

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION
COMMITTEE
FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA DATE: Sept. 9, 2021

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 ☐ NONE

AG. COMMISSIONER ☐ NONE

APCD ☐ NONE

DEH/EHS ☐ NONE

FIRE/OES ☐ NONE

OTHER: IID

☐ ATTACHED

☐ ATTACHED

☐ ATTACHED

☐ ATTACHED

☐ ATTACHED

REQUESTED ACTION:

(See Attached)

- ☐ **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

September 2021

TABLE OF CONTENTS

	<u>PAGE</u>
 <u>SECTION 1</u>	
I. INTRODUCTION	3
 <u>SECTION 2</u>	
II. ENVIRONMENTAL CHECKLIST	8
ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION	10
PROJECT SUMMARY	11
ENVIRONMENTAL ANALYSIS	13
I. AESTHETICS	13
II. AGRICULTURE AND FOREST RESOURCES	13
III. AIR QUALITY	14
IV. BIOLOGICAL RESOURCES	15
V. CULTURAL RESOURCES	16
VI. ENERGY	16
VII. GEOLOGY AND SOILS	21
VIII. GREENHOUSE GAS EMISSION	19
IX. HAZARDS AND HAZARDOUS MATERIALS	20
X. HYDROLOGY AND WATER QUALITY	21
XI. LAND USE AND PLANNING	22
XII. MINERAL RESOURCES	23
XIII. NOISE	23
XIV. POPULATION AND HOUSING	23
XV. PUBLIC SERVICES	24
XVI. RECREATION	25
XVII. TRANSPORTATION	25
XVIII. TRIBAL CULTURAL RESOURCES	29
XIX. UTILITIES AND SERVICE SYSTEMS	30
XX. WILDFIRE	31
<u>SECTION 3</u>	
III. MANDATORY FINDINGS OF SIGNIFICANCE	33
IV. PERSONS AND ORGANIZATIONS CONSULTED	34
V. REFERENCES	35
VI. NEGATIVE DECLARATION - COUNTY OF IMPERIAL	36
27 FINDINGS	38
<u>SECTION 4</u>	
VIII. RESPONSE TO COMMENTS (IF ANY)	39
IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)	40

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.

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

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 from other documents

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, 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.

II. Environmental Checklist

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:** 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.

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENTAL HEALTH SVCS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OFFICE EMERGENCY SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
APCD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AG	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHERIFF DEPARTMENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICPDS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jim Minnick, Director of Planning/EEC Chairman

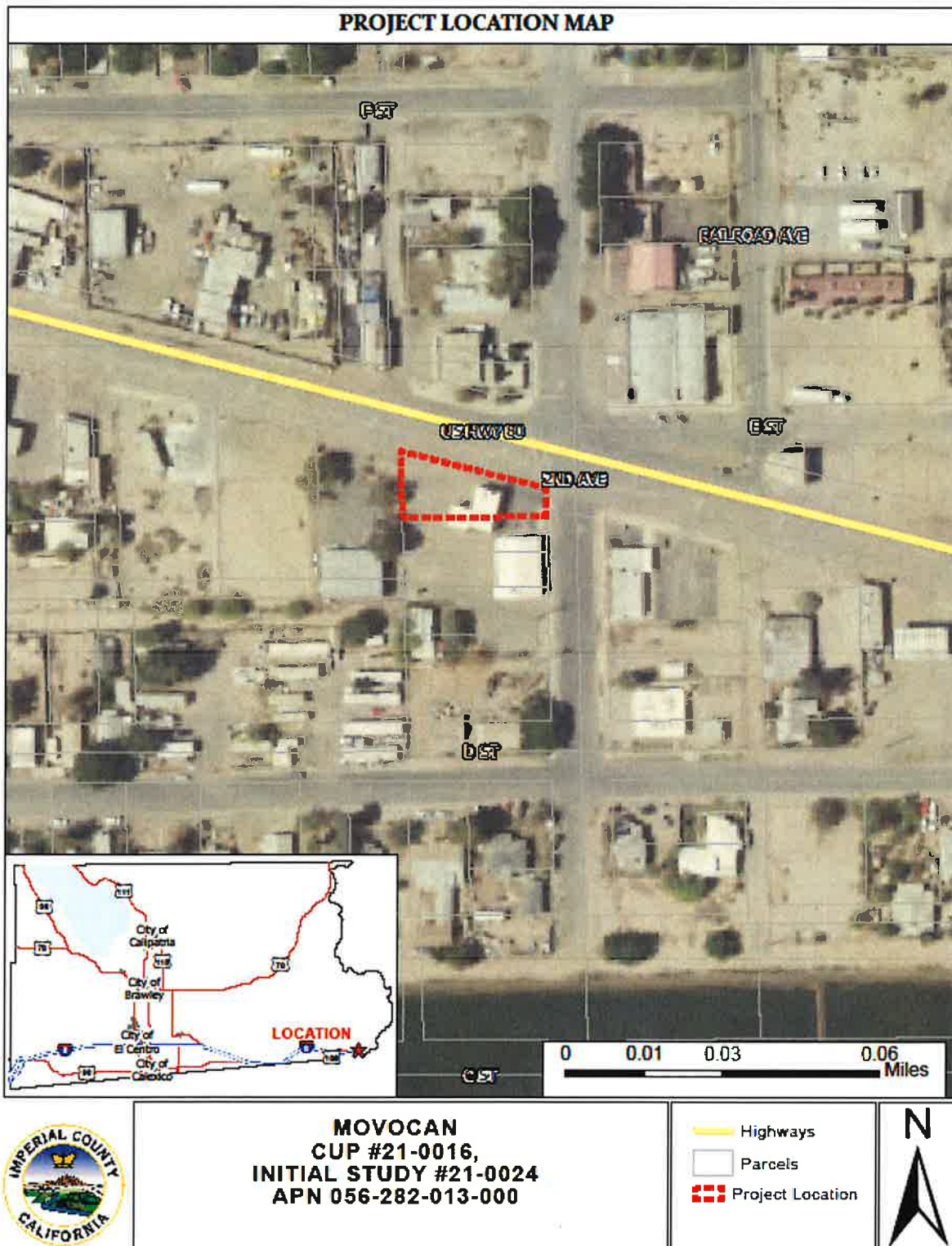
Date:

PROJECT SUMMARY

See attached Initial Study for additional information.

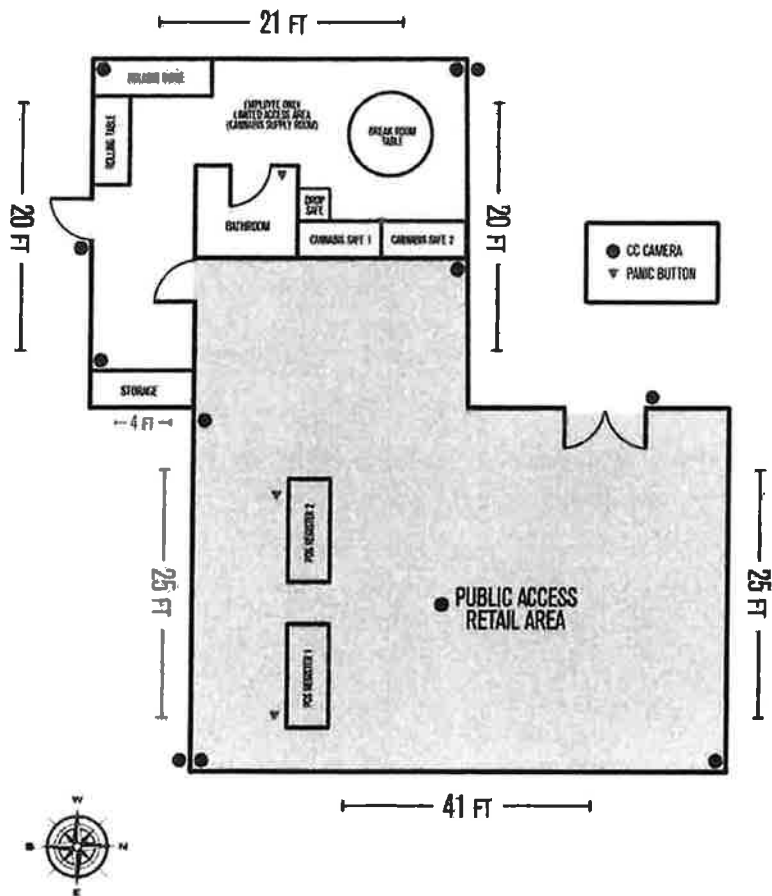
- A. **A. Project Location:** APN # 056-282-013-000 see **(Exhibit A)**. The legal description for this parcel is "LOT 37 & 38 BLK 11 EXC PTN TO HWY 80 TOWNSITE OF WINTERHAVEN ", an unincorporated Winterhaven Urban area of the County of Imperial. State of California. **Please see (Exhibit "B")**. Permittee, 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.

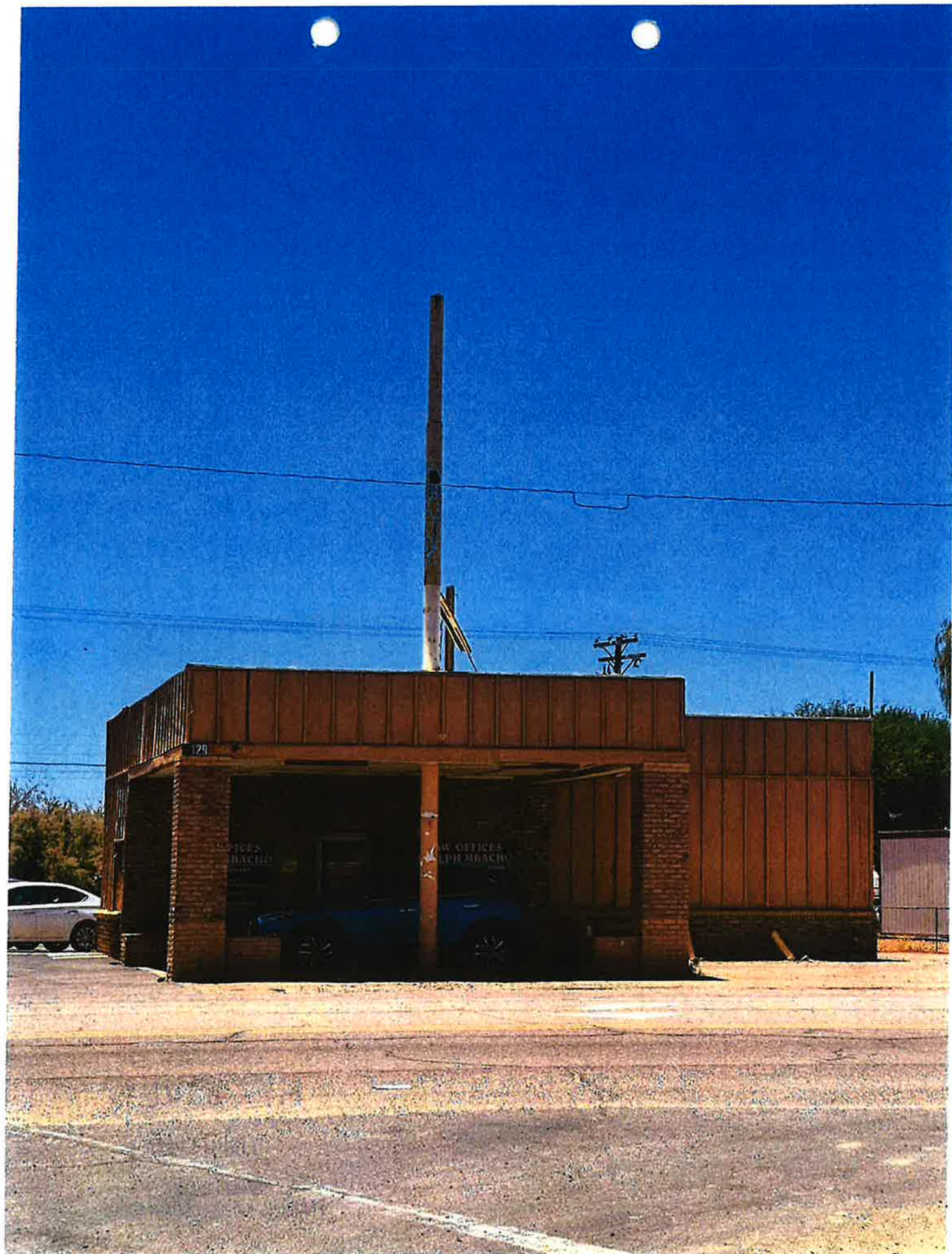
Exhibit "A"
Vicinity Map
Figure 1

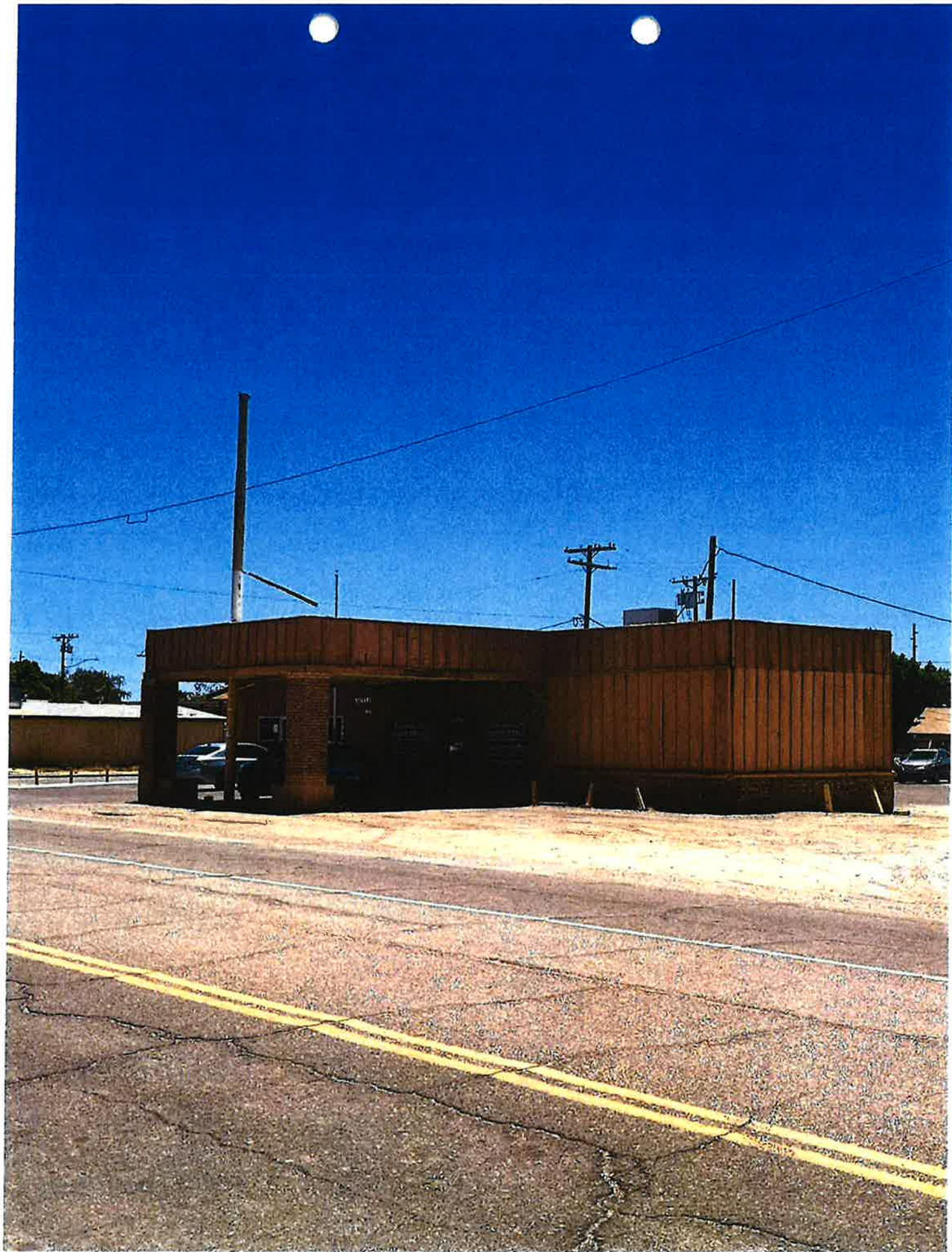




2129 WINTERHAVEN DRIVE
WINTERHAVEN, IMPERIAL COUNTY
CALIFORNIA 92283
APN: 056-282-013







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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <p>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.</p> | | | | |
| b) | Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | <p>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.</p> | | | | |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <p>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.</p> | | | | |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <p>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.</p> | | | | |

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

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>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.</p>				
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</p> <p>b) There are no Williamson Act contract lands on this parcel. Therefore, no impact is expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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))?</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p> <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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). ¹⁶</p> | | | | |

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

- 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 ☐ ☐ ☒ ☐

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 | | | | |

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
impacts are considered less than significant				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 be less than significant.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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. ¹⁸				
2) Strong Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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. ¹⁸				
3) Seismic-related ground failure, including liquefaction and seiche/tsunami?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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. ¹⁸				
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) Less than Significant (see above a)				
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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, <u>Special Studies Map</u> , 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. ¹⁸				

	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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.</p> | | | | |
| b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>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.</p> | | | | |

	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.** ²⁰
- 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

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

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; ☐ ☐ ☒ ☐

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

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;

☐ ☐ ☒ ☐

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?

☐ ☐ ☒ ☐

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?

☐ ☐ ☐ ☒

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?

☐ ☐ ☒ ☐

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 as 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? ☐ ☐ ☐ ☒

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?

☐ ☐ ☐ ☒

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.**

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

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? ☐ ☐ ☐ ☒
- a) The proposed projects will not remove mineral resources on-site; therefore, no impact expected.**
- 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? ☐ ☐ ☐ ☒
- b) The proposed projects will not remove mineral resources on-site; therefore, no impact expected.**

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? ☐ ☐ ☒ ☐
- 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) Generation of excessive ground-borne vibration or ground-borne noise levels? ☐ ☐ ☒ ☐
- 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.**
- 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? ☐ ☐ ☐ ☒
- c) No Impact is expected:** 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 business) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ☐ ☐ ☒
- a) The proposed facility will not appear to induce substantial population growth in the area, either directly or indirectly; therefore, no impact is expected.**

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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. No impact is anticipated.				

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? ☐ ☐ ☒ ☐

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.** ¹³

- 2) Police Protection? ☐ ☐ ☒ ☐

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? ☐ ☐ ☐ ☒

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? ☐ ☐ ☐ ☒

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? ☐ ☐ ☒ ☐

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (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.**

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

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

☐ ☐ ☒ ☐

- (ii) 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 Cocapah 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 is 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 Winterhaven water district

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

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.** ¹²
- 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)
spread of a wildfire?				
<p>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.</p>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>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.</p> <ul style="list-style-type: none"> • 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. ¹³ 				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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.</p>				

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

SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

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

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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)

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.
- 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.
- 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>.
- 7) Federal Highway Administration (FHWA). 2006. Construction Noise Handbook. Web site available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/.
- 8) Federal Highway Administration (FHWA). 2011. Highway Traffic Noise: Analysis and Abatement. Web site available at: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf.
- 9) Federal Highway Administration (FHWA). 2017. California State Byways List. Web site (accessed on May 10, 2017) available at: <https://www.fhwa.dot.gov/byways/states/CA>.
- 10) Imperial County. 1998. General Plan. Website available online at: [http://www.icpds.com/CMS/Media/GENERAL-PLAN--\(OVERVIEW\).pdf](http://www.icpds.com/CMS/Media/GENERAL-PLAN--(OVERVIEW).pdf).
- 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/>.
- 16) United States Fish and Wildlife Service. 2019. Information for Planning and Consultation (IPaC). Website available online at: <https://ecos.fws.gov/ipac/>.
- 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

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.

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.

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.

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.

Applicant Signature

Date

SECTION 4

VIII. RESPONSE TO COMMENTS

N/A

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

N/A

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

CONDITIONAL USE PERMIT

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

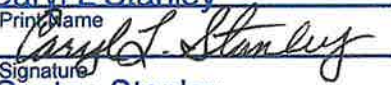
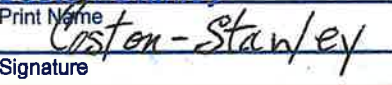
- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME Coston-Stanley Trust	EMAIL ADDRESS cstanleyc2@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 2915 South Arizona Avenue, Yuma, AZ	ZIP CODE 85364	PHONE NUMBER 928-344-1036
3. APPLICANT'S NAME Movocan	EMAIL ADDRESS medigroupangel@gmail.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 2625 Heil Circle, El Centro, CA	ZIP CODE 85364	PHONE NUMBER 760-540-9358
4. ENGINEER'S NAME N/A	CA. LICENSE NO. N/A	EMAIL ADDRESS N/A
5. MAILING ADDRESS (Street / P O Box, City, State) N/A	ZIP CODE N/A	PHONE NUMBER N/A
6. ASSESSOR'S PARCEL NO. 056-282-013	SIZE OF PROPERTY (in acres or square foot) 6,887.16 Square Feet	ZONING (existing) C-2
7. PROPERTY (site) ADDRESS 2129 Winterhaven Drive, Winterhaven, Imperial County, California 92283		
8. GENERAL LOCATION (i.e. city, town, cross street)		
9. LEGAL DESCRIPTION Lot 37 and 38, Block 11 of the townsite of Winterhaven		

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

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


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

Signature
Coston Stanley
Print Name

Signature

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

REQUIRED SUPPORT DOCUMENTS

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

APPLICATION RECEIVED BY: 
APPLICATION DEEMED COMPLETE BY: _____
APPLICATION REJECTED BY: _____
TENTATIVE HEARING BY: _____
FINAL ACTION: ☐ APPROVED ☐ DENIED

DATE **6/2/21**
DATE _____
DATE _____
DATE _____
DATE _____

REVIEW / APPROVAL BY
OTHER DEPT'S required.
☐ P. W.
☐ E. H. S.
☐ A. P. C. D.
☐ O. E. S.
☐ _____
☐ _____

CUP #

21-0016

IS 21-0024

MOVOCAN

Security and Safety Plan

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 remain 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 failure¹ 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

¹ BCC 5044. Video Surveillance System (l) 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

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:

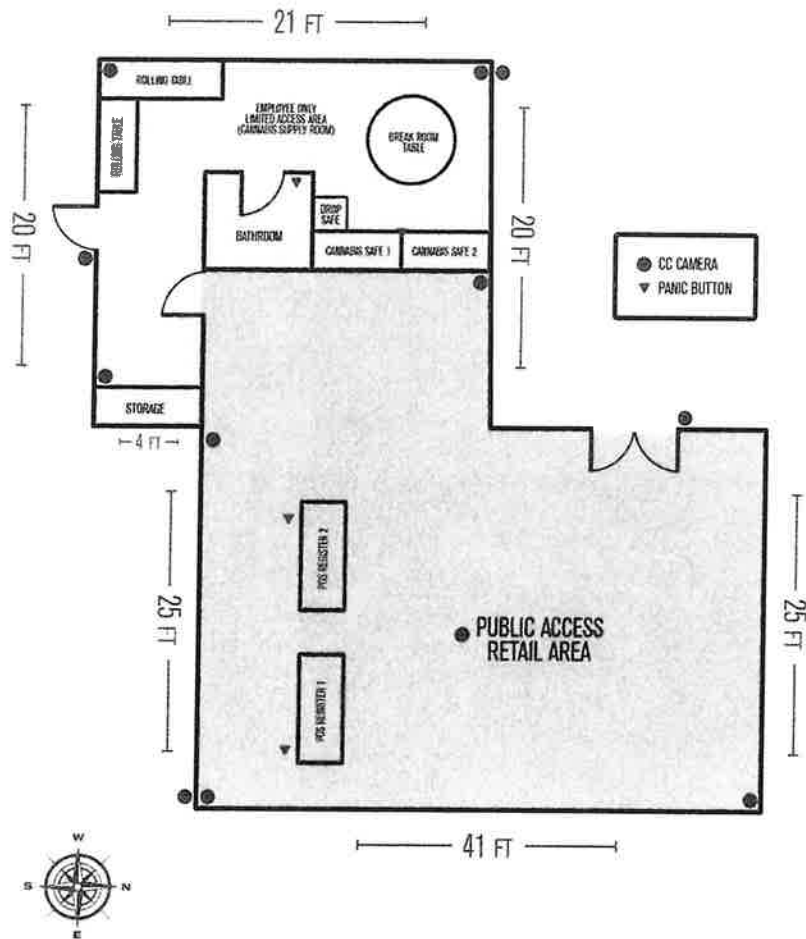
Exhibit A: Aroma in Salton City, Thermal - Camera Placement Diagram

Exhibit A:

Aroma - Placement Diagram



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



Movocan Attachement:

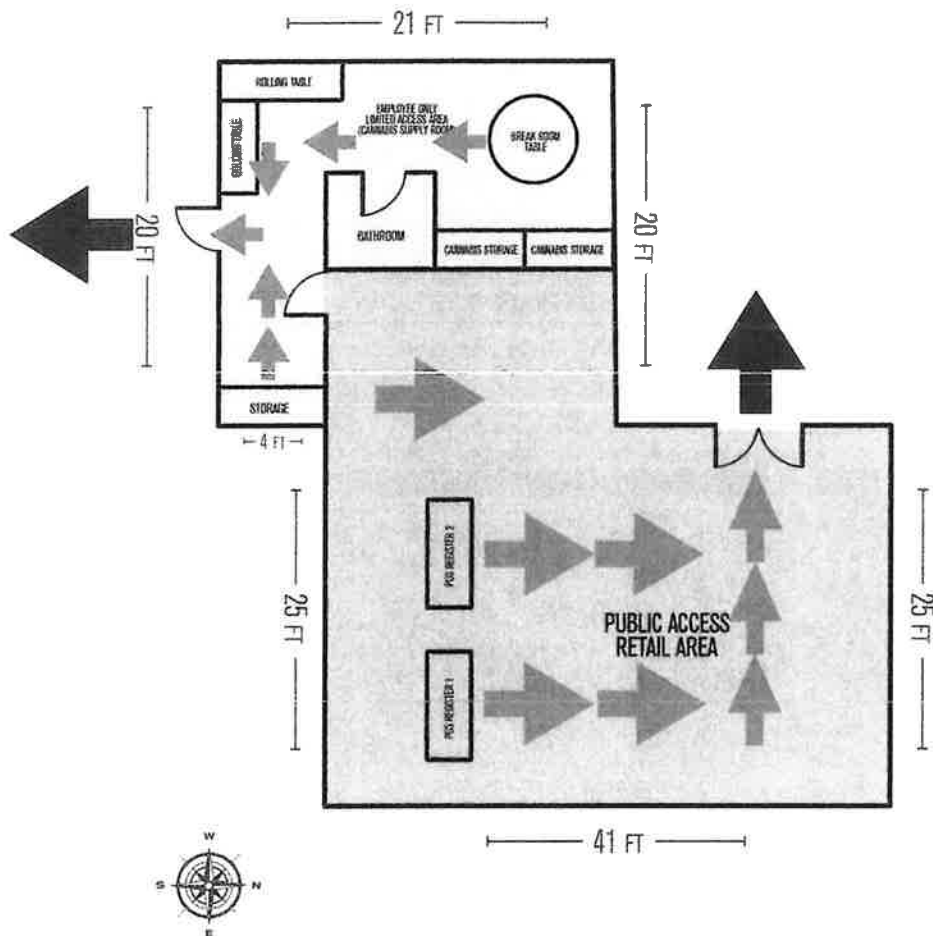
Exhibit B: Aroma in Salton City, Thermal - Emergency Evacuation Plan

Exhibit B:

Aroma - Emergency Evacuation Route



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





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 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,

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/departments-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. 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.