDMENTS.
  - THE 2018 EDITION OF THE CALIFORNIA FIRE CODE (CFC18), ADOPTS THE 2018 INTERNATIONAL FIRE CODE (IFC18) AND THE AMENDMENTS.
  - THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGS19).
  - THE 2019 EDITION OF THE CALIFORNIA ENERGY EFFICIENCY STANDARDS.
- NOTES:**
- THE BUILDING CANNOT BE OCCUPIED UNTIL THE TRAVEL IMPROVEMENT WAS REVIEWED AND APPROVED BY THE BUILDING DEPARTMENT.
  - ANY HAZARDOUS MATERIALS WILL BE STORED AND/OR USED WITHIN THE BUILDING WHICH CARRIES THE QUANTITIES LISTED IN CBC TABLES 207.11 AND 207.12.
  - ALL PROPERTY LINES, EASEMENTS AND BUILDINGS, EXISTING AND PROPOSED ARE SHOWN ON THIS SITE PLAN.

### GENERAL NOTES.

- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO STARTING WORK. THE DESIGNER SHALL BE NOTIFIED OF ANY DISCREPANCIES.
- ALL WORKMANSHIP AND MATERIALS SHALL EQUAL OR EXCEED THE MINIMUM STANDARDS OF THE LATEST ADOPTED EDITION OF THE CBC 2019 (AND CODE AMENDMENTS).
- ALL CONSTRUCTION SHALL CONFORM TO LOCAL COUNTY ORDINANCES, AS REQUIRED BY THE IMPERIAL COUNTY BUILDING DEPARTMENT.
- FOUNDATIONS AND TEMPORARY SUPPORTS SHALL BE PROVIDED TO SUPPORT ALL LOADS THAT MAY OCCUR DURING CONSTRUCTION.
- PLANS SHALL NOT VIOLATE ANY SECTION OF APPLICABLE BUILDING CODE OR CITY OR STATE ORDINANCE.



### SITE PLAN.

SCALE: 1" = 10' 0"

CALL BEFORE YOU DIG  
 UNDERGROUND SERVICE ALERT  
 1-800-4-A-SHIELD  
 1-800-485-5747  
 24 HOURS A DAY BEFORE YOU DIG

DATE: 09/21/2021  
 SCALE: AS SHOWN  
 SHEET: **SP-1**

**Yanez**  
 ENGINEERING  
 1000 W. WINTERHAVEN DR., WINTER HAVEN, CA 92283  
 TEL: (951) 844-1111 FAX: (951) 844-1112

THIS DRAWING IS AN INSTRUMENT OF SERVICE. IT IS THE PROPERTY OF YANEZ ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, REPRINTED, OR USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT AND EXPRESS APPROVAL OF YANEZ ENGINEERING. ANY UNAUTHORIZED REPRODUCTION OR USE OF THIS DRAWING IS PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

| NO. | REVISIONS | DATE |
|-----|-----------|------|
|     |           |      |
|     |           |      |
|     |           |      |

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS AREA TO BE SHOWN ON THIS PLAN. ANY DISCREPANCY BETWEEN THE AS-BUILT CONDITIONS AND THE AS-BUILT CONDITIONS SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY.

**TITLE:** SITE PLAN.

**OWNER:** MOVOCAN  
 ADDRESS: 3025 HEIL CIR  
 CITY: ESCROW CA 92239  
 PHONE: \_\_\_\_\_

**PROJECT:** CUP # 21-0016.  
 ADDRESS: 2129 W. WINTERHAVEN DR.  
 CITY: WINTER HAVEN CA 92283  
 PHONE: \_\_\_\_\_

| ITEM                    | SYMBOL |
|-------------------------|--------|
| PROPERTY LINE           | ---    |
| SETBACKS                | ---    |
| RIGHT OF WAY LINE       | ---    |
| CENTER LINE             | ---    |
| EXIST. CURB & CUTTER    | ---    |
| PROPOSED BUILDING       | ---    |
| LANDSCAPING AREA (LAWN) | ---    |

**EXISTING POST OFFICE**  
 A = 2,100 SQ. FT.

**EXISTING CARPORT**  
 A = 800 SQ. FT.

**EX. PARKING LOT**  
 13 SPACES

**EX. PARKING LOT**

### PROJECT LEGEN.

**NOTE:**  
 SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING DEPARTMENT. ALL SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND THAT THEY HAVE BEEN FOUND TO BE IN GENERAL COMPLIANCE WITH THE DESIGN AND SUBMITTAL DOCUMENTS. THE DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING DEPARTMENT. THE DESIGN AND SUBMITTAL DOCUMENTS SHALL BE SUBJECT TO THE APPROVAL OF THE CALIFORNIA ENERGY EFFICIENCY STANDARDS.

### ITEMS THAT WILL HAVE A DEFERRED SUBMITTAL:

- FIRE SPRINKLER SYSTEM CALCULATION.

### SETBACKS:

THE FOLLOWING YARD AND SETBACK REQUIREMENTS SHALL APPLY IN THE C-2 ZONE  
 A FRONT YARD EXCEPT AS OTHERWISE PROVIDED, THE FRONT YARD MINIMUM SETBACK FOR ALL BUILDINGS SHALL BE AS FOLLOWS:  
 1. THE FRONT YARD SETBACK SHALL BE 10 FEET.  
 2. THE FRONT YARD SETBACK SHALL BE 10 FEET EXCEPT THAT NO REAR YARD SHALL BE REQUIRED AT THE FRONT THAT IS PUBLIC ALLEY CLOSURE AND IS TO NOT CREATE VISUAL OBSTRUCTION TO TRAFFIC.  
 3. REAR YARD EXCEPT AS OTHERWISE PROVIDED, THE REAR YARD MINIMUM SETBACK FOR ALL BUILDINGS SHALL BE AS FOLLOWS:  
 1. THE REAR YARD SETBACK SHALL BE 10 FEET.  
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### 118-102 DIMENSIONS FOR ADULTS AND CHILDREN.

... AND BUILDING INCLUDES A FINISH DESIGN OF 10 OR MORE CHAIRS COMPLYING WITH TABLE 118-102.333 IS NECESSARY FOR FUTURE CHAIRING CAPABILITY PROVIDE THE FOLLOWING DESIGN INFORMATION TO THE PLANNING DEPARTMENT:

1. NUMBER OF CHAIRS TO BE PROVIDED FOR EACH SEATING AREA.
2. NUMBER OF CHAIRS TO BE PROVIDED FOR EACH SEATING AREA.
3. CHAIRS TO BE PROVIDED FOR EACH SEATING AREA.
4. CHAIRS TO BE PROVIDED FOR EACH SEATING AREA.
5. CHAIRS TO BE PROVIDED FOR EACH SEATING AREA.
6. CHAIRS TO BE PROVIDED FOR EACH SEATING AREA.

... AND THE BUILDING SHALL BE DESIGNED TO ACCOMMODATE 10 OR MORE CHAIRS AND BE LOCATED WITHIN THE BOUNDARIES OF THE TRASH ENCLOSURE AS SHOWN ON THE TRASH ENCLOSURE PLAN.

### 02 CHAPTER 118.

| Conventional | Description  |
|--------------|--|
| 36<br>BIS    | dimension showing English units (inches unless otherwise specified) minimum: maximum |
| 6            | dimension for small measurements   |
| 33-36<br>MIN | dimension showing a range with minimum: maximum                                      |
| MIN<br>MAX   | dimension for small measurements   |
| 3<br>2<br>4  | greater than or equal to   |
| 4<br>5<br>6  | less than or equal to  |
|              | direction of travel or approach  |
|              | direction of travel or approach  |

| Graphic Convention for Figures |  |
|--------------------------------|--|
|                                | permitted element or its extension                         |
|                                | direction of travel or approach                            |
|                                | a wall, floor, ceiling or other element in section or plan |
|                                | an highlighted element in elevation or plan                |
|                                | location zone of element, control or feature               |

... AND THE BUILDING SHALL BE DESIGNED TO ACCOMMODATE 10 OR MORE CHAIRS AND BE LOCATED WITHIN THE BOUNDARIES OF THE TRASH ENCLOSURE AS SHOWN ON THE TRASH ENCLOSURE PLAN.

### 03 CHAPTER 11B.

... AND THE BUILDING SHALL BE DESIGNED TO ACCOMMODATE 10 OR MORE CHAIRS AND BE LOCATED WITHIN THE BOUNDARIES OF THE TRASH ENCLOSURE AS SHOWN ON THE TRASH ENCLOSURE PLAN.

### 04 GRAPHIC CONVENTION FOR FIGURES.



### 05 EDGE PROTECTION.

... AND THE BUILDING SHALL BE DESIGNED TO ACCOMMODATE 10 OR MORE CHAIRS AND BE LOCATED WITHIN THE BOUNDARIES OF THE TRASH ENCLOSURE AS SHOWN ON THE TRASH ENCLOSURE PLAN.

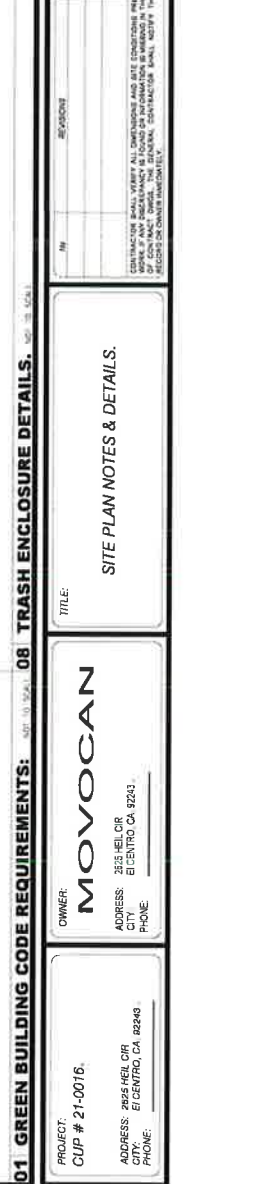
### 06 CLEAR SPACE AT DIAGONAL CURB RAMPS.



### 07 ISLANDS IN CROSSINGS.



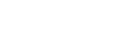
### 08 TRASH ENCLOSURE DETAILS.



### 09 GATE HINGE DETAIL.



### 10 POST-MOUNTED PROTRUDING OBJECTS.



### 11 OBSTRUCTED HIGH FORWARD REACH.



### 12 UNOBSTRUCTED REACH.



### 13 CUSTOMER COUNTERTOP DETAIL.



### 118-05 RAMPS.

... AND THE BUILDING SHALL BE DESIGNED TO ACCOMMODATE 10 OR MORE CHAIRS AND BE LOCATED WITHIN THE BOUNDARIES OF THE TRASH ENCLOSURE AS SHOWN ON THE TRASH ENCLOSURE PLAN.

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Yanez ENGINEERING  
DATE: 03/20/2011  
SHEET: AS BUSHN  
SP-2

|          |                                   |
|----------|-----------------------------------|
| PROJECT: | CUP # 21-0016.                    |
| OWNER:   | MOVOCAN                           |
| ADDRESS: | 3825 HEIL CIR<br>CENTRO, CA 92249 |
| PHONE:   |                                   |

|              |  |
|--------------|--|
| DATE:        |  |
| DRAWN BY:    |  |
| CHECKED BY:  |  |
| APPROVED BY: |  |

|              |                            |
|--------------|----------------------------|
| TITLE:       | SITE PLAN NOTES & DETAILS. |
| DESCRIPTION: |                            |
| REVISIONS:   |                            |
| DATE:        |                            |
| BY:          |                            |
| APPROVED BY: |                            |

|          |                                   |
|----------|-----------------------------------|
| PROJECT: | CUP # 21-0016.                    |
| OWNER:   | MOVOCAN                           |
| ADDRESS: | 3825 HEIL CIR<br>CENTRO, CA 92249 |
| PHONE:   |                                   |

|  |
|--|
| 01 GREEN BUILDING CODE REQUIREMENTS:   |
| 02 CHAPTER 11B.                        |
| 03 CHAPTER 11B.                        |
| 04 GRAPHIC CONVENTION FOR FIGURES.     |
| 05 EDGE PROTECTION.                    |
| 06 CLEAR SPACE AT DIAGONAL CURB RAMPS. |
| 07 ISLANDS IN CROSSINGS.               |
| 08 TRASH ENCLOSURE DETAILS.            |
| 09 GATE HINGE DETAIL.                  |
| 10 POST-MOUNTED PROTRUDING OBJECTS.    |
| 11 OBSTRUCTED HIGH FORWARD REACH.      |
| 12 UNOBSTRUCTED REACH.                 |
| 13 CUSTOMER COUNTERTOP DETAIL.         |

**11B-406.1**

VERTICAL CURBS SHALL COMPLY WITH SECTIONS 11B-406.2 AND 11B-406.3



**FIGURE 11B-406.22**

**11B-406.4 BLENDED TRANSITIONS:**

BLEND TRANSITIONS SHALL HAVE A RAMPING SLOPE NOT STEEPER THAN 1:12 (11B-406.2.2) AND 1:12 (11B-406.2.2)



**FIGURE 11B-406.33**

PARALLEL TO THE CURB RAMP SHALL COMPLY WITH SECTIONS 11B-406.2 AND 11B-406.3



A TURNING SPACE 48 INCHES (1219 MM) MINIMUM SHALL BE PROVIDED AT THE BEGINNING OF THE CURB RAMP

ALL CURB RAMP SPACES SHALL BE 48 INCHES (1219 MM) MINIMUM

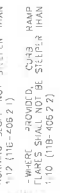
**FIGURE 11B-406.59**

COVARIATE SIGNS OF ADJOINING OUTLINES AND ROAD SURFACES



**11B-406.1**

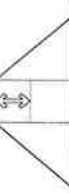
PERPENDICULAR CURB RAMPS SHALL COMPLY WITH SECTIONS 11B-406.2 AND 11B-406.3



**FIGURE 11B-406.22**

**11B-406.4 BLENDED TRANSITIONS:**

BLEND TRANSITIONS SHALL HAVE A RAMPING SLOPE NOT STEEPER THAN 1:12 (11B-406.2.2) AND 1:12 (11B-406.2.2)



**FIGURE 11B-406.33**

PARALLEL TO THE CURB RAMP SHALL COMPLY WITH SECTIONS 11B-406.2 AND 11B-406.3



A TURNING SPACE 48 INCHES (1219 MM) MINIMUM SHALL BE PROVIDED AT THE BEGINNING OF THE CURB RAMP

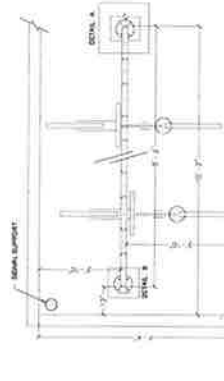
ALL CURB RAMP SPACES SHALL BE 48 INCHES (1219 MM) MINIMUM

**FIGURE 11B-406.59**

COVARIATE SIGNS OF ADJOINING OUTLINES AND ROAD SURFACES



**02 BICYCLE PARKING RACK**



**02 BICYCLE PARKING RACK**

NOTE: IF POSSIBLE, USE OF ROLLER BRACKETS IS PREFERRED TO THE USE OF WHEELS AND TYRES

NOTE: COVARIATE SIGNS SHALL BE PROVIDED AT ALL CURB RAMP SPACES

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**03 CURB AT STALLS/PAVING**



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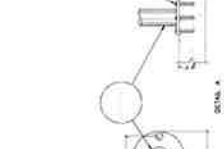
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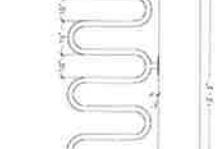
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**05 WALK EXP. JOINT**



**05 WALK EXP. JOINT**

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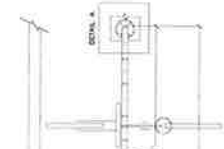
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**06 PVG. EXP. JOINT**



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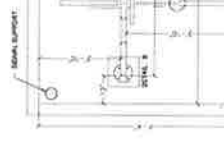
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**07 PARKING SPACE DETAIL**



**07 PARKING SPACE DETAIL**

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**08 TRAFFIC FLOW ARROW**



**08 TRAFFIC FLOW ARROW**

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**PROJECT:**  
CUP # 21-0016

**OWNER:**  
MOVOCAN

**ADDRESS:** 2625 MEL CIR  
CITY: EAGLEBRID, CA 92624  
PHONE:

**DATE:** 06/30/2021  
**SCALE:** AS SHOWN  
**SHEET:** SP-3

**Yanez ENGINEERING**  
3850 SUTCLIFF DRIVE, CA 92604, U.S.A.  
TEL: 949.453.3333

**THIS DRAWING IS AN INSTRUMENT OF SERVICE. IT IS THE PROPERTY OF YANEZ ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO REPRODUCTION OR USE OF THIS DRAWING OR ANY PART THEREOF IS PERMITTED WITHOUT THE WRITTEN CONSENT OF YANEZ ENGINEERING. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED BY THE CLIENT. THE CONTRACTOR SHALL NOTIFY THE OWNER OF ANY DISCREPANCIES IN THE APPROVED SET OF DRAWINGS PRIOR TO THE START OF CONSTRUCTION.**

Attachment B  
ND RESOLUTION

**RESOLUTION NO.**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE "NEGATIVE DECLARATION" FOR CONDITIONAL USE PERMIT # 21-0016**

**WHEREAS**, on August 27, 2021, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for September 9, 2021; and

**WHEREAS**, a Negative Declaration, CEQA findings has been prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended"; and

**WHEREAS**, the Environmental Evaluation Committee recommended to the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permit # 21-0016; and

**WHEREAS**, the Negative Declaration was posted for more than 20 days from September 9 thru September 30, 2021; and

**WHEREAS**, the Planning Commission of the County of Imperial has been designated with the responsibility of adoptions and certifications; and

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other comments by interested parties at a public hearing held with respect to this item on November 18, 2021.

**NOW, THEREFORE**, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Conditional Use Permit # 21-0016 The Planning Commission finds and determines that the Negative Declaration (ND) is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), which analyzes the project's environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct, and valid; and,
2. That the Planning Commission has reviewed the attached ND for Conditional Use Permit #21-0016 and considered the information contained in the ND together with all comments received during the public review period and prior to approving the Conditional Use Permit; and,
3. That the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and.

4. That the Negative Declaration reflects the Planning Commission independent judgment and analysis.

**NOW, THEREFORE,** based on the findings, the Planning Commission **DOES HEREBY ADOPT** the Negative Declaration (ND) for Conditional Use Permit #21-0016.

**Rudy Schaffner, Chairperson**  
**Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 18, 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**Jim Minnick, Secretary to the Planning Commission**

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Attachment C  
CUP RESOLUTION

## RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE APPROVAL OF “CONDITIONAL USE PERMIT #21-0016,” FOR THE MOVOCAN CANNABIS (ADULT/MEDICINAL) DISPENSARY WITH DELIVERY FACILITY (AROMA).**

**WHEREAS**, Angel Fernandez, on behalf of Movocan Inc. has submitted an application for **Conditional Use Permit #21-0016**, for a **Cannabis (Adult/Medicinal) Dispensary Facility, with Delivery**, and

**WHEREAS**, an “Negative Declaration (ND)” and CEQA Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County’s “Rules and Regulations to Implement CEQA as Amended”; and

**WHEREAS**, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications of proposed projects; and

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 18, 2021; and

**WHEREAS**, on September 9, 2021, the proposed Negative Declaration was submitted to the County’s Environmental Evaluation Committee (EEC) and EEC determined the ND to be legally adequate under the California Environmental Quality Act, Section 15070, due to the fact the initial study shows that there are no substantial evidence, in light of the whole record before the EEC that the project would not a significant effect on the environment.

**NOW, THEREFORE**, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

**SECTION 1.** The Planning Commission has considered the proposed **Conditional Use Permit #21-0016** prior to consideration of approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and the California Environmental Quality Act (CEQA) which analyses environmental effects, based upon the following findings and determinations.

**SECTION 2.** That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for the approval of **Conditional Use Permit #21-0016**, has been made as follows:

**A. The proposed use is consistent with goals and policies of the adopted County General Plan.**

The Imperial County General Plan & West Shore/Salton City Urban Plan designates the subject site as "Government Special Public". An analysis of the projects' consistency with the General Plan Winterhaven Urban Plan goals and objectives relevant to the project is provided and considered consistent with the applicable policies. Additionally, the proposed projects are consistent with Board of Supervisors Adopted Ordinance dated November 21, 2017 Title 14 permitting the commercial operation of cannabis in Imperial County as described in the Medicinal and Adult-Use Cannabis Regulation and safety Act, as defined in section 14.01.020 of the County of Imperial Codified Ordinances.

**B. The proposed use is consistent with the purpose of the zone or sub-zone within which the use will be used.**

The Project could be found consistent with the proposed use of the zones it is located within. The purpose of the project is for the operation of a "CANNABIS DISPENSARY FACILITY. This use is permitted within the "General Commercial" zone. Pursuant to Title 9, Division 4, Chapter 6, 90406.05 (B) "" Commercial Cannabis Zoning (Conditional Use Permit)," are uses that are permitted in the zones subject to approval of a CUP from the County.

**C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.00.**

The proposed cannabis uses are consistent with the definition of Land Use Ordinance, Section 90406.05 with an approved Conditional Use Permit.

**D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulation of the County of Imperial and the State of California.**

The Conditions of Approval will insure that the project complies with all applicable regulations of the County of Imperial and the State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00.

**E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.**

The Cannabis facilities are not in near proximity to large residential areas and is generally surrounded by other commercial uses to the north, west, east. The facilities will be operated with an existing commercial structure and will be monitored by numerous state



and local agencies to insure of any sensitive sensors are not impacted. Commercial facility is unlikely to result in nuisance-related impacts, such as odor, noise, or access disruptions that could otherwise conflict with adjacent uses. A security plan to protect the facility and surrounding public will be reviewed and approved by county staff. An odor abatement plan will be administered and background checks using live scans will be required for each employee working for Movocan.

**F. The proposed use does not violate any other law or ordinance.**

The proposed project is conditioned to be consistent with Imperial County, Title 9, Land Use Ordinance and State laws. The proposed project will be subject to the Conditional Use Permit and current State and Local regulations.

**G. The proposed use is not granting a special privilege.**

The proposed Cannabis facilities are permitted uses subject to approval of a Conditional Use Permit (Land Use Ordinance, Section 90406.00) et. seq. and will not grant a special privilege.

**NOW, THEREFORE**, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permits #21-0016, subject to the attached Conditions of Approvals.

---

**Rudy Schaffner, Chairperson**  
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **November 18, 2021** by the following votes:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

ATTEST:

---

**Jim Minnick, Director of Planning & Development Services**  
Secretary to the Planning Commission

**ATTACHMENT D  
CUP & CONDITIONS**

Recorded Requested By and  
When Recorded Return To:

Imperial County Planning & Development  
Services Department  
801 Main Street  
El Centro, CA 92243

**AGREEMENT FOR CONDITIONAL USE PERMIT #21-0016**  
**Cannabis Adult Use & Medicinal Dispensary facility with Delivery**  
**APN #056-282-013-000**  
(Movocan Inc.)

This Agreement is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_ 2021, by and between Movocan Inc. (hereinafter referred to as "Permittee" or "Applicant"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

**RECITALS**

**WHEREAS**, Permittee is the lessee or successor-in-interest of certain land in Imperial County to be developed with a cannabis dispensary at 2129 Winterhaven Drive in Winterhaven, CA, with approximately 1,445 square feet for the Adult Use/Medicinal w/delivery located in the unincorporated Winterhaven area.

**WHEREAS**, Permittee has applied to the County of Imperial for a Conditional Use Permit #21-0016 (the "Project") for the operation of an Adult Use & Medicinal cannabis dispensary retail outlet with delivery.

The Permittee for the adult use and medicinal dispensary shall fully comply with all of the terms and conditions of the Project as specified hereinafter within this Conditional Use Permit.

**GENERAL CONDITIONS:**

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

**G-1 GENERAL LAWS**

The Permittee shall comply with any and all local, state, and federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

**G-2 COSTS**

The Permittee shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field inspections, enforcement, monitoring, or other activities related to compliance with this permit, County Ordinances, and/or other applicable regulations.

**G-3 PERMITS/LICENSES**

The Permittee shall obtain any and all local, state and/or federal permits, licenses, and/or other approvals for the construction and/or operation of the Project. This shall include, but not be limited to, local requirements by the Imperial County EHS/Health Department, Planning and Development Services Department, Imperial County Air Pollution Control District (ICAPCD), Imperial Irrigation District (IID), Imperial County Public Works Department, Imperial County Sheriff/Coroner's office, Imperial County Fire Protection/Office of Emergency Services, among others. Permittee shall likewise comply with all such permit requirements. Additionally, Permittee shall submit a copy of such additional permit and/or licenses to the Planning and Development Services Department within thirty (30) days of receipt, including amendments or alternatives thereto, when requested.

**G-4 RECORDATION**

This permit shall **not be effective** until it is recorded at the Imperial County Records Office, and payment of the recordation fee shall be the responsibility of the Permittee.

If the Permittee fails to pay the recordation fee within six (6) months from the date of approval, and/or this permit is not recorded within 180 days from the date of approval, this permit shall be deemed null and void, without notice having to be provided to Permittee. Permittee may request a written extension by filing such a request with the Planning Director at least sixty (60) days prior to the original 180-day expiration. The Director may approve an extension for a period not to exceed 180 days. An extension may not be granted if the request for an extension is filed after the expiration date.

**G-5 COMPLIANCE/REVOICATION**

Upon the determination by the Planning and Development Services Department, (if necessary upon consultation with other Departments or Agency(ies) that the project is or may not be in full compliance with any one or all of the conditions of this Conditional Use Permit, or upon the finding that the project is creating a nuisance as defined by law, the PERMIT and the noted violation(s) shall be brought immediately to the attention of the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing before the Planning Commission shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

**G-6 PROVISION TO RUN WITH LAND**

The provisions of this project are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest, assignee(s) and/or transferee(s) of said project. Permittee shall not without prior notification to the Planning and Development Services Department assign, sell, or transfer, or grant control of this Permit or any right or privilege herein. The Permittee shall provide a written notice a minimum of sixty (60) calendar days prior to such proposed transfer becoming effective.

**G-7 RIGHT OF ENTRY**

The County reserves the right to enter the premises to make the appropriate inspection(s) at any time, announced or unannounced, in order to make appropriate inspection(s) and to determine if the condition(s) of this permit are complied with. Access to authorized enforcement agency personnel shall not be denied.

**G-8 TIME LIMIT**

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of (3) three years from the recordation date of the CUP. The CUP may be extended for successive three (3) years by the Planning Director upon a finding by the Planning & Development Services Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation(s) of the County of Imperial. Unless specified otherwise herein, no conditional use permit shall be extended for more than four (4) consecutive periods. If an extension is necessary or requested beyond fifteen (15) years, the Permittee shall file a written request with the Planning Director for a hearing before the Planning Commission. Such request shall include the appropriate extension fee. An extension shall not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions. This time limit is contingent upon initial and continued compliance

with Specific Condition S-19 "State & Local Cannabis Activities License/Permits.

**G-9 DEFINITIONS**

In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s), and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors within the required time. In this permit, the term Permittee may also apply to any other facility user whether specified by name herein or not. To the extent that this site may be used by more than one service provider other than the applicant (Permittee), all of the conditions of this permit shall be equally applicable to the other "user(s)" as if they were the "Permittee".

**G-10 SPECIFICITY**

The issuance of this permit does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown on the application/project description, nor shall this permit allow any accessory or ancillary use not specified herein. This permit does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project. The site specific use authorized by this permit is listed under the SITE SPECIFIC ("S") conditions, and only the use or uses listed shall be deemed as approved by this permit.

**G-11 HEALTH HAZARD**

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

**G-12 REPORT(S)**

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this Conditional Use Permit. The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of this permit. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of

the Permittee to assure that the County receives such information in a timely manner.

**G-13 RESPONSIBLE AGENT**

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

**G-14 INDEMNIFICATION**

As a condition of this Permit, Permittee agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the Permit or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness fees that may be asserted by any person or entity, including the Permittee, arising out of or in connection with the approval of this Permit, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

**G-15 CHANGE OF OWNER/OPERATOR**

In the event the ownership of the site or the facilities or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this permit as if said successor was the original Permittee. Current Permittee shall inform the County Planning and Development Services Department in writing at least sixty (60) calendar days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Planning and Development Services Department via Certified Mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all conditions and/or regulations. If this permit or any subservient or associated permit requires financial surety, the transfer of this permit shall not be effective until the new Permittee has the requisite surety on file. Furthermore, the existing surety shall not be released until a replacement surety is accepted by County Counsel's office.

**G-16 MINOR AMENDMENTS**

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which may be necessary to comply with other government permit compliance requirements.

**G-17 CONDITION PRIORITY**

This project shall be constructed and operated as described in the Conditional Use Permit application, the Environmental Assessment, the project description, and as specified in these conditions. Where a conflict occurs, the Conditional Use Permit conditions shall govern and take precedence.

**G-18 SEVERABILITY**

Should any condition(s) of this permit be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this permit.

**G-19 WATER AND SEWER**

Permittee shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning and Development Services Department.

**G-20 COMMENCEMENT OF WORK**

No commencement of work until all conditions pursuant to the CUP has been satisfied. Evidence that all conditions pursuant to the CUP have been satisfied shall be provided to the Planning Director prior to commencement.

**G-21 FIRE PROTECTION**

Permittee shall provide an adequate fire protection system and accessibility to the site in accordance with the National Fire Protection Act (NFPA), 2013 California Fire Code, and County Fire Department standards. This shall include all requirements by the Imperial County Fire Department regarding fire protection water storage and access roads. Additionally Permittee shall provide to Imperial County Fire Department a plot plan, drawn to scale indicating the exact location and size of the water storage tanks and the access roads.



**G-22    INSURANCE**

The Permittee shall take out and maintain workers compensation insurance as required by the State of California. The Permittee shall also secure liability insurance and such other insurance as required by state and/or federal law. A Certificate of Insurance is to be provided to the Planning/Building Department by the insurance carrier, and said insurance and certificate shall be kept current for the life of the project. Certificates of Insurance shall be sent directly to the Planning/Building Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

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(Total "G" Conditions are 22)

***(The balance of this page was intentionally left blank)***

**SPECIFIC CONDITIONS:**

**S-1 PROJECT DESCRIPTION**

The Permittee may construct and operate the following facilities in compliance with the Conditional Use Permit, the County's General Plan's Land Use Element, Land Use Ordinance and all other applicable local, state, and federal laws, ordinances, regulations and standards (LORS), to include any other permits, which are incorporated herein by reference:

1. The operation of an adult use & medicinal cannabis retail dispensary operation with delivery. The project will be limited to 1,445 square feet in retail space where customers and patients will be allowed to purchase various types of cannabis and concentrate products. All the medicinal dispensary products for sale will be received pre-packaged from a County and State approved Distribution Company.
2. Maintenance of the facility's water system and storm-water retention basin system to contain on-site storm-water flows and storm-water detention basin system for management of off-site storm-water flows shall be as approved by the Imperial County Public Works Department and the Regional Water Quality Control Board;

**S-2 AETHETICS**

Landscaping shall be installed along public roadway along the frontage of the property, with special attention at the entrance. The landscaping will need design approval from the County prior to installation and Permittee is responsible for maintaining landscaping.

An on-site parking plan shall be prepared with county approved landscaping requirements.

**S-3 ADULT USE & MEDICINAL CANNABIS FACILITY LOCATION**

1. Commercial cannabis activities shall not be located within 600-foot radius of a school providing instruction in Kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license issued. Horizontal distance measured in a straight line from the property line of the school to the closes property line of the commercial cannabis activities lot.
2. Commercial cannabis activities shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of the Count's Land Use Ordinance.

**S-4 SOLID WASTE DISPOSAL**

Permittee shall not dispose of any solid waste on-site and all solid waste shall be removed from the site and deposited in an approved solid waste site.

**S-5 LIGHT & GLARE**

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and directed to on-site areas only to minimize off-site impacts due to unacceptable levels of light or glare.

**S-6 LATEST CODES GOVERN**

All on-site structures shall be designed and built to meet the latest edition of the applicable codes.

**S-7 FIRE SAFETY**

The Imperial County Fire Department shall reserve the right to inspect the premises and request additional access and fire protection systems as they deem necessary.

**S-8 FIRE PROTECTION**

1. An approved water supply capable of supplying the required fire flow
2. All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
3. All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
4. All cannabis facilities shall have approved smoke removal systems installed and maintained to the current adapted fire code and regulations.
5. Compliance with all required sections of the fire code.

**S-9 ODOR CONTROL**

An Odor Control Plan providing air treatment/filtration systems to eliminating the cannabis operation detection from outside the facility. The facility shall contain at least two charcoal carbon odor control air filters.<sup>1</sup>

**S-10 SECURITY PLAN**

A Security Plan providing 24 hour protection, including but not limited to, electronic surveillance and alarm measures, structural (interior and exterior)

lighting, perimeter fencing. The Security Plan will require approval by the County.

**S-11 PERMITTED USE OF PROPERTY**

This Permit authorizes the use of the identified project site as an Adult Use and Medicinal Cannabis Dispensary facility. All permitted Cannabis Activities within this project site shall be subject to the provisions of Title 9 Chapter 90406.00 regardless of whether the use existed or occurred prior to adoption of this Chapter. Commercial cannabis activities are allowed on General Commercial zoned lands (C-2) with an approved Conditional Use Permit approved by the Planning Commission.

**S-12 HOURS OF OPERATION**

The facility office will be allowed to open Monday through Sunday from 7:00 a.m. to 9:00 p.m. seven (7) days a week.

**S-13 WATER AND SEWER**

Permittee shall provide water and sewer to Federal, State and County Standards. Environmental Health Services shall approve the water and Sewer systems.

**S-14 ENCHROACHMENT PERMIT AND PUBLIC WORKS CONDITIONS**

1. The applicant is responsible to obtain Encroachment Permit(s) from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the property through surrounding roads. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B. Access to the site will require the installation of commercial driveway, the installation of the driveway shall be completed per the Engineering Design Guidelines Manual for the preparation and checking of Street Improvement, Drainage, and Grading Plans within Imperial County.<sup>3</sup>
2. All permanent structures, including above ground piping abutting public roads shall be located outside the ultimate right of way. Additionally, location of instruments and appurtenances cannot pose a traffic study hazard.<sup>3</sup>
3. All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. The surfacing shall meet the Department of Public Works and Fire/OES Standards as well as those of the Air Pollution Control District and Title 9 Section 90301.02 Development Standards for Commercial and Industrial zones.<sup>3</sup>

**S-15 DRAINAGE**

1. The applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
2. The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Control Board (RWQCB) prior to county approval of onsite grading (40 CFR 122.28).<sup>3</sup>

#### **S-16     AIR QUALITY**

The Permittee shall contact the Imperial County Air Pollution Control District's (APCD) Engineering Division to begin the process of review for the proposed expansion. Similarly, please keep in mind that all construction and earthmoving activities are submit to compliance with all the fugitive dust rules, known as Regulation VIII.<sup>2</sup>

#### **S-17     AG COMMISSIONER CONDITIONS**

1. As required by Title 9 Division 3 Section 90302.3 Landscaping standards Industrial uses, to landscape, if material is not sourced from a nursery with Imperial County, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant must contact Pest Detection and Eradication Division for procedures regarding the quarantines of movement of plant material,
2. Any commercial weighing and measuring devices are required to be type approved for commercial use and must be registered, inspected and sealed by our office on an annual basis. Any point of sales devices or scanners used in retail sale transactions are also required to be registered and inspected.

#### **S-18     PUBLIC HEALTH DEPARTMENT CONDITIONS**

Store construction plans will need to be submitted to DEH, for review and approval before the facility is approved for construction. These plans will be reviewed to verify their compliance with the California Retail Food Code.

#### **S-19     State and Local Cannabis Activities permits**

The cannabis adult use & medicinal dispensary facility will require activation of an Imperial County Commercial Cannabis activities permit/license CCA #21-0016 in conjunction with the issuance of a State of California License/Permit for

a cannabis medicinal dispensary. These license/permits must be approved before any cannabis dispensary activities are allowed. If the cannabis License/Permits are terminated, suspended or withdrawn, all activities allowed in this permit will be suspended and the County will commence revocation process pursuant to General Condition G-8.

**S-20 Public Works conditions**

1. Each parcel created or affected by this project shall abut a maintained road and/or have legal and physical access to a public road before the project documents are recorded.
2. The applicant shall furnish a Drainage and Grading Plan/Study to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. The Study/Plan shall be submitted to the Department of Public Works for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
3. An encroachment permit shall be secured from the Department of Public Works for any and all new, altered or unauthorized existing driveway(s) to access the properties through surrounding County roads. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
4. The applicant for Encroachment Permits in County Roads and Right of Way is responsible for researching, protecting, and preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)). This shall include a copy of the referenced survey map and tie card(s) (if applicable) for all monuments that may be impacted.
5. The applicant for grading plans and/or improvement plans is responsible for researching, protecting, and preserving survey monuments per the Professional Land Surveyor's Act (8771 (b)). This shall include a copy of the referenced survey map and tie card(s) (if applicable) for all monuments that may be impacted by the project whether it be on-site or off-site.
6. Per Section 12.10.020 - Street Improvement Requirements of Imperial County Ordinance:
  - a. Street improvements shall be required in conjunction with, but not limited to, any construction, grading, or related work, including the construction of structures, buildings, or major additions thereto, on

property located adjacent to any county street or on property utilizing any county street for ingress and egress, except that such improvements may be deferred as described in [Section 12.10.040](#) of this chapter for residential property.

b. For the purpose of establishing proper standards, specification and directions for design and construction of any road, or other land division improvements required to be constructed in the unincorporated territory of Imperial County, the document entitled "Engineering Design Guidelines Manual for the Preparation and checking of Street Improvement, Drainage, and Grading Plans within Imperial County" revision dated September 15, 2008, is hereby adopted and made a part of this division by reference, three copies of which are on file in the office of the clerk of the board of supervisors and for use and examination by the public. Copies of the manual can also be found at the Imperial County Department of Public Works.

7. Per Section 12.10.030 - Building Permits of Imperial County Ordinance:

a. No building permit for any structure or building or major addition to a building or structure shall be issued until the improvements required by [Section 12.10.010](#) of this chapter have been installed or a deferral agreement has been executed and recorded as provided in [Section 12.10.040](#) of this chapter. In addition, no building permit shall be issued until there has been compliance with [Chapter 12.12](#) of this title and the requirement that an encroachment permit be obtained.

8. Any activity and/or work within Imperial County right-of-way shall be completed under a permit issued by this Department (encroachment permit) as per Chapter 12.12 - EXCAVATIONS ON OR NEAR A PUBLIC ROAD of the Imperial County Ordinance. Any activity and/or work shall include, but not be limited to, curb, gutter, sidewalk, driveways, asphalt paving between the curb and gutter and edge of existing paved road, street lights, temporary traffic control devices for construction activities, etc.

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(Total "S" Conditions are 21)

1. Public Works
2. IID
3. Ag Commissioner's Office
4. APCD
5. EHS

**NOW THEREFORE**, County hereby approves **Conditional Use Permit #21-0016** and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

**IN WITNESS THEREOF**, the parties hereto have executed this Agreement the day and year first written.

**PERMITTEE:**

By: \_\_\_\_\_ Date \_\_\_\_\_  
Angel Fernandez, Director  
Movocan Inc.

**COUNTY OF IMPERIAL**, a political subdivision of the STATE OF CALIFORNIA:

By: \_\_\_\_\_ Date \_\_\_\_\_  
James A. Minnick, Director  
Imperial County Planning & Development Services



**FOR PERMITTEES NOTARIZATION**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**STATE OF CALIFORNIA**

COUNTY OF IMPERIAL} S.S.

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature \_\_\_\_\_

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

**Title or Type of Document** \_\_\_\_\_  
**Number of Pages** \_\_\_\_\_ **Date of Document** \_\_\_\_\_  
**Signer(s) Other Than Named Above** \_\_\_\_\_

**FOR COUNTY NOTARIZATION**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**STATE OF CALIFORNIA**

COUNTY OF IMPERIAL} S.S.

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature \_\_\_\_\_

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

**Title or Type of Document** \_\_\_\_\_

Number of Pages \_\_\_\_\_ Date of

Document \_\_\_\_\_

Signer(s) Other Than Named Above \_\_\_\_\_

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**ATTACHMENT E  
EEC PACKAGE  
& COMMENTS**

# PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: Sept. 9, 2021

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME: 1:30 PM / No.2

PROJECT TYPE: Movocan CUP #21-0016 SUPERVISOR DIST #1

LOCATION: 2129 Winterhaven DR, Winterhaven, CA APN: 056-282-013-000

Winterhaven, CA PARCEL SIZE: 6,887 sf.

GENERAL PLAN (existing) Winterhaven Urban Area (Commercial) GENERAL PLAN (proposed) N/A

ZONE (existing) C-2 (General Commercial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS     CONSISTENT     INCONSISTENT     MAY BE/FINDINGS

PLANNING COMMISSION DECISION:    HEARING DATE: \_\_\_\_\_

APPROVED     DENIED     OTHER

PLANNING DIRECTORS DECISION:    HEARING DATE: \_\_\_\_\_

APPROVED     DENIED     OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 09/09/2021

INITIAL STUDY: #21-0024

NEGATIVE DECLARATION     MITIGATED NEGATIVE DECLARATION     EIR

DEPARTMENTAL REPORTS / APPROVALS:

|                   |                          |      |                          |          |
|-------------------|--------------------------|------|--------------------------|----------|
| PUBLIC WORKS      | <input type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| AG. COMMISSIONER  | <input type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| APCD              | <input type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| DEH/EHS           | <input type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| FIRE/OES          | <input type="checkbox"/> | NONE | <input type="checkbox"/> | ATTACHED |
| OTHER: <u>IID</u> |                          |      |                          |          |

**REQUESTED ACTION:**

**(See Attached)**

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- NEGATIVE DECLARATION**
- MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis  
For: Initial Study #21-0024 Movocan  
Conditional Use Permit #21-0016*



*Prepared By:*

**COUNTY OF IMPERIAL**  
**Planning & Development Services Department**  
801 Main Street  
El Centro, CA 92243  
(442) 265-1736  
[www.icpds.com](http://www.icpds.com)

**September 2021**

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## INTRODUCTION

### A. PURPOSE

This document is a  policy-level,  project level Initial Study for evaluation of potential environmental impacts resulting with the proposed operation for an Adult Use & Medicinal store for sale of cannabis, and for the commercial distribution of cannabis, on APN # 056-282-013-000 see **(Exhibit A)**. The legal description for this parcel is "LOT 37 & 38 BLK 11 EXC PTN TO HWY 80 TOWNSITE OF WINTERHAVEN", an unincorporated WINTERHAVEN Urban area of the County of Imperial, State of California. **Please see (Exhibit "B")**.

### B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970 as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.). applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

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Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

### C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents, which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (*30-days if submitted to the State Clearinghouse for a project of area-wide significance*) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

### D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

#### SECTION 1

**I. INTRODUCTION** presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

#### SECTION 2

**II. ENVIRONMENTAL CHECKLIST FORM** contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

**PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS** describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

**ENVIRONMENTAL ANALYSIS** evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

#### SECTION 3

**III. MANDATORY FINDINGS** presents Mandatory Findings of Significance in accordance with Section 15065 of

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the CEQA Guidelines.

**IV. PERSONS AND ORGANIZATIONS CONSULTED** identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

**V. REFERENCES** lists bibliographical materials used in preparation of this document.

**VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL**

**VII. FINDINGS**

**SECTION 4**

**VIII. RESPONSE TO COMMENTS (IF ANY)**

**IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)**

**E. SCOPE OF ENVIRONMENTAL ANALYSIS**

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

**F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS**

This Initial Study and Negative Declaration will be conducted under a  policy-level,  project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

**G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE**

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

**1. Tiered Documents**

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions for other documents are

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can be included into this document. Tiering is defined as follows:

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

## **2. Incorporation By Reference**

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning & Development Services Department.

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Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.

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## II. *Environmental Checklist*

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1. **Project Title:** Movocan Adult Use and Medicinal Dispensary Store.
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** David Black, Planner IV, (442)265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** davidblack@co.imperial.ca.us
6. **Project location:** APN 056-282-013-000; 2129 Winterhaven Drive, Winterhaven, CA. See Exhibit A and B.
7. **Project sponsor's name and address:** Angel Fernandez, Movocan, 2625 Heil Circle El Centro, CA 92243
8. **General Plan designation:** Winterhaven Urban Area/ General Commercial
9. **Zoning:** C-2 GENERAL COMMERCIAL
10. **Description of project:** **Description of project:** The Applicant proposes Conditional Use Permits 21-0016 to allow for the operation for an Adult Use & Medicinal store for sale of cannabis, on APN # 056-282-016-000 see (Exhibit A). The legal description for this parcel is "LOT 37 & 38 BLK 11 EXC PTN TO HWY 80 TOWNSITE OF WINTERHAVEN, an unincorporated Winterhaven area of the County of Imperial. State of California. **Please see (Exhibit "B")**. Currently, Permittee, will acquire, remodel and repurpose a 6,887 square foot building located at 2129 Winterhaven Drive, Winterhaven, CA.  
  
Movocan is proposing a 1,445 square foot Adult Use/Medicinal cannabis retail space with delivery. The purpose of this dispensary will be to give this County's customers, and medical patients a place where they can find relief and safe access to medicinal cannabis products. Movocan is expecting approx. 100 customers a day. The delivery operations will include 1 to 2 vehicles depending on the volume of orders. Movocan will be doing business as AROMA.
11. **Surrounding land uses and setting:** the project site is located within the Winterhaven Urban area. Surrounding land uses include both commercial land uses. The commercial areas surrounding this facility are mostly general commercial uses.
12. **Other public agencies whose approval is required:** (e.g., permits, financing approval, or participation agreement.): Planning Commission, Imperial County Air Pollution Control District, Imperial County Environmental Health Services, and Imperial County Fire Department. Salton City Community District Office.
13. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

**Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality:** The AB 52 Notice of Opportunity to consult was mailed via certified mail to the Quechan Indian Tribe and Cocopah Tribe on August 24, 2021 for their review and comment.

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input 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                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

**ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION**

After Review of the Initial Study, the Environmental Evaluation Committee has:

Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Found 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.

Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Found 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.

Found 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.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING:  Yes  No

| <u>EEC VOTES</u>          | <u>YES</u>                          | <u>NO</u>                | <u>ABSENT</u>                       |
|---------------------------|-------------------------------------|--------------------------|-------------------------------------|
| PUBLIC WORKS              | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| ENVIRONMENTAL HEALTH SVCS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| OFFICE EMERGENCY SERVICES | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| APCD                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| AG                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| SHERIFF DEPARTMENT        | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ICPDS                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

*Jim Minnick*  
 \_\_\_\_\_  
 Jim Minnick, Director of Planning/EEC Chairman

9-9-2021  
 Date: **EEC ORIGINAL PKG**

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## **PROJECT SUMMARY**

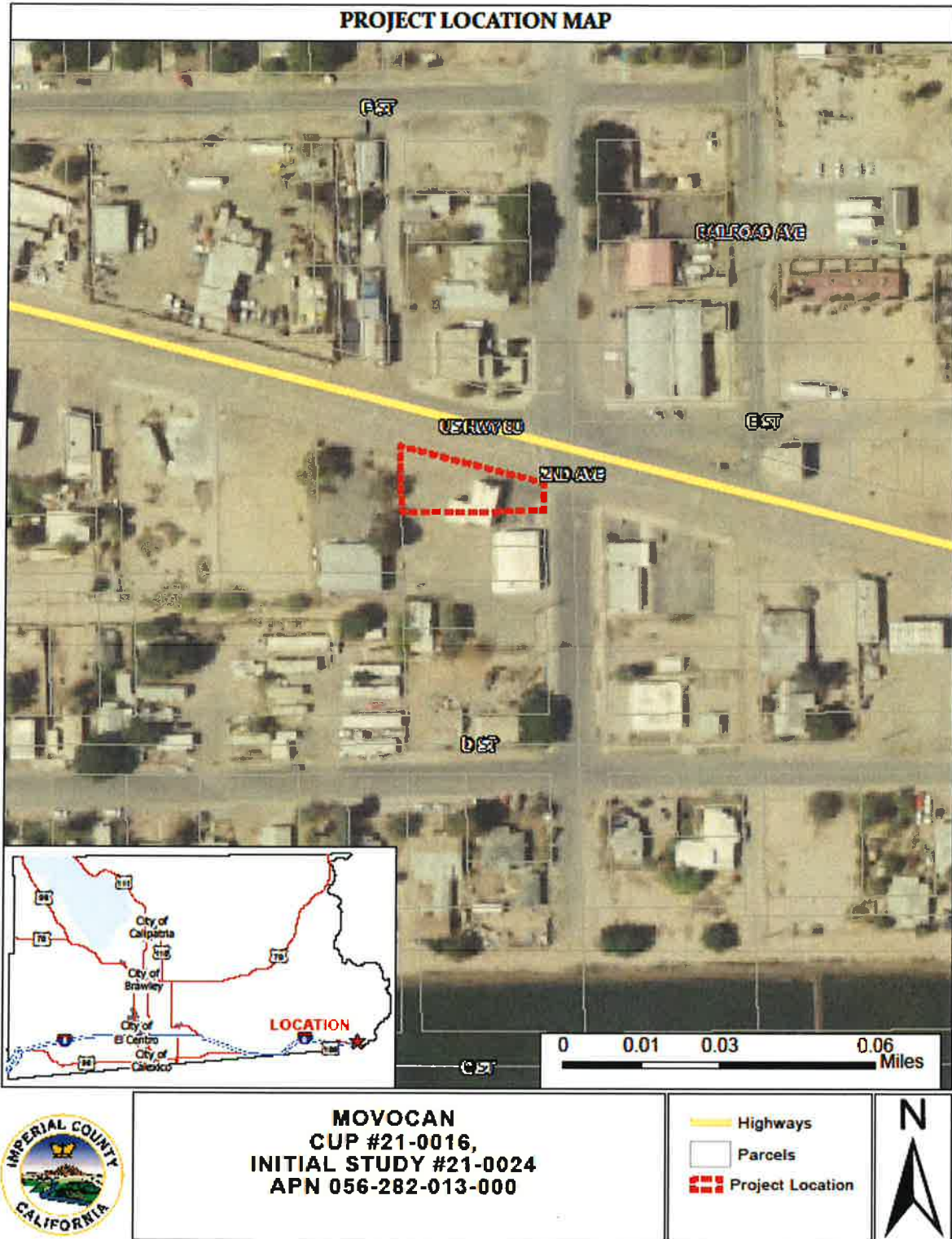
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See attached Initial Study for additional information.

- A. **A. Project Location:** APN # 056-282-013-000 see (Exhibit A). The legal description for this parcel is "LOT 37 & 38 BLK 11 EXC PTN TO HWY 80 TOWNSITE OF WINTERHAVEN ", an unincorporated Winterhaven Urban area of the County of Imperial. State of California. **Please see (Exhibit "B")**. Permittee, will acquire, re-model and repurpose a 6,887 square foot building located at 2129 Winterhaven Drive, Winterhaven, CA.
- B. **Project Summary:** The Applicant proposes Conditional Use Permit #21-0016 to allow for the operation of an Adult Use & Medicinal store for the sale of cannabis. Movocan is proposing a 1,445 square foot Adult Use/ Medicinal cannabis retail space with delivery. The purpose of this dispensary will be to give this County's customer and medical patients a place where they can find relief and safe access to cannabis products. Movocan is expecting approx. 100 customers a day. The delivery operations will include 1 to 2 vehicles depending on the volume of orders. Movocan will be doing business as AROMA.
- C. **Environmental Setting:** The proposed projects are located within a C-2 General Commercial zone within the Winterhaven Urban Area designated as General Commercial. The proposed projects are allowed within this zone with an approved conditional use permit. The Applicant has submitted a conditional use permit for the above-proposed project.
- D. **Analysis:** An Initial Study #21-0016 will analysis any impacts associated with the proposed uses within this zone. The proposed project site has been used for various commercial uses over the years. Currently, the site contains a building used previously for commercial type uses.
- E. **General Plan Consistency:** The project is located within the Winterhaven Area Plan and the planning area is designated as General Commercial. The parcel is zoned General Commercial.

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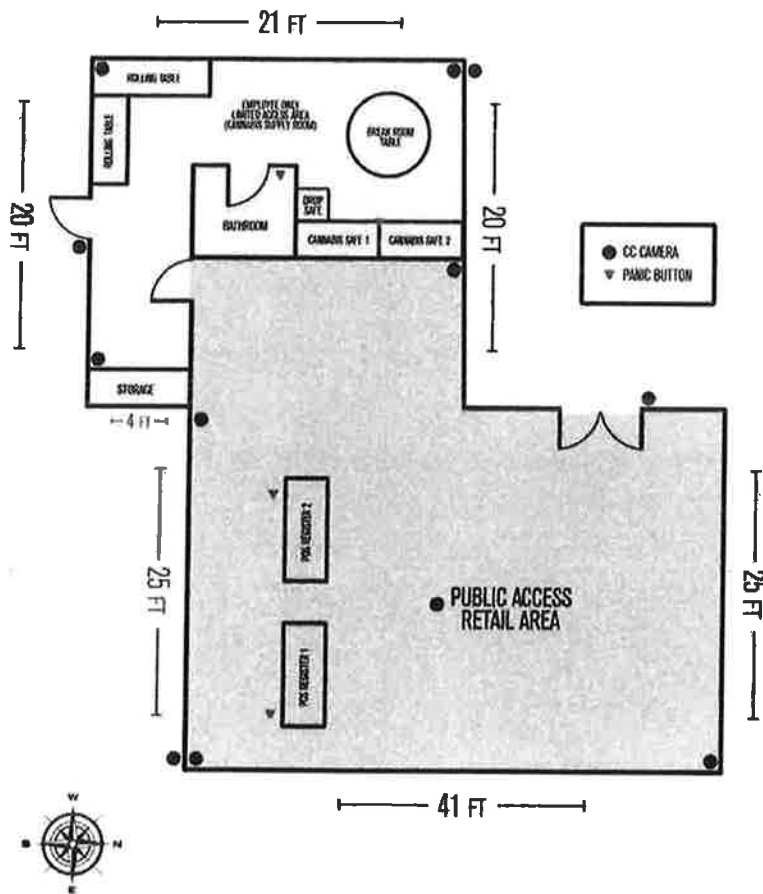
Exhibit "A"  
Vicinity Map  
Figure 1



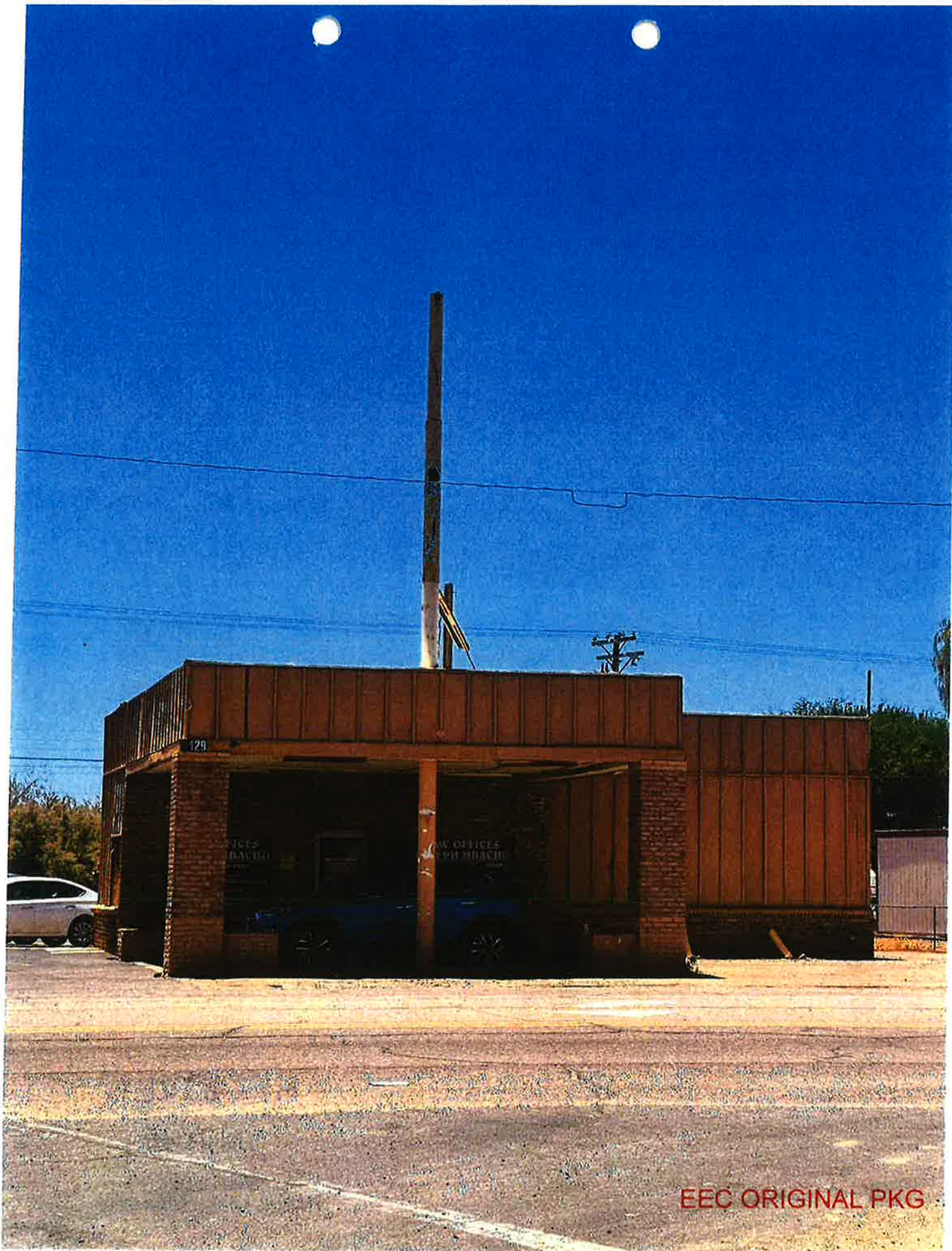
EEC ORIGINAL PKG



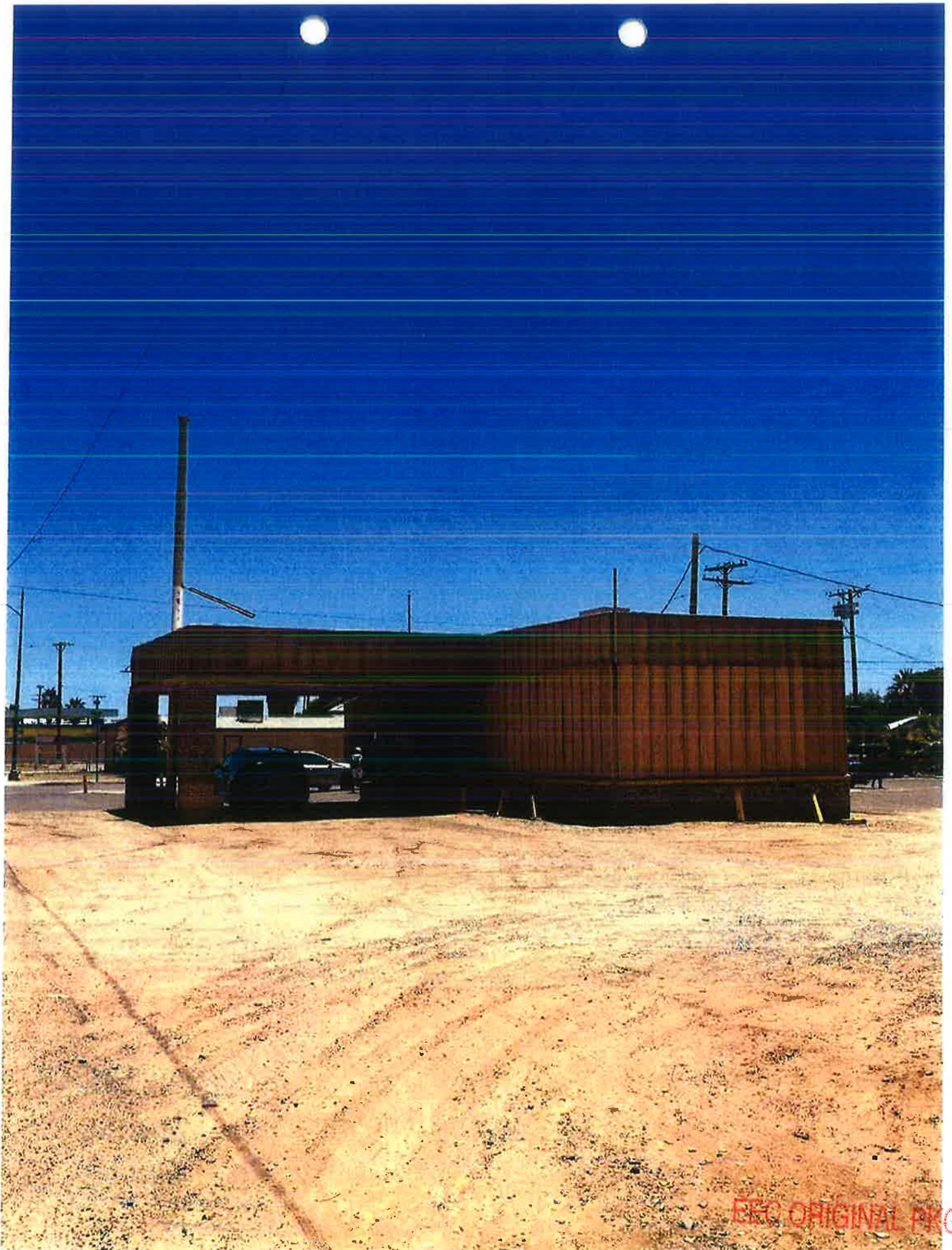
2129 WINTERHAVEN DRIVE  
WINTERHAVEN, IMPERIAL COUNTY  
CALIFORNIA 92283  
APN: 056-282-013



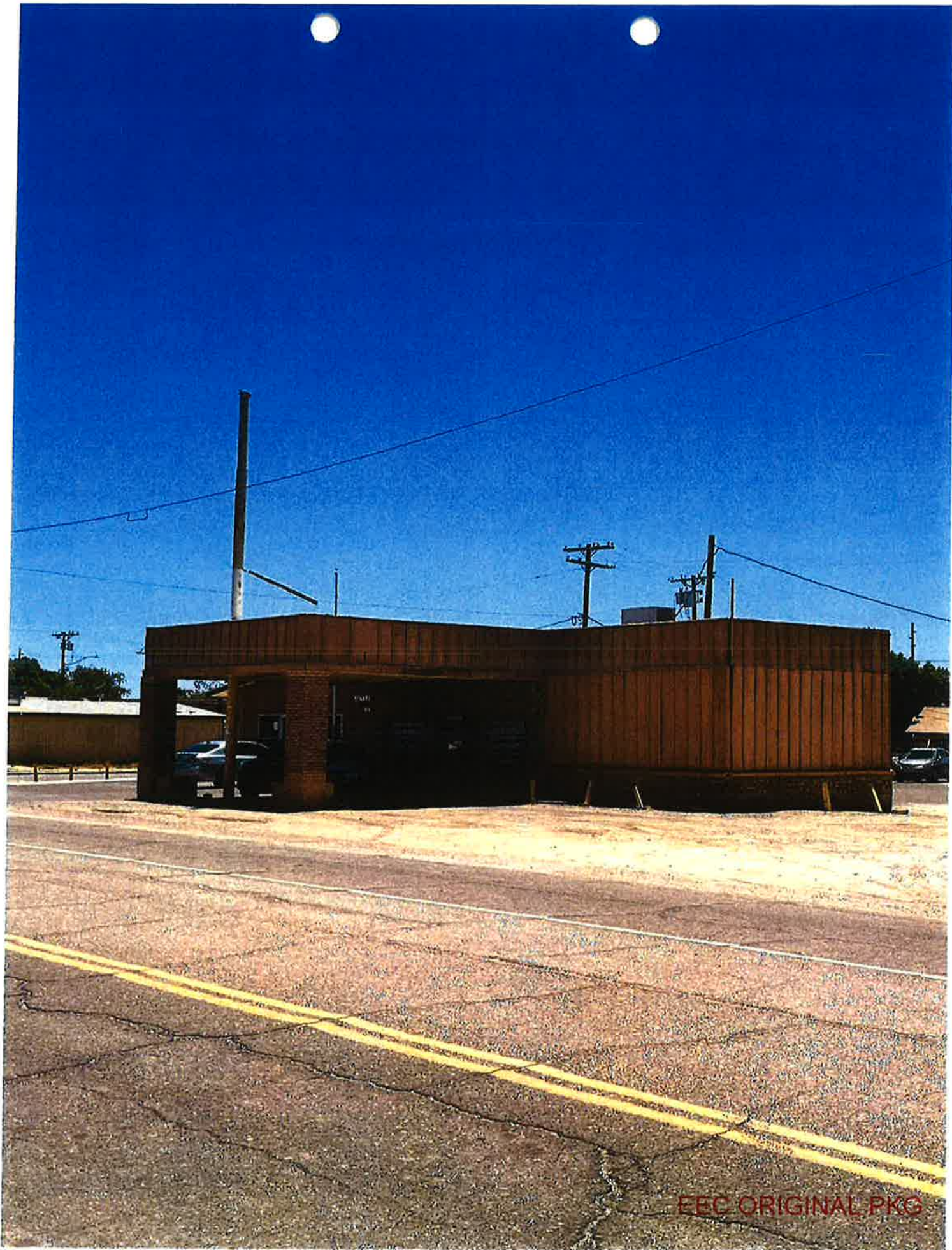




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## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 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 a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: 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

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
|--------------------------------------|--|-------------------------------------|----------------|
|--------------------------------------|--|-------------------------------------|----------------|

**I. AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?

**a) This existing structure is in the Townsite of Winterhaven on Winterhaven Drive; however, proposed facility is not located within the vicinity of a scenic highway. It is not designated as a scenic highway in the Imperial County General Plan Circulation and Scenic Highways Element (Imperial County 2008a) nor is it identified on the California Scenic Highway Mapping System (Caltrans 2016). No scenic vistas or areas with high visual quality would be adversely affected by development of the proposed projects. Additionally, this proposed facility will install fencing and landscaping along the frontage of the property, paving parking lots and landscaping along portions of existing building thereby enhancing the visual character of this area. Any potential impacts would appear to less than significant.**

- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

**b) The proposed project is not near a state scenic highway; therefore, it will not damage scenic resources including trees, outcropping, and historical buildings within a state scenic highway. Therefore, no impact is expected.**

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (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?

**c) The proposed uses are consistent with current zoning and land uses in the surrounding parcels with an approved conditional use permit. The site is zoned for commercial uses and has been previously impacts by those uses. Therefore, less than significant impact is expected.**

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

**d) All on-site lighting will be required to be shielded from adjacent properties and roads. The proposed site would continue to be zoned as General Commercial. A less than significant impact is projected.**

**II. AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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:

- 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?

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| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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a) **No Impact.** The proposed projects are currently zoned for commercial uses. The proposed uses appear consistent with general commercial type uses and would not appear to further impacts on this parcel of land. Previously, the parcel has been impacted by commercial uses over a number of years.

b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) **There are no Williamson Act contract lands on this parcel. Therefore, no impact is expected.**

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))?

c) **No Impact.** The Project site is not zoned for, nor does it contain, forest land or timber land. As such, the Project would not impact forest or timberlands.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

d) **No Impact.** The Project site does not contain any forest land and would not convert any forest lands; therefore, the Project would not impact forest lands.

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?

e) **The proposed site is zoned for General Commercial uses and the Winterhaven Urban Area designates the site as General Commercial. There are no existing forest lands on or in the immediate vicinity of the Project site. Development of the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. There are adjacent commercial zoned parcels currently vacant with this use would appear to have No Impacts on expansion or conversion of any forest land.**

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

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

a) **Less Than Significant.** The permittee is proposing a 1,445 square feet space for cannabis for retail and medicinal sales and delivery. The building space will include and odor abatement plan for cannabis, which may include carbon control air filtration system. Areas not devoted to parking or buildings will be landscaped. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The project will adhere to the Air District's Fugitive Dust Rules (Regulation VIII- Fugitive Dust Rules).

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
|--------------------------------------|--|-------------------------------------|----------------|
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- 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?

**b) Less Than Significant.** The permittee's are proposing a 1,445 square feet space for cannabis for retail and medicinal sales and delivery. The building space will include and odor abatement plan which include odor abatement plans for cannabis including carbon control air filters. Areas not devoted to parking or buildings will be landscaped. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The project must adhere to the Air District's Fugitive Dust Rules (Regulation VIII- Fugitive Dust Rules).

- c) Expose sensitive receptors to substantial pollutants concentrations?

**c) The proposed project will be entirely enclosed inside existing structure on site and is not expected to expose sensitive receptors to substantial pollutants concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.**

- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?

**d) The proposed project will be entirely enclosed inside an existing structure and project will abide with all state and local regulations for proposed cannabis operations on site. Proposed project is not expected to expose sensitive receptors to substantial pollutants concentrations. Furthermore, with the continued adherence to the ICACPD requirements as shown above, any impacts would remain at a level less than significant.**

**IV. BIOLOGICAL RESOURCES** *Would the project:*

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

**a) Less than significant impacts.** The majority of the proposed project area is currently impacted by past general commercial uses. The proposed uses are confined inside any existing industrial structure. The parcel appears to have minimal impacts to any biological resources..

- b) Have a substantial adverse effect on any riparian habitat or     **EEC ORIGINAL PKG**

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
|--------------------------------------|--|-------------------------------------|----------------|
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other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b) Previously, the proposed site has been used for general commercial uses and the project area will not appear to further impact the site. **Less than significant impacts are projected.**

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?

c) **No Impact.** As discussed in Section 3.1.4, no wetlands or water resources are present on the Project Site; therefore, no impacts to wetland, riparian resources, or jurisdictional waters would occur as result of the Project.

d) Would the project interfere substantially with the movement of any 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?

d) There are no federally protected wetlands, resident or migratory fish or wildlife species or corridors for wildlife on the existing site. As explained Item a) above, the proposed project will not have an adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. **Therefore, no impact is expected.**

e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

e) The proposed project is zoned for commercial type uses and not subject to and does not conflict with any local policy or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **Therefore, no impact is expected.**

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?

f) The proposed project site is not part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan or local Plans would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, **therefore, no impacts are expected.**

V. **CULTURAL RESOURCES** *Would the project:*

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

a) The proposed project site was previously used for general commercial uses, which is located within disturbed land. The project (which includes minor improvements) will not appear to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; therefore, any

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| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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**impacts are considered less than significant**

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- b) As mentioned under Item a) above, the proposed is located on previously disturbed land and it is not likely that any historical, archaeological or human remains will be discovered. Therefore, any impacts would be less than significant.**
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?
- c) Less Than Significant.** As mentioned under Item a) above, the proposed project and facility is located on disturbed land zoned for commercial type uses and is not expected to directly or indirectly destroy a unique paleontological resource or unique geologic feature

**VI. ENERGY Would the project:**

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- a) The proposed cannabis operations will be located in an existing commercial structure. No expansion is planned. Buildings onsite will be designed in accordance with the California Energy Commission's 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the California Green Building Standards (CCR, Title 24, and Part 11). Additionally, an energy analysis will be prepared for the Project to quantify energy consumption. Further analysis of the Project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient, and unnecessary energy usage. Less than significant impacts are anticipated.**
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- b) The proposed cannabis operations will be located in an existing commercial structure. No expansion is planned. Buildings onsite will be designed in accordance with the California Energy Commission's 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings and the California Green Building Standards (CCR, Title 24, and Part 11). Additionally, an energy analysis will be prepared for the Project to quantify energy consumption. Further analysis of the Project's energy consumption and consistency with applicable plans, policies, and regulations for reducing wasteful, inefficient, and unnecessary energy usage. Less than significant impacts are anticipated.**

**VII. GEOLOGY AND SOILS Would the project:**

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:
- a) The project as proposed does not appear to conflict with the geology and soils of adjacent properties. The project may be required to perform a grading and drainage plan/study acceptable to the Imperial County Public Works Department. Therefore, any impact would appear to be less than significant.**

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| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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1) 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?

1) The proposed projects are planned to be located in an existing General Commercial structure on site, which has been located on the property site over the past number of years. The Quadrangle Official Map Effective January 1, 1990 does not indicate any active faults in or near the project area. **Impacts appear to be less than significant.**<sup>18</sup>

2) Strong Seismic ground shaking?

2) The proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures the same as under the adopted Specific Plan, taking into account the above discussion and because seismic risk is associated with occupancy of future buildings regardless of its size which will require geotechnical review done on building permits. **The impact would be considered less than significant.**<sup>18</sup>

3) Seismic-related ground failure, including liquefaction and seiche/tsunami?

3) The proposed project is not located in a "Special Studies Zone"; however, the site could still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code, which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures. Detailed soil investigations shall be conducted prior to issuance of the initial building permits to assure that the proposed building is designed to withstand potential problems related to geology/soils/seismicity. **Impact is considered less than significant.**<sup>18</sup>

4) Landslides?      
**4) Less than Significant** (see above a)

b) Result in substantial soil erosion or the loss of topsoil?

b) The project site is not located within an erosion susceptible area according to the Imperial County, Seismic and Public Safety Element, Figure 3; **therefore, less than significant impact is expected.**

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 landslides, lateral spreading, subsidence, liquefaction or collapse?

**c) Less than Significant Impacts.** The project is not expected to have a significant adverse environmental impact on the existing geology and soils nor would it result in any direct geology/soils/seismicity impacts. According to the State of California's Revised January 1, 1990, Special Studies Map, the proposed project is not located in a "Special Studies Zone"; however, the site would still be affected by the occurrence of seismic activity to some degree, but no more than surrounding properties. Additionally, Imperial County is classified as Seismic Zone 4 by the Uniform Building Code (Sections 1626 through 1635), which requires that any structures constructed would be built to incorporate the most stringent earthquake resistant measures.<sup>18</sup>

EEC ORIGINAL PKG

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
|--------------------------------------|--|-------------------------------------|----------------|
|--------------------------------------|--|-------------------------------------|----------------|

- d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?

**d) The project as proposed does not appear to conflict with the geology and soils of adjacent properties. The project may be required to perform a grading and drainage plan/study and additional construction would require geotechnical work acceptable to the Imperial County Public Works Department for all future building expansion. A less than Significant Impact is anticipated.**

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**e) No Impact.** The Project does not include any septic tanks or wastewater disposal systems; thus, no impact to soils from wastewater systems/management would occur as a result of the Project.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**f) Considering that the Project Site was completely disturbed when previously constructed commercial uses were built, the probability of encountering an unforeseen/buried human remains is very low. Therefore, the Project is anticipated to result in no or less than significant impacts.**

**VIII. GREENHOUSE GAS EMISSION Would the project:**

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**a) Less Than Significant Impacts.** The landowners are proposing an Adult Use/Medicinal Dispensary space for retail cannabis and medicinal cannabis sales. The site will require and approved odor abatement plan with APCD for cannabis operations. The project does not appear to conflict with any air quality plan or violate any air quality standard, nor will it expose sensitive receptors to pollutants or create objectionable odors. The proposed project is not proposing any additional expansion of structures and construction activities would appear to be for remodel inside current structure. Minimal grading for parking and landscaping would not appear to be less than significant. The project does not appear to significantly impact greenhouse gas emissions.

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**b) Less Than Significant Impacts.** The proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The facility site was previously utilized for commercial uses and proposed uses will be located inside existing building located on site. As such, there are currently no man-made sources of GHGs on the facility site and there are no existing "point source" GHG emissions at the site.

**EEC ORIGINAL PKG**

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
|--------------------------------------|--|-------------------------------------|----------------|
|--------------------------------------|--|-------------------------------------|----------------|

**IX. 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?

The proposed project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The facility site was previously utilized for commercial uses and proposed uses will be located inside existing building located on site. As such, there are currently no man-made sources of GHGs on the facility site and there are no existing "point source" GHG emissions at the site. **Less than significant impacts are anticipated.** ∞

- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

a) All future development shall provide proof of a hazardous materials business plan and that appropriate permits have been obtained for any hazardous materials to be hauled. **A less than significant impacts is projected.**

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

c) **No Impact.** The proposed projects will not handle hazardous materials or waste within a one-quarter mile of an existing or proposed school site.

- 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?

d) **No Impact.** The Project Site is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, therefore, would not create a significant hazard to the public or environment.

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

e) The project site is not within two miles of the Yuma International Airport; however, **No impact is expected.** The proposed uses appear to be Normally Acceptable Uses per Table 2A of the Imperial County Airport Land Use Compatibility Plan on page 2-17.

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

f) **No Impact.** The project site is located in the vicinity of a private airstrip/heliport however, proposed

**ECC ORIGINAL PKG**

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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project would not result in a safety hazard for people residing or working in the project area.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

**g) The proposed projects would not interfere with any adopted emergency response plan or emergency evacuation plan; therefore, no impact is expected. The permittee will meet any requirements requested by the Fire/OES Department for emergency responses and plans. No impacts are anticipated**

**X. 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?

**a) The project does not appear to violate any water quality standards or waste discharge orders. The proposed project does not propose to sufficiently alter the existing drainage or the existing drainage pattern, nor create significant runoff water, nor degrade water quality, and is not within a flood zone, nor impede flood flows, nor expose people to a substantial risk of loss, injury, or death from flooding, nor be subject to a seiche, tsunami, or mudflow. Less than significant impact is anticipated.**

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

**b) No Impact. No use of groundwater is proposed.**

- 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:

**c) Future development within the proposed project would not result in significant impacts to hydrology and water quality. Surface runoff quantities are a function of the impermeable surface area and land use types that will be created by development. The project site will not alter the course of a stream or river or create any substantial erosion or siltation on or off site. The projects will be using an existing building on site and no additional structures are anticipated. Any proposed grading will require drainage reviews and approval with Public Works. Less than significant impact is anticipated.**

- (i) result in substantial erosion or siltation on- or off-site;

**Less than Significant Impacts. The project has been previously used commercially and site has been impacted for a number of years.**

- (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

EEC ORIGINAL PKG

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**Less than Significant Impacts.** The Project would not appear to divert or alter any existing streams or canals on/near the Project Site. The site is previously used for commercial uses and no additional structures are being proposed.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (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"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Less than Significant Impacts.** The Project would not divert or alter any existing streams or canals on/near the Project Site.

- |                                      |                          |                          |                                     |                          |
|--------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (iv) impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Less than Significant Impacts.** The Project would not appear to divert or alter any existing streams or canals on/near the Project Site.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**d) No Impact.** The Project Site does not appear to be located in a potential seiche, tsunami, or mudflow zone.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**e) Future development within the proposed project would not result in significant impacts to hydrology and water quality.** Surface runoff quantities are a function of the impermeable surface area and land use types that will be created by development. The project site will not alter the course of a stream or river or create any substantial erosion or siltation on or off site. The projects will be using an existing building on site and no additional structures are anticipated. The current site has an existing structure on site and no additional structures are planned. **Less than significant impact is anticipated**

**XI. 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**a) The proposed project is consistent with the intent of the County General Plan, Cannabis operations are allowed with an approved Conditional Use Permit in a C-2 Commercial zone, therefore once approved, No impact is expected.**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**b) The proposed project is consistent with the intent of the County General Plan, and the County's Land Use Ordinance.** The project is not located in or conflict with habitat conservation or natural community conservations area or plans. The proposed project is located in the Winterhaven Urban Area designed for commercial uses and will not physically divide an established community. **Therefore, no impacts are expected.**

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|  | Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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**XII. 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>a) The proposed projects will not remove mineral resources on-site; therefore, no impact expected.</b>   |                          |                          |                          |                                     |
| 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"/> |
| <b>b) The proposed projects will not remove mineral resources on-site; therefore, no impact expected.</b>   |                          |                          |                          |                                     |

**XIII. NOISE** *Would the project result in:*

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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>a) The proposed operation is not expected to exceed applicable noise standards noises on local landowners. The facilities will be within a fenced and landscaped area and area currently in a semi-developed commercial area. The parking and driveway areas are proposed for paving and landscaping. Less than significant impacts are expected.</b>  |                          |                          |                                     |                                     |
| b) Generation of excessive ground-borne vibration or ground-borne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>b) The proposed projects are not expected to exceed applicable noise standards noises on local landowners. The facilities will be within a fenced and landscaped area and the proposed activities will appear to not generate any excessive ground-borne vibration or noise. A less than significant impact is expected.</b>   |                          |                          |                                     |                                     |
| 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 airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>c) No Impact is expected:</b> The proposed operation is not expected to exceed any applicable noise standards noises on local landowners because the facilities shall be within a fenced and landscaped area. The parking areas will be paved and site will be fenced. Areas around parking and building will be landscaped. The proposed activities would not appear to generate any significant ambient noise levels in the vicinity of airport. |                          |                          |                                     |                                     |

**XIV. 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>a) The proposed facility will not appear to induce substantial population growth in the area, either directly or indirectly; therefore, no impact is expected.</b>   |                          |                          |                          |                                     |

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|  | Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI)                      |
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| 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"/> |
| b) The proposed expansion will not displace substantial numbers of exiting housing, necessitating the construction of replacement housing elsewhere; therefore, no impact is expected. Previously, the parcel and existing structure was used for general commercial uses and surrounding lots are zoned for commercial uses. <b>No impact is anticipated.</b> |                                      |  |                                     |                                     |

XV. **PUBLIC SERVICES**

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

a) **Less than significant impact.** The proposed project will not physically impact any local government facilities or require for a new or altered government facility for any possible required services for proposed cannabis use. The site has a pre-existing building and the proposed use appears not to have greater impacts to government services than previous uses on site.

|                     |                          |                          |                                     |                          |
|---------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1) Fire Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

a1) An approved water supply capable of supplying the required fire flow consisting of underground pressure main(s) and hydrant(s) will be provided for the project.

- All cannabis facilities will have an approved automatic fire suppression system.
- The facilities will have an approved automatic fire detection system.
- All fire detection systems will be installed and maintained to the current adapted fire code and regulations. Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site. Please see reference letter for details.
- All cannabis facilities will have an approved smoke removal system installed and maintained to the current adapted fire code and regulation **any impacts are considered to be less than significant.**

|                       |                          |                          |                                     |                          |
|-----------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2) Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

2) The project site will be fenced and gated on a 24 hour basis for security. The site will be lighted for security for safety purposes. The CHP and sheriff's office has active patrol. The facilities will have a security plan approved by the County. **Less than significant impacts are anticipated.**

|             |                          |                          |                          |                                     |
|-------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

3) **No Impact.** The Project would not result in an increase in population or housing and would not require additional school services. The project site is not near any schools.

|           |                          |                          |                          |                                     |
|-----------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------|--------------------------|--------------------------|--------------------------|-------------------------------------|

4) **No Impact.** The Project would not result in an increase in population or housing and would not increase demand/use for local parks.

|                             |                          |                          |                                     |                          |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5) Other Public Facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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EEC ORIGINAL PKG



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|---|--|--|-------------------|
| Potentially<br>Significant<br>Impact<br>(PSI) | Potentially<br>Significant<br>Unless Mitigation<br>Incorporated<br>(PSUMI) | Less Than<br>Significant<br>Impact<br>(LTSI) | No Impact<br>(NI) |
|---|--|--|-------------------|

5) The Project would not appear to put an increased burden on off-site public services, including existing fire, police, school and other governmental services. Therefore, **less than significant impacts** would occur.

**XVI. RECREATION**

- a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- a) The proposed project CUP's would not increase the use of the existing neighborhood and regional parks or other recreational facilities; **therefore, no impact is expected.**
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?
- b) The proposed project would not appear to include or require the construction of recreational facilities'; **therefore, no impact are expected.**

**XVII. TRANSPORTATION** *Would the project:*

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- a) The Permittee for the Conditional Use Permit CUP #21-0016 shall comply will all applicable conditions and regulations with the County's circulation plan, land use ordinance, and transportation planning. **A less than significant impact anticipated..**
- b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?
- b) The project would not appear to impact any public transit, bicycle or pedestrian facility. The parcel has an enclosed commercial type structure on site. The applicant is proposing improvement for ingress and egress and may make improvements as requested by Public Works for encroachment to site. A new parking plan with paved parking and landscaping will improve site. **Less than significant impacts are anticipated..**
- c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- c) **No Impact.** The project site is on previously constructed site. No additional development is being proposed..
- d) Result in inadequate emergency access?
- d) All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. The surfacing shall meet the Department of Public Works and Fire/OES Standards as well as those of the Air Pollution Control District (APCD). (Per Imperial County Code of Ordinances, Chapter 12.10.020(A)). **Less than significant impacts are anticipated.**

EEC ORIGINAL PKG

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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XVIII. **TRIBAL CULTURAL RESOURCES**

a) 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) Less than significant impacts.** The proposed cannabis retail and medicinal store is being located in an existing commercial structure built decades ago and with no proposed expansion of this existing building on property there would appear to be no impacts to tribal cultural resources as defined in Public Resources Code Section 21074. Any proposed site improvements will take into consideration surrounding cultural landscape

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or

(i) The project would not appear to cause an adverse change in the significance of a tribal cultural resource, **any impacts are considered less than significant.** The property site has previously been impacted by general commercial uses allowed in the current zone. AB 52 letters have been sent out to the Cocopah Tribe and Quechan Tribe for consultations. No comments at this time have been received.

(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

(ii) The project site is zoned for general commercial uses and over the past decade was used for a number of these commercial uses. The parcel has an existing structure on site and to date no evidence of cultural resources have been seen on site. Therefore, no resources as defined in the Public Resources Code Section 5024.1 appears to be impacted. **No impacts are expected.**

XIX. **UTILITIES AND SERVICE SYSTEMS** *Would the project:*

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?

**a) The property owners shall be required to pay all applicable development fees and improvements associated with developing their project. Based on the size of the proposed operation, i.e. the number of employees and truck/automobile drivers utilizing the project site, no additional expansion is required for the existing structure on site and no additional impacts are anticipated. The structure is serviced by the Wintersan water district**

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| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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for sewer and water. **Less than significant impacts are expected.**

- b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?

**b) Based on the size of the proposed operation, i.e. the number of employees and customers utilizing the project site, no additional expansion is required for the existing structure on site and no additional impact are anticipated. The structure was previously serviced by the Winterhaven Water District. Less than expected impacts are expected.**

- 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?

**c) The proposed project will be using the existing structure on site for all of its operations. No expansion of the building is proposed. The paving of the parking areas may require grading plans, which should address issues with drainage. Less than significant impacts are anticipated**

- 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?

**d) Based on the size of the proposed operation, i.e. the number of employees and persons at the project site, the site shall require pressurized/potable water to be obtained from the existing water supply and required sewer services from the existing Winterhaven Water Plant. The property owners shall be required to pay all applicable fees and improvements associated with developing their project. The level of impacts appear to a less than significant.**

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

**e) Based on the size of the proposed operation, i.e. the number of employees and traffic utilizing the project site, the existing building currently has services that would not appear to require additional expansion. The level of impacts appear to be less than significant.**

**XX. 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?

**a) The Movocan site is not located on or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project site is located in the community of Winterhaven and access to proposed project is on the townsite's major highway. Less than significant impact is anticipated.**

- 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

| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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spread of a wildfire?

- b) The project site, Movocan project is not located or near state responsibility, areas or lands classified as very high, high or moderate fire hazard severity zones. The project appears to be surrounded by commercial related land. Although the County has experienced damage from heavy winds in the past, hazards in the County are managed by the MJHMP, which is reviewed and updated every 5 years (County 2021). Less than Significant Impacts are anticipated.**
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- c) An approved water supply capable of supplying the required fire flow consisting of underground pressure main(s) and hydrant(s) will be provided for the project.
- All cannabis facilities will have an approved automatic fire suppression system.
  - The facilities will have an approved automatic fire detection system.
  - All fire detection systems will be installed and maintained to the current adapted fire code and regulations. Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site. Please see reference letter for details.
  - All cannabis facilities will have an approved smoke removal system installed and maintained to the current adapted fire code and regulation.
  - The project will be located at an existing structure previously used for commercial uses. **Impacts are considered to be less than significant.** <sup>13</sup>
- 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?
- d) The project is located on mostly flat terrain. The existing structure was constructed decades ago and there would appear to **no impacts** from landslides, runoff or drainage changes.

*Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.*

Revised 2009- CEQA  
 Revised 2011- ICPDS  
 Revised 2016 – ICPDS  
 Revised 2017 – ICPDS  
 Revised 2019 – ICPDS

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| Potentially Significant Impact (PSI) | Potentially Significant Unless Mitigation Incorporated (PSUMI) | Less Than Significant Impact (LTSI) | No Impact (NI) |
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**SECTION 3**

**III. MANDATORY FINDINGS OF SIGNIFICANCE**

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

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

**EEC ORIGINAL PKG**

#### **IV. PERSONS AND ORGANIZATIONS CONSULTED**

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

##### **A. COUNTY OF IMPERIAL**

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- David Black, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

##### **B. OTHER AGENCIES/ORGANIZATIONS**

*(Written or oral comments received on the checklist prior to circulation)*

**EEC ORIGINAL PKG**

## V. REFERENCES

- 1) "County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; & as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.
- 2) Bryant, William A. and Earl W. Hart. 2007. Fault-Rupture Hazard Zones in California, Alquist-Priolo Earthquake Studies Zoning Act with Index to Earthquake Fault Zones Maps, Department of Conservation, California Geological Survey, Special Publication 42.
- 3) California Department of Transportation. 2017. California Scenic Highway Mapping System. Web site available at: [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm).
- 4) California Native Plant Society (CNPS). 2019. Inventory of Rare and Endangered Plants of California. Website available online at: <http://www.rareplants.cnps.org/>.
- 5) California Office of Planning and Research. 2003. General Plan Guidelines. Web site (accessed on March 2020) available at: [http://opr.ca.gov/docs/General\\_Plan\\_Guidelines\\_2003.pdf](http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf).
- 6) California State Geological Survey (CGS). 2015. Regulatory Maps. Web site (accessed on March 2020) available at: <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>.
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- 11) Imperial County Planning and Development Services. 2015. Maps. Website available online at: <http://www.icpds.com/?pid=577>.
- 12) Imperial IRWMP. 2012. Integrated Regional Water Management Plan – Groundwater Management Planning Elements Guidance Document. Website available line at: <https://www.iid.com/home/showdocument?id=9546>.
- 13) Fire Department comment letter dated 1/7/21
- 14) National Resource Conservation Service. 2019. Web Soil Survey GIS Portal. Available online at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.
- 15) Office of the State Fire Marshall (CalFire). 2007. Fire Hazard Severity Zones Map. Website available online at: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazardsbuilding-codes/fire-hazard-severity-zones-maps/>.
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- 17) United States Fish and Wildlife Service. 2019. National Wetlands Inventory – Wetlands Mapper. Website available online at: <https://www.fws.gov/wetlands/data/Mapper.html>.
- 18) United States Geological Survey (USGS). 1990. The San Andreas Fault System, California, Robert E. Wallace, editor, U.S. Geological Survey Professional Paper 1515.
- 19) APCD comment letter dated 1/7/21
- 20) Movocan Air Quality Control Plan

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## 21) NEGATIVE DECLARATION – County of Imperial

*The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.*

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**Project Name:** Movocan Project, Conditional Use Permit CUP #21-0016

**Project Applicant:** Movocan, 2625 Heil Circle, El Centro, CA 92243

**Project Location:** 2129 Winterhaven Drive, Winterhaven, CA 92283

**Description of Project:** The Applicant proposes Conditional Use Permits #21-0016 to allow for the operation for an Adult Use & Medicinal store for sale of cannabis, on APN # 056-282-013-000 see **(Exhibit A)**. The legal description for this parcel is " LOTS 37 AND 38, BLOCK11 OF TOWNSITE OF WINTERHAVEN", an unincorporated Winterhaven Urban area of the County of Imperial, State of California. **Please see (Exhibit "B")**.

Currently, Permittee, will acquire, remodel and repurpose a 6,887 square foot building located at 2129 Winterhaven Drive, Winterhaven, CA

Movocan is **proposing a 1,445 square foot Adult Use/ Medicinal cannabis retail** space with delivery. The purpose of this dispensary will be to give this County's customers/medical patients a place where they have safe access to cannabis products. Movocan is expecting approx. 100 customers a day. The delivery operations will include 1 to 2 vehicles depending on the volume of orders. Movocan will be doing business as AROMA.

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**VI. FINDINGS**

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:



The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.



The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

**NOTICE**

The public are invited to comment on the proposed Negative Declaration during the review period.

9-9-2021



Date of Determination

Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.



9/9/2021  
Date

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## **SECTION 4**

### **VIII. RESPONSE TO COMMENTS**

N/A

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**IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)**

**N/A**

S:\015\330\027\CUP20-0028\EEC\NEGATIVEDECLARATION\IS

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# CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.  
801 Main Street, El Centro, CA 92243 (760) 482-4236

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

|  |   |                                     |
|--|---|-------------------------------------|
| 1. PROPERTY OWNER'S NAME<br><b>Coston-Stanley Trust</b>  | EMAIL ADDRESS<br><b>cstanleyc2@gmail.com</b>      |                                     |
| 2. MAILING ADDRESS (Street / P O Box, City, State)<br><b>2915 South Arizona Avenue, Yuma, AZ</b> | ZIP CODE<br><b>85364</b>                          | PHONE NUMBER<br><b>928-344-1036</b> |
| 3. APPLICANT'S NAME<br><b>Movocan</b>  | EMAIL ADDRESS<br><b>mediigroupangel@gmail.com</b> |                                     |
| 4. MAILING ADDRESS (Street / P O Box, City, State)<br><b>2625 Heil Circle, El Centro, CA</b>     | ZIP CODE<br><b>85364</b>                          | PHONE NUMBER<br><b>760-540-9358</b> |
| 4. ENGINEER'S NAME<br><b>N/A</b>   | CA. LICENSE NO.<br><b>N/A</b>                     | EMAIL ADDRESS<br><b>N/A</b>         |
| 5. MAILING ADDRESS (Street / P O Box, City, State)<br><b>N/A</b>                                 | ZIP CODE<br><b>N/A</b>                            | PHONE NUMBER<br><b>N/A</b>          |

|   |   |                                 |
|---|---|---------------------------------|
| 6. ASSESSOR'S PARCEL NO.<br><b>056-282-013</b>  | SIZE OF PROPERTY (in acres or square foot)<br><b>6,887.16 Square Feet</b> | ZONING (existing)<br><b>C-2</b> |
| 7. PROPERTY (site) ADDRESS<br><b>2129 Winterhaven Drive, Winterhaven, Imperial County, California 92283</b> |   |                                 |
| 8. GENERAL LOCATION (i.e. city, town, cross street)   |   |                                 |
| 9. LEGAL DESCRIPTION <b>Lot 37 and 38, Block 11 of the townsite of Winterhaven</b>                          |   |                                 |

**PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)**

|  |   |
|--|---|
| 10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)                                    | <b>Please See Attachments.</b>  |
| 11. DESCRIBE CURRENT USE OF PROPERTY   | <b>This property is currently not being used.</b>                           |
| 12. DESCRIBE PROPOSED SEWER SYSTEM   | <b>Winterhaven Water District</b>   |
| 13. DESCRIBE PROPOSED WATER SYSTEM   | <b>Winterhaven Water District</b>   |
| 14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM   | <b>Fire Sprinkler Suppression</b>   |
| 15. IS PROPOSED USE A BUSINESS?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE?<br><b>2 to 3 employees</b> |

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT.

Caryl L. Stanley  
Print Name  
Caryl L. Stanley  
Signature  
Coston Stanley  
Print Name  
Coston-Stanley  
Signature

6-28-21  
Date  
6-29-21  
Date

**REQUIRED SUPPORT DOCUMENTS**

|              |       |
|--------------|-------|
| A. SITE PLAN | _____ |
| B. FEE       | _____ |
| C. OTHER     | _____ |
| D. OTHER     | _____ |

|   |                    |   |
|---|--------------------|---|
| APPLICATION RECEIVED BY: <u>RS</u>  | DATE <u>6/2/21</u> | REVIEW / APPROVAL BY OTHER DEPT'S required. |
| APPLICATION DEEMED COMPLETE BY: _____   | DATE _____         | <input type="checkbox"/> P. W.              |
| APPLICATION REJECTED BY: _____  | DATE _____         | <input type="checkbox"/> E. H. S.           |
| TENTATIVE HEARING BY: _____   | DATE _____         | <input type="checkbox"/> A. P. C. D.        |
| FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED | DATE _____         | <input type="checkbox"/> O. E. S.           |
|   | DATE _____         | <input type="checkbox"/> _____              |
|   | DATE _____         | <input type="checkbox"/> _____              |

**CUP #**  
**21-0016**

**IS 21-0024** **EEC ORIGINAL PKG**

# MOVOCAN

## Security and Safety Plan

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2129 Winterhaven Drive  
Winterhaven, CA 92283

APN: 056-282-013-000  
Block 11  
LOTS 37 & 38

Property Type: C2  
Lot Size: 6,887

## INTRODUCTION

We have designed a safety and security plan that compiles with all of the set forth requirements by the California Bureau of Cannabis Control and Imperial County requirements. We also kept in mind the safety of our employees, consumers, and community in Winterhaven, California.

Our safety and security precautions were designed by our management team and fully advised by Brinks Security, and Sky Smart Security. As part of our safety and security plan we will be providing a diagram of the premises showing the position of every camera within our surveillance system (*see exhibit A*).

Sky Smart Security is located at 1850 W. Main St Unit F in El Centro, CA 92243. Their phone number is (760) 355-4999 and they operate under California License ACO 6765, the owner **David Munoz** has experience with Cannabis Companies and is currently providing security for 3 of our cannabis facilities.

## FACILITY SECURITY

### ***12 Camera Surveillance System***

Our 12 Cameras to be installed are set to record in Full HD also known as 1920x1080 px, exceeding the minimum instruction from the Bureau of Cannabis Control of 1280x720 px. The surveillance system will be transmitted and accessible through the Internet using Guardian Vision/iVMS app and web browser via the TCP protocol. The regular maintenance of our cameras will ensure us to clearly record all images. (See Camera Diagram IN EXHIBIT A attachment)

Areas that will be recorded on the video surveillance system include the following:

- I Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the premises;

- II Limited Access Areas;
- III Security Rooms;
- IV Areas storing a surveillance system storage device with at least one camera recording the access points to the area;
- V Entrances and exits to the premises, which shall be recorded from both indoor outdoor vantage points, within 20 feet;

All of the areas involving point of sales within our retail facility will be under surveillance and the camera placement will allow for the recording of the facial features of any person purchasing or selling cannabis in the facility. The camera surveillance system will record 24 hours a day at 15 frames per second.

The Network Video Recorder will be locked and secured in a fixed and safe location to ensure the physical security of the recordings/files. File integrity and authentication will be secured through the recorder's proprietary Digital Watermark authentication protocol, authenticating the files to the rightful owner/camera/storage device. Our DVR will remained locked.

Our surveillance system has the memory and data capability to hold at least 100 days of storage, recording 24 hours a day, 7 days a week. The system will be equipped with a failure<sup>1</sup> notification system which can provide notification to our management by email, SMS text, and or push notifications. All data recorded will be backed up in the cloud in case of any damage to our server.

The 10 camera video surveillance system will be constantly visible via a monitor positioned within the limited access area of our retail store. Or by the director via remote access from an app via his encrypted smart phone.

### **Alarm System**

The Alarm System will be professionally monitored by ALARM.COM and will include monitoring the activity of motion sensors, along with door and window sensors when turned on. The Alarm System will contain a back up battery to continue operation in case of any power outages in the area. The alarm panel will have a touch LED screen with a built in keypad accessible to management in person and through the app on a smart phone. This alarm system will be turned on as part of our closing procedures every night. The alarm system will also be monitored by our Director via a smart app on his encrypted smart phone. This app has an extra layer of security - Two Factor Authentication, whenever we sign into the system from a new or untrusted device, you'll have to enter both the password and a code sent by text to the registered phone number. This alarm system will be maintained and tested monthly by Sky

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<sup>1</sup> BCC 5044. Video Surveillance System (I) The Video surveillance system shall be equipped with a failure notification system.



Sky Smart Security, the local Brinks Security authorized dealer. All technology used in our system will be updated whenever necessary in order to keep current with all the newest security features.

### ***Access Control***

Employees will be designated user/access codes to areas with limited access. This access control system will allow management to know who's coming and going through these access points. The system will also integrate remotely managed smart locks, meaning the administrator will be able to manage all entry to any of these access control areas via an app from an encrypted smart phone. Entrance to the limited access areas will be locked at all times. Front entry doors will be equipped with magnetic electronic locks.

### ***Panic Buttons***

Our walk in cannabis retail store will include four wireless panic buttons strategically located in case of any emergency situations. Two will be located in the front publicly accessible retail space next to our registers, and the other two will be accessible in the rear employee only limited access area. All employees will be oriented during the hiring process and training on the locations of said panic buttons and instructions in how to activate them in case of an emergency.

### ***Suspicious Activity & Loitering***

Any and all suspicious activity and loitering will be recorded either by security and or management staff. We will achieve this by reporting all Suspicious Activity to management, this Suspicious Activity Log shall include name of offender or description, time, date, and event details including but not limited to type of offense. If the offender is a medicinal cannabis patient we shall provide a warning for the first offense and an explanation of suspicious activity or loitering offense. This warning shall be recorded in the log book next to the information and description of offense. The second offense shall result is suspension from said premises for 30 days. During this period of 30 days said offender shall not return to the premises for any matter, and shall not be allowed to place delivery order with our Retail Dispensary. No on site consumption shall take place anywhere within 600 feet of our location. The third offense will result in a ban/expulsion from the premises indefinitely. Any attempt to consume on site will result in the same logging procedures and disciplinary actions as Suspicious Activity and Loitering.

### ***Shoplifting & Theft***

Our Staff will be trained to never chase a shoplifter. Rather we will revoke the registration of the accused consumer and report said crime to local law enforcement with details of account in a written report signed by the manager of our store.

We will be recording all these incidents including name, address, phone number, and any proof including but not limited to the video recording or statements and a list of witnesses for prosecution. We will report these crimes to the appropriate authorities.

### ***Violence***

Any violence will result in immediate communication with local emergency services. Our staff will be trained to never use physical force except in order of self defense.

### ***Security Guards***

The premise will have a licensed security guard, licensed by the California Department of Consumer Affairs. He shall be present on site during hours of operation. If the security guard is to be armed, then the security guard shall possess at all times a valid security guard card and firearms permit issued by the California Department of Consumer Affairs. He will be present in the front of the building, and patrol the outside common areas as needed.

### ***Data Control***

The data of our patients will be safe and secure with Indica Online software system designed exclusively for the cannabis industry. This software implements multi layered organizational, technical and administrative measures to protect data.

Access to production data is restricted by industry leading technologies including VPNs, firewalls, and encryption. Databases are encrypted at rest and encrypted backups are created nightly. The cost associated with this software is \$499 per month.

### ***Security Budget***

The Total Start Up Budget for AROMA our retail cannabis storefront located in Winterhaven, CA is **\$20,114.00** This budget is for all equipment. And the cost associated with Installation which has been provided to us by David Munoz with Sky Security & Brinks Security.

- 12 Video Surveillance Dome
- Intrusion Alarm
- Access Control System
- 4 Panic Buttons
- Power Supplies
- 2000W Backup UPS
- 16 Ch 16TB NVR With Digital
- Motion Sensors
- Backup Batteries
- Door Controllers
- Magnetic Locks
- Electronic Surface Mount Rim Strike
- Vandal Resistant Prox Readers

- Verizon Data Radio With 5G Capability

The Monthly cost for the monitoring of this alarm system will be \$39.99

## **INVENTORY and CASH SECURITY**

### ***Storing of Cannabis Goods***

All of our store inventory will be stored and displayed with our staff and community's safety in mind. Fire Resistant Safes

Our retail store will contain three CANNON - 59HX40WX24D Premium Safes. These safes are fire proof up to 90 minutes and contain anti-pry technology. They are reinforced with a triple hard plate and function with a EMP keypad lock that only management will have access to with their personal unique pin number. The cash drop safe will be bolted down, this is where our employees will be making their cash deposits once the register shift is done.



- 1.) Our first two safes will be where as part of our closing procedures our on duty manager will store all our retail cannabis inventory at the end of the night. These safes will be bolted down to the foundation of the building.
- 2.) Our third safe will be where we will store all back up inventory, and will only be opened when products in the first safe are running low. Only management will have access to this safe. This safe will be bolted down to the foundation of the building.



- 1.) This Cash Drop Safe will also be bolted down into the foundation of the building. It will only be accessible to the corporate management team, and will function on a time release.

**BE BOLD. BE SWIFT**

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# EMERGENCY RESPONSE GUIDE

## EMERGENCY PERSONNEL

Angel Fernandez.....760-540-9359

Bert Porcayo.....510-909-8251

## MEDICAL EMERGENCY

- **CALL 911**
- **State Who, What, Where, When, Why and how the situation occurred**
- **Locate nearest First Aid Kit in Employee Only bathroom**

Imperial County  
Health Department.....442-265-1444

## SEVERE WEATHER

- **Designate shelter area - interior hallway or restroom and stay away from windows.**
- **Close Doors**
- **Remain in shelter until it is safe.**

## FIRE

- **Pull Fire Alarm**
- **Evacuate**
- **Call 911**
- **Use Fire Extinguisher**
- **Remain Low**

Imperial County  
Fire Department.....442-265-3000

## VIOLENT SITUATION

### **Avoid**

- **Pay Attention to your surroundings**
- **Have an Exit Plan**
- **Move Quickly from threat**
- **Distance and find Barrier from threat**
- **Warn others**

### **Deny**

- **Keep distance between you and the threat**
- **Hide quietly**

# CALL 911

## EMERGENCY INFORMATION GUIDELINES

*Provide the following information:*

- a. Nature of medical emergency.
- b. Location of the emergency (address, building, room number).
- c. Your name and phone number from which you are calling.
  - Do not move victim unless absolutely necessary.
  - Stop the bleeding with firm pressure on the wounds (note: avoid contact with blood or other bodily fluids).
  - Clear the air passages using the Heimlich Maneuver in case of choking.
  - In case of rendering assistance to personnel exposed to hazardous materials, consult the Material Safety Data Sheet (MSDS) and wear the appropriate personal protective equipment. Attempt first aid **ONLY** if trained and qualified.

## FIRE EMERGENCY

*When fire is discovered:*

- Activate the nearest fire alarm.
- Notify the local Fire Department by calling **911**

*Fight the fire ONLY if:*

- The Fire Department has been notified.
- The fire is small and is not spreading to other areas.
- Escaping the area is possible by backing up to the nearest exit.
- The fire extinguisher is in working condition and personnel are trained to use it.

*Upon being notified about the fire emergency, occupants must:*

- Leave the building using the designated escape routes.
- Assemble in the designated area (specify location):
- Remain outside until the competent authority (Designated Official or designee) announces that it is safe to reenter.

*Designated Official, Emergency Coordinator or supervisors must:*

- Coordinate an orderly evacuation of personnel.
- Perform an accurate head count of personnel reported to the designated area.
- Determine a rescue method to locate missing personnel.

- Provide the Fire Department personnel with the necessary information about the facility.
- Perform assessment and coordinate weather forecast office emergency closing procedures  
Secondary Official must:
  - Ensure that all employees have evacuated the area/floor.
  - Report any problems to the Emergency Coordinator at the assembly area.
  - Assist all physically challenged employees in emergency evacuation.

## **EARTHQUAKE**

- Stay calm and await instructions from the Emergency Coordinator or the designated official.
- Keep away from overhead fixtures, windows, filing cabinets, and electrical power.
- Assist people with disabilities in finding a safe place.
- Evacuate as instructed by the Emergency Coordinator and/or the designated official.

As part of our closing procedures our management will safely store 95%+ of our cannabis goods in safes located in the limited access area of our Walk In Dispensary.

In case of any questions, concerns, and comments please contact Angel Fernandez, Executive Director of Movocan, at (760) 540-9358.

## **EMERGENCY EVACUTION ROUTE**

*(See Exhibit B)*

In case of any questions, concerns, and comments please contact David Munoz, Director of Sky Smart Security and Brinks Security at (760) 587-1200 or Angel Fernandez, Director of Movocan at (760) 540-9358

Movocan Attachement:

Exhibit A: Aroma in Salton City, Thermal - Camera Placement Diagram

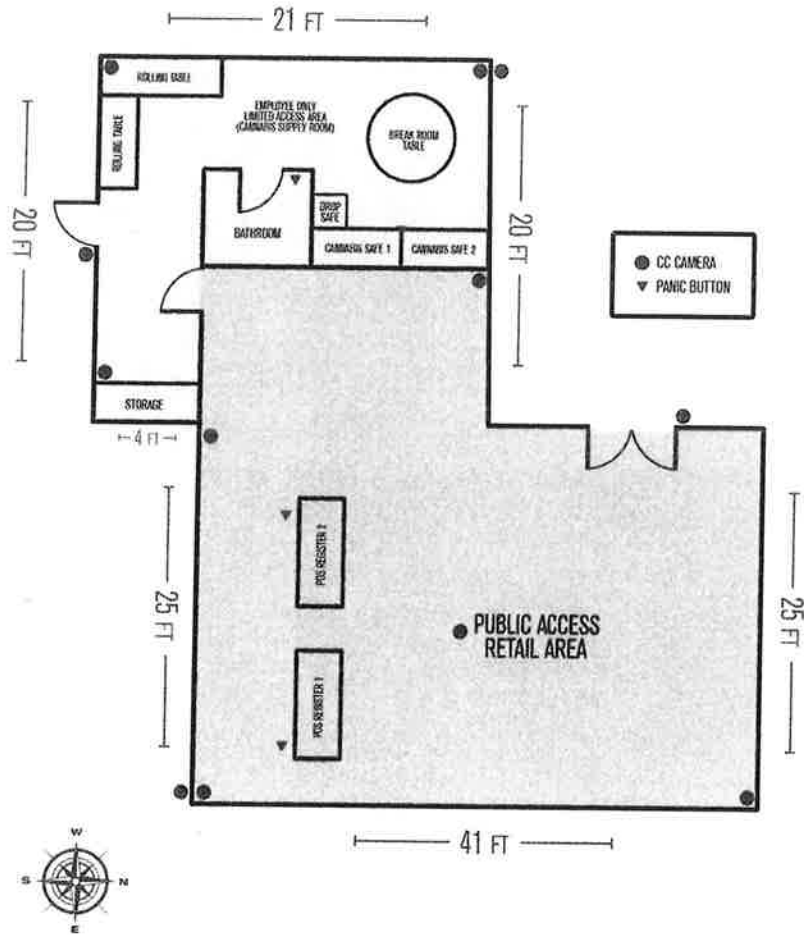
**Exhibit A:**

**Aroma - Placement Diagram**





2129 WINTERHAVEN DRIVE  
WINTERHAVEN, IMPERIAL COUNTY  
CALIFORNIA 92283  
APN: 056-282-013



Movocan Attachement:

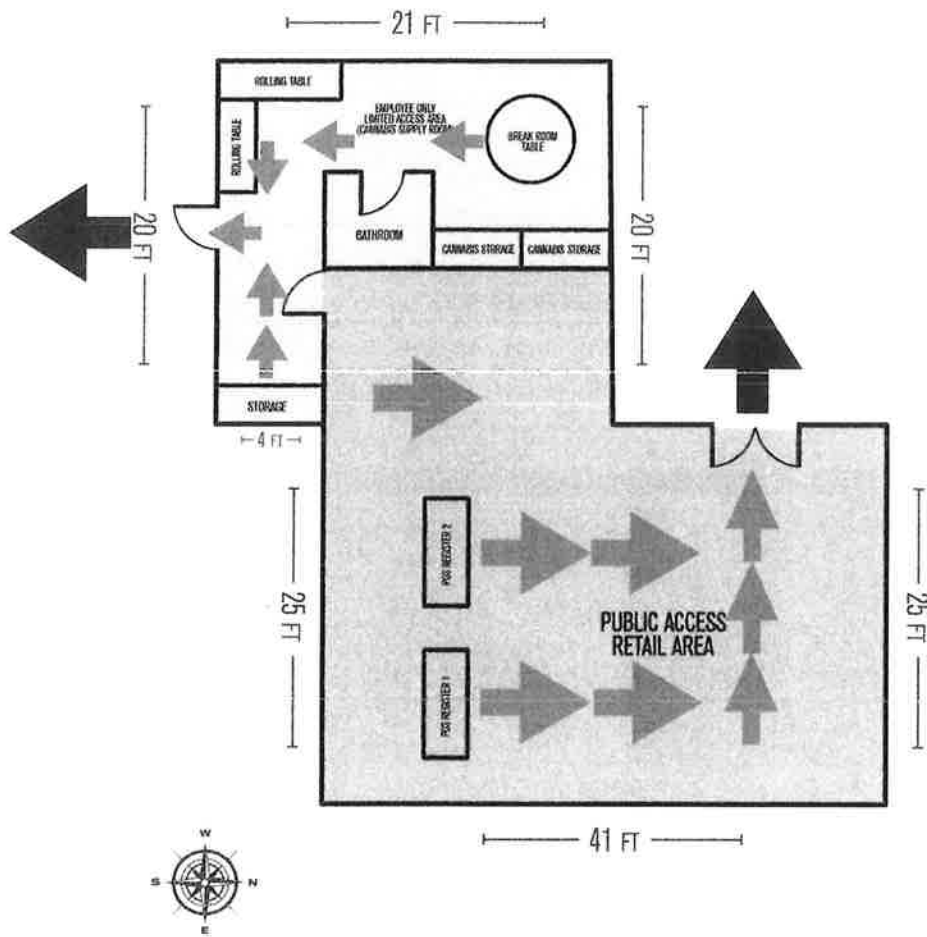
Exhibit B: Aroma in Salton City, Thermal - Emergency Evacuation Plan

**Exhibit B:**

**Aroma - Emergency Evacuation Route**



2129 WINTERHAVEN DRIVE  
WINTERHAVEN, IMPERIAL COUNTY  
CALIFORNIA 92283  
APN: 056-282-013



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# IID

*A century of service.*

www.iid.com

*Since 1911*

August 12, 2021

Mr. David Black  
Planner IV  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

SUBJECT: Movocan Cannabis Facility in Winterhaven, CA; CUP App. No. 21-0016

Dear Mr. Black:

On this date, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on Conditional Use Permit application no. 21-0016. The applicant, Movocan, proposes to establish a cannabis dispensary at 2129 Winterhaven Drive, Winterhaven, California (APN 056-282-013-000).

The Imperial Irrigation District has reviewed the information and has the following comments:

1. If an increase in the electrical service currently provided by IID to the site is required, the applicant should be advised to contact Joel Lopez, IID Customer Project Development Planner, at (760) 482-3444 or e-mail Mr. Lopez at [jflopez@iid.com](mailto:jflopez@iid.com) to initiate the customer service application process. In addition to submitting a formal application (available for download at the IID website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit a complete set of approved plans (including CAD files), project schedule, estimated in-service date, one-line diagram of facility, electrical loads, panel size, voltage and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Please note that electrical capacity is limited in the area. A circuit study may be required. Any improvements identified in the circuit study shall be the financial responsibility of the applicant.
3. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer,

**EEC ORIGINAL PKG**

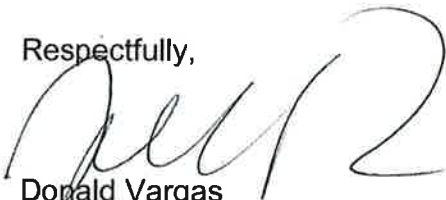
David Black  
August 12, 2021  
Page 2

storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions are available at the website <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

4. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at [dvargas@iid.com](mailto:dvargas@iid.com). Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas  
Compliance Administrator II

Enrique B. Martinez – General Manager  
Mike Pacheco – Manager, Water Dept.  
Marilyn Del Bosque Gilbert – Manager, Energy Dept.  
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.  
Jamie Asbury – Assoc. General Counsel  
Vance Taylor – Asst. General Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes. – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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**AIR POLLUTION CONTROL DISTRICT**

Aug. 30, 2021

Jim Minnick  
Planning & Development Services Director  
801 Main Street  
El Centro, CA 92243

**SUBJECT: Condition Use Permit (CUP) 21-0016—Movocan Cannabis Dispensary**

Dear Mr. Minnick:

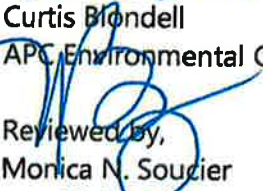
The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on Condition Use Permit (CUP) 21-0016 ("Project") that would allow a Cannabis Dispensary at 2129 Winterhaven Drive in Winterhaven, California, also identified as Assessor's Parcel Number 056-282-013-000.

Upon review, the bulk of the project packet discussed security and emergency preparedness, both of which are not germane to the Air District. Therefore, the Air District cannot offer comments at this time due to insufficient information. However, owners/operators of commercial cannabis operations should be aware that certain conditions may arise in the course of operation which require odor abatement under ICAPCD Rule 407—Nuisances. The outcome could require the operation to effectively mitigate odors through the use of odor control systems (e.g., activated carbon filtration systems). Therefore, the Air District urges proposed commercial cannabis projects to incorporate proven odor control systems into their initial design to prevent offsite odors that would cause public complaints.

For convenience, Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. Should you have questions please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,

  
Curtis Blondell  
APC Environmental Coordinator

  
Reviewed by,  
Monica N. Soucier  
APC Division Manager

## David Black

---

**From:** captinfreon@aol.com  
**Sent:** Tuesday, August 31, 2021 9:07 AM  
**To:** David Black  
**Cc:** Jesus Escobar; Alfredo Estrada Jr; efried@icso.org  
**Subject:** Movocan Permit # 21-0016

**CAUTION: This email originated outside our organization; please use caution.**

Good morning David i am opposed to the plans to the conditional use permit ,The property is to close to the Winterhaven U.S.Post office and access and parking is already limited there is no sidewalks or driveway entrance.It is located in the center of town across the street from the Imperial County Court House which during court time the streets are lined up on both side with parked cars. The neighboring property is the Clinic De Salud (Winterhaven Clinic) I feel that the area is very congested now and adding this Retail / Medicinal dispensary would hinder the access to the existing business. They should research other properties just east on Winterhaven Drive that was purposed for the same kind of retail. Please feel free to contact me if you have any question.

Sincerely

Steven M. Taylor  
2141 G street  
Winterhaven  
928-941-5179

AIR POLLUTION CONTROL DISTRICT



RECEIVED

September 14, 2021

SEP 14 2021

Jim Minnick  
Planning & Development Services Director  
801 Main Street  
El Centro, CA 92243

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

SUBJECT: **Notice of Intent for a Negative Declaration for Condition Use Permit (CUP) 21-0016—Movocan Cannabis Dispensary (Winterhaven)**

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on the Notice of Intent for a Negative Declaration for Condition Use Permit (CUP) 21-0016 ("Project") that would allow a Cannabis Dispensary at 2129 Winterhaven Drive in Winterhaven, California, also identified as Assessor's Parcel Number 056-282-013-000.

A review of the Original Environmental Evaluation Committee (EEC) packet found that formal comments from the Air District dated August 30, 2021 were not included. Those comments advised the project proponent that certain conditions may arise in the course of operation which require odor abatement under ICAPCD Rule 407—Nuisances. The outcome could require odor abatement by odor control systems (e.g., activated carbon filtration systems).

The Air District identified multiple subsections of Section III—Air Quality in the EEC that contain the statement: "The building space will include and (*sic*) odor abatement plan for cannabis, which may include carbon control air filtration system." However, the Air District did not identify an odor abatement plan in the review packet. Since the "less than significant" finding is based in part on inclusion of an odor abatement plan, the Air District respectfully requests the submission of the odor abatement plan (odor control plan) as stated in the Initial Study of the EEC packet.

For convenience, Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. Should you have questions please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,



**Curtis Blondell**  
APC Environmental Coordinator



Reviewed by,  
**Monica N. Soucier**  
APC Division Manager

## Kimberly Noriega

---

**From:** Mario Salinas  
**Sent:** Monday, September 13, 2021 11:40 AM  
**To:** Kimberly Noriega  
**Cc:** Michael Abraham; David Black; Carina Gomez; John Robb; Maria Scoville; Rosa Soto; Shannon Lizarraga; Valerie Grijalva; Jorge Perez  
**Subject:** RE: Notice of Intent - CUP21-0016/IS21-0024 MOVOCAN

Good morning Ms. Noriega,

Pertaining to Notice of Intent# CUP21-0016/IS21-0024, The applicant will need to undergo a plan review process with our food program ONLY if they intend to sell edible products. Otherwise, our division does not have any comments at this time.

Thank you,

### Mario Salinas, MBA

Environmental Health Compliance Specialist  
Imperial County Public Health Department  
Division of Environmental Health  
797 Main Street Suite B, El Centro, CA 92243  
[mariosalinas@co.imperial.ca.us](mailto:mariosalinas@co.imperial.ca.us)  
Phone: (442) 265-1888  
Fax: (442) 265-1903  
[www.icphd.org](http://www.icphd.org)



RECEIVED  
SEP 13 2021  
IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

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**From:** Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>  
**Sent:** September 10, 2021 2:29 PM  
**To:** Carlos Ortiz <CarlosOrtiz@co.imperial.ca.us>; Sandra Mendivil <SandraMendivil@co.imperial.ca.us>; Jolene Dessert <JoleneDessert@co.imperial.ca.us>; Margo Sanchez <MargoSanchez@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Esperanza Colio <EsperanzaColio@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Robert Menvielle <RobertMenvielle@co.imperial.ca.us>; Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Carlos Yee <CarlosYee@co.imperial.ca.us>; Ray Loera - Sherriff <rloera@icso.org>; Guillermo Mendoza <GuillermoMendoza@co.imperial.ca.us>; Robert Benavidez <rbenavides@icso.org>; Donald Vargas - IID <DVargas@IID.com>; jgalvan@theholtgroup.net; nwells@holtville.ca.gov; mmansfield@saltoncsd.ca.gov; Scott Moorhouse <smoorhouse@chp.ca.gov>

Cc: Michael Abraham <MichaelAbraham@co.imperial.ca.us>; David Black <DavidBlack@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>; Shannon Lizarraga <ShannonLizarraga@co.imperial.ca.us>; Valerie Grijalva <ValerieGrijalva@co.imperial.ca.us>  
Subject: Notice of Intent - CUP21-0016/IS21-0024 MOVOCAN

Good Morning Commenting Agencies,

In an effort to increase the efficiency at which information is distributed and reduce paper usage, please find attached Results Agenda, and Notice of Intent for Initial Study #21-0024 MOVOCAN.

Please feel free to view the EEC Original Hearing Package by clicking on the following link:  
<https://www.icpds.com/hearings/environmental-evaluation-committee>

Should you have any questions regarding this project, please feel free to contact David Black, Planner IV at (442)265-1746 or by email at [DavidBlack@co.imperial.ca.us](mailto:DavidBlack@co.imperial.ca.us)

Thank you,

*Kimberly Noriega*

Office Assistant III

**Imperial County**  
**Planning and Development Services**  
801 Main St.  
El Centro, CA 92243  
☎ Phone: (442) 265-1736  
☎ Fax: (442) 265-1735



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Office of the  
*Agricultural Commissioner*  
Sealer of Weights and Measures

*Carlos Ortiz*  
Agricultural Commissioner  
Sealer of Weights and Measures

*Jolene Dumas*  
Asst. Agricultural Commissioner  
Asst. Sealer of Weights and  
Measures

August 31, 2021

David Black, Planner IV  
Imperial County  
Planning & Development Services  
801 Main Street  
El Centro, CA 92243

**RECEIVED**

**AUG 31 2021**

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

Re: CUP#21-0016 Movocan

Mr. Black:

Our department has reviewed the documents pertaining to CUP#21-0016 for applicant Movocan who proposes to develop a commercial cannabis dispensary operation at 2129 Winterhaven Drive in Winterhaven, California with an existing C-2 Medium Commercial zone.

As it is required by Title 9 Division 3 Section 90302.04 – Landscaping standards – Commercial uses, to landscape, our office asks that if plant material is not sourced from a nursery within Imperial County, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant can contact our Pest Detection and Eradication Division for any questions regarding the quarantines of movement of plant material, as there are several quarantines that must be observed.

Regarding the commercial cannabis dispensary operations, please refer to the handouts attached. The handouts will help in determining what type of scale(s) will be required for their operations, if the applicant needs to apply for a weighmaster license and the label requirements for cannabis. Please be advised that any commercial weighing and measuring devices are required to be type approved for commercial use and must be registered, inspected and sealed by our office on an annual basis. Any point of sale devices or scanners used in retail sale transactions are also required to be registered and inspected.

If you or the applicant has any questions, please feel free to contact our office at (442) 265-1500.

Regards,

A handwritten signature in blue ink that reads "Carlos Ortiz".

Carlos Ortiz  
Agricultural Commissioner  
Sealer of Weights & Measures



Office of the  
*Agricultural Commissioner*  
 Sealer of Weights and Measures

*Carlos Ortiz*  
 Agricultural Commissioner  
 Sealer of Weights and Measures

*Jolene Dossert*  
 Asst. Agricultural Commissioner  
 Asst. Sealer of Weights and Measures

**Commercial Cannabis Activities Checklist**

(May 9, 2018)

To Whom It May Concern:

For those that wish to obtain a license from the County of Imperial for the commercial production of *Cannabis sativa*, the Agricultural Commissioner's office has prepared the following checklist of potential regulatory concerns under our jurisdiction. Please review this list and consult with our office regarding those items for which a 'yes' is checked. Failure to do so may result in violations of local laws and regulations.

| Description  | Questions  | Yes | No |
|--|--|-----|----|
| <b>Nursery Stock/Seeds</b> - Incoming shipments of plant parts for production (including seed) typically require inspection by this office for plant pests/diseases and will be profiled for compliance with plant quarantines.  | Do you intend to bring plants or other propagative plant parts (excluding seeds) into Imperial County? |     |    |
|  | Do you intend to bring seeds into Imperial County?   |     |    |
| <b>Pesticide Use</b> – All pesticide use is required to comply with California and Federal laws and regulations. All those that use pesticides in Imperial County for agricultural production are required to obtain an operator ID number (OIN) with our office and report pesticide usage. This OIN must be obtained prior to purchasing pesticides from a licensed pesticide dealer. Disclaimer: An OIN is not equivalent to a license to produce cannabis or a business license. The purpose is solely to come into compliance with California laws and regulations regarding pesticide use and allow for pesticide use reporting.   | Do you intend to use any pesticides (including 'organic' pesticides) on your Cannabis crop?            |     |    |
| <b>Weights and Measures</b> – Any product sold by weight or measure is subject to state laws regarding that sale. Commercial weighing and measuring devices are required to be type approved for commercial use (please call for information prior to purchasing devices), registered, inspected, and sealed by our office. Point of Sale devices or Scanners used in retail sale transactions are also required to be registered and inspected. Furthermore, packaged products sold by weight or measure are also subject to periodic inspection by our office for compliance with state laws and regulations.<br><a href="https://www.cdfa.ca.gov/dms/CannabisWM.html">https://www.cdfa.ca.gov/dms/CannabisWM.html</a> | Do you intend to sell Cannabis products by weight over a scale?  |     |    |
|  | Do you intend to sell Cannabis products by measure other than weight (for instance volume)?            |     |    |
|  | Do you intend to sell Cannabis products with a point of sale system or scanner?                        |     |    |
|  | Do you intend to package a Cannabis product for sale by weight or measure?                             |     |    |





Office of the  
**Agricultural Commissioner**  
**Sealer of Weights & Measures**

Carlos Ortiz  
Agricultural Commissioner  
Sealer of Weights & Measures

Jolene Dessert  
Asst. Agricultural Commissioner  
Asst. Sealer of Weights & Measures

December 7, 2020

**Landscaper/Nursery Letter-**

This letter is to remind you of the requirements you must follow for movement of plant material into Imperial County. There are many quarantines which must be observed. The most complex is for the glassy-winged sharpshooter and detailed directions for compliance follow. However, there are a few other quarantines that you should be aware of and they are listed at the end of this letter.

There is a State Interior Quarantine in place to prevent artificial movement of the glassy-winged sharpshooter (GWSS). The GWSS is a hardy insect which feeds on many common landscape plants and crops. It carries and spreads *Xylella fastidiosa*, a bacterium which is deadly to many plants. Imperial County is the only Southern California County that is not infested with the glassy-winged sharpshooter, and is designated as an enforcing county.

A summary of the quarantine requirements for entry of GWSS-host nursery stock from infested counties:

- Nursery stock must be purchased from a nursery that is under Compliance Agreement with the Agricultural Commissioner's office in that County. The plants should enter Imperial County with paperwork that includes the GWSS Compliance Agreement Number stamp, the required blue tag (see below), and Certificate of Quarantine Compliance (CQC) if applicable.
- Every shipment of nursery stock from an infested county must be accompanied by a Warning Hold for Inspection Certificate also known as a blue tag. As stated on the blue tag, this requires the receiver to hold the shipment off sale upon arrival and call our office for an inspection. It is very important that we be notified immediately upon arrival of the plant shipment. You must not commingle the new shipment with previously-released nursery stock until released by our office. Our office hours are Monday through Friday, 8:00 AM to 5:00 PM. Please call as early as possible. If you intend to bring in plants on a Saturday or Holiday, you must notify our office in advance.
- Landscapers that have their own growing ground or holding yard where they store nursery stock are required to be licensed as a nursery. Landscapers that do not hold or store that stock prior to its delivery to the planting site do not need a license.
- All landscapers must comply with the requirements listed above for every shipment brought into the County. You also must hold the stock at its destination (preferably away from other plants) and call our office for an inspection - you may not plant any of the nursery stock until the plants have been inspected and released by our office. If you are buying and transporting nursery stock into Imperial County, it is your responsibility to obtain the required documents from the origin nursery and call for the inspection upon arrival.
- For every shipment, you must have a proof of ownership document for the nursery stock.

Penalties for failure to comply with the quarantine requirements listed above:

- Any violation of quarantine requirements is an infraction punishable by a fine of \$1,000 for the first offense. For a second or subsequent offense within three years, the violation is punishable as a misdemeanor (Food and Ag Code, Section 5309).
- In lieu of any civil action, the Agricultural Commissioner may levy a civil penalty for up to \$2,500 for each violation (Food and Ag Code, Section 5311).
- In addition to any other action taken, any violation of these requirements may be liable civilly in an amount not to exceed \$10,000 for each violation (Food and Ag Code, Section 5310).
- Anyone that negligently or intentionally violates any quarantine regulation and imports a GWSS-infested plant that results in an infestation, or the spread of an infestation, may be civilly liable in an amount up to \$25,000 for each violation (Food and Ag Code, Section 5028(c)).

Other restricted plant materials (if you intend to bring in any of the following commodities from outside Imperial County please contact us before the shipment date):

- Citrus species – All Citrus species are restricted from most locations within California.
- Phoenix palms – All palms of the Phoenix genus (this includes *Phoenix roebelinii*, a common landscape plant) originating in California are prohibited, unless it is from certain portions of Riverside County.
- Florida nursery stock- Must comply with California State Interior Quarantine CCR. 3271 Burrowing and Reniform Nematodes, RIFA federal Quarantine and other quarantines may apply.
- Arizona nursery stock- Must comply with California State Interior Quarantine CCR. 3261 Ozonium Root Rot.
- Also, if you intend to remove any plants from the soil and ship them out of Imperial County you must be certified free from Ozonium Root Rot. To do so you must be part of our program and you should contact our office.

If you have any questions please contact our office at (442) 265-1500.

Sincerely,



Rachel Garewal  
Deputy Agricultural Commissioner  
Pest Detection and Eradication



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

## **CANNABIS BUSINESSES: WHEN DO I NEED TO LICENSE AS A WEIGHMASTER?**

On January 16, 2019, permanent cannabis regulations became effective for three licensing authorities in California:

- California Department of Food and Agriculture, CalCannabis Division  
(CDFA CalCannabis Division)  
[California Code of Regulations, Title 3, Division 8](#)
- California Department of Public Health, Manufactured Cannabis Safety Branch  
(CDPH MCSB)  
[California Code of Regulations, Title 17, Division 1, Chapter 13](#)
- California Department of Consumer Affairs, Bureau of Cannabis Control  
(CDCA BCC)  
[California Code of Regulations, Title 16, Division 42](#)

**You need a weighmaster license** if you have a license issued by CDFA CalCannabis Division and/or CDPH MCSB.

**You do not need a weighmaster license** if you only have one license, and that license was issued by CDCA BCC.

## HOW DO I OBTAIN A WEIGHMASTER LICENSE?

Weighmaster licenses are issued by CDFA, Division of Measurement Standards, Weighmaster Program.

Go to the Weighmaster Program [webpage](https://www.cdfa.ca.gov/dms/programs/wm/wm.html) where you can find Frequently Asked Questions, licensing information, and an application. (<https://www.cdfa.ca.gov/dms/programs/wm/wm.html>)

When filling out your application, choose the classification(s) that correctly describes your cannabis business.

### Business Classification by Commodity

| CANNABIS-RELATED ACTIVITIES  |  |  |
|--|--|--|
| Adult Use. Cultivator (nurseries, growers, and processors)   | Medicinal Use. Cultivator (nurseries, growers, and processors)   | Cannabis (other businesses Not Elsewhere Classified) |
| Adult Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance) | Medicinal Use. Distributors/Transporter (Agents who supply products to other businesses, businesses that transport cannabis products from one point to another and/or provide quality assurance) | Hemp (Cannabis plant fiber)                          |
| Adult Use. Manufacturers (extractions, infusions, packaging, and labeling)   | Medicinal Use. Manufacturers (extractions, infusions, packaging, and labeling)   |  |
| Adult Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)  | Medicinal Use. Microbusiness (business that engages in cultivation, manufacturing, distribution, and retail sale under one license)  |  |

You may submit your application and payment electronically or print and fill out a paper version and submit with your payment.

Weighmaster laws are in the California Business and Professions Code, Division 5. Weights and Measures, Chapter 7, Weighmasters.

You may access these from the [California Legislative Information website](http://leginfo.ca.gov)

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=)

Weighmaster regulations are in the California Code of Regulations (CCR), Title 4, Division 9, Chapter 9.

You may access these from the [WESTLAW](https://govt.westlaw.com) website at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I519487C0D45911DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

## WHO HAS TO ISSUE WEIGHMASTER CERTIFICATES?

Each state agencies' regulations are slightly different [California Code of Regulations (CCR)].

**You must issue a weighmaster certificate** if you have a license from CDFA CalCannabis Division.

### **CCR Title 3 § 8213. Requirements for Weighing Devices and Weighmasters.**

(a) Weighing devices used by a licensee shall be approved, registered, tested, and sealed pursuant to chapter 5 (commencing with section 12500) of division 5 of the Business and Professions Code and its implementing regulations and registered with the county sealer consistent with chapter 2 (commencing with section 12240) of division 5 of the Business and Professions Code and its implementing regulations. Approved, registered, tested, and sealed devices shall be used whenever any one or more of the following apply:

- (1) Cannabis and nonmanufactured cannabis products are bought or sold by weight or count;
- (2) Cannabis and nonmanufactured cannabis products are packaged for sale by weight or count;
- (3) Cannabis and nonmanufactured cannabis products are weighed or counted for entry into the track-and-trace system; or
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) In any county in which a sealer is unable or not required to approve, register, test, and seal weighing devices used by a licensee, the department may perform the duties of the county sealer in the same manner, to the same extent, and with the same authority as if it had been the duly appointed sealer in such county. In those instances, the department shall charge a licensee for its services using the schedule of fees established in Business and Professions Code section 12240.

(c) For the purposes of this chapter a licensee must use wet weight or net weight. Wet weight and net weight shall be measured, recorded, and reported in U.S. customary units (e.g., ounce or pound); or International System of Units (e.g., kilograms, grams, or milligrams).

(d) For the purposes of this chapter, "count" means the numerical count of the individual cannabis plants, seeds, or nonmanufactured cannabis product units.

**(e) Any licensee weighing or measuring cannabis or nonmanufactured cannabis product in accordance with subsection (a) shall be licensed as a weighmaster.**

**(f) A licensed weighmaster shall issue a weighmaster certificate whenever payment for the commodity or any charge for service or processing of the commodity is dependent upon the quantity determined by the weighmaster in accordance with section 12711 of the Business and Professions Code and shall be consistent with the requirements in chapter 7 (commencing with section 12700) of division 5 of the Business and Professions Code.**

You may have to issue a weighmaster certificate if you have a license from CDPH MCSB, but not if the measurement is only to be entered into the Track-and-Trace System.

**CCR Title 17 § 40277. Weights and Measures.**

(a) Weighing devices used by a licensee shall be approved, tested, and sealed in accordance with the requirements in Chapter 5 (commencing with section 12500) of Division 5 of the Business and Professions Code, and registered with the county sealer consistent with Chapter 2 (commencing with section 12240) of Division 5 of the Business and Professions Code. Approved and registered devices shall be used whenever:

- (1) Cannabis or cannabis product is bought or sold by weight or count;
- (2) Cannabis or cannabis product is packaged for sale by weight or count;
- (3) Cannabis or cannabis product is weighed or counted for entry into the track-and-trace system; and
- (4) The weighing device is used for commercial purposes as defined in section 12500 of the Business and Professions Code.

(b) For the purposes of this chapter, "count" means the numerical count of the individual cannabis product units.

**(c) Whenever the licensee is determining the weight, measure, or count of cannabis and cannabis products for the purposes specified in subsection (a), the weight, measure, or count shall be determined by a licensed weighmaster as required by Chapter 7 (commencing with section 12700) of Division 5 of the Business and Professions Code. The weighmaster certificate required under section 12711 of the Business and Professions Code shall not be required when cannabis or cannabis products are weighed for entry into the track-and-trace system.**

**You do not have to issue a weighmaster certificate if you are licensed only by CDCA BCC.**

**CCR Title 16 § 5049. Track and Trace Reporting.**

- (a) A licensee shall record in the track and trace system all commercial cannabis activity, including:
- (1) Packaging of cannabis goods.
  - (2) Sale and transfer of cannabis goods.
  - (3) Transportation of cannabis goods to a licensee.
  - (4) Receipt of cannabis goods.
  - (5) Return of cannabis goods.
  - (6) Destruction and disposal of cannabis goods.
  - (7) Laboratory testing and results.
  - (8) Any other activity as required pursuant to this division, or by any other licensing authority.
- (b) The following information shall be recorded for each activity entered in the track and trace system:
- (1) Name and type of the cannabis goods.
  - (2) Unique identifier of the cannabis goods.
  - (3) Amount of the cannabis goods, by weight or count, and total wholesale cost of the cannabis goods, as applicable.**
  - (4) Date and time of the activity or transaction.
  - (5) Name and license number of other licensees involved in the activity or transaction.
  - (6) If the cannabis goods are being transported:
    - (A) The licensee shall transport pursuant to a shipping manifest generated through the track and trace system, that includes items (1) through (5) of this subsection, as well as:
      - (i) The name, license number, and licensed premises address of the originating licensee.
      - (ii) The name, license number, and licensed premises address of the licensee transporting the cannabis goods.
      - (iii) The name, license number, and licensed premises address of the destination licensee receiving the cannabis goods into inventory or storage.
      - (iv) The date and time of departure from the licensed premises and approximate date and time of departure from each subsequent licensed premises, if any.
      - (v) Arrival date and estimated time of arrival at each licensed premises.
      - (vi) Driver license number of the personnel transporting the cannabis goods, and the make, model, and license plate number of the vehicle used for transport.
    - (B) Upon pick-up or receipt of cannabis goods for transport, storage, or inventory, a licensee shall ensure that the cannabis goods received are as described in the shipping manifest, and shall record acceptance or receipt, and acknowledgment of the cannabis goods in the track and trace system.
    - (C) If there are any discrepancies between the type or quantity of cannabis goods specified in the shipping manifest and the type or quantity received by the licensee, the licensee shall record and document the discrepancy in the track and trace system and in any relevant business record.
  - (7) If cannabis goods are being destroyed or disposed of, the licensee shall record in the track and trace system the following additional information:
    - (A) The name of the employee performing the destruction or disposal.

- (B) The reason for destruction and disposal.
- (C) The entity disposing of the cannabis waste.
- (8) Description for any adjustments made in the track and trace system, including, but not limited to:
  - (A) Spoilage or fouling of the cannabis goods.
  - (B) Any event resulting in damage, exposure, or compromise of the cannabis goods.
- (9) Any other information as required pursuant to this division, or by any other applicable licensing authorities.
- (c) Unless otherwise specified, all transactions must be entered into the track and trace system within 24 hours of occurrence.
- (d) Licensees shall only enter and record complete and accurate information into the track and trace system and shall correct any known errors entered into the track and trace system immediately upon discovery.



## SCALES USED FOR COMMERCIAL PURPOSES

All scales used for commercial purposes must meet strict standards for accuracy and customer visibility in the California Code of Regulations. Appropriate and suitable scales must be of a type approved by the Division of Measurement Standards and issued either a California Type Evaluation Program (CTEP) Certificate of Approval or a National Type Evaluation Program (NTEP) Certificate of Conformance before commercial use. This process is known as "Type Evaluation." See the CTEP Information Guide at: <https://www.cdfa.ca.gov/dms/programs/ctep/CTEPIInfoGuide.pdf>

Step 1: Selecting a suitable scale to meet your business needs.

Step 2: Setting up your scale.

Step 3: Using and maintaining your scale.

Step 4: Notifying your County Weights and Measures Office.

### **Step 1: Selecting a suitable scale to meet your business needs.**

Consider:

- Range of weighing (minimum and maximum capacities)
- Division (increment) size
- Precision (i.e., scales that comply with Accuracy Class I & II parameters)

Legal-for-trade scales purchased from a scale dealer or purchased online will require calibration before use. A Registered Service Agency (RSA) can assist you in the selection of a type approved and suitable scale. They will ensure the scale is accurate and correct, install and place the scale into commercial use pending inspection by a local weights and measures official, and can assist in the scale registration process. RSAs listings can be found at <https://www.cdfa.ca.gov/dms/programs/rsa/rsa.html> or via online searches:

### **Step 2: Setting up your scale.**

- Scales must be installed and operated per the manufacturer's instructions and California laws and regulations.
- Scales must be placed on a level solid surface and properly used and maintained (refer to owner's manual).
- Legal-for-trade scales must be "inspected, tested and sealed" by a County Weights and Measures Office.
- Precision scales may need to be verified and recalibrated when moved to another location within a production facility or retail establishment.

### **Step 3: Using and maintaining your scale.**

- Use the scale according to the owner's reference manual.
- Deduct "TARE" (packaging, wrappings, containers, labels etc.) to determine "NET" weight (NET = GROSS – TARE).
- The owner or user is responsible for ensuring the accuracy and proper maintenance of a commercial scale.
- EVERYBODY benefits from an accurate scale. The customer is not cheated, and the seller is protected by weights and measures officials who ensure a level playing field for all competing businesses.

### **Step 4: Register a scale with your county.**

- Most California counties have local ordinances requiring annual registration of commercial scales.
- Find your County Weights and Measures Office at: <https://www.cdfa.ca.gov/exec/county/countymap/>

## SCALES USED FOR CANNABIS

**For Harvest Weights, Bulk Packaging, Net Weight Verification and Weight Verification for Track and Trace Reporting.**

| Typical Class I & II Scale Capacities |                              | Maximum Scale Division Size (Increments)* |                              |
|---------------------------------------|------------------------------|---|------------------------------|
| Metric Units kilogram (kg)            | US Standard Units pound (lb) | Metric Units gram (g)                     | US Standard Units pound (lb) |
| 0.5 kg (500 g)                        | 1 lb                         | 0.5 g                                     | 0.001 lb                     |
| 5 kg                                  | 10 lb                        | 5 g                                       | 0.01 lb                      |
| 50 kg                                 | 100 lb                       | 50 g                                      | 0.1 lb                       |
| 50 kg +                               | 100 lb +                     | 500 g +                                   | 1.0 lb +                     |

\*EXAMPLES: Capacity = 100 kg: min. div. can be (0.001 kg, 0.002 kg, 0.005 kg or smaller)  
 Capacity = 5000 lb: min. div. can be (1 lb, 0.2 lb, 0.5 lb, or smaller)

**For Retail Packaging, Net Weight Verification, and Retail Sales from Bulk.**

| Typical Weighing Range           | Maximum Scale Division Size (Increments) |
|----------------------------------|--|
| 0-1 gram (g)                     | 0.01 g                                   |
| Between 1-10 g                   | 0.01 g                                   |
| Between 10-100 g                 | 0.1 g                                    |
| Between 100-1,000 g              | 1 g                                      |
| Between 1/8 ounce (oz) to 1/2 oz | 0.0005 oz (0.00002 lb) (0.01 g)*         |
| Between 1/2+ oz to 1 oz          | 0.005 oz (0.0002 lb) (0.1 g)*            |
| Greater than 1 oz                | 0.05 oz (0.002 lb) (1 g)*                |

\*Conversions rounded to nearest legal division size.

### Additional Resources

|   |   |
|---|---|
| California Weights and Measures Laws and Regulations                          | <a href="http://www.cdfa.ca.gov/dms/publications.html">www.cdfa.ca.gov/dms/publications.html</a>  |
| Buying Legal-for-Trade Scales Online  | <a href="http://ncwm.net/resource/consumer-information">ncwm.net/resource/consumer-information</a>  |
| National and California Type Evaluation Program - Certificate Search Database | <a href="http://ncwm.net/ntep/cert_search">ncwm.net/ntep/cert_search</a> and <a href="http://cdfa.ca.gov/dms/ctep.html">cdfa.ca.gov/dms/ctep.html</a> |
| California Weighmaster Requirements   | <a href="https://www.cdfa.ca.gov/dms/programs/wm/wm.html">https://www.cdfa.ca.gov/dms/programs/wm/wm.html</a>   |

### SALES BY WEIGHT:

A business needs to determine weight of:

- containers/packages of trimmings,
- containers/packages of product, and
- packages of dried flower.

These different types of containers and packages will likely require scales of different capacities and division sizes due to basic suitability requirements.

Scale 1: For weighing 1 lb net weight packages the grower could use a 1 kg x 0.001 kg scale (1000 g x 1 g).

Scale 2: For weighing 1 gram net weight packages the grower could use a 500 g x 0.01 g scale.

This may include, but is not limited to packages of:

- Usable cannabis (buds, flowers)
- Edibles
- Topicals (ointments, creams, balms, emollients)
- Shatter (cannabis concentrate)

### SALES BY VOLUME:

Cannabis products in liquid form are sold by volume, e.g., milliliters (ml) and fluid ounces (fl oz).

This may include, but is not limited to packages of:

- Oils
- Tinctures
- Extracts



For additional information, go online at <https://www.cdfa.ca.gov/dms/> or send an email to [DMS@cdfa.ca.gov](mailto:DMS@cdfa.ca.gov).

## CALIFORNIA WEIGHTS AND MEASURES LABEL REQUIREMENTS

Cannabis products sold in California must also meet the labeling requirements for the California Department of Public Health. Contact the appropriate agency for specific requirements.

This is a brief summary of regulations adopted by the State of California, pursuant to the Fair Packaging and Labeling Act, for packages in general. For complete requirements, consult the California Code of Regulations (CCR), Title 4. Other agencies may have different or additional labeling requirements (e.g., ingredient, nutritional labeling, pharmacological, safety related). Those requirements are not covered in this guide.

Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons.

The three basic requirements are:

1. A declaration of **identity** that is the common or usual name of the commodity.
2. A declaration of **responsibility** that includes the **name, address, and zip code** of the manufacturer, packer, or distributor. A street address is required if the name is not listed in a current directory, which can include an online source. The connection of a distributor must be shown (e.g., "packed for, distributed by"). This statement is not required to be on the principal display panel.
3. A declaration of the **quantity** of the commodity in the lower 30% of the principal display panel area, in a size depending upon the area of the principal display panel.

Units of Weight or Measure: Both SI (metric) and inch-pound units are **required** for most consumer packages. SI units may appear first and the converted value must not **overstate** the net contents. Exceptions include: labels printed before February 14, 1994, random weight packages, foods packed at retail, camera film, audio and video recording media. There may be different requirements for the following federally regulated commodities: meat, poultry, alcoholic beverages, drugs, cosmetics, insecticides, fungicides, rodenticides, and tobacco products.

### CONSUMER PACKAGES

Principal Display Panel Area Determination: This area, not the area of the label, determines the minimum height requirement of the declaration of quantity (see table).

1. A rectangular package where an entire side is the principal display panel - height times width.
2. A cylindrical or nearly cylindrical container - 40% of the product of the height times the circumference.
3. Other shaped containers - 40% of the entire square area of the container.
4. Obvious principal display panels - the actual square area of the panel.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

| Minimum Height of Numbers and Letters for Principal Display Panel                              |   |  |
|--|---|--|
| Area of Principal Display Panel  | Minimum Height of Numbers and Letters (Printer) | Minimum Height Label Information (Blown or Molded) |
| 32 cm <sup>2</sup> (5 in <sup>2</sup> ) or less  | 1.6 mm (1/16 in)                                | 3.2 mm (1/8 in)                                    |
| Over 32 cm <sup>2</sup> (5 in <sup>2</sup> ) to 161 cm <sup>2</sup> (25 in <sup>2</sup> )      | 3.2 mm (1/8 in)                                 | 4.8 mm (3/16 in)                                   |
| Over 161 cm <sup>2</sup> (25 in <sup>2</sup> ) to 645 cm <sup>2</sup> (100 in <sup>2</sup> )   | 4.8 mm (3/16 in)                                | 6.4 mm (1/4 in)                                    |
| Over 645 cm <sup>2</sup> (100 in <sup>2</sup> ) to 2581 cm <sup>2</sup> (400 in <sup>2</sup> ) | 6.4 mm (1/4 in)                                 | 7.9 mm (5/16 in)                                   |
| Over 281 cm <sup>2</sup> (400 in <sup>2</sup> )  | 12.7 mm (1/2 in)                                | 14.3 mm (9/16 in)                                  |

**Proportion:** Letters of a declaration of quantity must not be more than three (3) times as high as they are wide. Except for blown or molded declarations, the style of type or lettering shall be bold, clear, and conspicuous against its background.

**A Free Area:** A free area, equal to at least the height of the lettering, is required above and below the quantity declaration. At each end, the free area must be equal to twice the width of the capital "N" of the style and size of type used.

**Decimal Fractions:** Decimal fractions may be carried to three places. SI unit declarations may contain only decimal fractions. Decimal fractions are permitted in inch-pound declarations.

**Common Fraction:** Common fraction use is restricted to inch-pound units and is normally limited to halves, quarters, eighths, sixteenths, and thirty-seconds to the lowest term. Each number of a fraction in a declaration of quantity must be at least 1/2 the minimum height.

**Abbreviations:**

**Inch-pound:** avdp, lb, oz, gal, qt, pt, yd, ft, in, sq, and cu

**SI units:** kg, g, mg, L or l, mL or ml, m, cm, mm, m, m<sup>2</sup>, dm<sup>2</sup>, cm<sup>2</sup>, m<sup>3</sup>, dm<sup>3</sup>, and cm<sup>3</sup>

**Both systems may use:** wt, fl, liq, dr, dia, pc, ea, and ct

Periods and plural forms are not recommended for inch-pound units and are prohibited for metric.

**Rule of 1000 for SI Units:** Numerical values should be between 1 and 1000 (e.g., 500 g not 0.5 kg; 1.96 kg not 1960 g; 750 ml not 0.75 l; 750 mm or 75 cm not 0.75 meters).

**Weight Declarations:** The words "net mass" or "net weight" are optional.

**Less than 1 kilogram:** must be stated in grams, decimals of a gram or milligrams.

**1 kilogram or more:** kilograms and decimals of a kilogram up to three places.

**Less than 1 pound:** must be stated as ounces or fraction of ounces.

**1 pound or more:** in pounds, with remainder in fractions of pounds, or ounces and fractions of ounces.

**Fluid Declarations:** The words "net" or "net contents" are optional. "Fluid" is required with ounces (e.g., 12 fl oz) unless the meaning is obvious by association (e.g., 1 pint 4 ounces).

**Less than 1 liter:** must be stated in milliliters.

**1 liter or more:** liters and decimal fractions of a liter up to three places.

**Less than 1 pint:** fluid ounces and fractions of an ounce.

- 1 pint to less than 1 gallon:** largest whole unit (quarts or pints as appropriate), with remainder in ounces, fractions of a pint or a quart. (2 quarts may be stated as 1/2 gallon)
- 1 gallon or more:** gallons and fractions of a gallon.

Supplementary Declarations: Non-required quantity declarations are not permitted on the principal display panel.

Qualifying Statements: Quantity declarations containing qualifying words are not permitted. Words such as "minimum," "approximately," "when packed," or any words that tend to exaggerate are considered qualifying words.

Multi-Unit, Combination or Variety Packages: Consult California Code of Regulations, Title 4, for specific requirements.

### **NONCONSUMER PACKAGES**

Nonconsumer Package: This term applies to any package other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

Basic Requirements: A declaration of identity of the commodity, the name, address, and zip code of the packer, and a declaration of quantity shall be prominently and conspicuously displayed on the outside of the package.

Declaration of Quantity: The declaration of quantity shall be in the largest whole unit. SI and inch-pound units may be used, individually or together.

### **EXEMPTIONS FROM LABELING REQUIREMENTS**

#### Bulk Foods Repacked and Sold by Retailer - Food and Drug Administration (FDA) Retail Food Labeling Exemptions

FDA regulations specify that foods received by retailers in bulk quantities that are repackaged by the retailer and displayed for sale on the premises, are exempt from:

1. Net content statements - if it is obvious that they are to be weighed, measured, or counted, within view of the customer or in compliance with the customer's order. [21 CFR § 1.24(a)(1)]
2. Identity statements - if a placard, counter card, or the master container bears the identity statement. [21 CFR § 101.100(b)(3)]
3. Responsibility statements. [21 CFR § 101.100(b)(1)]

#### Commodities Packed and Sold on the Same Premises

A package sold on the same premises where it was packed is not required to have a declaration of responsibility (i.e., name and address of the manufacturer, packer, or distributor). [CCR § 4510 UPLR 5]

However, the package must still have the declarations of quantity and identity. [CCR § 4510 UPLR 3, 4, 6, 7]

### Random Weight Packages

These are packages from a lot having identical labels **except** for the net weight. An example would be packages of bricks of cheese labeled: *Extra Sharp Cheddar, Audry Cheese Company, Sell by April 25 '18*, each package having a different net weight ranging from 0.94 to 1.64 lb.

As of January 1, 2000, a random weight package must bear a label conspicuously declaring:

- a) the net weight
- b) unit price
- c) the total price

[CCR § 4510 UPLR 6.16, 11.1]

### Exemptions

1. If the random weight package is packaged for sale at another location, the unit price and total price may be omitted providing they are on the package at the time of sale. [CCR § 4510 UPLR 6.16]
2. Random weight packages are not required to be labeled with the net weight if they are "sold intact and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale." For this exemption, no quantities can be represented on the package prior to being weighed or measured at the time of sale. The outside container is required to bear a label declaration of the total net weight. [CCR § 4510 UPLR 11.26]

A random weight package will have a conspicuous label stating:

- a) net weight
- b) price per pound
- c) total sales price

It is exempt from the requirements for:

- a) SI (Metric) quantity labeling
- b) type size
- c) placement in the lower 30% of the principal display panel free area

[CCR § 4510 UPLR 11.1]

3. If the random weight package does not state the net weight, price per pound and total sales on the same label at the time of sale, it must conform to all package labeling requirements. This includes placement, letter size, color contrast, prominence, etc., unless it is done as an indirect sale. [CCR § 4510 UPLR 11.1 and 11.1.1]
4. Indirect sales, such as internet orders, shall be exempt from the labeling requirements of unit price and total price when at the time of delivery, the package is marked with a statement of net weight and all of the following requirements are met:
  - (a) the unit price is set forth and established in the initial product offering
  - (b) the maximum possible net weight, unit price, and maximum possible price are provided to the customer by order confirmation when the product is ordered
  - (c) at delivery, the customer receives a receipt bearing the following information: identity, declared net weight, unit price, and the total price. [CCR § 4510 UPLR 11.1.1]



COUNTY OF  
IMPERIAL

DEPARTMENT OF  
PUBLIC WORKS

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*Public Works works for the Public*

09/16/2021

Mr. Jim Minnick, Director  
Planning & Development Services Department  
801 Main Street  
El Centro, CA 92243

Attention: David Black, Planner IV

**SUBJECT: CUP 21-0016 Movocan**  
Located on 2129 Winterhaven Drive, Winterhaven, CA. 92283  
APN's 056-282-013-000

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on August 23, 2021 for the above mentioned project. The applicant proposes a cannabis dispensary.

Department staff has reviewed the package information and the following comments shall be Conditions of Approval:

1. Anticipated trips generated by customers (passenger vehicles - specify either daily or weekly)
2. Anticipated trips generated by staff/employees (passenger vehicles - specify either daily or weekly)
3. Anticipated trips generated by delivery trucks (specify either daily or weekly)

INFORMATIVE:

The following items are for informational purposes only. The applicant is responsible to determine if the enclosed items affect the subject project.

- All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations (**Per Imperial County Code of Ordinances, Chapter 8.72**).
- All on-site traffic area shall be hard surfaced to provide all weather access for fire protection vehicles. The surfacing shall meet the Department of Public Works and Fire/OES Standards as well as those of the Air Pollution Control District (APCD) (**Per Imperial County Code of ordinances, Chapter 12.10.020 A**).

An Equal Opportunity / Affirmative Action Employer

- The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior county approval of onsite grading plan (**40 CFR 122.28**).
- A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and/or large vehicles which impose greater than legal loads on riding surfaces, including bridges (**Per Imperial County Code of Ordinances, Chapter 10.12 - OVERWEIGHT VEHICLES AND LOADS**).
- As this project proceeds through the planning and the approval process, additional comments and/or requirements may apply as more information is received.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

By:



John A. Gay, PE  
Director of Public Works

GM/gv