

# PROJECT REPORT

**TO: PLANNING COMMISSION**

**AGENDA DATE:** November 19, 2020

**FROM: PLANNING & DEVELOPMENT SERVICES**

**AGENDA TIME** 9:30 AM/ No. 1

PROJECT TYPE: Conditional Use Permit #19-0024  
Winterhaven Drive, LLC SUPERVISOR DISTRICT #1

LOCATION: 2115 Winterhaven Dr. APN: 056-284-020-000

Winterhaven, CA 92283 PARCEL SIZE: +/- 0.38 Acres

GENERAL PLAN (existing) General Commercial per  
Winterhaven Urban Area Plan 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: 11/19/2020

☐ APPROVED ☐ DENIED ☐ OTHER

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

☐ APPROVED ☐ DENIED ☐ OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 10/15/2020

INITIAL STUDY: 19-0028

☒ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

## DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
AG	<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
APCD	<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> ATTACHED
E.H.S.	<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
FIRE / OES	<input type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
SHERIFF.	<input type="checkbox"/> NONE	<input type="checkbox"/> ATTACHED
OTHER	<u>Imperial Irrigation District, See attached</u>	

## REQUESTED ACTION:

1. ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED BY THE ENVIRONMENTAL EVALUATION COMMITTEE (EEC) ON OCTOBER 15, 2020.
2. MAKE THE DE MINIMUS FINDINGS AS RECOMMENDED AT THE OCTOBER 15, 2020 EEC HEARING THAT THE PROJECT WILL NOT INDIVIDUALLY OR CUMULATIVELY HAVE AN ADVERSE EFFECT ON FISH AND WILDLIFE RESOURCES, AS DEFINED IN SECTION 711.2 OF THE FISH AND GAME CODE; AND
3. APPROVE THE RESOLUTIONS AND SUPPORTING FINDINGS APPROVING CONDITIONAL USE PERMIT #19-0024, SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING AND DEVELOPMENT SERVICE DIRECTOR TO SIGN THE CUP AGREEMENT UPON RECEIPT FROM THE APPLICANT.

**Planning & Development Services**

801 MAIN ST., EL CENTRO, CA 92243 442-265-1736

(Jim Minnick, Director)

MS\\S:\\AllUsers\\APN\\056\\284\\020\\CUP19-0024\\PC\\CUP19-0024 PROJECTREPORT .docx

**STAFF REPORT**  
**Planning Commission Meeting**  
**November 19, 2020**  
**Conditional Use Permit (CUP) #19-0024**

**Applicant:** Winterhaven Drive, LLC  
1336 Granite Hills Dr.  
El Cajon, CA 92019

**Project Location:**

The project site is located at 2115 Winterhaven Dr. Winterhaven CA, it is identified as Portion of Lots 15 and 16 and Lots 33 to 37, Block 12, Portion of Section 27, T16S, R22E, SBBM. The proposed project parcel area is 0.38 acres approximately and is located on Imperial County Assessor Parcels (APN) 056-284-020-000.

**Project Summary:**

The project consist of a cannabis dispensary with delivery services. Hours of operation are from 8:00 a.m. to 10 p.m. from Monday to Sunday. All customers must pass the screening process and will be required to show identification and/or medical recommendations before entering the premises.

The proposed project consist on a dispensary area with a large display counter as a main area; the project also include a storage, office and restroom facilities, all the proposed areas are within the existing building. The application does not anticipate any building expansion.

Within the display counter, the Lobby and Display area will contain cannabis products that are displayed for purposes of consumer inspection and purchase. The Grab and Go counter is an area where customers can quickly pick up an order that was placed in advance that would be subject to a screening process. All displayed and purchasable cannabis will be sealed in accordance with state law requirements; however, dispensary staff shall have the discretion to make select products available for inspection under supervision. All inspectable product will be placed in resealable containers that prevent odor emission. Product storage and storage of all cannabis waste will take place in the designated storage room. Cannabis waste will be stored in a sealed container that will be picked up on a regular bi-monthly schedule.

The proposed project is also subject to an Air Quality & Odor Control Plan to mitigate any resultant odor from the storage or display area; measures are proposed through the placement of two (2) CAF-900 Series Carbon Draw Through Exhausts as well as two (2)

B450BI Health Mate Plus HEPA Filters located within the Display and Lobby areas of the facility.

The proposed project would be subject to a Security Control plan under the Commercial Cannabis Activity (CCA) license, which would require approval from the County of Imperial Enforcement Agency. Prior to operation, the proposed project would be required an approved CCA license and a State license to engage in commercial cannabis activity in California.

The project received emails from two opponents, one from Mr. Steele whom stated that the proposed project was in close proximity to his family residence, and from Ms. Torres whom had concerns about neighborhood compatibility and potential increase in crime. Both comments are included under attachment "F. Comment Letters".

#### **Land Use Analysis:**

According to the Land Use Element of the Imperial County General Plan, the project site is designated "Urban" and as "General Commercial per Winterhaven Urban Area Plan." It is classified as C-2 (Medium Commercial) under the Imperial County Land Use Ordinance (Title 9). The proposed Conditional Use Permit could be found consistent with the General Plan and the Cannabis Ordinance with an approved Conditional Use Permit.

#### **SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:**

<b>DIRECTION</b>	<b>CURRENT LAND</b>	<b>ZONING</b>	<b>GENERAL PLAN</b>
<b>Project Site</b>	Commercial Use	(C-2)	Urban
<b>North</b>	Commercial Use	(C-2)	Urban
<b>South</b>	Residential Use	(R-1)	Urban
<b>East</b>	Commercial Use	(C-2)	Urban
<b>West</b>	Residential Use	(R-1)	Urban

The proposed project is located 50 approximately from the closest residential structure,

#### **Environmental Review:**

On October 15, 2020, the Environmental Evaluation Committee (EEC) determined that CUP #19-0024 for the proposed Cannabis Dispensary with delivery services facility will not have a significant effect on the environment and recommended a Negative Declaration (ND) be prepared. The EEC also made the De Minimus Finding that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Codes.

On October 15, 2020, the public notice for the ND was filed with the Imperial County Clerk-Recorders and was posted and circulated for a 20-day comment period from 10/15/2020 to 11/04/2020.

**Staff Recommendation:**

It is recommended that you conduct a public hearing and that you hear all the opponents and proponents of the proposed project. Staff recommends that you take the following action:

- 1) Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environmental Evaluation Committee (EEC) on October 15, 2020;
- 2) Make the De Minimus findings as recommended at the October 15, 2020 EEC hearing that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in section 711.2 of the fish and game code; and
- 3) Approve the Resolutions and supporting findings approving Conditional Use Permit #19-0024, subject to all the conditions and authorize the Planning & Development Services Director to sign the CUP Agreement upon receipt from the Applicant.

**Prepared By:** Mariela Moran, Planner II



---

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



---

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



---

**Attachments:**

- A. Vicinity Map
- B. Site Plan
- C. Conditional Use Permit #19-0024 Agreement
- D. Planning Commission Resolution
- E. EEC Package
- F. Comment Letters

**ATTACHEMENT "A"**

[illegible]

## PROJECT LOCATION



**ATTACHEMENT "B"**

## A1.01

THAT PORTION OF LOTS 15 AND 16, BEING SOUTH OF STATE HIGHWAY AND LOTS TO LOT 37, INCLUDING LIVING SOUTH OF STATE HIGHWAY NO. 160, LOT 32, CENTRAL ADDITION TO WINTERBURN, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 10,309 IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, TOGETHER WITH A PORTION OF AN ALLEY LIVING ADJACENT TO THE NORTH LINE OF LOTS 33 TO 37, INCLUDING, AND THAT PORTION OF AN ALLEY LIVING ADJACENT TO THE NORTH LINE OF LOTS 33 TO 37, INCLUDING, AND THAT PORTION OF THE NORTH 10 FEET OF HIGHWAY AVENUE 170 ADJACENT TO THE SOUTH LINE OF LOTS 33 TO 37, INCLUDING, AS VACATED AND CLOSED TO USE BY RESOLUTION OF THE COUNTY BOARD OF SUPERVISORS A COPY OF WHICH WAS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, JUNE 17, 1948, IN BOOK 710 PAGE 394, OF OFFICIAL RECORDS.

---

**ATTACHEMENT "C"**

Recorded Requested By and  
When Recorded Return To:

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

**AGREEMENT FOR CONDITIONAL USE PERMIT #19-0024**

**Medicinal and Recreational Cannabis Retail facility with Delivery services**

**APN #056-284-020-000**

**(Winterhaven Drive, LLC)**

**(Approved at the Planning Commission on \_\_\_\_\_)**

This Agreement is made and entered into on this \_\_\_\_ day of \_\_\_\_\_  
2020, by and between Winterhaven Drive, LLC (hereinafter referred to as  
"Permittee" or "Applicant"), and the COUNTY OF IMPERIAL, a political subdivision  
of the State of California, (hereinafter referred to as "COUNTY").

**RECITALS**

**WHEREAS**, Permittee is the lessee or successor-in-interest of certain land in  
Imperial County with the proposed cannabis retail facility, at 2115 Winterhaven Dr.,  
Winterhaven CA, further identified as Assessor Parcel Number 056-284-020-000,  
and legally describe as Lots 15 and 16 and Lots 33 to 37, Block 12, Portion of  
Section 27, in an Unincorporated area of the County of Imperial, State of  
California, T16S, R22E, SBBM.

**WHEREAS**, Permittee has applied to the County of Imperial for a Conditional  
Use Permit #19-0024 (the "Project") for the operation of a medicinal and  
recreational cannabis retail facility with delivery services.

The Permittee for the retail facility shall fully comply with all of the terms and  
conditions of the Project as specified hereinafter within this Conditional Use Permit.

**GENERAL CONDITIONS:**

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are  
conditions that are either routinely and commonly included in all Conditional Use permits as

*“standardized” conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP’s for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!*

#### **G-1     GENERAL LAWS**

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

#### **G-2     COSTS**

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

#### **G-3     PERMITS/LICENSES**

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

#### **G-4     RECORDATION**

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

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

**G-5 COMPLIANCE/REVOCATION**

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

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

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

**G-7 RIGHT OF ENTRY**

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

**G-8 TIME LIMIT**

Unless otherwise specified within the project specific conditions this project shall be limited to a maximum of (3) three years from the recordation date of the CUP. The CUP may be extended for successive three (3) years by the Planning Director upon a finding by the Planning & Development Services Department that the project is in full and complete compliance with all conditions of the CUP and any applicable land use regulation(s) of the County of Imperial. Unless specified otherwise herein, no conditional use permit shall be extended for more than four (4) consecutive periods. If an extension is necessary or requested beyond fifteen (15) years, the Permittee shall file a written request with the Planning Director for a hearing before the Planning Commission. Such request shall include the appropriate extension fee. An extension shall not be granted if the project is in violation of any one or all of the conditions or if there is a history of non-compliance with the project conditions. This time limit is contingent upon initial and continued compliance with Specific Condition S-16 "State & Local Cannabis Activities License/Permits".

**G-9     DEFINITIONS**

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

**G-10    SPECIFICITY**

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

**G-11    HEALTH HAZARD**

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

**G-12    REPORT(S)**

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

**G-13     RESPONSIBLE AGENT**

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

**G-14     INDEMNIFICATION**

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

**G-15     CHANGE OF OWNER/OPERATOR**

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

**G-16     MINOR AMENDMENTS**

The Planning Director may approve minor changes or administrative extensions, as requested in writing by the Permittee, provided it does not result in additional environmental impacts and/or are generally procedural or technical and/or which

may be necessary to comply with other government permit compliance requirements.

**G-17     CONDITION PRIORITY**

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

**G-18     SEVERABILITY**

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

**G-19     WATER AND SEWER**

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

**G-20     COMMENCEMENT OF WORK**

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

**G-21     FIRE PROTECTION**

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

**G-22     INSURANCE**

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

Planning/Building Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

(Total "G" Conditions are 22)

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

**SPECIFIC CONDITIONS:****S-1      PROJECT DESCRIPTION**

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

1. The operation of a medicinal and recreational cannabis retail dispensary operation with delivery services. The project will be limited to an existing 1,200 square feet building where customers will be allowed to purchase various types of cannabis products. All the recreational and medicinal dispensary products for sale will be received pre-packaged from a County and State approved Distribution Company.

**S-2      AESTHETICS**

Permittee shall install a six (6) foot perimeter slated fence and landscaping at the public roadway frontage. The fence shall be comprised of an approved material such as chain link. The perimeter fencing and landscaping will need design approval from the County prior to installation and Permittee is responsible for maintaining the fence.

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

**S-3      CANNABIS DISPENSARY LOCATION**

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

**S-4      SOLID WASTE DISPOSAL**

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

**S-5      LIGHT & GLARE**

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

**S-6      LATEST CODES GOVERN**

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

**S-7      FIRE SAFETY**

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

**S-8      FIRE PROTECTION**

- An approved water supply capable of supplying the required fire flow
- All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have an approved automatic smoke removal system with approve filtration for cannabis operations.
- Fire department access and gates will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
- Compliance with all required sections of the fire code.
- Compliance with all required sections of the fire code.
- Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life afety measures. California building and fire code, and National Fire Protection Association standards at a later time as we see necessary. <sup>1</sup>

**S-8      SECURITY PLAN**

A Security Plan providing 24 hour protection, including but not limited to, electronic surveillance and alarm measures, structural (interior and exterior) lighting, perimeter fencing. 24 hours surveillance by licensed Security Officers will be required. The Security Plan will require approval by the County.

**S-9 PERMITTED USE OF PROPERTY**

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

**S-10 HOURS OF OPERATION**

The facility office will be allowed to open Monday through Sunday from 8:00 a.m. to 10:00 p.m. seven (7) days a week.

**S-11 FACILITY SCREENING**

The Applicant shall provide a six (6) feet screening fence along the north and east side of facility site and a six (6) feet high solid masonry or stucco wall along the south and west side of the facility respectively. The fence shall be no less than six (6) feet in height and shall include screening material, and the screening fence shall be approved by the Imperial County Planning & Development Services Department prior to the commencement of any activities

**S-12 AG COMMISSIONER CONDITIONS**

1. Title 9 Division 3 Section 90302.4- Landscaping Standards- Commercial Uses, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant can contact with the Pest Detection and Eradication Division for any questions regarding the quarantines of movement of plant material, as there are several quarantines that must be observed.
2. Under "Customer Expectation", the applicant refers to multiple POS or Point of Sale stations that will be available to customer. Point of Sale systems as well as commercial weighing and measuring devices must be registered, inspected and sealed by the Imperial County Agricultural Commissioner office on an annual basis. The applicant can contact the Weights and Measure Division to register all devices.<sup>2</sup>

**S-13 AIR POLLUTION CONTROL DISTRICT**

1. The Air District requests the submittal of an Odor Control Plan that demonstrates compliance with Title 14 of the Imperial County Code, Chapter 14.03080(F) and compliance with the guidance document *Odor Control Plan for Cannabis Operations*.

3. The Imperial County Air Pollution Control District has reviewed the Odor Control Plan (OCP) for Winterhaven Drive, LLC Cannabis Dispensary. In order to finalize the OCP the Air District would like to do a site visit prior to the issuance of a Certificate of Occupancy.<sup>3</sup>

**S-14     PUBLIC HEALTH DEPARTMENT**

4. If the cannabis business is intending to sell eatable products, the business will have to undergo the food program process with our division.<sup>4</sup>

**S-15     IMPERIAL IRRIGATION DISTRICT**

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 Developer Planner, at (760) 482-3444 or email Mr. Lopez at [jflopez@iid.com](mailto:jflopez@iid.com) to initiate the customer service application process. In addition to submitting a formal application (available for download at the IID website <http://www.iid.com/home/showdocument?id=12923>), the applicant will require 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, generator specifications, type of disconnect, automatic transfer switch specifications, generator manual, generator operating procedures and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service of the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Please note electrical capacity in the area is limited. A circuit study may be required. Any improvements identified in the circuit study shall be 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 improvement 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 encroachment permit application and instructions for its completion are available at <http://www.iid.com/departments/real-estate>. The IID Real Estate Section should be contacted at (760)339-9239 for additional information regarding encroachment permits or agreements.
5. 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 impact 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.<sup>5</sup>

#### **S-16 State and Local Cannabis Activities permits**

The cannabis retail facility will require activation of an Imperial County Commercial Cannabis activities permit/license in conjunction with the issuance of a State of California License/Permit for a cannabis retail license. These license/permits must be approved before any cannabis retail activities are allowed. If the cannabis retail License/Permit is terminated, suspended or withdrawn, all activities allowed in this permit will be suspended and the County will commence revocation process pursuant to General Condition G-5.

(Total "S" Conditions are 16)

1. Imperial County Fire Dept. letter dated July 7, 2020.
2. Ag Commissioner Office dated July 9, 2020
3. Imperial County Air Pollution Control District letter and email dated July 8, 2020 and July 30, 2020
4. Imperial County Public Health Department letter dated June 25, 2020.
5. Imperial Irrigation District letter dated June 25, 2020.

---

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

**NOW THEREFORE**, County hereby approves Conditional Use Permit #19-0024 and Permittee hereby accepts such permit upon the terms and conditions set forth herein.

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

**PERMITTEE:**

Winterhaven Drive, LLC.

By: \_\_\_\_\_  
(Title)

Date \_\_\_\_\_

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

By: \_\_\_\_\_  
JAMES A. MINNICK, Director  
Imperial County Planning & Development Services

Date \_\_\_\_\_

**FOR PERMITTEES NOTARIZATION**

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

**STATE OF CALIFORNIA**

COUNTY OF IMPERIAL} S.S.

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

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

WITNESS my hand and official seal

Signature \_\_\_\_\_

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

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

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

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

**FOR COUNTY NOTARIZATION**

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

**STATE OF CALIFORNIA**

COUNTY OF IMPERIAL} S.S.

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

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

WITNESS my hand and official seal

Signature\_\_\_\_\_

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

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

Number of Pages\_\_\_\_\_Date of Document\_\_\_\_\_

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

**ATTACHEMENT "D"**

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR THE APPROVAL ON “CONDITIONAL USE PERMIT #19-0024” FOR THE WINTERHAVEN DRIVE, LLC COMMERCIAL CANNABIS RETAIL FACILITY.**

**WHEREAS**, Winterhaven Drive, LLC. has submitted an application for Conditional Use Permit #19-0024, for a commercial cannabis retail facility with delivery services, and

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

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

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on November 19, 2020; and

**WHEREAS**, on October 15, 2020, the proposed Negative Declaration was submitted to the County’s Environmental Evaluation Committee (EEC) and EEC determined the ND to be legally adequate under the California Environmental Quality Act, Section 15070, due to the fact the initial study shows that there are no substantial evidence, in light of the whole record before the EEC that the project would not a significant effect on the environment.

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

**SECTION 1.** The Planning Commission has considered the proposed Conditional Use Permit #19-0024 prior to consideration of approval. The Planning Commission finds and determines that the Conditional Use Permit is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance and the California Environmental Quality Act (CEQA) which analyses environmental effects, based upon the following findings and determinations.

**SECTION 2.** That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for the recommending approval of Conditional Use Permit #19-0024, has been made as follows:

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

The General Plan & Winterhaven Urban Area Plan designates the subject site as "General Commercial". An analysis of the projects' consistency with the General Plan & Winterhaven Urban Area Plan goals and objectives relevant to the project is provided and considered consistent with the applicable policies. The proposed project is consistent with Board of Supervisors Adopted Ordinance dated November 21, 2017 Title 14 permitting the commercial operation of cannabis in Imperial County as described in Chapter 14.03 Commercial Cannabis Activities, as defined in section 14.03.040 Retail Sales of the County of Imperial Codified Ordinances.

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

The Project could be found consistent with the proposed use of the zones it is located within. The purpose of the project is for the operation of a "commercial cannabis retail facility with delivery (recreational and medicinal)". This use is permitted within the "General Commercial" zone. Pursuant to Title 9, Division 4, Chapter 6, Section 90406.05 "Commercial Cannabis Zoning (Conditional Use Permit)," are uses that are permitted in the C-2 zone subject to approval of a CUP from the County.

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

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

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

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

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

The Cannabis retail facility is generally surrounded by commercial uses to the north and east; residential uses are located to the west and south, however the facilities will be constructed and monitored by numerous state and local agencies to insure of any sensitive sensors are not impacted. A security plan to protect the facility and surrounding

public will be reviewed and approved by county staff. An odor abatement plan will be administered and background checks using live scans will be required.

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

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

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

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

**NOW, THEREFORE**, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE OF** Conditional Use Permits #19-0024, subject to the attached Conditions of Approvals.

---

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

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 19, 2020 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

---

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

**RESOLUTION NO.\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “NEGATIVE DECLARATION” FOR CONDITIONAL USE PERMITS #19-0024**

**WHEREAS**, on October 2, 2020, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for October 15, 2020; and

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

**WHEREAS**, the Environmental Evaluation Committee recommended to the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permits #19-0024; and

**WHEREAS**, the Negative Declaration was circulated for 20 days from October 15, 2020 thru November 4, 2020; and

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

**WHEREAS**, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other comments by interested parties at a public hearing held with respect to this item on November 25, 2020.

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

The Planning Commission has reviewed the attached Negative Declaration (ND) prior to approval of Conditional Use Permit #19-0024. The Planning Commission finds and determines that the ND is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) which analyzes the project’s environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct, and valid; and,
2. That the Planning Commission has reviewed the attached ND for Conditional Use Permit #19-0024 and considered the information contained in the ND together with all comments received during the public review period and prior to approving the Conditional Use Permits; and,
3. That the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code; and.

4. That the ND reflects the Planning Commission independent judgment and analysis.

**NOW, THEREFORE**, based on the findings, the Planning Commission **DOES HEREBY ADOPT** the Negative Declaration (ND) for Conditional Use Permits #19-0024.

---

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

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on November 19, 2020 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

---

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

**ATTACHEMENT "E"**

# PROJECT REPORT

**TO: ENVIRONMENTAL EVALUATION  
COMMITTEE**

**AGENDA DATE: October 15, 2020**

**FROM: PLANNING & DEVELOPMENT SERVICES**

**AGENDA TIME 1:30 PM/ No. 1**

PROJECT TYPE: Conditional Use Permit #19-0024  
Winterhaven Drive, LLC SUPERVISOR DISTRICT #1

LOCATION: 2115 Winterhaven Dr. APN: 056-284-020-000

Winterhaven, CA 92283 PARCEL SIZE: +/- 0.38 Acres

GENERAL PLAN (existing) General Commercial per  
Winterhaven Urban Area Plan 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: 10/15/2020

INITIAL STUDY: 19-0028

☐ NEGATIVE DECLARATION ☐ MITIGATED NEG. DECLARATION ☐ EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS  
AG  
APCD  
E.H.S.  
FIRE / OES  
SHERIFF.  
OTHER

☒ NONE  
☐ NONE  
☐ NONE  
☐ NONE  
☐ NONE  
☐ NONE

☐ ATTACHED  
☒ ATTACHED  
☒ ATTACHED  
☒ ATTACHED  
☒ ATTACHED  
☒ ATTACHED

Yuma County, IID, Fort Yuma Quechan Indian Tribe

**REQUESTED ACTION:**

**(See Attached)**

**Planning & Development Services**

801 MAIN ST., EL CENTRO, CA 92243 442-265-1736

(Jim Minnick, Director)

S:\AllUsers\APN\056\284\020\CUP19-0024\EEC\19-0028 PROJECTREPORT **EEC ORIGINAL PKG**

- ☐ **NEGATIVE DECLARATION**  
☐ **MITIGATED NEGATIVE DECLARATION**

*Initial Study & Environmental Analysis  
For:*

**Conditional Use Permit #19-0024  
Initial Study #19-0028  
Winterhaven Drive, LLC**



*Prepared By:*

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

**October 2020**

**EEC ORIGINAL PKG**

## TABLE OF CONTENTS

### PAGE

### SECTION 1

I. INTRODUCTION	3
-----------------	---

### SECTION 2

II. ENVIRONMENTAL CHECKLIST	8
PROJECT SUMMARY	10
ENVIRONMENTAL ANALYSIS	13
I. AESTHETICS .....	14
II. AGRICULTURE AND FOREST RESOURCES .....	14
III. AIR QUALITY .....	15
IV. BIOLOGICAL RESOURCES .....	16
V. CULTURAL RESOURCES .....	17
VI. ENERGY .....	17
VII. GEOLOGY AND SOILS .....	17
VIII. GREENHOUSE GAS EMISSION .....	19
IX. HAZARDS AND HAZARDOUS MATERIALS .....	19
X. HYDROLOGY AND WATER QUALITY .....	20
XI. LAND USE AND PLANNING .....	22
XII. MINERAL RESOURCES .....	22
XIII. NOISE .....	22
XIV. POPULATION AND HOUSING .....	23
XV. PUBLIC SERVICES .....	23
XVI. RECREATION .....	24
XVII. TRANSPORTATION .....	25
XVIII. TRIBAL CULTURAL RESOURCES .....	25
XIX. UTILITIES AND SERVICE SYSTEMS .....	26
XX. WILDFIRE .....	27

### SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE	28
IV. PERSONS AND ORGANIZATIONS CONSULTED	29
V. REFERENCES	30
VI. NEGATIVE DECLARATION - COUNTY OF IMPERIAL	31
VII. FINDINGS	32

### SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)	33
-------------------------------------	----

## SECTION 1 INTRODUCTION

### A. PURPOSE

This document is a ☐ policy-level, ☒ project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Conditional Use Permit #19-0024 (Refer to Exhibit "A" & "B"). For purposes of this document, the Conditional Use Permit will be called the "proposed project".

### 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 Mitigated 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 Mitigated 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 Mitigated 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 Mitigated 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.

- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- 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:** Conditional Use Permit (CUP) #19-0024 Winterhaven Drive LLC
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Mariela Moran, Planner II, (442)265-1736
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** marielamorán@co.imperial.ca.us
6. **Project location:** The proposed project site is at 2115 Winterhaven Dr., Winterhaven CA and it is located on a single parcel (Assessor's Parcel Number [APN] 056-284-020-000).
7. **Project sponsor's name and address:** Winterhaven Drive, LLC,  
1336 Granite Hills Dr.,  
El Cajon, CA 92019
8. **General Plan designation:** General Commercial per Winterhaven
9. **Zoning:** C-2 (Medium Commercial)
10. **Description of project:** The project consist of a cannabis dispensary with delivery services. The proposed dispensary area consist of a large display counter where multiple cannabis specialist will be able to provide customers with detailed product offerings and descriptions of the various cannabis products that Winterhaven Drive LLC will have to offer. The main dispensary area also features a Grab and Go counters where customers can quickly pick up an order that was placed in advance. All customers must pass the screening process and will be required to show identification and/or medical recommendations before entering the premises.
11. **Surrounding land uses and setting:** The Project site is located within the Winterhaven Community Area Plan, the parcel is surrounded by a commercial building to the East, a residence to the West, Winterhaven Dr. to the North, and to the South "D" Street and across, residences.
12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.): Imperial County Air Pollution Control District (ICAPCD), Imperial County Agricultural Commissioner (ICAC), Imperial County Environmental Health Services (EHS) Environmental Evaluation Committee (EEC), Imperial County Planning Commission (PC).
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.?**

The AB 52 Notice of Opportunity to consult on the proposed project letter was mailed via certified mail on June 26, 2020 to President Jordan D. Joaquin, from the Quechan Indian Tribe. On July 2, 2020, we received an email from Historic Preservation Officer for the Yuma Quechan Tribe informing that they did not have comments on this project.

### 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

#### EEC VOTES

PUBLIC WORKS  
ENVIRONMENTAL HEALTH SVCS  
OFFICE EMERGENCY SERVICES  
APCD  
AG  
SHERIFF DEPARTMENT  
ICPDS

YES

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

NO

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

ABSENT

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

for   
Jim Minnick, Director of Planning/EEC Chairman

Date: 10-15-2000

---

## **PROJECT SUMMARY**

---

- A. Project Location:** The project is located at 2115 Winterhaven Dr., Winterhaven CA.
- B. Project Summary:** The project consist of a cannabis dispensary for Adult and Medicinal use with delivery services.
- C. Environmental Setting:** The Project site is located within the Winterhaven Community Area Plan, the parcel is surrounded by a commercial building to the East, a residence to the West, Winterhaven Dr. to the North, and to the South "D" Street and across, residences.
- D. Analysis:** Under the Land Use of the Imperial County General Plan the project site is designated as "General Commercial" per the Winterhaven Community Area Plan. The parcel is classified as C-2 (Medium Commercial) under the Imperial County Land Use Ordinance and the project could be permitted in a C-2 zone with an approved Conditional Use Permit and provided is in compliance with Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance.
- E. General Plan Consistency:** The proposed project could be found to be consistent with the General Plan as Commercial Cannabis Retail Sales require an approved Conditional Use Permit and compliance with Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance to operate.

# Exhibit "A" Vicinity Map







**WINTERHAVEN DRIVE, LLC  
CONDITIONAL USE PERMIT  
#19-0024  
APN 056-284-020-000**

PROJECT LOCATION



## Exhibit "B"

### Site Plan

2115 Winchester Dr., Winchester, CA 92383		Minor Tenant Improvement						Date: _____ By: _____ Title: _____		Date: _____ By: _____ Title: _____	
2115 Winchester Dr., Winchester, CA 92383		Minor Tenant Improvement						Date: _____ By: _____ Title: _____		Date: _____ By: _____ Title: _____	

[illegible]

---

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

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

## I. AESTHETICS

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

- a) Have a substantial adverse effect on a scenic vista or scenic highway? ☐ ☐ ☐ ☒
- a) The proposed project is located South of Winterhaven Drive. According to the Imperial County General Plan "Circulation and Scenic Highway Element"<sup>1</sup>, the proposed project site is not within an officially designated or eligible vista or scenic highway. Therefore, the proposed Project would not have a substantial adverse effect on a scenic vista or scenic highway. No impact would occur.
- Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☐ ☒
- b) As previously stated, the proposed project is not located near a Scenic vista or Scenic Highway and would not substantially damage scenic resources. Therefore, no impact is expected.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ☐ ☐ ☐ ☒
- c) The proposed project is located in an urban area on a parcel with an existing building and a Tenant Improvement Building Permit will be required to accommodate the proposed project. However, the project site is not within a scenic corridor or highway, therefore, no impact would occur.
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☒ ☐
- d) The proposed project is not expected to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. However minimal light and glare may be generated by vehicles from customers entering the facility, however, this is not expected to result in an adverse impact to the site or surrounding uses as the use will continue to be commercial. Therefore, less than significant impacts are expected.

## 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? ☐ ☐ ☐ ☒
- a) According to the California Department of Conservation Farmland Mapping and Monitoring Program<sup>2</sup>, the project site's Farmland Type is designated Urban and Built-Up Land. As it is not shown on the map as Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), no impacts are expected.
- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? ☐ ☐ ☐ ☒

<sup>1</sup> Imperial County General Plan's Circulation and Scenic Highways Element

<sup>2</sup> California Department of Conservation Farmland Mapping and Monitoring Program

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
b) The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract, since it is located in a commercial zone within an urban area. No impacts are expected.				
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The proposed project is located on an existing built-up area and will not conflict with existing zoning or cause rezoning of forest land, timberland or timberland zoned Timberland Production. Therefore, no impacts are expected.				
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) As explained under item c) above, the proposed project will not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is expected.				
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The implementation of the project would not result in changes to the environment which could result in the conversion of farmland to non-agricultural use since the project is not close to a site designated as Farmland so as to cause an impact or conversion from forest land to non-forest use; therefore, no impacts are expected to occur.				

### 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"/> |
| a) The proposed project is not expected to conflict with or obstruct implementation of the applicable air quality plan. The permittee will be required to comply with the ICAPDC rules and regulations <sup>3</sup> which include an Odor Control Plan that demonstrate compliance with Title 14 of the Imperial County Code, Chapter 14.03.080 (F), such compliance is expected to bring any impacts to less than significant. |                          |                          |                                     |                          |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) The proposed project is not expected to result in a cumulatively considerable net increase of any criteria pollutant since, as mentioned above under item a), it would be required to adhere to the Air District's rules and regulations. It is expected that compliance with ICACPD requirements would bring any impact to less than significant.   |                          |                          |                                     |                          |
| c) Expose sensitive receptors to substantial pollutants concentrations?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) The purpose of the Odor Control Plan is to prevent nuisance from volatile organic compounds (VOC) and resultant odors related to cannabis-dispensing business operations, therefore, it is expected that compliance with APCD's rules and regulations during the commercial cannabis activities would bring impacts to less than significant.  |                          |                          |                                     |                          |
| d) Result in other emissions (such as those leading to odors)   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

<sup>3</sup> Imperial County Air Pollution Control District Comment Letter dated July 8, 2020

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

adversely affecting a substantial number of people?

d) As mentioned above under item c), odors are related to cannabis-dispensing business operations. However, implementation of the Odor Control Plan per APCD requirements is expected to bring the project's potential impacts to less than significant levels.

#### 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>a) According to The Imperial County General Plan's Conservation and Open Space Element <sup>4</sup> Figure 1 "Sensitive Habitats Map", the proposed project site is not located within a designated sensitive habitat, nor is within an agency-designated habitat area. However the proposed project parcel is within the "Burrowing Owl Species Distribution Model" according to the Imperial County General Plan's Conservation and Open Space Element, Figure 2. Because the proposed project is currently within a disturbed land and zoned for commercial purposes, less than significant impacts are expected.</p> |  |                          |                          |                                     |                                     |
| b)  | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>b) According to the Imperial County General Plan's Conservation and Open Space Element, the proposed project site is not within a sensitive or riparian habitat, or other sensitive natural community; therefore, less than significant impacts are expected.</p>  |  |                          |                          |                                     |                                     |
| 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"/> |
| <p>c) As stated before under item a), the proposed project is not located in protected wetlands, therefore, it is not expected to cause a substantial adverse effect on federal protected wetlands through direct removal, filling, hydrological interruption, or other means. No impacts are expected.</p>   |  |                          |                          |                                     |                                     |
| d)  | 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>d) The proposed project is located in a disturbed parcel zoned commercial, therefore, is not expected to interfere substantially with the movement of any residential or migratory fish or wildlife species or with established resident or migratory wildlife, corridors or impede the use of native wildlife nursery sites. Any impact is expected to be less than significant.</p>  |  |                          |                          |                                     |                                     |
| 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"/> |
| <p>e) The proposed project is not expected to conflict with any local policy or ordinances protecting biological resources, such as tree preservation policy or ordinance. No impacts are expected.</p>   |  |                          |                          |                                     |                                     |
| 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"/> |

<sup>4</sup> IC General Plan Conservation and Open Space Element Figure 1

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

f) The proposed project is not expected to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impacts are expected.

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

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ☐ ☐ ☒ ☐
- a) The proposed project parcel is currently disturbed and according to the Imperial County General Plan's Conservation and Open Space Element, Figure 4, the parcel is located within the "1000m buffer around Named Streams and Waterbodies"; however, the parcel is already developed and it is not expected that the project may cause a substantial adverse change in the significance of a historical resource. Additionally, an AB 52 letter was sent on June 26, 2020 to the Quechan Indian Tribe, no comments to the proposed project were received. Therefore, any impact is expected to be less than significant.
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ☐ ☐ ☒ ☐
- b) As previously stated under item a) above, the proposed project is located on disturbed land and it is not likely to cause a substantial adverse change to an archeological resource. Any impact is expected to be less than significant.
- c) Disturb any human remains, including those interred outside of dedicated cemeteries? ☐ ☐ ☒ ☐
- c) As mentioned above under item a), the proposed project site is located on disturbed land, therefore it is not expected to result in the disturbance of any human remains, including those interred outside of dedicated cemeteries. Impacts are expected to be less than significant.

**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) Electrical service is currently provided by Imperial Irrigation District, the proposed project is not expected to result in potentially significant environment impact due to wasteful, inefficient, or unnecessary consumption of energy resource, either during construction or operation as per Sheet A4.01 Interior Elevations, the envelope, or space conditioning, lighting, electrical power distribution and water heating systems are not proposed to be altered. Additionally, per IID comment letter dated June 25, 2020, if an increase in the electrical service is required, the applicant should be advised to contact Joel Lopez, IID customer Project Development Planner, at (760) 482 -3444 or email Mr. Lopez at [jflopez@iid.com](mailto:jflopez@iid.com) to initiate the customer service application process. Any impact is expected to be less than significant.
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ☐ ☐ ☐ ☒
- b) The proposed project is not expected to conflict with or obstruct a state or local plan for renewal energy or energy efficiency. No impacts are expected.

**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 proposed project parcel has an existing commercial building that has been located in this site over the past number of years. In order to accommodate the project a Tenant Improvement

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<p>Building Permit will be required. Such permit will be subject to compliance with the California Building Code (CBC), therefore, the project does not appear to directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death. Compliance with the CBC is expected to reduce any risk to a level of less than significant.</p>				
<p>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?</p> <p>1) The proposed project is located is not located within a known fault zone according to the Fault Activity Map of California (2010)<sup>5</sup>. Additionally, the site is already develop and the project would be subject to a Tenant Improvement Building Permit to be reviewed and approved by the Imperial County Planning Department, compliance with the County's requirements is expected to reduce impacts to less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2) Strong Seismic ground shaking?</p> <p>2) Ground shaking is expected to occur since the project site is located in the seismically active Imperial Valley, and, as stated above under item a), the parcel is already developed. Additionally, as stated above under item a1), the proposed project's improvements would be subject to a Building Permit. Compliance with the County's requirements is expected to bring impacts to less than significant levels.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>3) Seismic-related ground failure, including liquefaction and seiche/tsunami?</p> <p>3) The proposed project is not located in a Tsunami inundation area per the California Tsunami Inundation Map<sup>6</sup>, additionally, the design and subsequent construction of the proposed project improvements will be subject to the latest CBC regulations; therefore adherence to CBC would bring any seismic-related impacts such as ground failure to less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>4) Landslides?</p> <p>4) The proposed project site topography is generally flat and according to the Imperial County General Plan Landslide Activity Map, Figure 2<sup>7</sup>, Seismic and Public Safety Element, the project site is not located within a landslide activity area; therefore, no impacts are expected to occur related to landslide.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil?</p> <p>b) The proposed project site is not located within an erosion susceptible area according to the Imperial County Seismic and Public Safety Element, Figure 3; therefore, no impacts are expected.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p> <p>c) The proposed project site is already developed and it is not located within a landslide active area, additionally, the project's design and subsequent improvements construction would be subject to compliance with the CBC, such compliance would bring any impacts to less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?</p> <p>d) The proposed project parcel is already developed, however, the proposed project's design and subsequent improvements are subject to a Building Permit to be reviewed and approved by the</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>5</sup> <http://maps.conservation.ca.gov/cgs/fam/>

<sup>6</sup> <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=tsunami>

<sup>7</sup> <http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>

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

Imperial County Planning and Development Services Department; therefore, impacts related to expansive soil creating substantial direct or indirect risk to life or property are considered to be less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ☐ ☐ ☒ ☐
- e) The proposed project site has an existing commercial building with an existing sewer system, the use will remain to be commercial; therefore, any impacts are expected to be less than significant.
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☒ ☐
- f) The proposed project site is located on disturbed land and therefore, it is not expected to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Any impacts are expected to be less than significant.

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

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☐ ☐ ☒ ☐
- a) The construction of the improvements and the subsequent commercial cannabis operations of the proposed project may generate green house emissions; however, is not expected to generate greenhouse gas emissions that would have a significant impact. Per ICAPCD comment letter dated July 30, 2020<sup>8</sup>, prior to the issuance of a Certificate of Occupancy, the ICAPCD will make a site visit to the facility to ensure that the project's improvements construction complies with their requirements in order to proceed with the final of the Odor Control Plan. Adherence to ICAPCD rules and regulations would bring any impacts to less than significant levels.
- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☐ ☒
- b) As stated above under item a), the proposed project is not expected to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No impacts are expected.

#### 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? ☐ ☐ ☐ ☒
- a) The proposed project does not include the handling of hazardous materials and therefore, it is not expected to create a significant hazard to the public or environment involving the release of hazardous materials into the environment. No impacts are anticipated.
- b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ☐ ☐ ☐ ☒
- b) As mentioned above under item a), the proposed project does not include the handling of hazardous materials and therefore, it is not expected to create a significant hazard to the public or environment involving the release of hazardous material into the environment. No impacts are

<sup>8</sup> Imperial County Air Pollution Comment Letter dated July 30, 2020

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
expected.				
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) The proposed project is not within ¼ mile of a school and therefore, would not pose a risk to school facilities. No impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? d) The proposed project is not located on a site included on a list of hazardous material sites per the Department of Toxic Substances Control (DTSC) EnviroStor Database <sup>9</sup> ; therefore, no impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? e) The proposed project site is not located within two miles of a public airport or public use airport <sup>10</sup> ; therefore, no impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? f) The proposed project site is not expected to interfere with an adopted emergency response plan or emergency evacuation plan. No impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? g) The proposed project site is not located in an area susceptible to wildland fires; additionally, the project will be subject to Imperial County Fire Department requirements, further discussed under section XV "Public Services". It is expected that the project's compliance with the ICFD would bring any impacts to less than significant levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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?<br>a) The proposed project site has an existing building with water and sewer line connection services provided by the Winterhaven Water District, the use of the building will continue to be commercial and it is not expected to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. No impacts are anticipated. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?<br>b) The proposed project is for a commercial cannabis retail operation to be performed in an existing building and it is not expected to substantially decrease groundwater supplies or  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<sup>9</sup> <http://www.envirostor.dtsc.ca.gov/public/>

<sup>10</sup> <http://www.icpds.com/CMS/Media/Airport-Locations.pdf>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Therefore, no impacts are expected.				
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The proposed project will not substantially alter the existing drainage pattern of the site or area, as the parcel is already developed and there is an existing commercial building. Applicant will be required to submit a Tenant Improvement Building Permit to the Department of Planning and Development Services for review and approval. Therefore, impacts are expected to be less than significant.				
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) As mentioned under above under item b) in Geology & Soils, the project is not located within an erosion susceptible area, additionally as mentioned above under item c), the project would be subject to a Tenant Improvement Building Permit review and approval. Therefore, any impacts are expected to be less than significant.				
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) As mentioned above under item (i), the proposed project parcel is already developed and a Tenant Improvement Permit will be required to accommodate the proposed project; impacts are expected to be less than significant.				
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) As stated above under item (i), the proposed project site is already developed and the implementation of the tenant improvements is not expected to 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. If there are any impacts they would be expected to be less than significant.				
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) The project site is located on Zone X, which is "Area of Minimal Flood Hazard" under FEMA Flood Map service center <sup>11</sup> ; therefore, no impacts are expected.				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) As stated above under item (iv), the project site is not located in a flooding area, and according to the California Emergency Management Agency and the Department of Conservation, the project site is not located within a Tsunami Inundation Area for Emergency Planning; therefore, any impact is expected to be less than significant.				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) The proposed project has an existing commercial building with water service; the implementation of the project would continue to use the building as a commercial building, therefore, it does not appear to conflict or obstruct implementation of a water quality control plan				

<sup>11</sup> FEMA - <https://msc.fema.gov/portal/home>

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

or a sustainable groundwater management plan. No impacts are expected.

**XI. LAND USE AND PLANNING** *Would the project:*

- a) Physically divide an established community? ☐ ☐ ☐ ☒  
a) The proposed project will not physically divide an established community; therefore, 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 project site is designated as "Urban" under the Imperial County Land Use General Plan and zoned C-2 (Medium Commercial). The proposed project would continue the commercial use of the building and does not seem to conflict with the General Plan or Land Use Ordinance, since cannabis retail is a permitted use with an approved conditional use permit, a Commercial Cannabis Activity (CCA) License and a retail license from the California State Bureau of Cannabis Control. Therefore, any impacts are expected to be less than significant.

**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 project will not remove mineral resources on-site; therefore, is not expected to result in the loss of availability of a known mineral resource. No impact is 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) As mentioned above under item a), the proposed project will not remove mineral resources on-site and therefore, will not result in the loss of a locally-important mineral resources recovery site. No impacts are 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 development of the tenant improvements is expected to create temporary noise increment during construction phase; additionally, the use of the building will remain commercial and customers and vehicles entering the facility are expected to generate some level of noise, however noise levels shall not exceed the threshold established in the Imperial County General Plan "Noise Element"<sup>12</sup> and shall comply with the applicable regulations during construction. Adherence to the Noise Element standards would bring the impacts to a less than significant level.
- b) Generation of excessive groundborne vibration or groundborne noise levels? ☐ ☐ ☒ ☐  
b) Temporary groundborne noise may be expected during the construction of the facility improvements; however, as stated above under item a), adherence to the Noise Element standards would bring the impacts to less than significant levels.

<sup>12</sup> <http://www.icpds.com/CMS/Media/Noise-Element-2015.pdf>

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The proposed project site is not located within the vicinity of a private airstrip or an airport land use plan or a public airport or public use airport as shown in the Airport Land Use Compatibility Plan (Figure 1A) <sup>13</sup> . Therefore, no impacts are expected.				

#### 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 project is for a front store cannabis dispensary with delivery service and it is not expected to induce substantial population growth in the area either directly or indirectly. Any impacts are expected to be less than significant.
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
- b) The proposed project is not expected to displace substantial numbers of exiting housing, necessitating the construction of replacement housing elsewhere. Any impacts are expected to be less than significant.

#### 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:
- (a) The proposed project is for the commercial operation of a cannabis dispensary with delivery service in an existing building, and it is not expected to substantially result in adverse physical impacts associated with any new or altered governmental facilities or require the need for new or altered governmental facilities. Any impacts are expected to be less than significant.
- 1) Fire Protection?
- 1) The proposed project has the following comments and/or requirements from Imperial County Fire Department<sup>14</sup>:
- An approve water supply capable of supplying the required fire flow.
  - All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
  - All cannabis facilities shall have an approved automatic fire detection system. All fire detections systems will be installed and maintained to the current adapted fire code and regulations.

<sup>13</sup> <http://www.icpds.com/CMS/Media/ALUC-Compatibility-Plan-1996-Part-I.pdf>

<sup>14</sup> Imperial County Fire Department letter dated July 7, 2020.

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

- All cannabis facilities shall have approved smoke removal systems 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.
- Compliance with all required sections of the fire code.
- Further requirements shall be required for cultivation and manufacturing process.

Compliance with Imperial County Fire Department is expected to bring any impacts to less than significant levels.

2) Police Protection? ☐ ☐ ☒ ☐  
 2) The proposed project will be fenced and gated, with a 24-hour video surveillance posted in secure areas and prior operation. Additionally, a Safety and Security plan to be reviewed and approved by the County will also be required prior to start operations; therefore, the proposed project is not expected to result in substantial impacts on police protection. Any impacts would be less than significant.

3) Schools? ☐ ☐ ☐ ☒  
 3) The proposed project is not expected to result in substantial impacts to schools. Prior to entering the facility all prospective clients will need to pass the screening process and provide a valid form of identification which demonstrates that they are over the age of 21. For medical patients, an identification indicating that the individual is over 18 and accompanying physician's medical recommendation will be required. No impacts are expected.

4) Parks? ☐ ☐ ☐ ☒  
 4) The proposed project will not result in impacts to parks; no impacts are expected.

5) Other Public Facilities? ☐ ☐ ☒ ☐  
 5) The proposed project includes the sales of edible products, as per Environmental Health comment letter dated June 25, 2020<sup>15</sup>, the business will have to undergo the food program with Environmental Health Division. Additionally per Office of the Agricultural Commissioner comment letter dated July 9, 2020<sup>16</sup>, Point of Sale stations that will be available to customers as well as commercial weighing and measuring devices must be registered, inspected and sealed by their office on an annual basis. Any impact would be expected to be less than significant.

## 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 is not expected to increase the use of the existing neighborhood and regional parks or other recreational facilities. No impacts are 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 does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, no impacts are expected.

<sup>15</sup> Environmental Health comment letter dated June 25, 2020

<sup>16</sup> Office of the Agricultural Commissioner comment letter dated July 9, 2020

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
<b>XVII. TRANSPORTATION</b> <i>Would the project:</i>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) The proposed project is not expected to conflict with the Imperial County General Plan's Circulation and Scenic Highways Element and/or any applicable plan, ordinance or policy related to it. Traffic impacts during construction of the project's improvements and subsequent operation of the cannabis dispensary are expected to be below the acceptable threshold by the County. Any impact is expected to be less than significant.				
b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) The project site has an existing commercial building that is not proposed to be expanded, and which was formerly used as a convenience store and as a gas station with a convenience market. The proposed project location is situated off of the 8 Freeway on the Winterhaven Dr., per applicant, the portion of the 8 Freeway is heavily trafficked with upwards of 24,000 vehicles per day based on Caltrans' annual average daily traffic calculations. Per the applicant, a conservative 0.5% increment of the traffic that is currently seen on the 8 Freeway is expected, accordingly, traffic increase estimates for the site are around 120 vehicles per day, which combined with an average of 30 daily deliveries would expect around 150 transactions on a daily basis. The proposed project will continue the commercial use of the parcel, therefore, does not appear to conflict or be inconsistent with CEQA Guidelines, section 15064.3(b) as it is not a one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor. Therefore, less than significant impacts would be expected.				
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The proposed project does not appear to substantially increase hazards due to a geometric design feature or incompatible uses as the site is an existing commercial building and the use will remain commercial. Therefore, any impact would appear to be less than significant.				
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) The proposed project is not expected to result in inadequate emergency access, all on-site traffic area is hard surfaced to provide all weather access for fire protection vehicles; therefore, no impact is expected.				

**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) The proposed project site is already developed and it is not expected to cause a substantial change in the significance of tribal cultural resource as only minor tenant improvements are anticipated. A notification opportunity to consult letter was sent on June 26, 2020 to the Quechan Indian Tribe, and no comments were received. Therefore, any impact is expected to be less than significant.

(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of

☐ ☐ ☒ ☐

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

historical resources as define in Public Resources Code Section 5020.1(k), or

(i) The proposed project site is not listed under the California Historical Resources in County of Imperial<sup>17</sup> nor does it appear to be eligible under Public Resources Code Section 21074 or 5020.1 (k); therefore, any impact is expected to be less than significant.

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

☐ ☐ ☒ ☐

(iii) The proposed project site does not appear to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, nor evidence of important historical resources was associated with the site. Therefore, any impact is expected to be less than significant.

#### **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 proposed project site is already developed and has existing utilities, including utilities connections to water and sewer provided by Winterhaven Water District, therefore, the proposed project is not expected to result in the relocation or construction of new or expand water, wastewater treatment or stormwater drainage, electrical power, natural gas, or telecommunications facility. Any impact is expected to be less than significant.

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 proposed project operation and proposed number of employees (4-6 employees), the proposed project will be require to continue the pressurized/potable water connection to be obtained from the Winterhaven Water District. Since the project is located in an existing building and the commercial use will continue, any impacts are expected to be less than significant.

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) Based on the project description and the number of employees, the proposed project is expected to have adequate capacity to serve the project's projected demand. Therefore, any impacts are expected to be less than significant.

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 project description, the proposed project is not expected to exceed the generation of solid waste in excess of State or local standards as the use will remain commercial. Any impacts

<sup>17</sup> Office of Historic Preservation - <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

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

would be expected to be less than significant.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☒ ☐
- e) The proposed project shall comply with federal, state and local statutes and regulations related to solid waste. Additionally, a cannabis product disposal procedure to be reviewed and approved by the County will also be required prior to start operations. Adherence to Federal, State and local regulations will bring the project to less than significant impacts.

## 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 proposed project site not classified under a Fire Hazard Severity Zone in the State Responsibility Area per the Fire Hazard Severity Zones in SRA Map adopted by CAL FIRE on November 7, 2007. The Draft Fire Hazard Severity Zones in LRA classifies the site as LRA Unzoned, therefore, it is not expected to substantially impair an adopted emergency response plan or emergency evacuation plan. Any impacts are expected to be less than significant.
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ☐ ☐ ☒ ☐
- b) The proposed project site topography is generally flat and therefore, any impacts due to slope, prevailing winds, and other factors, exacerbate wildfire risks are expected to be less than significant.
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? ☐ ☐ ☒ ☐
- c) The proposed project site is already developed, and as stated above under item a), the project site is not located within a very high fire hazard severity zone classification, nor is not expected to require the installation or maintenance of associated infrastructure that may exacerbate fire risk other than the ones required per Imperial County Fire Department under Section XV Public Services (1). Compliance with Fire Department requirements is expected to bring any impacts to less than significant levels.
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? ☐ ☐ ☒ ☐
- d) As mentioned above under item b), the project site area is generally flat and it is not expected to expose people or structures to significant risks due to flooding or landslide as a result of runoff, post-fire slope instability or drainage changes. Any impacts are expected to be less than significant.

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

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

## 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 checked="" 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 checked="" 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 checked="" 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
- Mariela Moran, Project Planner
- Air Pollution Control District
- Fire Department
- Environmental Health Services
- Sheriff's Office
- Agricultural Commissioner

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

- Imperial Irrigation District
- Quechan Indian Tribe, Historic Preservation
- Yuma County

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

## V. REFERENCES

1. Imperial County General Plan's Circulation and Scenic Highways Element.
2. California Department of Conservation Farmland Mapping and Monitoring Program  
<https://www.conservation.ca.gov/dlrp/fmmp/Pages/Imperial.aspx>
3. Imperial County Air Pollution Control District Comment Letter dated July 8, 2020
4. IC General Plan Conservation and Open Space Element  
<http://www.icpds.com/CMS/Media/Conservation-&-Open-Space-Element-2016.pdf>
5. California Department of Conservation Fault Activity Map of California  
<http://maps.conservation.ca.gov/cgs/fam/>
6. California Department of Conservation Tsunami Inundation Maps  
<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=tsunami>
7. Imperial County Seismic and Public Safety Element  
<http://www.icpds.com/CMS/Media/Seismic-and-Public-Safety-Element.pdf>
8. Imperial County Air Pollution Control District Comment Letter dated July 30, 2020
9. EnviroStor Database  
<http://www.envirostor.dtsc.ca.gov/public/>
10. Airport Locations  
<http://www.icpds.com/CMS/Media/Airport-Locations.pdf>
11. FEMA Flood Map  
<https://msc.fema.gov/portal/home>
12. Imperial County General Plan Noise Element  
<http://www.icpds.com/CMS/Media/Noise-Element-2015.pdf>
13. Imperial County Airport Land Use Compatibility Plan  
<http://www.icpds.com/CMS/Media/ALUC-Compatibility-Plan-1996-Part-I.pdf>
14. Imperial County Fire Department letter dated July 7, 2020.
15. Environmental Health comment letter dated June 25, 2020
16. Office of the Agricultural Commissioner comment letter dated July 9, 2020
17. Office of Historic Preservation -  
<http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

**VI. 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:**

Conditional Use Permit #19-0024 / Initial Study #19-0028

**Project Applicant:**

Winterhaven Drive, LLC

**Project Location:**

2115 Winterhaven Dr., Winterhaven CA.

**Description of Project:**

The project consist of a cannabis dispensary with delivery services. The proposed dispensary area consist of a large display counter where multiple cannabis specialist will be able to provide customers with detailed product offerings and descriptions of the various cannabis products that Winterhaven Drive LLC will have to offer. The main dispensary area also features a Grab and Go counters where customers can quickly pick up an order that was placed in advance. All customers must pass the screening process prior entering the premises.

## VII. 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 MITIGATED 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 is invited to comment on the proposed Negative Declaration during the review period.

10-15-2020

Date of Determination

For 

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

10-15-2020  
Date

## SECTION 4

### VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

S:\AllUsers\APN\056\284\020\CUP19-0024\EEC\IS 19-0028 Checklist.docx

**Attachment "A"**

EEC ORIGINAL PKG

# 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 Gonzalo Zaragoza and Marie Zaragoza, Trustees of Gonzalo and Marie Zaragoza Living Trust		EMAIL ADDRESS	
2. MAILING ADDRESS (Street / P O Box, City, State) PO BOX 6586, Yuma, AZ		ZIP CODE 85366	PHONE NUMBER
3. APPLICANT'S NAME Winterhaven Drive LLC		EMAIL ADDRESS normanyousif11@gmail.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 1336 Granite Hills Dr., El Cajon, CA		ZIP CODE 92019	PHONE NUMBER 619-955-9433
4. ENGINEER'S NAME Kurt Gibbs	CA. LICENSE NO. C-22275	EMAIL ADDRESS kurt@gibbs1934.com	
5. MAILING ADDRESS (Street / P O Box, City, State) 3575 Long Beach Blvd., Long Beach, CA		ZIP CODE 90807	PHONE NUMBER 562-981-2000

6. ASSESSOR'S PARCEL NO. 056-284-020	SIZE OF PROPERTY (in acres or square foot) 1,200 sq. ft.	ZONING (existing) C-2
7. PROPERTY (site) ADDRESS 2115 W Winterhaven Dr., Winterhaven, CA 92283		
8. GENERAL LOCATION (i.e. city, town, cross street) On W Winterhaven Drive between 1st St. and 2nd Ave.		
9. LEGAL DESCRIPTION ATTACHED		

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

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) Cannabis Dispensary: See Attached	
11. DESCRIBE CURRENT USE OF PROPERTY	Retired Gas Station operating as mini grocer: Super Save USA
12. DESCRIBE PROPOSED SEWER SYSTEM	Utilize existing approved building sewer line and street connection
13. DESCRIBE PROPOSED WATER SYSTEM	Utilize existing approved building water line and the existing water connection in the street
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Utilize existing approved fire alarm and fire extinguishers in place (upgraded to code if necessary)
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 4-6

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

Gonzalo Zaragoza 07/07/20  
Print Name Date

Signature

Print Name Date

Signature

## REQUIRED SUPPORT DOCUMENTS

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

APPLICATION RECEIVED BY:	M M
APPLICATION DEEMED COMPLETE BY:	_____
APPLICATION REJECTED BY:	_____
TENTATIVE HEARING BY:	_____
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED

DATE	7/9/2020
DATE	_____
DATE	_____
DATE	_____
DATE	_____

REVIEW / APPROVAL BY OTHER DEPT'S required.
<input type="checkbox"/> P. W.
<input type="checkbox"/> E. H. S.
<input type="checkbox"/> A. P. C. D.
<input type="checkbox"/> O. E. S.
<input type="checkbox"/> _____
<input type="checkbox"/> _____

CUP #

19-0029

EEC ORIGINAL PKG

### **LEGAL DESCRIPTION**

**THAT PORTION OF LOTS 15 AND 16, LYING SOUTH OF STATE HIGHWAY 80 AND LOTS 33 TO 37, INCLUSIVE, LYING SOUTH OF STATE HIGHWAY 80, BLOCK 12, CENTRAL ADDITION TO WINTERHAVEN, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 183 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, TOGETHER WITH THAT PORTION OF AN ANNEY LYING ADJACENT TO THE NORTH LINE OF LOTS 33 TO 37, INCLUSIVE, AND THAT PORTION OF THE NORTH 10 FEET OF HIGHWAY AVENUE LYING ADJACENT TO THE SOUTH LINE OF LOTS 33 TO 37, INCLUSIVE, AS VACATED AND CLOSED TO USE BY RESOLUTION OF THE COUNTY BOARD OF SUPERVISORS A COPY OF WHICH WAS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, JUNE 17, 1948, IN BOOK 710, PAGE 304, OF OFFICIAL RECORDS.**

**10. Describe Proposed Use of Property**

The project consists of a cannabis dispensary with delivery services. Winterhaven Drive, LLC is committed to community improvement; the operating plan demonstrates serious measures to mitigate any potential nuisances, the security plan suggests the immediate neighborhood will benefit from an increased security presence, the site plans show compliant parking and ingress and egress, and the overall proposal constitutes a pledge to site clean-up and neighborhood revitalization.



#### **PARKING AND LANDSCAPING**

**Parking:** Winterhaven Drive LLC's proposed dispensary location located at 2115 W Winterhaven Drive, Winterhaven, CA 92283 features ample off-street parking for customers and employees. The roughly 1,200ft<sup>2</sup> facility conveniently located off Winterhaven Drive and features 13 parking spaces, or 1 parking space per 92.3ft<sup>2</sup>, which exceeds the county's parking rate requirement of 1 space per 250ft<sup>2</sup> of the gross building area for retail facilities (ICMC §90402.01(G)(1)). The parking lot is accessible from both Winterhaven Drive and D Street and has been designed in a way to restrict traffic congestion. Handicap parking and ADA compliant walkways will permit all patrons accessibility to the facility.

**Landscaping** will be employed to the fullest extent permitted by our location. The County of Imperial requires that landscaping consist of a minimum of 10% of the total developed lot or parcel (ICMC §90302.04(A)). California's temperate environment can sustain a wide variety of landscaping, but California natives will be emphasized in order to reduce watering needs and reflect the area's natural flora. The Landscaping plan will incorporate xeriscaping for the selected drought tolerant local species. Landscaping will be extended throughout the parking area to create a cohesive exterior theme.

Both entrances and exits to the parking area will be adorned with shrubs and trees which will also line the perimeter of the parking lot and extend to the property line. Every portion of the lot, with the exception of the immediate parking area and the facility, will incorporate landscaping to the fullest extent possible. Winterhaven plans on retaining some of the existing palm trees on the Northeast side of the lot and will incorporate drought tolerant species to accentuate the existing landscaping. The Southwest portion of the property will feature similar flora which extends from the facility to the property line. The facility's entry way will feature a concrete pathway covered by a large canopy with trees and shrubs lining the pathway up to the facility. There will be planters interspersed beneath the canopy featuring smaller shrubs and flowers. Planters will also be placed in front of the facilities windows which will limit visibility into the facility. A portion of the exterior landscaping has been designed to add an esthetic touch while providing a natural screen for the facility.

## AMOUNT OF TRAFFIC

### VEHICLE TRAFFIC

The proposed location is located off of the 8 Freeway on Winterhaven Dr. The portion of the 8 Freeway is heavily trafficked with upwards of 24,000 vehicles per day based on CalTrans' annual average daily traffic calculations. Winterhaven Dr. sees a steady current of off-flow traffic from the 8 Freeway. Given our freeway proximity, we conservatively project that our site will see around 0.5% of the traffic that is currently seen on the 8 Freeway. Accordingly, our traffic estimates for the site are around 120 vehicles per day. This combined with an average of 30 daily deliveries will allow us to process around 150 transactions on a daily basis.

Dist	Rte	Rte Suffix	CD	Post Mile Prefix	Post Mile	Post Mile Suffix	Description	Back Peak Hour	Back Peak Month	Back AADT	Ahead Peak Hour	Ahead Peak Month	Ahead AADT
11	008		IMP	R	94.979		WINTERHAVEN DRIVE	3700	30000	25500	2700	30500	24100

### CUSTOMER EXPECTATIONS

Winterhaven Drive LLC's designated building is strategically situated with respect to the Imperial County cannabis consumer base, particularly the property's surrounding demographics and vehicle traffic counts. There are an estimated 181,215<sup>1</sup> residents within Imperial County, of these approximately 70% are age 21 or older. This same area boasts an average income of over \$46,000 per year. Winterhaven Drive LLC estimates that the dispensary will roughly serve an average of 8-12 customers per hour for the 14 hours they are open each day. On average we expect to see about 120 in-store customers and upwards of 30 deliveries each day. Based on our operating experience, customers spend an average of 10-12 minutes in the sales area before checking out. Winterhaven Drive LLC has implemented tablets that allow clientele to browse products in the lobby to help increase traffic flow during busier hours. Multiple POS stations and our integrated product browsing options should speed up transaction rates and allow us to serve as many as 50 customers in an hour. Winterhaven Drive, LLC has derived customer volume from average sales expectations for southern California dispensaries, previous transactions made at owner's other retail cannabis operations, and local demographics.

CUSTOMER EXPECTATION DATA			
Day of Week	SMU	In-Store	Delivery
Monday	A	20	5
	B	65	10
Tuesday	A	15	5
	B	55	10
Wednesday	A	20	5
	B	60	15
Thursday	A	35	10
	B	90	20
Friday	A	50	10
	B	110	30
Saturday	A	70	15
	B	105	30
Sunday	A	55	15
	B	90	30
Weekly Total		840	210
Daily Average		120	30
Hourly Average		10	2.5

<sup>1</sup> Figures are from Applied Geographic Solutions, TIGER Geography, calculated using Weighted Block Centroid from Block Groups (10/2019).

## NEIGHBORHOOD COMPATIBILITY

Winterhaven Drive, LLC's proposed location is well over 600 ft from any sensitive uses as proposed by Imperial County. The closest school is San Pasqual Valley Elementary, which is more than 4,700 feet from the proposed location. Yuma's West Wetlands Park, the closest park to the facility, is over 2,900 feet away. Winterhaven Drive, LLC's site is 1.14 miles from the nearest youth center, Martin Luther King Youth Career Center. The closest day care, Helping Hands Head Start, is located 1.19 miles from the proposed dispensary location.

Site Address: 2115 W Winterhaven, Imperial County, CA 92264

- Closest Park:** West Wetlands Park (2,948 feet)  
282 N 12th Ave, Yuma, AZ 85364
- Closest Youth Center:** Martin Luther King Youth Career Center (1.14 miles)  
300 S 13<sup>th</sup> Avenue, Yuma, AZ 85364
- Closest School:** San Pasqual Valley Elementary School (4,744 feet)  
Rt. 1 676 Baseline Rd., Winterhaven, CA
- Closest Day Care:** Helping Hands Head Start (1.19 miles)  
384 S 13<sup>th</sup> Avenue, Yuma, Arizona 85364

## HOURS OF OPERATION

- Monday:** 8:00AM – 10:00PM (14 hours)  
**Tuesday:** 8:00AM – 10:00PM (14 hours)  
**Wednesday:** 8:00AM – 10:00PM (14 hours)  
**Thursday:** 8:00AM – 10:00PM (14 hours)  
**Friday:** 8:00AM – 10:00PM (14 hours)  
**Saturday:** 8:00AM – 10:00PM (14 hours)  
**Sunday:** 8:00AM – 10:00PM (14 hours)

**Full Standard Operating Procedures are available upon request, which include:**

Proposed Location, Parking & Landscaping.....	2
Business Plan .....	13
Neighborhood Compatibility .....	38
Safety & Security Plan .....	44
Community Benefits .....	60
Inventory Control & Product Safety .....	63
Delivery Plan.....	98
Labor & Employment .....	103
Air Control Plan .....	116

# Winterhaven Drive, LLC

## ODOR CONTROL PLAN ("OCP") REVISION 1

Winterhaven's operations require avoiding odor nuisances that may result from cannabis dispensing operations in compliance with ICC §14.03.080(F). The following OCP has been developed in accordance with the Imperial County Air Pollution Control District's Odor Control for Cannabis Operations White Paper. Winterhaven Drive, LLC OCP Responsible Agent (Designee) Contact Information:

Norman Yousif | 619-955-9433 | [Normanyousif11@gmail.com](mailto:Normanyousif11@gmail.com)

Location: 2115 W Winterhaven Dr., Winterhaven, CA 92283

Mailing Address: 1336 Granite Hills Dr., El Cajon, CA 92019

MR. YOUSIF COMMITS TO NOTIFYING THE AIR POLLUTION CONTROL DISTRICT OF ANY MATERIAL PERSONNEL CHANGES WITHIN 48 HOURS OF THE CHANGE.

The best odor control technology for cannabis dispensary facilities is carbon filtration in a negative pressure space. Winterhaven's Operating Procedures include preventing nuisances in the form of volatile organic compounds (VOCs) and resultant odors from cannabis-dispensing business operations. The dispensary will not emit perceptible noxious or cannabis odors. State law requires all products to be securely packaged upon acceptance at the facility, and display models are not to be unpackaged without the supervision of an employee. Open products in the customer retail space are prohibited (16 CCR §5412; §5405). Winterhaven will nonetheless take proactive measures to mitigate any potential odor nuisance by employing industry best practices for odor mitigation.

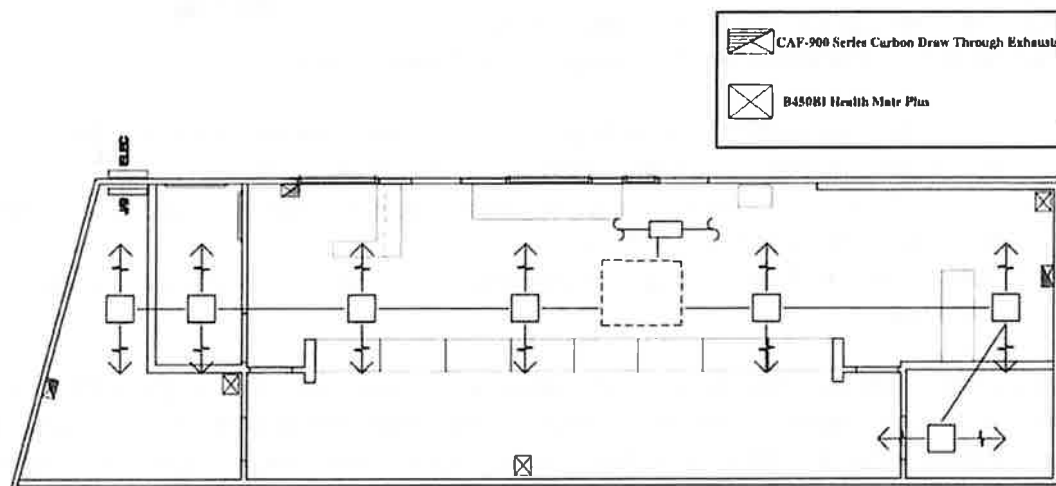


Figure 1

P: (619) 955-9433

E: [normanyousif11@gmail.com](mailto:normanyousif11@gmail.com)

A: 1336 Granite Hills Dr., el Cajon, CA 92019

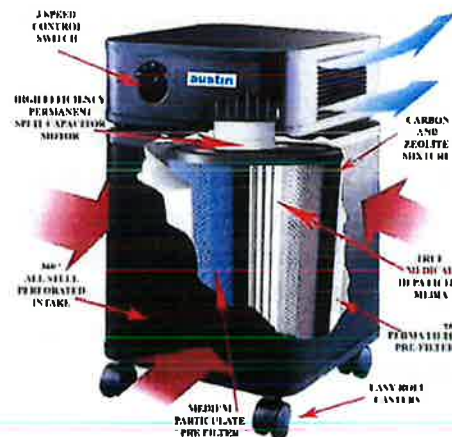
EEC ORIGINAL PKG

## AIR QUALITY & ODOR MITIGATION MEASURES

Winterhaven's air quality equipment includes interior HEPA and carbon filtration units and carbon filtered exhaust fans as a two-pronged solution to achieve indoor air purity and the elimination of noxious odors escaping the site. HEPA/Carbon Filters and Carbon Exhaust fans will be featured in odor-emitting areas of the facility including two (2) HEPA/Carbon Filter Units and two (2) Carbon Exhaust Fans in the main Display/Lobby area and one (1) HEPA/Carbon Filter Unit and one (1) Carbon Exhaust Fan in the Storage room.

**HEPA/Carbon Filtration Units:** Winterhaven's dispensary utilizes the HealthMate Plus, which is a four-stage filtration system to ensure indoor air purity and odor reduction. The first filter is a Large Particle Pre-filter, which removes dust, hair and pet dander. The second filter is a Medium Particle Pre-filter, which removes molds, spores and pollen. The third filter is a combination of activated carbon and zeolite, which removes VOCs, formaldehyde, benzenes, chemicals, gases and odors. The final filter is a Medical Grade HEPA filter that removes 99.97% of all particles larger than 0.3 microns and 95% of all particles larger than 0.1 microns. The Austin Air HealthMate Plus not only removes odors but will ensure that viruses and bacteria are not present within the dispensary. The HealthMate Plus unit will continuously filter and purify the indoor air located in the sales floor and product storage areas.

**Activated Carbon:** Carbon filters are recognized as an industry-best odor control technology. Winterhaven LLC will integrate Carbon Filters into the circulating HEPA/Carbon Filter Units as well as into the air system's exhaust fans to ensure that all air exiting the facility is scrubbed for odors, microbial particulates, and VOCs. The following provides a breakdown of the features provided and benefits gained from using a carbon filtration system:



- Carbon air filters are the best technology for controlling cannabis related odor, the filters work to extract cannabis odors from the air, thereby neutralizing all noxious odors;
- By neutralizing the air, carbon filters ensure total air treatment so that potential air leaked from the facility is neutralized and odor free; and
- Carbon within the filters is designed to chemically absorb odor and other impurities found in the filtrated air.

The dispensary will be conditioned using single-split system equipped with unit level pleated filters. Fresh air is brought to each ducted system via a fresh air duct that feeds several areas of the dispensary. The exhaust fans do not face a neighboring property's entrance, exit, pedestrian or loading area. The treated air exiting the facility will not create any nuisance. Fresh air quantities are calculated using the American Society of Heating and Refrigeration Engineers (ASHRAE) Standard 62.1.

engineering control system and all components shall be reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist as meeting professional expectations of competency and as enough to effectively mitigate odors for all odor sources. The system will include high-performance carbon filters outfitted to the returns of all odor-producing rooms as well as to the HVAC exhaust/exit.

e. Maintenance plan

The odor-emission maintenance plan will include quarterly systemic checkups to ensure that the air quality control system is operating to maintain the baseline. Maintenance will include checking the company records to see how long each filter has been in use and analyzing whether a given filter should be changed. Replacement filters will be required as determined by the calibrated sensor on the test equipment. While the carbon filters can work for up to 12 months, all filters will be assessed quarterly in order to ensure the filter is still functioning properly.

Odor Testing will be done in accordance with the *Standardized Odor Measurement Practices for Air Quality Testing* or any other state-established testing standards for cannabis businesses. Testing will be done with a field Olfactometer, calibrated in accordance with ASTM E544-75 and AWMA odor control standards, using the scheduled monitoring protocol. Monitoring will include walkabouts near the exhaust system. Data will be compared using a 5-point OIRS (Odor Intensity Reference Scale) for daily readings. When values are 3 on the 5-point scale the carbon-filtration exhaust system will be evaluated and repaired as required.

f. Complaint tracking system

Odor complaints will be processed in the same manner as product complaints. The Community Liaison oversees all odor complaints and will receive reports from the community liaison of any nuisance complaints related to odor emission. All complaints will be dealt with immediately by analyzing the records kept regarding the filtration system to identify any potential sources of odor. The exhaust filter will be replaced, and all other internal filters will be monitored to ensure proper functioning.

***Contingency Measures***

Winterhaven's Odor Control Plan features both HEPA/Carbon filter Units as well as Carbon Exhausts in order to provide system redundancy, which allows the redundancy to operate as a de facto contingency measure. If internal troubleshooting is unable to remedy a given odor complaint, Winterhaven will immediately contact its service technician to ensure the problem is properly identified and remedied. All complaints will be logged internally with the details of the complaint and response procedures.

***Notice & Recordkeeping***

Evaluations will include fan operation, distribution system integrity, and carbon filter effectiveness. All maintenance and testing activities are designed to ensure maintenance of the odor mitigation system and optimize performance. Service technicians will minimally be scheduled to make a system maintenance analysis quarterly. Hard copy and electronic copies of records will be kept in the secured office.

Routine Filter Check Log				
Filter #	Filter Viability	Employee ID	Signature	Date

**Norman Yousif**  
**Winterhaven Drive, LLC**

Signature: 

Date: July 22, 2020

## SPECIFICATION SHEETS

# urban-gro®

### HealthMate Plus®

The Austin Air HealthMate Plus® removes a wide range of gases, chemicals, VOC's and formaldehyde  
Why is the HealthMate Plus® the best choice for me?

- Designed for highly contaminated indoor air conditions
- Extremely effective at removing particles in the air including formaldehyde, elements of smoke, dust and pollens
- Exceptional capacity for removing Volatile Organic Compounds (VOCs)
- Filters viruses and bacteria



#### Technical Specifications

The HealthMate Plus® specializes in the reduction of harmful chemicals, noxious gases, VOC's, formaldehyde and sub-micron particles for individuals in the most contaminated of settings. Austin Air's 360-degree intake system draws air into all sides of the HealthMate Plus®, passing it through a 4-stage filter.

**The result?** The number one unit for those who are chemically sensitive.

#### Unit Specifications

- 360° Perforated steel intake housing
- Baked on powder coat paint finish
- 3 speed centrifugal fan
- High efficiency motor rated for continuous use at high RPM
- CSA approved
- **Colors:** Black, Midnight Blue, White, Sandstone
- **Product ID:** Black (B450B1), Sandstone (B450A1)



#### Filter Specifications

- **STAGE 1** – Large Particle Pre-filter. Removes particles easily seen by the naked eye (e.g. dust, hair and pet dander)
- **STAGE 2** – Medium Particle Pre-filter. Removes small to medium size particles (e.g. molds, spores and pollen)
- **STAGE 3** – Over 780 cubic inches of Activated Carbon, Potassium Iodide Impregnated Carbon and Zeolite. Removes Volatile Organic Compounds (VOCs), formaldehyde, benzenes, chemicals, gases and odors.
- **STAGE 4** – 60 sq. ft. of True Medical Grade HEPA. Removes 99.97% of all particles larger than 0.3 microns and 95% of all particles larger than 0.1 microns

urban-gro.com

sales@urban-gro.com

720-390-3880



Since 1929

## CAF-900 SERIES

### CARBON FILTERED WALL EXHAUST OR SUPPLY FAN.



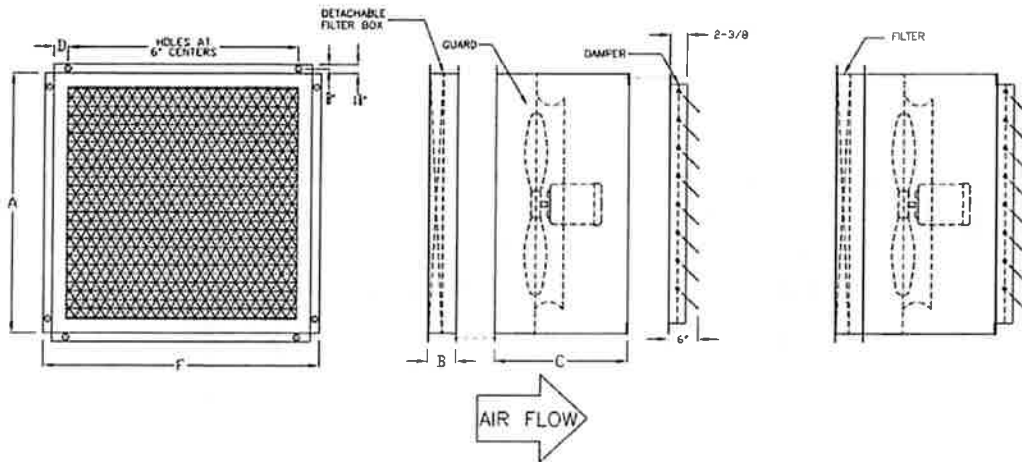
*Pictured: Size 20", Single Carbon Filter Fan.*

Model #	Size	Capacity	Horsepower	Filter Size	No.Filters	Rough In	Weight
CAF-912-1/2Carbon	12"	350 CFM 3450 RPM	1/2	16"X16"X1"	1	17"X17"	120#
CAF-920-2-Carbon	20"	4000 CFM 1725 RPM	2	24"X24"X2"	1	25"X25"	195#
CAF-942-3-Carbon	42"	8000 CFM 1140 RPM	3	24"X24"X2"	4	49"X49"	400#

- Adjustable Pitch Type Cast Aluminum Propellers (Non-Sparking)
- Direct Driven
- Explosion Proof and Non-Explosion Proof Models.
- 3-Sizes (12", 20" and 42")
- Single Phase or 3-Phase Motors. (3-Phase Only for Size 42").
- Exhaust or Supply Configurations
- Fan & Shutter Mounting Box (Powder Coated)
- Removable Filter Box. Filter Box Bolts to Fan Assembly.
- Fan Guard (OSHA Approved)
- Aluminum Automatic Discharge Shutter (Non-Motorized).
- Absorbent carbon filter(s) for fume and odor removal. Fully disposable; no refilling necessary. Filter offers medium-efficiency particulate filtration. Granular activated carbon provides more odor-removal capacity than carbon-impregnated pleated air filters or rolls.
- High Quality – Industrial Grade
- Made in the USA

[WWW.CARLBUSHCOMPANY.COM](http://WWW.CARLBUSHCOMPANY.COM)

CAF-900 SERIES  
CARBON  
DRAW-THROUGH EXHAUST



Model #	A	B	C	D	E	F	INlet	FILTER SIZE	Suggested Rough in	Est. Shipping Weight
CAF-912-1/2	16-1/4	4	20	2	18-3/4	12	16x16x2 (QTY 1)	12x17	120 lb	
CAF-920-2	24-1/4	4	22	3	20-3/4	20	24x24x2 (QTY 1)	25x25	195 lb	

CARL J BUSH COMPANY <b>CARL J BUSH COMPANY USA</b> WWW.CARLBUSHCOMPANY.COM	CJB NO CAF-900 Series Carbon Cust NO	Drawing Title	Drawn by D Giblin Page Number 1 of 1	Date 02-23-17 Scale Not to Scale Revision 8





2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

Minor Tenant Improvement



David Oshers AGA  
 2075 Long Street, Blvd.  
 Long Beach, CA 90807  
 T 562.581.2200  
 E david@oshers.com



No.	Initial	Date
1	Client Review	6 Feb 2020
2	Client Comments	24 Mar 2020
3	Client Comments	17 Mar 2020
4	CAP Feedback Submitted	8 April 2020
5	Back Check Completed	9 April 2020

31020078

0

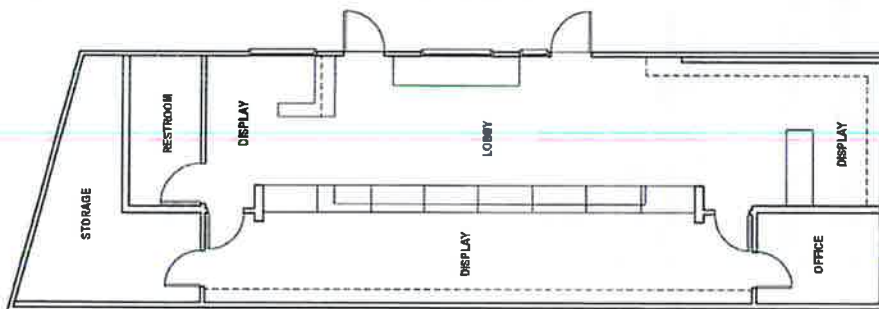
6 April 2020

Scoring As Noted

### Building Code Data

Drawing Number:

**A0.00A**



## APPLICABLE CODE

[illegible]

## OCCUPANCIES

301. GROUP B  
OCCUPANT INCLUDES AMONG OTHERS, THE USE OF A BUILDING OR A PORTION THEREOF FOR OFFICE OR PROFESSIONAL OR SEMI-PROFESSIONAL, INCLUDING STORAGE OF RECORDS AND ACCOUNTS.

CONGRATULATE  
THEM! YOU'VE MADE IT!

AREA SUMMARY	
DEPT	142
DISPLAY AREA	102
RESTROOM	87
TOILET	115
OFFICE	86
TOTAL	1278

## MEANS OF EGRESS

## OCCLUSANT LOAD APP - AGRONOMY SQUARE FEET

GROUND LEVEL		OCCUPANCY TYPE II	
NO.	FLIGHT ELEMENT	DOC TAG NUMBER	OCCUPANCY TYPE
1	GROUND	11	1
2	WALLS	12	1
3	DOOR	13	1
4	ROOF	14	1
5	BASE	15	1
6	WALLS	16	1
7	DOOR	17	1
8	ROOF	18	1
9	BASE	19	1
10	WALLS	20	1
11	DOOR	21	1
12	ROOF	22	1
13	BASE	23	1
14	WALLS	24	1
15	DOOR	25	1
16	ROOF	26	1
17	BASE	27	1
18	WALLS	28	1
19	DOOR	29	1
20	ROOF	30	1
21	BASE	31	1
22	WALLS	32	1
23	DOOR	33	1
24	ROOF	34	1
25	BASE	35	1
26	WALLS	36	1
27	DOOR	37	1
28	ROOF	38	1
29	BASE	39	1
30	WALLS	40	1
31	DOOR	41	1
32	ROOF	42	1
33	BASE	43	1
34	WALLS	44	1
35	DOOR	45	1
36	ROOF	46	1
37	BASE	47	1
38	WALLS	48	1
39	DOOR	49	1
40	ROOF	50	1
41	BASE	51	1
42	WALLS	52	1
43	DOOR	53	1
44	ROOF	54	1
45	BASE	55	1
46	WALLS	56	1
47	DOOR	57	1
48	ROOF	58	1
49	BASE	59	1
50	WALLS	60	1
51	DOOR	61	1
52	ROOF	62	1
53	BASE	63	1
54	WALLS	64	1
55	DOOR	65	1
56	ROOF	66	1
57	BASE	67	1
58	WALLS	68	1
59	DOOR	69	1
60	ROOF	70	1
61	BASE	71	1
62	WALLS	72	1
63	DOOR	73	1
64	ROOF	74	1
65	BASE	75	1
66	WALLS	76	1
67	DOOR	77	1
68	ROOF	78	1
69	BASE	79	1
70	WALLS	80	1
71	DOOR	81	1
72	ROOF	82	1
73	BASE	83	1
74	WALLS	84	1
75	DOOR	85	1
76	ROOF	86	1
77	BASE	87	1
78	WALLS	88	1
79	DOOR	89	1
80	ROOF	90	1
81	BASE	91	1
82	WALLS	92	1
83	DOOR	93	1
84	ROOF	94	1
85	BASE	95	1
86	WALLS	96	1
87	DOOR	97	1
88	ROOF	98	1
89	BASE	99	1
90	WALLS	100	1
91	DOOR	101	1
92	ROOF	102	1
93	BASE	103	1
94	WALLS	104	1
95	DOOR	105	1
96	ROOF	106	1
97	BASE	107	1
98	WALLS	108	1
99	DOOR	109	1
100	ROOF	110	1
101	BASE	111	1
102	WALLS	112	1
103	DOOR	113	1
104	ROOF	114	1
105	BASE	115	1

GROUND LEVEL		OCCUPANCY TYPE B	
DESCRIPTION	FLUSH NET AREA	OCC. LOAD FACTOR	OCCUPANCY LOAD
REAR	120	1.15	17
WASHLINE	20	1.15	23
STREET	20	1.15	23
WATER	20	1.15	23
TOTAL			86

## SANITATION FACILITIES

## OCCUPANT LOAD

OCCUPANCY TYPE M			
DESCRIPTION	OCCUPANCY TYPE	FLOOR AREA (SQ)	OCCUPANT COUNT
DISPLAY AREA	M-004111	M2	8
STORAGE	M-004223	CS	5

OCCUPANCY TYPE II			
DISCRETION	OCCUPANCY TYPE	FLOOR AREA (SQ FT)	OCCUPANCY (LOAD FACTOR)
20457	RETAIL 10	342	1/15
20458	RETAIL 10	98	1/15
			0

7:00 PM

[illegible]

NOTE: COUNTRIES ARE LISTED IN ALPHABETIC ORDER BY COUNTRY. TOTAL QUALITY INDEX IS A COMPOSITE OF 10 FACTORS INCLUDING CUSTOMER SATISFACTION, RELIABILITY, EFFICIENCY, AND VALUE. FOR MORE INFORMATION, VISIT [www.enr.com](http://www.enr.com).

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

## Minor Tenant Improvement



1500 Gable Ave  
 2575 Long Beach Blvd  
 Long Beach, CA 90807  
 T 562 411-2282  
 E larry@bbsi.net



Frequency	No.	Initial	Date
1	1	Clint Reese	14 Nov 2022
2	1	Clint Reese	21 Nov 2022
3	1	Clint Reese	21 Mar 2023
4	1	Clint Reese	21 Mar 2023
5	1	Clint Reese	21 Mar 2023
6	1	Clint Reese	21 Mar 2023
7	1	Clint Reese	21 Mar 2023
8	1	Clint Reese	21 Mar 2023
9	1	Clint Reese	21 Mar 2023
10	1	Clint Reese	21 Mar 2023
11	1	Clint Reese	21 Mar 2023
12	1	Clint Reese	21 Mar 2023
13	1	Clint Reese	21 Mar 2023
14	1	Clint Reese	21 Mar 2023
15	1	Clint Reese	21 Mar 2023
16	1	Clint Reese	21 Mar 2023
17	1	Clint Reese	21 Mar 2023
18	1	Clint Reese	21 Mar 2023
19	1	Clint Reese	21 Mar 2023
20	1	Clint Reese	21 Mar 2023
21	1	Clint Reese	21 Mar 2023
22	1	Clint Reese	21 Mar 2023
23	1	Clint Reese	21 Mar 2023
24	1	Clint Reese	21 Mar 2023
25	1	Clint Reese	21 Mar 2023
26	1	Clint Reese	21 Mar 2023
27	1	Clint Reese	21 Mar 2023
28	1	Clint Reese	21 Mar 2023
29	1	Clint Reese	21 Mar 2023
30	1	Clint Reese	21 Mar 2023
31	1	Clint Reese	21 Mar 2023
32	1	Clint Reese	21 Mar 2023
33	1	Clint Reese	21 Mar 2023
34	1	Clint Reese	21 Mar 2023
35	1	Clint Reese	21 Mar 2023
36	1	Clint Reese	21 Mar 2023
37	1	Clint Reese	21 Mar 2023
38	1	Clint Reese	21 Mar 2023
39	1	Clint Reese	21 Mar 2023
40	1	Clint Reese	21 Mar 2023
41	1	Clint Reese	21 Mar 2023
42	1	Clint Reese	21 Mar 2023
43	1	Clint Reese	21 Mar 2023
44	1	Clint Reese	21 Mar 2023
45	1	Clint Reese	21 Mar 2023
46	1	Clint Reese	21 Mar 2023
47	1	Clint Reese	21 Mar 2023
48	1	Clint Reese	21 Mar 2023
49	1	Clint Reese	21 Mar 2023
50	1	Clint Reese	21 Mar 2023
51	1	Clint Reese	21 Mar 2023
52	1	Clint Reese	21 Mar 2023
53	1	Clint Reese	21 Mar 2023
54	1	Clint Reese	21 Mar 2023
55	1	Clint Reese	21 Mar 2023
56	1	Clint Reese	21 Mar 2023
57	1	Clint Reese	21 Mar 2023
58	1	Clint Reese	21 Mar 2023
59	1	Clint Reese	21 Mar 2023
60	1	Clint Reese	21 Mar 2023
61	1	Clint Reese	21 Mar 2023
62	1	Clint Reese	21 Mar 2023
63	1	Clint Reese	21 Mar 2023
64	1	Clint Reese	21 Mar 2023
65	1	Clint Reese	21 Mar 2023
66	1	Clint Reese	21 Mar 2023
67	1	Clint Reese	21 Mar 2023
68	1	Clint Reese	21 Mar 2023
69	1	Clint Reese	21 Mar 2023
70	1	Clint Reese	21 Mar 2023
71	1	Clint Reese	21 Mar 2023
72	1	Clint Reese	21 Mar 2023
73	1	Clint Reese	21 Mar 2023
74	1	Clint Reese	21 Mar 2023
75	1	Clint Reese	21 Mar 2023
76	1	Clint Reese	21 Mar 2023
77	1	Clint Reese	21 Mar 2023
78	1	Clint Reese	21 Mar 2023
79	1	Clint Reese	21 Mar 2023
80	1	Clint Reese	21 Mar 2023
81	1	Clint Reese	21 Mar 2023
82	1	Clint Reese	21 Mar 2023
83	1	Clint Reese	21 Mar 2023
84	1	Clint Reese	21 Mar 2023
85	1	Clint Reese	21 Mar 2023
86	1	Clint Reese	21 Mar 2023
87	1	Clint Reese	21 Mar 2023
88	1	Clint Reese	21 Mar 2023
89	1	Clint Reese	21 Mar 2023
90	1	Clint Reese	21 Mar 2023
91	1	Clint Reese	21 Mar 2023
92	1	Clint Reese	21 Mar 2023
93	1	Clint Reese	21 Mar 2023
94	1	Clint Reese	21 Mar 2023
95	1	Clint Reese	21 Mar 2023
96	1	Clint Reese	21 Mar 2023
97	1	Clint Reese	21 Mar 2023
98	1	Clint Reese	21 Mar 2023
99	1	Clint Reese	21 Mar 2023
100	1	Clint Reese	21 Mar 2023

Project Number	31020078
Date	
File	6 April 2020
Scale	Scale As Noted
Sheet Title	
<b>Vicinity Aerial</b>	
Drawing Number	<b>A0.01</b>

[illegible]

Notes	4
-------	---



Year	Population (Millions)
1980	18
1984	20
1988	19
1992	21
1996	24
2000	28
2004	30
2008	31
2012	31
2016	32
2020	32

1	1
---	---

EEC ORIGINAL PKG

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

Minor Tenant  
Improvement



202 Gibbs Pl.  
2000 California Blvd.  
Folsom, CA 95630  
916.981.1100  
gibbsinc.com



Revision	No.	Date	By	Check
1	1	4/14/2020		
2	2	4/14/2020		
3	3	4/14/2020		
4	4	4/14/2020		
5	5	4/14/2020		

Project Number  
31020078

Date

File  
6 April 2020

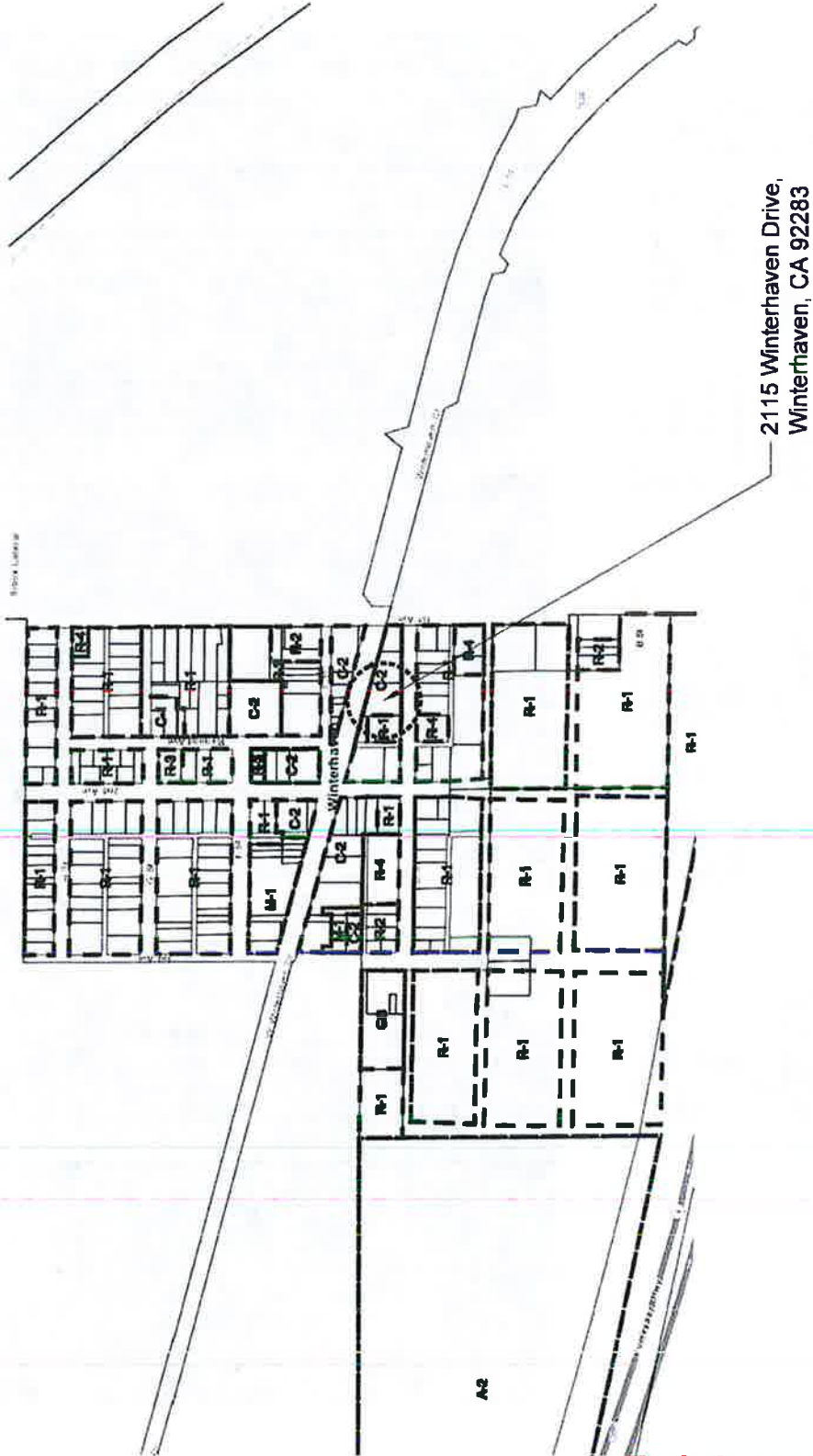
Scale  
Scale As Noted

Drawn By

Zoning Map

Drawing No.

A0.02

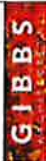


Zoning Map | 1

EEC ORIGINAL PKG

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

Minor Tenant  
Improvement



California  
Professional Engineer  
No. 51364-CE-00000000  
Exp. 12/31/2020



Rev.	Date	By	Check
1	04/06/2020	31120078	
2	04/06/2020	31120078	
3	04/06/2020	31120078	
4	04/06/2020	31120078	
5	04/06/2020	31120078	

EEC ORIGINAL PKG



2115 Winterhaven Drive,  
Winterhaven, CA 92283

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

Minor Tenant  
Improvement

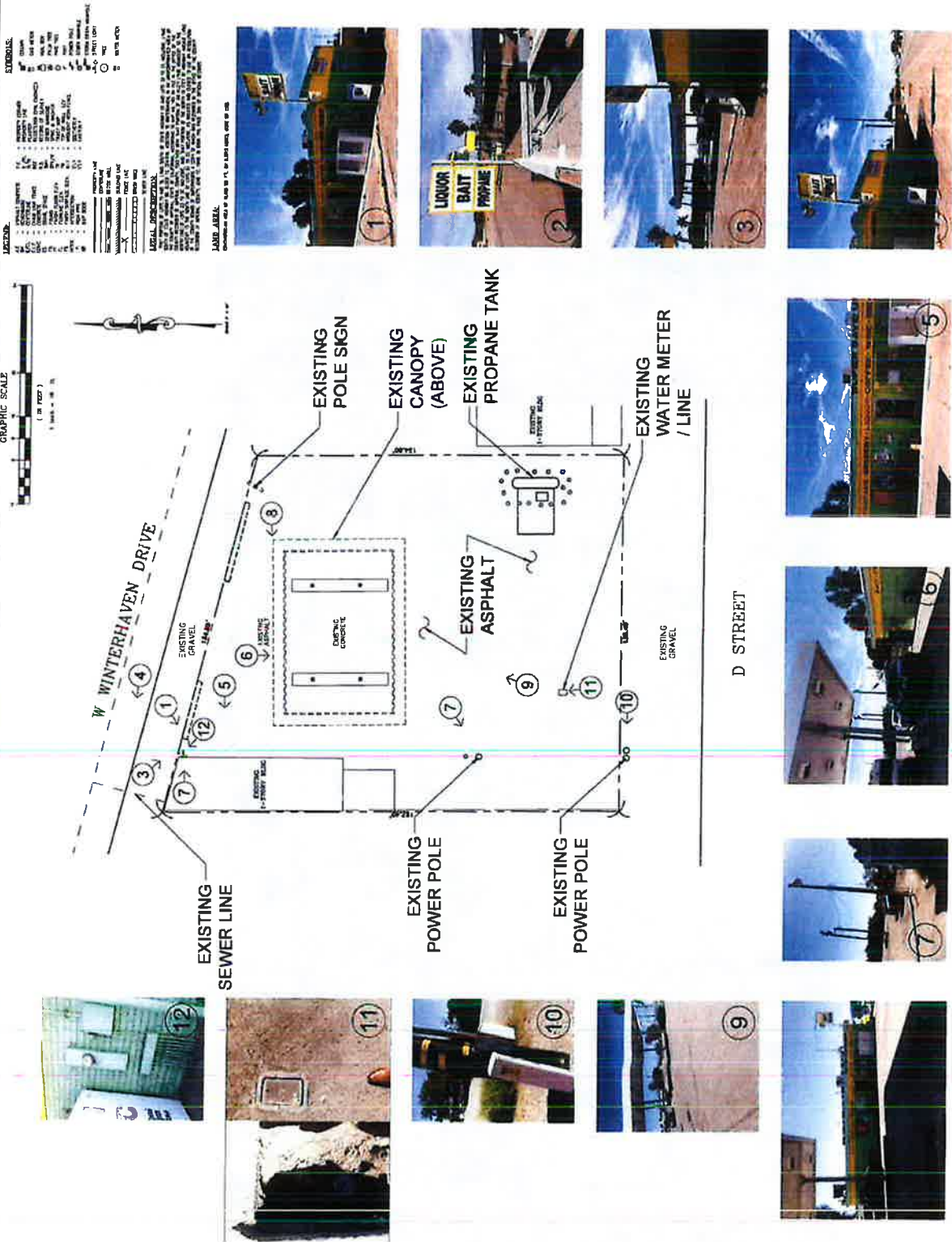
**GIBBS**

EX-100-001  
2115 WINTERHAVEN DR.  
T 02/01/2020  
C 02/01/2020



No.	Date	By
1	02/01/2020	J. J. J.
2	02/01/2020	J. J. J.
3	02/01/2020	J. J. J.
4	02/01/2020	J. J. J.
5	02/01/2020	J. J. J.

Project Number	31020078
Date	
File	6 April 2020
Scale	Scale As Noted
Sheet Title	Survey - Photos
Drawing Number	
Scale	A1.00



Site Plan  
SCALE 1/4" = 1'-0"  
1

EEC ORIGINAL PKG

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

Minor Tenant  
Improvement



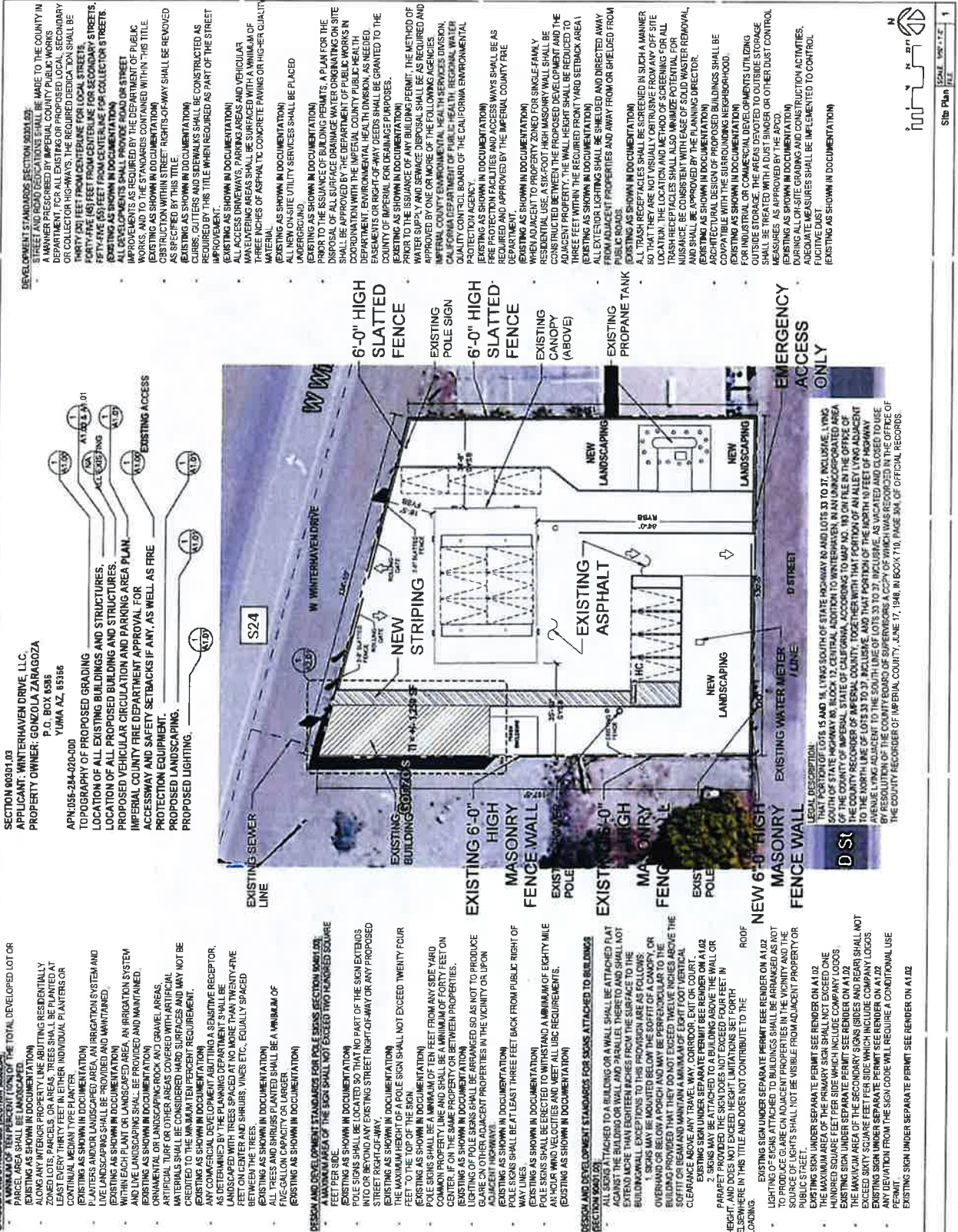
Project No. 2115  
Winterhaven Dr.,  
CA 92283



Item	Description	Quantity	Unit
1	Minor Tenant Improvement	1	SF
2	Minor Tenant Improvement	1	SF
3	Minor Tenant Improvement	1	SF
4	Minor Tenant Improvement	1	SF
5	Minor Tenant Improvement	1	SF
6	Minor Tenant Improvement	1	SF
7	Minor Tenant Improvement	1	SF
8	Minor Tenant Improvement	1	SF
9	Minor Tenant Improvement	1	SF
10	Minor Tenant Improvement	1	SF
11	Minor Tenant Improvement	1	SF
12	Minor Tenant Improvement	1	SF
13	Minor Tenant Improvement	1	SF
14	Minor Tenant Improvement	1	SF
15	Minor Tenant Improvement	1	SF
16	Minor Tenant Improvement	1	SF
17	Minor Tenant Improvement	1	SF
18	Minor Tenant Improvement	1	SF
19	Minor Tenant Improvement	1	SF
20	Minor Tenant Improvement	1	SF
21	Minor Tenant Improvement	1	SF
22	Minor Tenant Improvement	1	SF
23	Minor Tenant Improvement	1	SF
24	Minor Tenant Improvement	1	SF
25	Minor Tenant Improvement	1	SF
26	Minor Tenant Improvement	1	SF
27	Minor Tenant Improvement	1	SF
28	Minor Tenant Improvement	1	SF
29	Minor Tenant Improvement	1	SF
30	Minor Tenant Improvement	1	SF
31	Minor Tenant Improvement	1	SF
32	Minor Tenant Improvement	1	SF
33	Minor Tenant Improvement	1	SF
34	Minor Tenant Improvement	1	SF
35	Minor Tenant Improvement	1	SF
36	Minor Tenant Improvement	1	SF
37	Minor Tenant Improvement	1	SF
38	Minor Tenant Improvement	1	SF
39	Minor Tenant Improvement	1	SF
40	Minor Tenant Improvement	1	SF
41	Minor Tenant Improvement	1	SF
42	Minor Tenant Improvement	1	SF
43	Minor Tenant Improvement	1	SF
44	Minor Tenant Improvement	1	SF
45	Minor Tenant Improvement	1	SF
46	Minor Tenant Improvement	1	SF
47	Minor Tenant Improvement	1	SF
48	Minor Tenant Improvement	1	SF
49	Minor Tenant Improvement	1	SF
50	Minor Tenant Improvement	1	SF
51	Minor Tenant Improvement	1	SF
52	Minor Tenant Improvement	1	SF
53	Minor Tenant Improvement	1	SF
54	Minor Tenant Improvement	1	SF
55	Minor Tenant Improvement	1	SF
56	Minor Tenant Improvement	1	SF
57	Minor Tenant Improvement	1	SF
58	Minor Tenant Improvement	1	SF
59	Minor Tenant Improvement	1	SF
60	Minor Tenant Improvement	1	SF
61	Minor Tenant Improvement	1	SF
62	Minor Tenant Improvement	1	SF
63	Minor Tenant Improvement	1	SF
64	Minor Tenant Improvement	1	SF
65	Minor Tenant Improvement	1	SF
66	Minor Tenant Improvement	1	SF
67	Minor Tenant Improvement	1	SF
68	Minor Tenant Improvement	1	SF
69	Minor Tenant Improvement	1	SF
70	Minor Tenant Improvement	1	SF
71	Minor Tenant Improvement	1	SF
72	Minor Tenant Improvement	1	SF
73	Minor Tenant Improvement	1	SF
74	Minor Tenant Improvement	1	SF
75	Minor Tenant Improvement	1	SF
76	Minor Tenant Improvement	1	SF
77	Minor Tenant Improvement	1	SF
78	Minor Tenant Improvement	1	SF
79	Minor Tenant Improvement	1	SF
80	Minor Tenant Improvement	1	SF
81	Minor Tenant Improvement	1	SF
82	Minor Tenant Improvement	1	SF
83	Minor Tenant Improvement	1	SF
84	Minor Tenant Improvement	1	SF
85	Minor Tenant Improvement	1	SF
86	Minor Tenant Improvement	1	SF
87	Minor Tenant Improvement	1	SF
88	Minor Tenant Improvement	1	SF
89	Minor Tenant Improvement	1	SF
90	Minor Tenant Improvement	1	SF
91	Minor Tenant Improvement	1	SF
92	Minor Tenant Improvement	1	SF
93	Minor Tenant Improvement	1	SF
94	Minor Tenant Improvement	1	SF
95	Minor Tenant Improvement	1	SF
96	Minor Tenant Improvement	1	SF
97	Minor Tenant Improvement	1	SF
98	Minor Tenant Improvement	1	SF
99	Minor Tenant Improvement	1	SF
100	Minor Tenant Improvement	1	SF

Site Plan

A1.01



EEC ORIGINAL PKG

2115 Wintehaven Dr.,  
Wintehaven,  
CA 92283

Minor Tenant  
Improvement



3000 21st Ave.  
San Francisco, CA 94114  
Tel: 415.774.1000  
Fax: 415.774.1001  
gibbs@gsi.com



Rev.	By	Date
1	John C. Smith	11/11/2019
2	John C. Smith	11/11/2019
3	John C. Smith	11/11/2019
4	John C. Smith	11/11/2019
5	John C. Smith	11/11/2019

Project Number:  
3102078

Date:

Rev: 6 April 2020

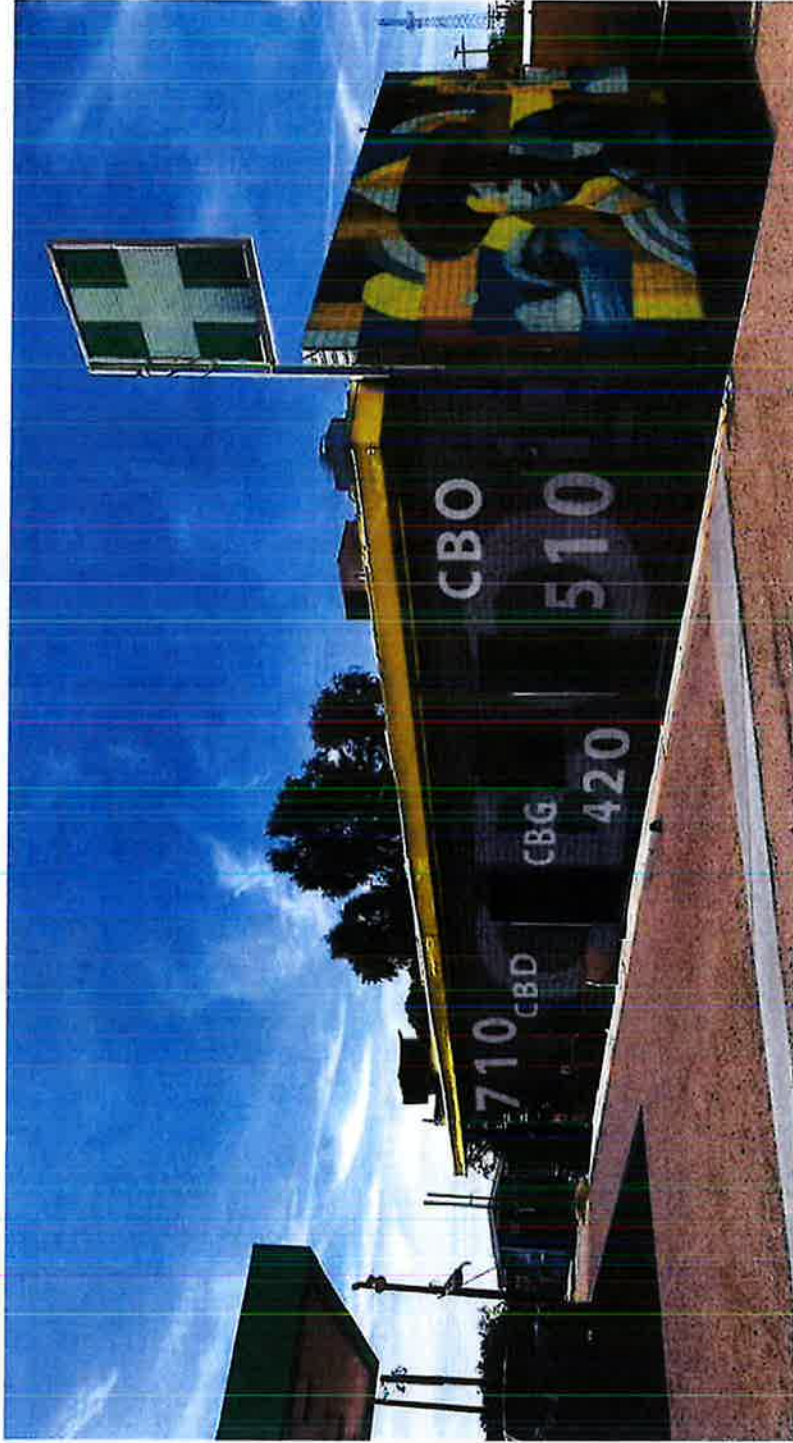
Scale: Scale As Noted

Sheet No:

**Render**

Drawing Number:

**A1.02**



Render  
DATE: 4/11/20  
FILE: 1

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

### Minor Tenant Improvement

GIBBS

800-451-4243  
 10000 Long Beach Blvd.  
 Long Beach, CA 90807  
 562-591-1234  
 info@bbsi.com



ID	Issue	Date
1	Client Review	8 Feb 2020
2	Client Comments	24 Mar 2020
3	Client Comments	27 Mar 2020
4	Client Comments Subtotal	8 April 2020
5	Back Check Subtotal	7 July 2020
6	Back Check Subtotal	11 Sept 2020

3102007A

○

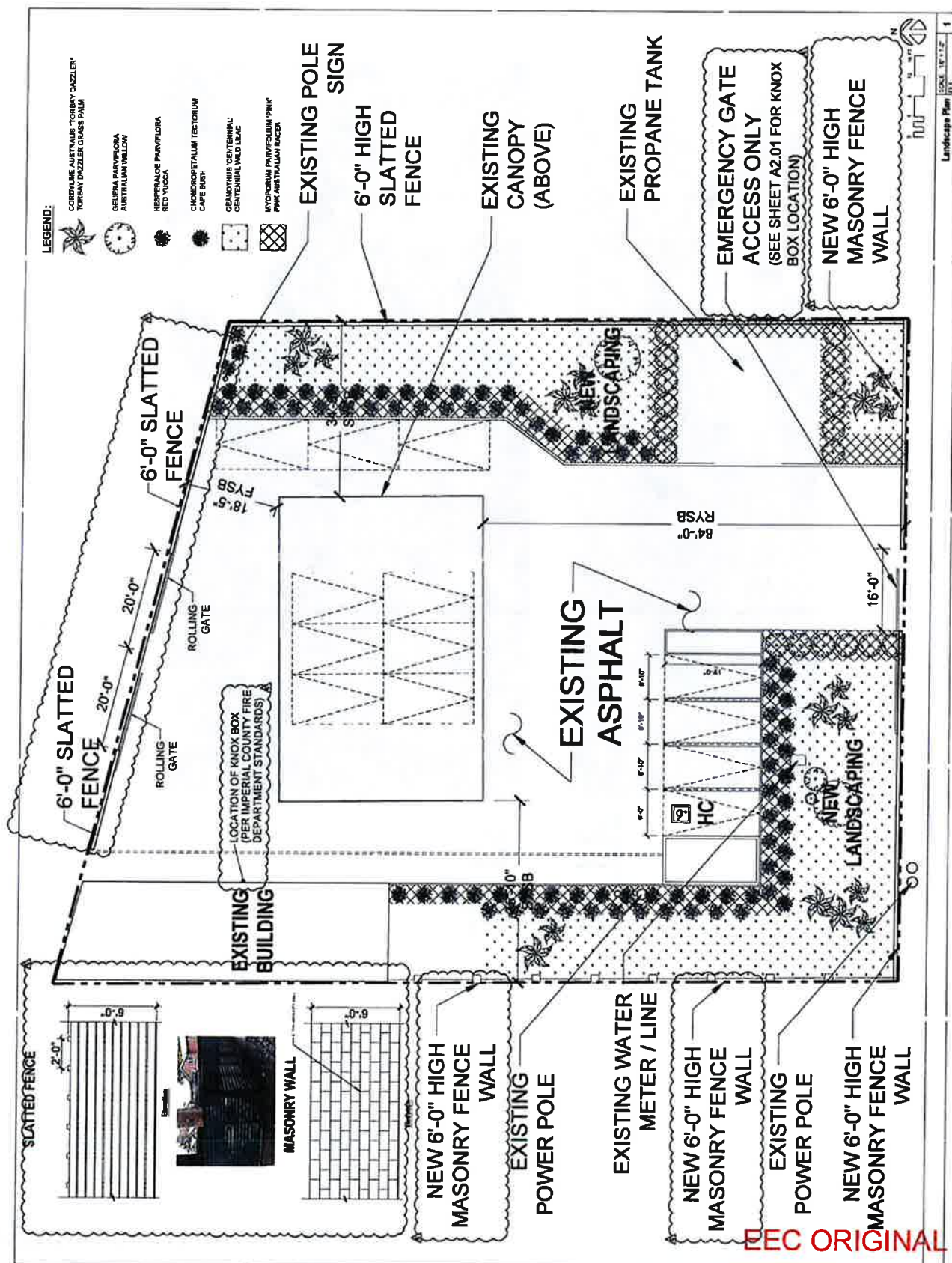
6 April 2020

Scuba Air Nitrogen

## Landscape Plan

**Inventory Number:**

## A1.03



EEC ORIGINAL PKG

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

Minor Tenant Improvement

**GIBBS**

5041 Edison Ave.  
2575 Long Beach Blvd.  
Long Beach, CA 90807  
t: 562.591.2322  
e: [info@nrcd.com](mailto:info@nrcd.com)



No	Item	Date
1	Chart Review	6 Feb 2028
2	Chart Comments	24 Mar 2022
3	Chart Comments	27 Mar 2022
4	CLP Researcher's Interview	1 April 2025
5	Back Check Interview	7 Jul 2028

Project Number. 31020078



6 April 2020

Scale As Noted

Dead Time

## Aerial Photos

**Inventory Number:**

## A10.01



# SITE



SITE

Aerial Photo

EEC ORIGINAL PKG

2115 Winterhaven Dr.,  
Winterhaven,  
CA 92283

Minor Tenant  
Improvement

GIBBS

For Office Use  
Only  
Do Not Remove  
This Stamp  
From This File



Item	Revised	Page
1. Bait & Tackle	18 Mar 2020	
2. Bait & Tackle	18 Mar 2020	
3. Bait & Tackle	18 Mar 2020	
4. Bait & Tackle	18 Mar 2020	
5. Bait & Tackle	18 Mar 2020	

Project Number  
31020078

Date:

No. 6 April 2020

Scale: Graph As Noted

Sheet Title:  
Existing Facade  
Photos

Sheet Number

A10.02



Existing Facade 1

2115 Wintehaven Dr.,  
Wintehaven,  
CA 92283

Minor Tenant  
Improvement

**GIBBS**  
CONSTRUCTION

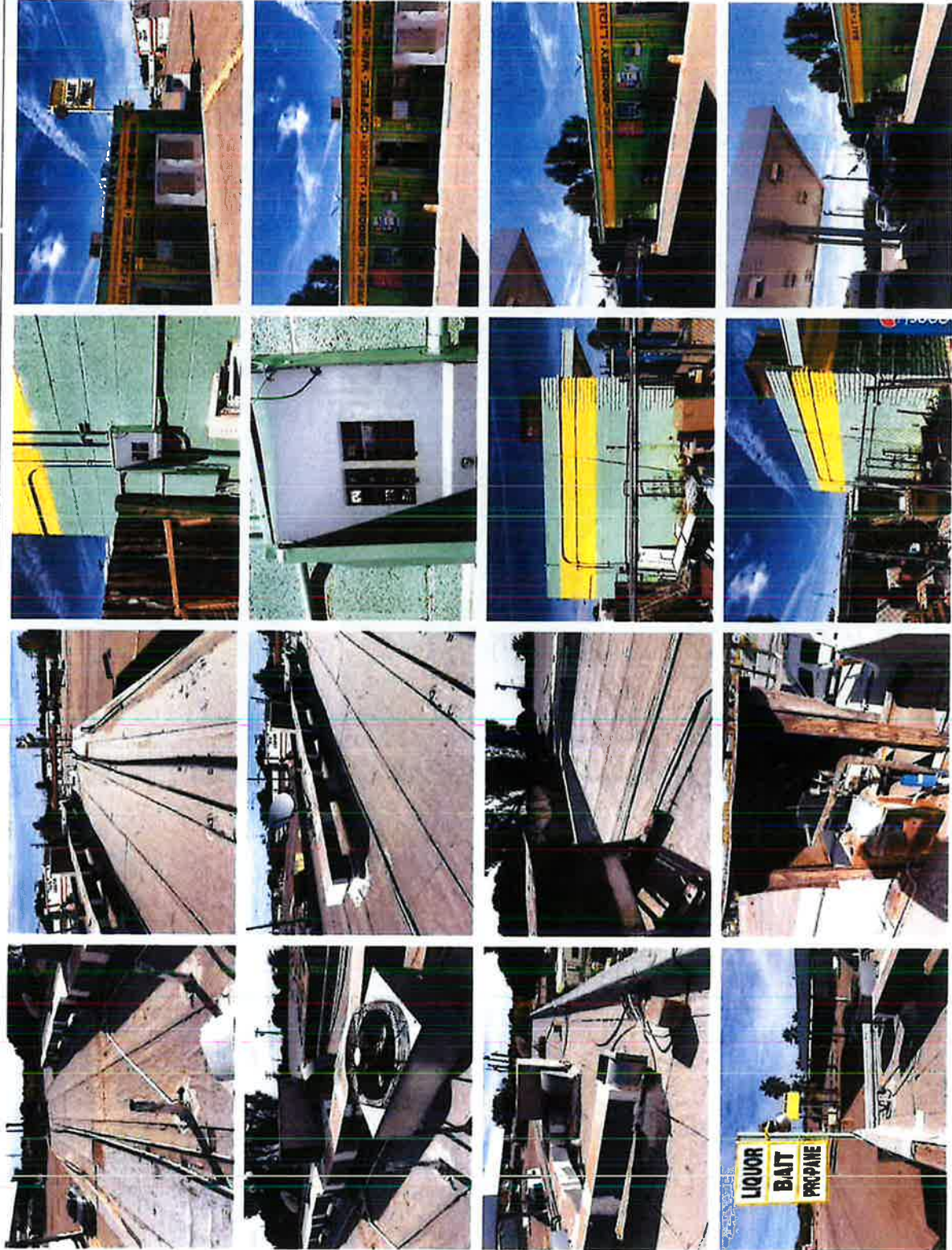
Let's Get It Done  
1000 E. Main Street  
P.O. Box 1000  
P.O. Box 1000  
P.O. Box 1000



Item	Unit	Qty	Unit Price	Total Price
1	Hour	1	100.00	100.00
2	Hour	1	100.00	100.00
3	Hour	1	100.00	100.00
4	Hour	1	100.00	100.00
5	Hour	1	100.00	100.00
6	Hour	1	100.00	100.00
7	Hour	1	100.00	100.00
8	Hour	1	100.00	100.00
9	Hour	1	100.00	100.00
10	Hour	1	100.00	100.00
11	Hour	1	100.00	100.00
12	Hour	1	100.00	100.00
13	Hour	1	100.00	100.00
14	Hour	1	100.00	100.00
15	Hour	1	100.00	100.00
16	Hour	1	100.00	100.00
17	Hour	1	100.00	100.00
18	Hour	1	100.00	100.00
19	Hour	1	100.00	100.00
20	Hour	1	100.00	100.00
21	Hour	1	100.00	100.00
22	Hour	1	100.00	100.00
23	Hour	1	100.00	100.00
24	Hour	1	100.00	100.00
25	Hour	1	100.00	100.00
26	Hour	1	100.00	100.00
27	Hour	1	100.00	100.00
28	Hour	1	100.00	100.00
29	Hour	1	100.00	100.00
30	Hour	1	100.00	100.00
31	Hour	1	100.00	100.00
32	Hour	1	100.00	100.00
33	Hour	1	100.00	100.00
34	Hour	1	100.00	100.00
35	Hour	1	100.00	100.00
36	Hour	1	100.00	100.00
37	Hour	1	100.00	100.00
38	Hour	1	100.00	100.00
39	Hour	1	100.00	100.00
40	Hour	1	100.00	100.00
41	Hour	1	100.00	100.00
42	Hour	1	100.00	100.00
43	Hour	1	100.00	100.00
44	Hour	1	100.00	100.00
45	Hour	1	100.00	100.00
46	Hour	1	100.00	100.00
47	Hour	1	100.00	100.00
48	Hour	1	100.00	100.00
49	Hour	1	100.00	100.00
50	Hour	1	100.00	100.00
51	Hour	1	100.00	100.00
52	Hour	1	100.00	100.00
53	Hour	1	100.00	100.00
54	Hour	1	100.00	100.00
55	Hour	1	100.00	100.00
56	Hour	1	100.00	100.00
57	Hour	1	100.00	100.00
58	Hour	1	100.00	100.00
59	Hour	1	100.00	100.00
60	Hour	1	100.00	100.00
61	Hour	1	100.00	100.00
62	Hour	1	100.00	100.00
63	Hour	1	100.00	100.00
64	Hour	1	100.00	100.00
65	Hour	1	100.00	100.00
66	Hour	1	100.00	100.00
67	Hour	1	100.00	100.00
68	Hour	1	100.00	100.00
69	Hour	1	100.00	100.00
70	Hour	1	100.00	100.00
71	Hour	1	100.00	100.00
72	Hour	1	100.00	100.00
73	Hour	1	100.00	100.00
74	Hour	1	100.00	100.00
75	Hour	1	100.00	100.00
76	Hour	1	100.00	100.00
77	Hour	1	100.00	100.00
78	Hour	1	100.00	100.00
79	Hour	1	100.00	100.00
80	Hour	1	100.00	100.00
81	Hour	1	100.00	100.00
82	Hour	1	100.00	100.00
83	Hour	1	100.00	100.00
84	Hour	1	100.00	100.00
85	Hour	1	100.00	100.00
86	Hour	1	100.00	100.00
87	Hour	1	100.00	100.00
88	Hour	1	100.00	100.00
89	Hour	1	100.00	100.00
90	Hour	1	100.00	100.00
91	Hour	1	100.00	100.00
92	Hour	1	100.00	100.00
93	Hour	1	100.00	100.00
94	Hour	1	100.00	100.00
95	Hour	1	100.00	100.00
96	Hour	1	100.00	100.00
97	Hour	1	100.00	100.00
98	Hour	1	100.00	100.00
99	Hour	1	100.00	100.00
100	Hour	1	100.00	100.00

Exterior Photos

A10.03



Exterior Photos

1

EEC ORIGINAL PKG





## A5.01

EEC ORIGINAL PKG

## A8.02

### MOUNTING HEIGHT REQUIREMENTS





**Attachment "B"**

EEC ORIGINAL PKG

**Carina Gomez**

---

**From:** Lewis Steele <steelelw77@gmail.com>  
**Sent:** Tuesday, October 6, 2020 11:31 AM  
**To:** ICPDSCCommentLetters  
**Subject:** Marijuana despisary  
**Attachments:** 20201006\_112356.jpg

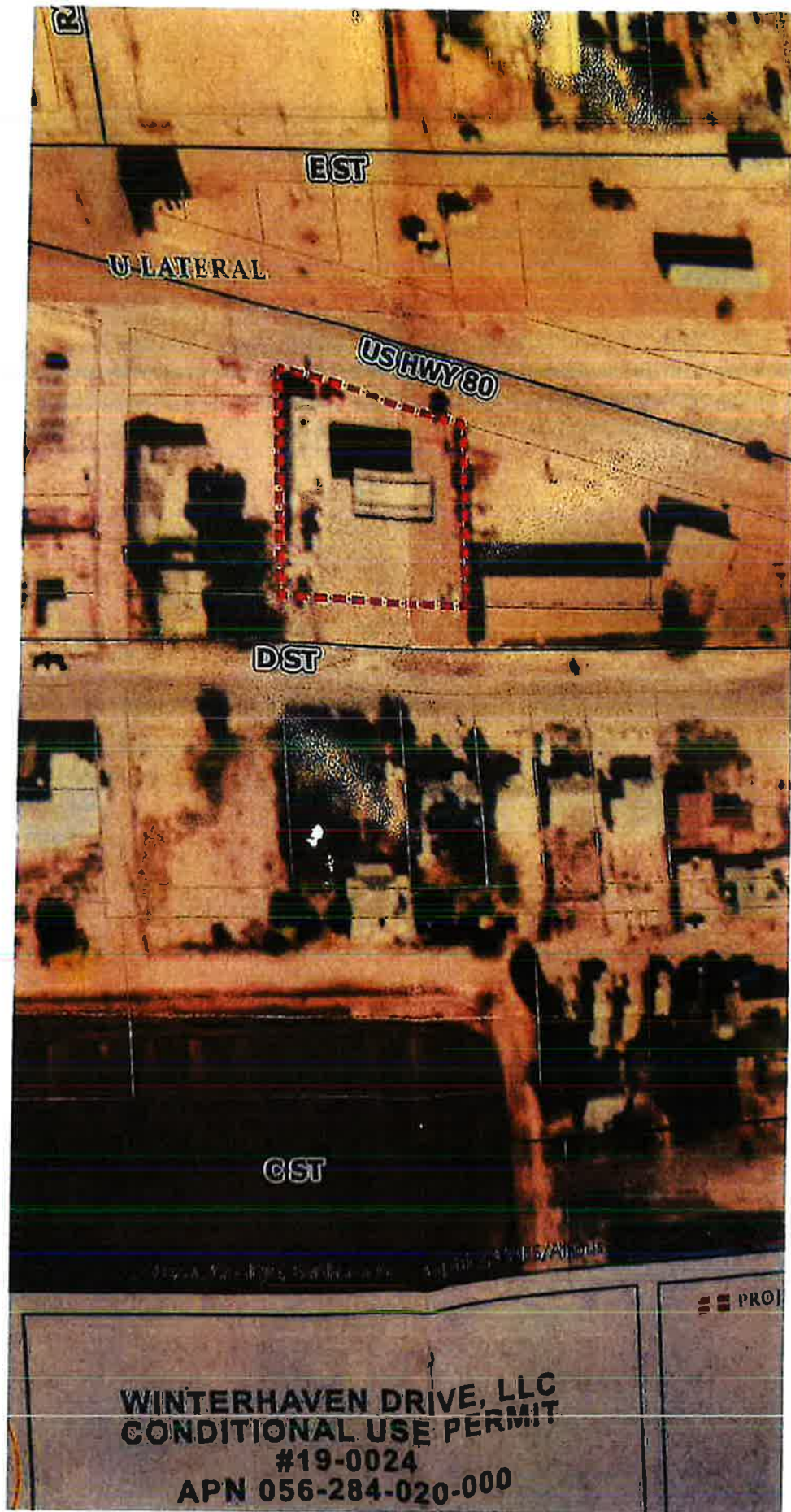
**CAUTION: This email originated outside our organization; please use caution.**

I'm against having a Marijuana dispenser right next to my house. The properties are connected. I have kids to worry about. If we need to have a hearing on this subject. I'll be willing to do so.  
Thank you for your time.

**RECEIVED**

**OCT 06 2020**

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**



WINTERHAVEN DRIVE, LLC  
CONDITIONAL USE PERMIT  
#19-0024  
APN 056-284-020-000

PROJ

**From:** [familiatit36@gmail.com](mailto:familiatit36@gmail.com)  
**To:** [Mariela Moran](#)  
**Cc:** [Planning And Development Services](#)  
**Subject:** Environmental Evaluation Notice of Public Hearing - 10/15/2020 - Assessor's Parcel Number 056-284-020-000 - Neighborhood Compatibility  
**Date:** Wednesday, October 14, 2020 2:46:34 PM

---

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

Mariela Moran,

I have recently received a Notice of Public Hearing regarding an applicant proposing a medicinal and recreational cannabis dispensary with delivery services which was mailed to me on October 2, 2020.

I would like to voice my concerns of the nature of type business and its impact on residents of Winterhaven, Ca.

Proposed business will be operating and conducting business in a location within residential areas of Winterhaven, Ca. Family homes are located across the street on D Street, B Street, and C Street. There is also a Senior Living RV Park that is in close proximity.

The concerns are about neighborhood compatibility and potential increase in crime. Winterhaven, Ca will have an increase in traffic of customers from Arizona. It is my understanding, Yuma, Arizona, has not legalize recreational use of Cannabis. Opening a Recreational Cannabis business can create more of a burden on an already existing crime problem in the town of Winterhaven. Addiction, arson fires, theft, and poverty have been problematic in our rural town. The suggested business site is also next door to a Strip Club. The combination of the two businesses next just opens up too many possibilities for a family residential area to handle.

I also noticed that there was mention that the business location was not near schools or local parks. However, San Pascual School District does have their bus stops located on D Street, B Street, and several locations within the small town of Winterhaven. School age children will be at these bus stops and in close proximity to the Cannabis Dispensary during open hours.

Imperial County Sheriff's Department effectiveness in managing the additional crime increase in Winterhaven is also of concern. They are stretched thin and their area of coverage is large, They are not able to give Winterhaven the attention it needs.

Thank you for your assistance in this matter.

**EEC ORIGINAL PKG**

**From:** [Curtis Blondell](#)  
**To:** [normanvousif11@gmail.com](mailto:normanvousif11@gmail.com)  
**Cc:** [Mariela Moran](#); [Monica Soucier](#)  
**Subject:** Odor Control Pan for Winterhaven Drive LLC Cannabis Dispensary  
**Date:** Thursday, July 30, 2020 7:30:21 AM  
**Attachments:** [image001.png](#)

---

Dear Mr. Yousif:

The Imperial County Air Pollution Control District has reviewed the Odor Control Plan (OCP) for Winterhaven Drive, LLC Cannabis Dispensary.

In order to finalize the OCP the Air District would like to do a site visit prior to the issuance of a Certificate of Occupancy. The Air District understands it may take some time for work on the facility to be completed. Please notify the Air District and the Planning Department when you feel the facility is ready for a walk-through.

Sincerely,

**Curtis Blondell**  
Environmental Coordinator  
Imperial County Air Pollution Control District  
150 S. Ninth St.  
El Centro, CA 92243  
(442) 265-1800 x 1791



EEC ORIGINAL PKG



July 8, 2020

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

**SUBJECT: Conditional Use Permit (CUP) 19-0024 Winterhaven Drive LLC Cannabis Dispensary and Delivery Service**

Dear Mr. Minnick,

The Imperial County Air Pollution Control District ("Air District") appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 19-0024 that would allow a Cannabis Dispensary and Delivery Services ("Project") at 2115 Winterhaven Drive, California 92283 and further described as Assessor Parcel Number (APN) 056-0284-020.

A key component of a project of this nature is a well-structured formal stand-alone Odor Control Plan (OCP). To assist the applicant, and attached with this letter, is a guidance document titled *Odor Control Plan for Cannabis Operations*. While the project discusses some elements of an Odor Control Plan (OCP) other portions need clarification. Submitting an OCP will provide written and verifiable assurance that the mitigation equipment and controls throughout the facility<sup>1</sup> meet odor-reducing standards as required by Title 14 of the Imperial County Code, Chapter 14.03.080(F). The guidance provides the proper methods by which the applicant can explain how the equipment such as "high-performance filters" are acceptable as effective odor mitigation equipment. This would similarly include the effectiveness of a portable olfactometer as a detection apparatus. The project references "Full Standard Operating Procedures" including an Air Control Plan. Inclusion of this document would have helped in evaluating this project.

---

<sup>1</sup> This includes any exterior storage of cannabis product/waste.

The Air District requests the submittal of an Odor Control Plan that demonstrates compliance with Title 14 of the Imperial County Code, Chapter 14.03.080(F) and compliance with the guidance document attached. As always, the Air District is available for consultation as the project moves forward.

Finally, for your convenience, the Air District's rules and regulations are available via the web at <https://apcd.imperialcounty.org>. Please feel free to call should you have questions at (442) 265-1800.

Respectfully,



Curtis Blondell  
APC Environmental Coordinator



Reviewed by,  
Monica N. Soucier  
APC Division Manager



## WHITE PAPER

# ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

### **PURPOSE**

This paper provides guidance to operators of Cannabis Facilities (cultivation, processing, and otherwise) when developing and implement an **Odor Control Plan** (OCP). The intent of an OCP is for the reduction or elimination of the discharge from any source whatsoever of such quantities of air contaminants or other material that may cause a nuisance or annoyance.<sup>1</sup> The pertinent information contained in an OCP is specific to your operation and should reflect the actual practices and customs of the operation.

The OCP is a living document intended for the ***life of the project***; however, as operations change updates to the OCP will be necessary to maintain the reduction or elimination of the discharge of air contaminants. An initial site visit maybe necessary to confirm the elements of a draft OCP before the Air District can finalize its review. Once the OCP is finalized, additional site visits may occur to confirm project operations have not caused additional unforeseeable discharges from any source whatsoever of air contaminants or other material that cause a nuisance or annoyance.

### **MINIMUM REQUIRED ELEMENTS**

While the details and specifications of each OCP will vary depending on the type, size, purpose and location of project operations, all OCP's must contain the following minimum elements:

- 1) The OCP must be on company letterhead, dated and signed by an authorizing agent of the facility
- 2) The OCP must indicate the version; draft vs final or revision
- 3) The OCP must contain sufficient information as to identify the legal owner by name, company name, location, headquarters etc.
- 4) The OCP must contain the identity and contact information of all responsible agents, and personnel involved in the day-to-day operations at the site.
  - This section must identify the primary contact for the implementation of the OCP, etc.

---

<sup>1</sup> Imperial County Rules and Regulations Rule 407 Nuisances, Revised 09/14/1999



## WHITE PAPER

### ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

- This section must contain a commitment to notify the Air District of any personnel changes within 48 hours of the change.
- 5) The OCP must contain a description, with drawings if appropriate or available, of the project operations and must identify the current existing sources of odor and potential reasonably foreseeable potential sources of odor. This section is specific to the functions of the facility and should reference or include documents that provide sufficient information to identify sources of odors and the mitigation measures or technologies that reduce or eliminate those sources.
- Identify those processes that cause odors.
  - ❖ This section should describe the odor-emitting activities or processes (e.g., cultivation, drying, etc.) that take place at the facility, including the source(s) (e.g., processing of cannabinoids, etc.) of those odors, and the location(s) from where the odors originate. This is not necessarily limited to inside the facility. For instance, outside composting activities can and do produce odors
  - ❖ This section should describe the phases of the odor-emitting activities that take place at the facility (both inside and outside), and the length and frequency of those activities. For instance, cultivation may be continuous, while another activity (e.g., drying) may take place periodically for days or hours.
- Identify the mitigation measures that will reduce or eliminate the potential existing and reasonably foreseeable odors and describe any contingency measures should primary mitigation measures fail.
  - ❖ This section should specify and describe any control technology utilized at the facility. The Air District recommends industry-specific best control technologies that achieve reductions in odor emissions, such as carbon filtration systems.
  - ❖ This section must provide assurances that all engineering controls for the identified odor sources are sufficient to mitigate odors. This section must also provide assurances that the control technology is installed correctly and properly operating. This can be accomplished by meeting any one of the below:



## AIR POLLUTION CONTROL DISTRICT

### WHITE PAPER

#### ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

◇ *Sufficient to demonstrate mitigation of odors*

Provide documentation that attests to the effectiveness of the technology to mitigate the identified odors. Such as a certification from professional engineers.

Provide documentation of the approval by any one of the 38 Air Districts in California of the odor control technology as a suitable technology for odor control.

Provide documentation describing the system design and the technical processes

◇ *Sufficient to demonstrate technology is correctly installed and properly operating*

Provide documentation of the installation, including date of installation and the location of the technology within the facility.

Provide a Maintenance Plan

The maintenance plan is critical to ensure that technology is properly maintained and serviced. A description of the maintenance activities that are to be performed, the frequency with which such activities are performed, and the role/title(s) of the personnel responsible for maintenance activities should be included here. The activities should serve to maintain the odor mitigation systems and optimize performance (e.g., the schedule for regularly changing carbon filters as recommended by best engineering control practices).

#### 6) Contingency Measures

- This section should specify the measures the facility will implement in the event installed technology or other administrative controls fail.

#### 7) Notice and Record Keeping

- This section should describe all noticing measures and recordkeeping measures.



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

**Carlos Ortiz**  
Agricultural Commissioner  
Sealer of Weights & Measures

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

July 9, 2020

Marlela Moran, Planner II  
Imperial County  
Planning & Development Services  
801 Main Street  
El Centro, CA 92243

Re: Conditional Use Permit #19-0024

Ms. Moran:

Our department has reviewed the documents pertaining to Conditional Use Permit #19-0024 for applicant Winterhaven Drive, LLC who proposes a cannabis dispensary with delivery services at 2115 W Winterhaven Dr in Winterhaven, California with an existing C-2 Medium Commercial zone.

The project description refers to Title 9 Division 3 Section 90302.4 – Landscaping Standards – Commercial Uses, individual projects are required to provide a minimum of landscape cover of ten percent. Should your office require this, the applicant must follow the requirements for movement of plant material into Imperial County from other counties or from out of state. The applicant can contact our Pest Detection and Eradication Division for any questions regarding the quarantines of movement of plant material, as there are several quarantines that must be observed.

Under "Customer Expectation," the applicant refers to multiple POS or Point of Sale stations that will be available to customers. Please be advised that Point of Sale systems as well as commercial weighing and measuring devices must be registered, inspected and sealed by our office on an annual basis. The applicant can contact our Weights and Measure Division to register all devices.

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

Regards,

A handwritten signature in blue ink, appearing to read "Carlos Ortiz".

Carlos Ortiz  
Agricultural Commissioner  
Sealer of Weights & Measures

**From:** [Andrew Loper](#)  
**To:** [Mariela Moran](#)  
**Cc:** [Robert Malek](#)  
**Subject:** RE: Request for Comments CUP19-0024  
**Date:** Friday, September 11, 2020 7:10:47 AM

---

Good Morning

As discussed 09/09/2020 at the Planning and Development office both access shall remain in place. If gated they will need to meet the Chapter 5 section 503 of the California Fire Code for gates, and both gates and building be provided a KNOX box or locks. The applicant can contact ICFD on how to obtain KNOX Box or Locks.

Andrew Loper  
Imperial County Fire Department  
Lieutenant/Fire Prevention Specialist  
2514 La Brucherie Road, Imperial CA 92251  
Office: 442-265-3021  
Cell: 760-604-1828

**From:** Mariela Moran <[MarielaMoran@co.imperial.ca.us](mailto:MarielaMoran@co.imperial.ca.us)>  
**Sent:** Monday, August 24, 2020 2:48 PM  
**To:** Andrew Loper <[AndrewLoper@co.imperial.ca.us](mailto:AndrewLoper@co.imperial.ca.us)>  
**Subject:** RE: Request for Comments CUP19-0024

Thank you Andrew.

**From:** Andrew Loper <[AndrewLoper@co.imperial.ca.us](mailto:AndrewLoper@co.imperial.ca.us)>  
**Sent:** Tuesday, August 18, 2020 11:41 AM  
**To:** Mariela Moran <[MarielaMoran@co.imperial.ca.us](mailto:MarielaMoran@co.imperial.ca.us)>  
**Subject:** Re: Request for Comments CUP19-0024

Let me  
Look at the site plan and discuss with the deputy chief.

Thank you  
Andrew Loper  
Fire Prevention Specialist  
Imperial County Fire Department  
442-265-3021

On Aug 18, 2020, at 10:47 AM, Mariela Moran <[MarielaMoran@co.imperial.ca.us](mailto:MarielaMoran@co.imperial.ca.us)> wrote:

Good morning Andrew,

This email is just a follow up in regards to the second access, and if you should have any comments; should you have any questions please let me know.

EEC ORIGINAL PKG

**ADMINISTRATION / TRAINING**

1078 Dogwood Road  
Heber, CA 92249

**Administration**

Phone: (442) 265-6000  
Fax: (760) 482-2427

**Training**

Phone: (442) 265-6011

**OPERATIONS/PREVENTION**

2514 La Brucherie Road  
Imperial, CA 92251

**Operations**

Phone: (442) 265-3000  
Fax: (760) 355-1482

**Prevention**

Phone: (442) 265-3020

July 7, 2020

RE: Conditional Use Permit #19-0024

2115 W. Winterhaven Drive, Winterhaven, CA 92283

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #19-0024 Cannabis dispensary and delivery services located at 2115 W. Winterhaven Drive, Winterhaven CA 92283

Imperial County Fire Department has the following comments and/or requirements for Cannabis operations.

- An approved water supply capable of supplying the required fire flow
- All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
- All cannabis facilities shall have approved smoke removal systems 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.
- Compliance with all required sections of the fire code.
- Further requirement shall be required for cultivation and manufacturing process.

Imperial County Fire Department reserves the right to comment and request additional requirements pertaining to this project regarding fire and life safety measures, California Building and Fire Code, and National Fire Protection Association standards at a later time as we see necessary.

If you have any questions, please contact the Imperial County Fire Prevention Bureau at 442-265-3020 or 442-265-3021.

Sincerely

Andrew Loper

Lieutenant/Fire Prevention Specialist

Imperial County Fire Department

Fire Prevention Bureau

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

EEC ORIGINAL PKG



## COUNTY OF IMPERIAL

# PUBLIC HEALTH DEPARTMENT

JANETTE ANGULO, M.P.A.  
*Director*

STEVEN MUNDAY, M.P.H., M.S.  
*Health Officer*

June 25, 2020

Mariela Moran, Planner III  
IC Planning & Development Services  
801 Main Street  
El Centro, CA 92243

Subject: Environmental Health Comments for Proposed Conditional Use Permit #19-0024

Dear Ms. Moran:

The Imperial County Division of Environmental Health (DEH) is providing the comments below in response to the request for review and comments for Conditional Use Permit #19-0024. The project as described is a cannabis dispensary with delivery services at 2115 W. Winterhaven Drive, Winterhaven CA. The property is also described as Assessor's Parcel Number 056-284-020.

Please consider the following comments for the proposed project.

1. If the cannabis dispensary business is intending to sell eatable products, the business will have to undergo the food program process with our division.

If you have any questions, please do not hesitate to contact me at 442-265-1888.

Sincerely,

*Mario Salinas*

Mario Salinas  
Environmental Compliance Specialist I

RECEIVED

JUN 25 2020

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

Division of Environmental Health, 797 Main Street, Suite B, El Centro, CA 92243  
(442) 265-1888 • (442) 265-1903 Fax • icphd.org

EEC ORIGINAL PKG



# IID

*A century of service.*

www.iid.com

Since 1911

June 25, 2020

**RECEIVED**

JUN 25 2020

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

Ms. Mariela Moran  
Planner II  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

**SUBJECT: Cannabis Dispensary; CUP No. 19-0024**

Dear Ms. Moran

On June 22, 2020, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on Conditional Use Permit application no. 19-0024 for a cannabis dispensary project in Imperial County. The applicant, Winterhaven Drive, LLC; proposes to establish a cannabis dispensary and delivery service at 2116 W. Winterhaven Drive in Winterhaven, California.

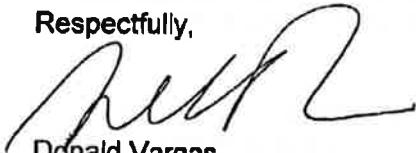
The Imperial Irrigation District has reviewed the information and has the following comments:

1. If an increase in the electrical service currently provided by IID to the site is required, the applicant should be advised to contact Joel Lopez, IID Customer Project Development Planner, at (760) 482-3444 or e-mail Mr. Lopez at [jflopez@iid.com](mailto:jflopez@iid.com). to initiate the customer service application process. In addition to submitting a formal application (available for download at the IID website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit a complete set of approved plans (including CAD files), project schedule, estimated in-service date, one-line diagram of facility, electrical loads, panel size, voltage, generator specifications, type of disconnect, automatic transfer switch specifications, generator manual, generator operating procedures 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 <http://www.iid.com/departments/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
4. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

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

Respectfully,



Donald Vargas  
Compliance Administrator II

Enrique B. Martinez – General Manager  
Mike Pacheco – Manager, Water Dept.  
Marilyn Dol Bosque Gilbert – Manager, Energy Dept.  
Sandra Blain – Deputy Manager, Energy Dept.  
Jesus Martinez – Engineer Principal, Energy Dept., Transmission Planning  
Jamie Asbury – Asst. General Counsel  
Vance Taylor – Asst. General Counsel  
Robert Laurie – Outside Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes – Supervisor, Real Estate  
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

**From:** [Quechan Historic Preservation](#)  
**To:** [Valerie Grijalva](#)  
**Cc:** [ICPDSCommentLetters](#)  
**Subject:** RE: Request for Comments CUP19-0024  
**Date:** Thursday, July 2, 2020 11:59:05 AM  
**Attachments:** [image001.png](#)

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

This email is to inform you that we do not wish to comment on this project.

**From:** Valerie Grijalva [mailto:[ValerieGrijalva@co.imperial.ca.us](mailto:ValerieGrijalva@co.imperial.ca.us)]  
**Sent:** Monday, June 22, 2020 2:52 PM  
**To:** Carlos Ortiz; Sandra Mendivil; Matt Dessert; Monica Soucier; Jesus Escobar; Adam Crook; Tony Rouhotas; Jeff Lamoure; Jorge Perez; Mario Salinas; Robert Menvielle; Robert Malek; Andrew Loper; Janette Angulo; John Gay; Carlos Yee; Raymond Loera; [rbenavidez@icso.org](mailto:rbenavidez@icso.org); [dvargas@iid.com](mailto:dvargas@iid.com); [rzleal@iid.com](mailto:rzleal@iid.com); [dbealer@spvusd.org](mailto:dbealer@spvusd.org); [whavenca@gmail.com](mailto:whavenca@gmail.com); [smoorhouse@chp.ca.gov](mailto:smoorhouse@chp.ca.gov); [maurice.eaton@dot.ca.gov](mailto:maurice.eaton@dot.ca.gov); [robert.kurg@dtsc.ca.gov](mailto:robert.kurg@dtsc.ca.gov); [dir.j.saar@cbp.dhs.gov](mailto:dir.j.saar@cbp.dhs.gov); [nubla.l.avalos@dhs.gov](mailto:nubla.l.avalos@dhs.gov); [historicpreservation@quechantribe.com](mailto:historicpreservation@quechantribe.com); [tribalsecretary@quechantribe.com](mailto:tribalsecretary@quechantribe.com); [maggie.castro@yumacountyaz.gov](mailto:maggie.castro@yumacountyaz.gov); [planning@yumaaz.gov](mailto:planning@yumaaz.gov)  
**Cc:** Mariela Moran; Carina Gomez; Gabriela Robb; John Robb; Kimberly Noriega; Maria Scoville; Rosa Soto  
**Subject:** Request for Comments CUP19-0024

Good Afternoon,

Please see attached Request for Comments for **CUP19-0024** Winterhaven Drive, LLC Project. Comments are due by **July 7, 2020 at 5:00 PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments Packet is being sent to you via this email.

Should you have any questions regarding this project, please feel free to contact Planner Mariela Moran at (442)265-1736 ext. 1747 or submit your comment letters to [icpdscommentletters@co.imperial.ca.us](mailto:icpdscommentletters@co.imperial.ca.us)

Thank you,

[Valerie Grijalva](#)

**Office Assistant II**

**Planning and Development Services**

**801 Main Street**

**El Centro, CA 92243**

**Office: (442)265-1779**

**Fax: (442) 265-1735**

icpds



EEC ORIGINAL PKG

**From:** [Benavidez, Robert](#)  
**To:** [Mariela Moran](#)  
**Subject:** RE: Request for Comments CUP19-0024  
**Date:** Tuesday, August 4, 2020 3:00:38 PM  
**Attachments:** [image001.png](#)

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

ICSO would request that the provisions are not deviated from originally set and would prefer that it remain as slatted chain link.

Thank you

**From:** Mariela Moran [<mailto:MarielaMoran@co.imperial.ca.us>]  
**Sent:** Monday, August 03, 2020 2:44 PM  
**To:** Benavidez, Robert  
**Subject:** FW: Request for Comments CUP19-0024

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

Good afternoon Mr. Benavides,

We are processing a CUP (CUP #19-0024) application at 2115 Winterhaven Dr., Winterhaven; applicant is proposing to operate a cannabis dispensary with delivery services. Per Imperial County Codified Ordinance Title 14 (<http://www.icpds.com/CMS/Media/Title-14-Cannabis-and-Industrial-Hemp-June-2019.pdf>), Commercial Cannabis Operations are required to prevent public access and obscure cannabis activities from public view:

“...K. Perimeter fencing to prevent public access and obscure cannabis activities from public view. Screening can be done through solid fencing material, such as slatted chain link or block/masonry materials. In cases where location is adjacent to residential zones a block wall will be required as outlined in item “D” above...”

We received a revised site plan on 7.22.2020 addressing some of our comments, applicant will install a 6' slatted fence to the North/East side of the property (3' slatted fence will be requested to increase to 6') and a 6' block wall to the West and South.

In terms of security, we would like to consult with your Department if you may have an issue with a Slatted fence in terms of visibility or if you may recommend other type of fencing such as chain link fence. For your reference please find attached revised site plan on Page 10/13 of the PDF document. Please let us know your opinion.

Regards,

Mariela Moran

**From:** Valerie Grijalva <[ValerieGrijalva@co.imperial.ca.us](mailto:ValerieGrijalva@co.imperial.ca.us)>  
**Sent:** Monday, June 22, 2020 2:52 PM  
**To:** Carlos Ortiz <[CarlosOrtiz@co.imperial.ca.us](mailto:CarlosOrtiz@co.imperial.ca.us)>; Sandra Mendivil

EEC ORIGINAL PKG

<SandraMendivil@co.imperial.ca.us>; Matt Dessert <MattDessert@co.imperial.ca.us>; Monica Soucier <MonicaSoucier@co.imperial.ca.us>; Jesus Escobar <JesusEscobar@co.imperial.ca.us>; Adam Crook <AdamCrook@co.imperial.ca.us>; Tony Rouhotas <TonyRouhotas@co.imperial.ca.us>; Jeff Lamoure <JeffLamoure@co.imperial.ca.us>; Jorge Perez <JorgePerez@co.imperial.ca.us>; Mario Salinas <MarioSalinas@co.imperial.ca.us>; Robert Menvielle <RobertMenvielle@co.imperial.ca.us>; Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Janette Angulo <JanetteAngulo@co.imperial.ca.us>; John Gay <JohnGay@co.imperial.ca.us>; Carlos Yee <CarlosYee@co.imperial.ca.us>; Raymond Loera <rloera@icso.org>; rbenavidez@icso.org; dvargas@iid.com; rzleal@iid.com; dbealer@spvUSD.org; whavenca@gmail.com; smoorhouse@chp.ca.gov; maurice.eaton@dot.ca.gov; robert.kurg@dtsc.ca.gov; dir.j.saar@cbp.dhs.gov; nubia.l.avalos@dhs.gov; historicpreservation@quechantribe.com; tribalsecretary@quechantribe.com; maggie.castro@yumacountyaz.gov; planning@yumaaz.gov  
**Cc:** Mariela Moran <MarielaMoran@co.imperial.ca.us>; Carina Gomez <CarinaGomez@co.imperial.ca.us>; Gabriela Robb <GabrielaRobb@co.imperial.ca.us>; John Robb <JohnRobb@co.imperial.ca.us>; Kimberly Noriega <KimberlyNoriega@co.imperial.ca.us>; Maria Scoville <mariascoville@co.imperial.ca.us>; Rosa Soto <RosaSoto@co.imperial.ca.us>  
**Subject:** Request for Comments CUP19-0024

Good Afternoon,

Please see attached Request for Comments for **CUP19-0024** Winterhaven Drive, LLC Project. Comments are due by **July 7, 2020 at 5:00 PM.**

In an effort to increase the efficiency at which information is distributed and reduce paper usage, the Request for Comments Packet is being sent to you via this email.

Should you have any questions regarding this project, please feel free to contact Planner Mariela Moran at (442)265-1736 ext. 1747 or submit your comment letters to [icpdscommentletters@co.imperial.ca.us](mailto:icpdscommentletters@co.imperial.ca.us)

Thank you,

Valerie Grijalva

Office Assistant II

Planning and Development Services

801 Main Street

El Centro, CA 92243

Office: (442)265-1779

Fax: (442) 265-1735



EEC ORIGINAL PKG

**Valerie Grijalva**

---

**From:** Javier Barraza <Javier.Barraza@yumacountyaz.gov>  
**Sent:** Tuesday, June 30, 2020 11:39 AM  
**To:** ICPDSCCommentLetters  
**Cc:** Javier Barraza  
**Subject:** CUP19-0024 -COMMENTS  
**Attachments:** CUP19-0024 COMMENTS FROM YC..pdf; CUP19-0024 Request for Comments 06.22.2020.pdf

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

Mrs. Grijalva,

Please see the enclosed attachments with our comments.

Appreciate the opportunity.

RECEIVED

JUN 30 2020

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

**Comments for CUP19-0024**

If the request were to be in Yuma County, a marijuana dispensary would require a Special Use Permit pursuant to Section 612.03 (L) -Medical Marijuana dispensaries; Section 1116.04 -Mandatory Conditions of Approval and Section 1116.05. (Any medical marijuana dispensary must be located a distance no closer than 500 feet from a property line of a parcel that: has an established residence, religious facility, educational or day care facility, library, public park, or medical marijuana dispensary and/or is zoned for residential use by Yuma County.

Appreciate the opportunity.

**RECEIVED**

JUN 30 2020

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

**EEC ORIGINAL PKG**

## **ATTACHEMENT "F"**

**From:** [familiatit36@gmail.com](mailto:familiatit36@gmail.com)  
**To:** [Mariela Moran](#)  
**Cc:** [Planning And Development Services](#)  
**Subject:** Environmental Evaluation Notice of Public Hearing - 10/15/2020 - Assessor's Parcel Number 056-284-020-000 - Neighborhood Compatibility  
**Date:** Wednesday, October 14, 2020 2:46:34 PM

---

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

Mariela Moran,

I have recently received a Notice of Public Hearing regarding an applicant proposing a medicinal and recreational cannabis dispensary with delivery services which was mailed to me on October 2, 2020.

I would like to voice my concerns of the nature of type business and its impact on residents of Winterhaven, Ca.

Proposed business will be operating and conducting business in a location within residential areas of Winterhaven, Ca. Family homes are located across the street on D Street, B Street, and C Street. There is also a Senior Living RV Park that is in close proximity.

The concerns are about neighborhood compatibility and potential increase in crime. Winterhaven, Ca will have an increase in traffic of customers from Arizona. It is my understanding , Yuma, Arizona, has not legalize recreational use of Cannabis. Opening a Recreational Cannabis business can create more of a burden on an already existing crime problem in the town of Winterhaven. Addiction, arson fires, theft, and poverty have been problematic in our rural town. The suggested business site is also next door to a Strip Club. The combination of the two businesses next just opens up too many possibilities for a family residential area to handle.

I also noticed that there was mention that the business location was not near schools or local parks. However, San Pascual School District does have their bus stops located on D Street, B Street, and several locations within the small town of Winterhaven. School age children will be at these bus stops and in close proximity to the Cannabis Dispensary during open hours.

Imperial County Sheriff's Department effectiveness in managing the additional crime increase in Winterhaven is also of concern. They are stretched thin and their area of coverage is large, They are not able to give Winterhaven the attention it needs.

Thank you for your assistance in this matter.

**Carina Gomez**

---

**From:** Lewis Steele <steelelw77@gmail.com>  
**Sent:** Tuesday, October 6, 2020 11:31 AM  
**To:** ICPDSCCommentLetters  
**Subject:** Marijuana dispensary  
**Attachments:** 20201006\_112356.jpg

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

**I'm against having a Marijuana dispenser right next to my house. The properties are connected. I have kids to worry about. If we need to have a hearing on this subject. I'll be willing to do so. Thank you for your time.**

**RECEIVED**

**OCT 06 2020**

**IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES**



WINTERHAVEN DRIVE, LLC  
CONDITIONAL USE PERMIT  
#19-0024  
APN 056-284-020-000

PROJ

## Kimberly Noriega

---

**From:** Vargas, Donald A <DVargas@IID.com>  
**Sent:** Thursday, October 29, 2020 3:00 PM  
**To:** Mariela Moran; ICPDSCCommentLetters  
**Cc:** Alfaro, Carlos; Bergmark, Constance; MacDonald, Matthew S; Martinez, Jesus; Ontiveros, Guadalupe A; Ornelas, Alfredo M; Pacheco, Ezequiel; Torres, Ricardo M; Kemp, Michael; Blain, Sandra; Gilbert, Marilyn; Martinez, Enrique B; Ortega, Antonio; Pacheco, Mike; Najera, Raquel; Asbury, Jamie; Smith Hoff, Joanna; Taylor, Vance; Cervantes, Laura; Gallinat, Lisa M; Gray, Randy; Pacheco, Jorge; Solorio, Sandra; Doyle, Vickie L; Fiorenza, Frank J; Humes, Jessica; Gomez, Ismael  
**Subject:** NOI to Prepare a ND for the Winterhaven Drive, LLC Cannabis Project (IS No. 19-0028)  
**Attachments:** Comment Letter NOI to Prepare a ND for the Winterhaven Drive, LLC Cannabis Project (IS19-0028).pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Good afternoon Mariela,

Attached please find the Imperial Irrigation District's comment letter on the Notice of Intent to prepare a Negative Declaration for the Winterhaven Drive, LLC cannabis project (Initial Study no. 19-0028).

Regards,

Imperial Irrigation District  
333 E. Barioni Blvd.  
Imperial CA 92251



Donald Vargas  
Compliance Administrator II  
Regulatory & Environmental  
Compliance Section  
General Services Department  
Tel: (760) 482-3609  
Cel: (760) 427-8099  
E-mail: [dvargas@iid.com](mailto:dvargas@iid.com)

**RECEIVED**

OCT 29 2020

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES



# IID

*A century of service.*

www.iid.com

*Since 1911*

October 29, 2020

Ms. Mariela Moran  
Planner II  
Planning & Development Services Department  
County of Imperial  
801 Main Street  
El Centro, CA 92243

**RECEIVED**  
OCT 29 2020  
IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES

**SUBJECT: NOI to Prepare a ND for the Winterhaven Drive, LLC Cannabis Project (IS #19-0028)**

**Dear Ms. Moran**

On October 15, 2020, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on the Notice of Intent to prepare a Negative Declaration for the Winterhaven Drive, LLC cannabis project (Initial Study #19-0028). The applicant proposes to establish a medicinal and recreational cannabis dispensary with delivery services at 2115 Winterhaven Drive, Winterhaven, California (APN 056-284-020-000).

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

1. If an increase in the electrical service currently provided by IID to the site is required, the applicant should be advised to contact Joel Lopez, IID Customer Project Development Planner, at (760) 482-3444 or e-mail Mr. Lopez at [jflopez@iid.com](mailto:jflopez@iid.com) to initiate the customer service application process. In addition to submitting a formal application (available for download at the IID website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit a complete set of approved plans (including CAD files), project schedule, estimated in-service date, one-line diagram of facility, electrical loads, panel size, voltage and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Please note that electrical capacity is limited in the area. A circuit study may be required. Any improvements identified in the circuit study shall be the financial responsibility of the applicant.

3. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions are available at the website <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
4. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

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

Respectfully,



Donald Vargas  
Compliance Administrator II

Enrique B. Martinez – General Manager  
Mike Pacheco – Manager, Water Dept.  
Marilyn Del Bosque Gilbert – Manager, Energy Dept.  
Sandra Blain – Deputy Manager, Energy Dept.  
Charles Berry – Mgr., Energy Dept., Distr. Services & Maintenance Operations  
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.  
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service  
Jamie Asbury – Assoc. General Counsel  
Vance Taylor – Asst. General Counsel  
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance  
Laura Cervantes – Supervisor, Real Estate



October 23, 2020

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

SUBJECT: Notice of Intent for a Negative Declaration for Initial Study 19-0028 for Conditional Use Permit 19-0024—Winterhaven Drive, LLC (cannabis facility)

Dear Mr. Minnick:

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review and comment on the Notice of Intent (NOI) for a Negative Declaration (ND) regarding Initial study (IS) 19-0028 for Conditional Use Permit (CUP) 19-0024 that would allow a recreational and medicinal cannabis dispensary with delivery services at 2115 Winterhaven Drive in Winterhaven, California (also described as Assessor's Parcel Number 056-284-020-000).

Following review the Air District has no comment.

The Air District's Rules and Regulations can be found on its website at <https://apcd.imperialcounty.org>. Please feel free to contact the Air District should you have any questions at (442) 265-1800.

Respectfully,

A handwritten signature in blue ink, appearing to read "Curtis Blondell".

Curtis Blondell  
APC Environmental Coordinator

A handwritten signature in blue ink, appearing to read "Monica Soucier".

Reviewed by  
Monica Soucier

APC Division Manager

RECEIVED

OCT 28 11

IMPERIAL COUNTY  
PLANNING & DEVELOPMENT SERVICES