

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE June 12, 2024

FROM: PLANNING AND DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM/No.3

PROJECT TYPE: WH Lounge LLC.
(CUP #23-0018 / Variance #24-0001) SUPERVISOR DIST: #5

LOCATION: 509 Railroad Avenue APN: 056-283-006-000
Winterhaven, CA 92283 PARCEL SIZE: +/- .36 Acres

GENERAL PLAN (existing) General Commercial GENERAL PLAN (proposed) N/A

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

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 06/12/2024

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 04/25/2024

INITIAL STUDY: #23-0022

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

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

REQUESTED ACTION:

STAFF RECOMMENDS THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING, HEAR ALL THE PROPONENTS AND OPPONENTS OF THE PROPOSED PROJECT, AND THEN TAKE THE FOLLOWING ACTIONS:

1. ADOPT THE NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED BY THE ENVIRONMENT EVALUATION COMMITTEE (EEC) ON APRIL 25, 2024; AND
2. MAKE THE DE MINIMUMS FINDING, AS RECOMMENDED AT THE APRIL 25, 2024 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 CALIFORNIA FISH AND GAME CODES; AND
3. APPROVE THE ATTACHED RESOLUTION AND SUPPORTING FINDINGS, FOR CONDITIONAL USE PERMIT (CUP) #23-0018 AND VARIANCE #24-0001 SUBJECT TO ALL THE CONDITIONS AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CONDITIONAL USE PERMIT UPON RECEIPT FROM THE PERMITTEE.

STAFF REPORT
Planning Commission Meeting
June 12, 2024

Project Name: **Conditional Use Permit (CUP) #23-0018 and Variance #24-0001**

Applicant: **WH Lounge LLC.**
 14031 Las Palmas Rd
 Jamul, CA 91935

Project Location:

The project site is located at 509 Railroad Ave, Winterhaven, CA 92283, and is identified as Assessor Parcel Number 056-283-006-000 and is further described as LOTS 7 8 9 & 10 BLK 9 TOWNSITE OF WINTERHAVEN S.B.B.M, in an unincorporated area of the County of Imperial.

Project Summary:

The applicant proposes a cannabis dispensary with delivery services and a lounge for onsite consumption of cannabis products. The project will be located in the eastern suite to be rebuilt, of a three (3) suite commercial building. The front of the suite will contain the dispensary with sales counters and the lounge area will be located in the rear allowing customers to sit and consume their purchases on-site. The hours of operation are 8 am to 10 pm, Monday – Sunday and the project proposes four (4 employees).

The proposed project will be required to submit an Air Quality & Odor Control Plan to the Imperial County Air Pollution Control District, to mitigate any resultant odor from the sales area, storage area and lounge.

The proposed project will also be required to submit a Security Control Plan under the Commercial Cannabis Activity (CCA) license, which would require approval from the Imperial County Sheriff's Department. Prior to operation, the proposed project would be required to have an approved CCA license from Imperial County, as well as a license from the State to engage in commercial cannabis activity in California.

The project originally proposed to use the larger western most suite of the existing building which was formerly Jimmy's Market. Using this location created larger parking requirements than the available parking for all three (3) suites and thus the applicant's elected to move the project to the smaller eastern most suite. While this reduced the required parking needs of the project, the total parking requirements for all three (3) suites still cannot be met due to the added parking requirements of the lounge, historical available parking of the existing site, as well as the parking requirements for the rebuilt

suite which would fall under current parking requirements. Currently the project has 23 available parking spaces with the required parking under current parking requirements being 37 parking spaces combined between the 3 suites. The addition of the lounge adds an additional 10 parking spaces. In a good faith effort to remedy the parking issue, the applicant has applied for a road abandonment with Public Works for the portion of E Street that runs south of the property however, that is only able to provide them with two (2) additional parking spots. In addition to the road abandonment, the applicant is proposing that employees will park at another business owned by the applicant across the street with available parking, leaving parking onsite for customer use and has also applied for a Variance to allow for the project to use the parking as proposed which is a maximum available total of 25 spaces including 1 handicapped space.

Land Use Analysis:

Under the Land Use Ordinance 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 per Section 905113.02 of Title 9 Land use Ordinance, Division 5, Chapter 13 and provided it is in compliance with Division 4 Chapter 6 of Title 9 Land Use Ordinance and Title 14 of the Imperial County Codified Ordinance.

SURROUNDING LAND USES, ZONING AND GENERAL PLAN DESIGNATIONS:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Commercial Building	C-2	General Commercial
North	Commercial Building	C-2	General Commercial
South	Commercial Building	C-2	General Commercial
East	4 Unit Apartment Building	R-3	High Density Residential
West	Imperial County Superior Court Building Winterhaven Branch	C-2	Government/Special Public

Environmental Review:

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee. The Committee consists of a seven (7)-member panel, which are the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. The EEC reviewed the project on April 25, 2024, and recommended a Negative Declaration.

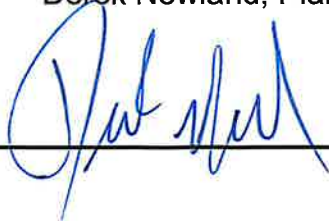
The Negative Declaration was publicly circulated from May 01, 2024 to May 27, 2024.

Staff Recommendation:

It is recommended that the Planning Commission conduct a public hearing, that you hear all the opponents and proponents of the proposed project. Staff would then recommend that the Planning Commission approve Conditional Use Permit #23-0018 and Variance #24-0001, by taking the following actions:

1. Adopt the Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended by the Environment Evaluation Committee (EEC) on April 25, 2024; and
2. Make the De Minimums Finding, as recommended at the April 25, 2024 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 California Fish and Game Codes; and
3. Approve the attached Resolution and supporting findings, for Conditional Use Permit (CUP) #23-0018 and Variance #24-0001 subject to all the conditions and authorize the Planning & Development Services Director to sign the Conditional Use Permit upon receipt from the Permittee.

Prepared By: Derek Newland, Planner III



Reviewed By: Michael Abraham, AICP, ICPDS Assistant Director



Approved By: Jim Minnick, Planning & Development Services Director

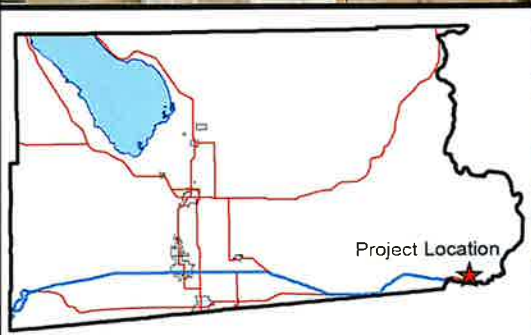


Attachments:




- A. Vicinity Map
- B. Site Plan
- C. CEQA Resolution
- D. Planning Commission Resolution
- E. Conditional Use Permit #23-0018 Agreement
- F. Variance Resolution
- G. Comment Letters
- H. Environmental Evaluation Committee package

ATTACHMENT "A"
Vicinity Map

PROJECT LOCATION MAP

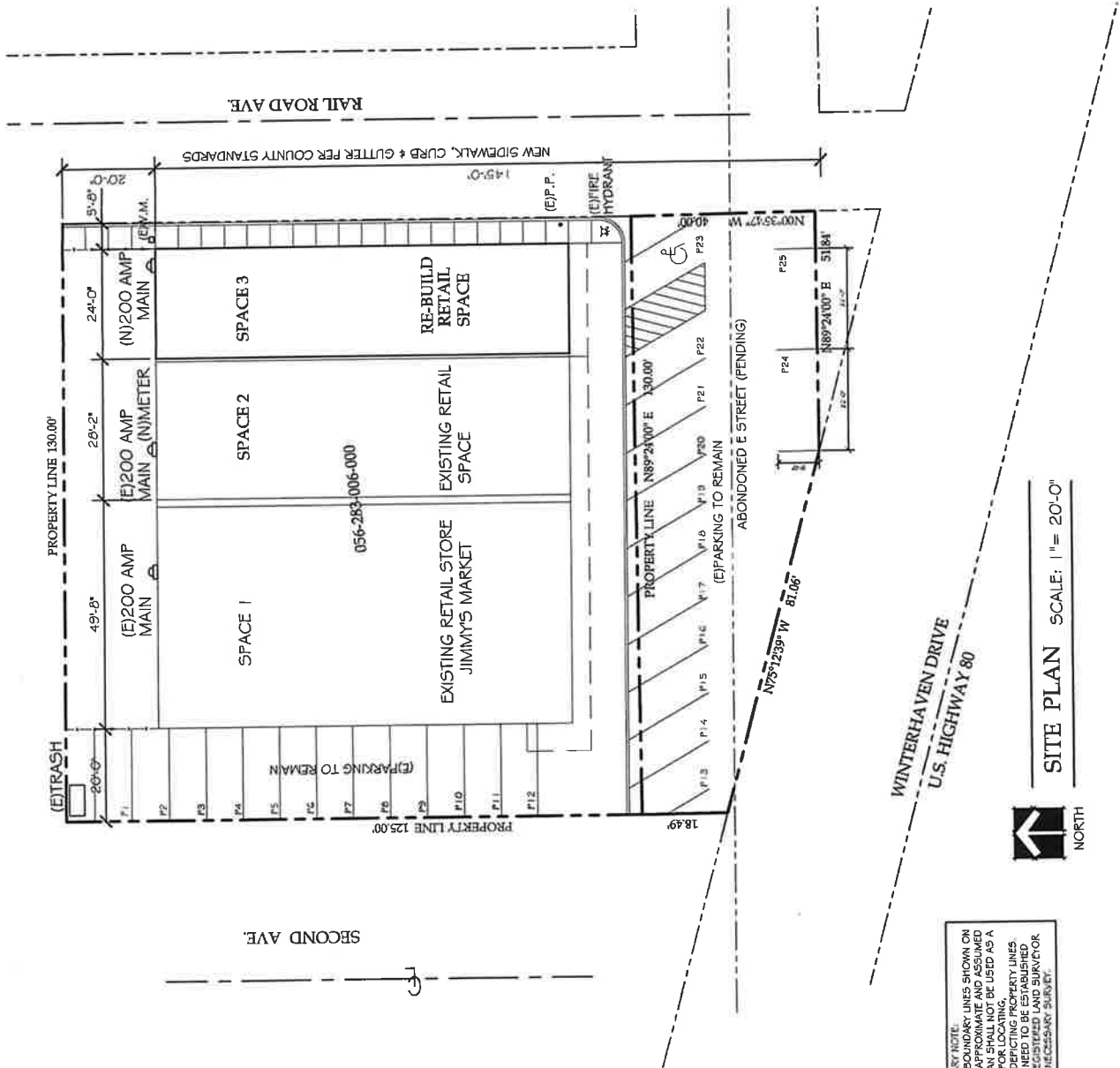


WH LOUNGE LLC
CUP #23-0018 / IS #23-0022
APN 056-283-006-000

	Project Location
	Centerline
	Parcels



ATTACHMENT "B"
Site Plan



PROPERTY BOUNDARY NOTE
 PROPERTY BOUNDARY LINES SHOWN ON THIS PLAN ARE AN APPROXIMATE AND ASSUMED LOCATION. THIS PLAN SHALL NOT BE USED AS A LEGAL DOCUMENT FOR LOCATING, ESTABLISHING OR DEPICTING PROPERTY LINES IF BOUNDARY LINES REFERRED TO ARE NOT SHOWN ON A RECORDED AND SURVEYOR WILL PREPARE THE NECESSARY SURVEY.



SITE PLAN SCALE: 1" = 20'-0"

ATTACHMENT "C"
CEQA Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “NEGATIVE DECLARATION” (INITIAL STUDY #23-0022) FOR CONDITIONAL USE PERMIT #23-0018 AND VARIANCE #24-0001 (WH LOUNGE LLC).

WHEREAS, on April 12, 2024, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for April 25, 2024; and,

WHEREAS, a Negative Declaration and CEQA Findings were 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, on April 25, 2024, the Environmental Evaluation Committee heard the project and recommended the Planning Commission of the County of Imperial to adopt the Negative Declaration for Conditional Use Permit #23-0018 and Variance #24-0001; and

WHEREAS, the Negative Declaration was circulated for 25 days from May 01, 2024 to May 27, 2024; and,

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

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 #23-0018 and Variance #24-0001. The Planning Commission finds and determines that the Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses 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 Negative Declaration (ND) for Conditional Use Permit #23-0018 and Variance #24-0001 and considered the information contained in the Negative Declaration together with all comments received during the public review period and prior to approving the Conditional Use Permit and Variance; and,

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

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for Conditional Use Permit #23-0018 Variance #24-0001.

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

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on June 12, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

ATTACHMENT "D"

Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, TO APPROVE CONDITIONAL USE PERMIT #23-0018 FOR WH LOUNGE LLC.

WHEREAS, WH Lounge LLC. has submitted an application for Conditional Use Permit #23-0018; and,

WHEREAS, a Negative Declaration and 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; 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 June 12, 2024; and,

WHEREAS, on April 25, 2024, the Environmental Evaluation Committee heard the proposed project and recommended the Planning Commission adopt the Negative Declaration; and,

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

SECTION 1. The Planning Commission has considered Conditional Use Permit #23-0018 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Conditional Use Permit and Conditions of Approval are 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 analyzes 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, the following findings for the approval of Conditional Use Permit #23-0018 have been made:

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

The project location located on property that is designated as "General Commercial" per Imperial County's General Plan, Land Use Element, and it is currently zoned C-2 (Medium Commercial) by the Imperial County Land Use Ordinance. The proposed project is therefore, consistent with the County General Plan and Land Use Ordinance, Division 2, Section 90203.01

"Conditional Use Permit" which authorizes a Conditional Use Permit when approved by the County. The proposed commercial cannabis dispensary with delivery services and lounge is a conditionally permitted use pursuant to County's Land Use Ordinance (Section 90203.01).

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

The Project could be found consistent with the General Plan as the commercial cannabis dispensary with delivery service and lounge is an allowed use within the C-2 zone designation with an approved Conditional Use Permit per the Imperial County Land Use Ordinance, Sections 90513.02.

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 90203.09.

The proposed commercial cannabis dispensary with delivery service and lounge could be found consistent with the Imperial County Land Use Ordinance as commercial cannabis sales and delivery is an allowed use within the C-2 zone 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 regulations of the County of Imperial and the State of California.

The Conditions of Approval will ensure that the project complies with all applicable regulations of the County of Imperial and 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 proposed commercial cannabis dispensary with delivery service and lounge would not result in significant impacts to surrounding properties or residents due to the conditions of approval.

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

The proposed project is conditioned to be consistent with Title 9, Codified Land Use Ordinance of the County of Imperial and CEQA. The proposed project will be subject to Conditions of Conditional Use Permit #23-0018 and current Federal, State, and Local regulations including Local and State licensing requirements for the sale and distribution of cannabis.

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

The proposed commercial cannabis dispensary with delivery service and dispensary is a permitted use subject to the conditions of approval of CUP #23-0018 (Land Use Ordinance, Section 90203.00) and will not grant any special privileges.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #23-0018, subject to the Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding Resolution was taken by the Planning Commission at a meeting conducted on June 12, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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

ATTACHMENT "E"
Conditional Use Permit
#23-0018 Agreement

Recorded Requested by and
When Recorded Return To:

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

**AGREEMENT FOR CONDITIONAL USE PERMIT #23-0018
FOR
WH LOUNGE LLC
COMMERCIAL CANNABIS DISPENSARY WITH DELIVERY SERVICE AND LOUNGE
Planning Commission Approved Conditions (XX/XX/XXXX)
Effective Date (XX/XX/XXXX)**

Conditional Use Permit #23-0018 was approved by the Imperial County Planning
Commission Board of Supervisors and has the Effective Date of MONTH DAY, YEAR.

This Conditional Use Permit is by and between WH Lounge LLC. - (hereinafter referred to
as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the State of
California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in
Imperial County located at 509 Railroad Ave, Winterhaven, CA 92283, LOTS 7 8 9 & 10
BLK 9 TOWNSITE OF WINTERHAVEN S.B.B.M, in an unincorporated area of the County
of Imperial. The Assessor's Parcel Number is 056-283-006-000; and,

WHEREAS, Permittee has applied to the County for permission to operate a
cannabis dispensary with delivery service and lounge; and,

WHEREAS, the County, after a noticed public hearing, agreed to issue
Conditional Use Permit #23-0018 to Permittee, and/or his or her successor in interest
subject to the following conditions:

GENERAL CONDITIONS:

G-1 GENERAL LAWS:

The Permittee shall obtain, comply with and maintain all applicable County, State, and federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

G-2 EFFECTIVE DATE:

The approved Conditional Use Permit shall not become effective until ten (10) calendar days after the decision of the Planning Director or Commission. Further the Conditional Use Permit shall not be effective until applicable conditions have been met, and the Conditional Use Permit is recorded with the County Recorder, with payment of recording fees being paid by applicant. In the case of a decision by the Board of Supervisors there is no 10-day appeal.

G-3 RECORDATION:

CUP #23-0018 shall **not be effective** until it is recorded at the Imperial County Recorder's Office and if no appeal has been made after approval from the hearing body. Payment of the recordation fee shall be the responsibility of the Permittee. If this CUP is not recorded within one hundred eighty (180) days from the date of approval the CUP shall be deemed null and void, without notice having to be provided to Permittee. Permittee may submit a written request for a recordation extension for this CUP by filing such a request with the Planning Director at least sixty (60) days prior to the one hundred eighty 180-day expiration. The Director may approve one (1) extension for a period not to exceed one hundred eighty (180) days. An extension may not be granted if the request for an extension is filed after the expiration date. Failure to record this CUP within one (1) year including the granted extension period shall deem this CUP null and void.

G-4 COMMENCEMENT OF WORK:

If the project for which a CUP has been approved has not commenced, or permits for said project have not been issued, within one (1) year from effective date, the CUP shall be null and void. If an applicant cannot initiate or obtain permits for the approved use during the one (1) year, applicant may request a one (1) year extension from the Department. The request for an extension shall be in writing and be submitted with explanation to the Planning & Development Services Department at least sixty days prior to the end of the extended one (1) year period. The Director shall have the authority to extend the initial start-up period, or commencement of work, of a CUP up to two (2) times for a maximum of two (2) years. Should the Permittee desire to continue with the project, a new application shall be submitted and the entire process would have to begin anew.

1
2 **G-5 TIME LIMIT:**

3 Unless otherwise specified within the project's specific conditions **this CUP shall be**
4 **limited to a maximum of five (5) years from the Effective Date of the CUP.** The
5 CUP may be administratively extended for successive five (5) years by the Planning
6 Director upon a finding by the Planning & Development Services Department that
7 the project is in full and complete compliance with all conditions of the CUP and any
8 applicable land use regulation(s) and extension fees of the County of Imperial.
9 Unless specified otherwise herein no CUP shall be extended for more than two (2)
10 consecutive periods. If an extension is necessary or requested beyond fifteen (15)
11 years, Permittee shall file a written request with the Planning Director for a hearing
12 before the Planning Commission. Such request shall include the appropriate
13 extension fee. **An extension of this CUP shall not be granted if the project is in**
14 **violation of any one or all of the conditions or if there is a history of non-**
15 **compliance with the project conditions.**

16
17 **G-6 ABANDONMENT:**

18 If a CUP has been unused, abandoned, discontinued, or ceased for one (1) year,
19 the CUP shall be null and void, and be of no effect. Notice to applicant/permittee
20 under this division will not be required or provided by Department.

21
22 **G-7 PERMIT/LICENSE:**

23 Permittee shall obtain and comply with any and all required permits, licenses,
24 and/or approvals, for the construction and/or operation of this project. This shall
25 include, but shall NOT be limited to, permits from the County Division of
26 Environmental Health Services (EHS), Planning & Development Services
27 Department, Office of Emergency Services (OES), Imperial County Air Pollution
28 Control District (ICAPCD) and Public Works Department. Permittee shall likewise
29 comply with all such permit requirements for the life of the project. **Additionally,**
30 **Permittee shall submit a copy of such additional permit(s) and/or license(s) to**
31 **the Planning & Development Services Department within 60-days of receipt,**
32 **including amendments or alternatives thereto.**

33
34 **G-8 APPROVALS AND CONDITIONS SUBSEQUENT TO GRANTING PERMIT:**

35 Permittee acceptance of this CUP shall be deemed to constitute agreement with the
36 terms and conditions contained herein. Where a requirement is imposed in this CUP
37 that Permittee conduct a monitoring program, and where the County has reserved
38 the right to impose or modify conditions with which the Permittee must comply
39 based on data obtained therefrom, or where the Permittee is required to prepare
40 specific plans for County approval and disagreement arises, the Permittee, operator
41 and/or agent, the Planning and Development Services Director or other affected
42 party, to be determined by the Planning and Development Services Director, may

1 request that a hearing be conducted before the Imperial County Planning
2 Commission whereby they may state the requirements which will implement the
3 applicable conditions as intended herein. Upon receipt of a request, the Planning
4 Commission shall conduct a hearing and make a written determination. The
5 Planning Commission may request support and advice from a technical advisory
6 committee. Failure to take any action shall constitute endorsement of staff's
7 determination with respect to implementation.

6 **G-9 CONDITION PRIORITY:**

7 This project shall be constructed/operated as described in the CUP application, the
8 environmental documents, the project description, and as specified in these
9 conditions. Where a conflict occurs, the CUP conditions shall govern.

9 **G-10 INDEMNIFICATION:**

10 As part of this application, applicant and real party in interest, if different, agree to defend,
11 indemnify, hold harmless, and release the County of Imperial ("County"), its agents, officers,
12 attorneys, and employees (including consultants) from any claim, action, or proceeding
13 brought against any of them, the purpose of which is to attack, set aside, void, or annul the
14 approval of this application or adoption of the environmental document which accompanies
15 it. This indemnification obligation shall include, but not be limited to, damages, costs,
16 expenses, attorney fees, or expert witness fees that may be asserted by any person or
17 entity, including the applicant, arising out of or in connection with the approval of this
18 application, whether or not there is concurrent negligence on the part of the County, its
19 agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against the County, its agents, officers,
attorneys, or employees (including consultants), to attack, set aside, void, or annul the
approval of the application or adoption of the environmental document which accompanies
it, then the following procedures shall apply:

- 18 1. The Planning Director shall promptly notify the County Board of Supervisors of any
19 claim, action or proceeding brought by an applicant challenging the County's action. The
20 County, its agents, attorneys and employees (including consultants) shall fully cooperate
21 in the defense of that action.
- 22 2. The County shall have the final determination on how to best defend the case and will
23 consult with applicant regularly regarding status and the plan for defense. The County
24 will also consult and discuss with applicant the counsel to be used by County to defend
25 it, either with in-house counsel, or by retaining outside counsel provided that the County
26 shall have the final decision on the counsel retained to defend it. Applicant shall be fully
27 responsible for all costs incurred. Applicant shall be entitled to provide his or her own
28 counsel to defend the case, and said independent counsel shall work with County
Counsel to provide a joint defense.

G-11 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 and Development Services 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 and Development Services Department by the insurance carrier and shall name the Department as a recipient of both renewal and cancellation notices.

G-12 RIGHT OF ENTRY:

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

G-13 SEVERABILITY:

Should any condition(s) of this CUP 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 CUP.

G-14 PROVISION TO RUN WITH LAND:

The provisions of this CUP 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 CUP. **Permittee shall not without prior notification to the Planning & Development Services Department assign, sell, or transfer, or grant control of CUP or any right or privilege therein.** The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel.

G-15 COMPLIANCE/REVOCAION:

Upon the determination by the Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this CUP, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to 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 shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-16 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):

Should the Permittee violate any condition herein, the County shall give written notice of such violation and actions required of Permittee to correct such violation. If Permittee does not act to correct the identified violation within forty-five (45) days after written notice, County may revoke the CUP. If Permittee pursues correction of such violation with reasonable diligence, the County may extend the cure period. Upon such revocation, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

G-17 COSTS:

Permittee shall pay any and all amounts determined by the County to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this CUP, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning & Development Services Department or any County Department for costs incurred as a result of this CUP, shall be billed through the Planning & Development Services Department.

G-18 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 CUP. The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of this CUP. 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-19 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-20 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 & Development Services Department. Permittee shall hook up to a public water system or supplier if and when available.

G-21 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 ten (10) days from the date of their decision.

G-22 SPECIFICITY:

The issuance of this CUP 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 in the application/project description/ CUP, nor shall this CUP allow any accessory or ancillary use not specified herein. This CUP does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project.

G-23 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-24 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site 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 CUP as if said successor was the original Permittee. Current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) 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

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Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-25 PERMITS OF OTHER AGENCIES INCORPORATED:

Permits granted by other governmental agencies in connection with the Project are incorporated herein by reference. The County reserves the right to apply conditions of those permits, as the County deems appropriate; provided, however, that enforcement of a permit granted by another governmental agency shall require concurrence by the respective agency. Permittee shall provide to the County, upon request, copies and amendments of all such permits.

G-26 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.

(TOTAL "G" CONDITIONS are 26)



This space intentionally left blank.

PROJECT 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 commercial cannabis dispensary with delivery service and lounge. The project will be limited to an existing 2,160 square feet building where customers will be allowed to purchase various types of cannabis products and consume onsite in a designated lounge area separate from the sales area. All the dispensary products for sale will be pre-packaged from a County and State approved Distribution Company.

S-2 CANNABIS DISPENSARY LOCATION

- A** 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 closest property line of the commercial cannabis activities lot.
- B** 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 County's Land Use Ordinance.

S-3 CANNABIS WASTE DISPOSAL

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

S-4 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-5 VARIANCE

In conjunction with this CUP, Variance #24-0001 has been approved to allow for the project operate with the proposed available parking which is 25 spaces.

S-6 PARKING

Upon approval of the road abandonment of E street, the parking lot shall be surfaced and designed so as to provide defined entrances/exits as well as barriers/curbs along Winterhaven Drive.

S-7 LATEST CODES GOVERN

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

S-8 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-9 AIR POLLUTION CONTROL DISTRICT:1

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 Odor Control Plan for Cannabis Operations is required to be submitted to the Imperial County Air Pollution Control District.

S-10 AG COMMISSIONER CONDITIONS:2

A 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.

B 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.

S-11 IMPERIAL COUNTY FIRE DEPARTMENT:3

1 APCD letter Dated September 26, 2023

2 Agricultural Commissioner letter dated September 25, 2023

3 Imperial County Fire Department letter dated September 29, 2023

A – An approved water supply capable of supplying the required fire flow as determined by the California Fire Code Appendix B.

B – 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.

C – 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.

D – All cannabis facilities shall have approved smoke removal systems installed and maintained to the current adapted fire code and regulations.

E – 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.

F – Compliance with all required sections of the fire code.

S-12 IMPERIAL COUNTY SHERRIF’S OFFICE4

A The permittee shall submit a detailed security plan and security diagram be included and approved by the county prior to any activity on the premises.

B The permittee shall contribute its proportionate share associated with the cost of training related to, but not limited to: Driving Under the Influence of Drugs (DUID), California Highway Patrol Drug Recognition Expert (DRE) certification course. Final cost and conditions shall be reasonably determined by the Sheriff’s Office. The County shall be responsible for managing the reimbursement component of this condition.

C The Imperial County Sheriff’s Office requests that the applicant install license plate reading cameras at all ingress and regress locations at the project site and grant access to the Imperial County Sheriff’s Office to review the data collected.

S-13 COUNTY EXECUTIVE OFFICE

The project is subject to a Fiscal and Economic Impact Analysis & Job and Employment Analysis at the applicants expense.

S-14 IMPERIAL IRRIGATION DISTRICT:5

4 Imperial County Sheriff’s Office letter dated March 5, 2024

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A – Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

B - 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 off he IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/departmentsdirectory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.

S-15 STATE AND LOCAL CANNABIS ACTIVITES 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-15.

(TOTAL "S" CONDITIONS are 15)

This space was intentionally left blank.

5 Imperial Irrigation District letter dated November 2, 2022

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NOW THEREFORE, County hereby issues Conditional Use Permit #23-0018 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:

WH LOUNGE LLC.

By: _____
(TO BE NAMED)

Date

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

By: _____
JAMES MINNICK, Director
Planning & Development Services Department

Date

FOR PERMITTEE 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 _____ } S.S.

On _____ before me, _____, a Notary Public in and for said County and State, personally appeared _____, who 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 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 _____

Dated _____

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 _____,
who 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 _____

ATTACHMENT "F"
Variance Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING TO APPROVE VARIANCE #24-0001 TO ALLOW FOR THE USE OF PROPOSED PARKING SPACES.

WHEREAS, WH Lounge LLC. has submitted an application for a Variance (#24-0001) requesting to use the proposed 25 parking spaces, as parking is insufficient for the proposed Conditional Use Permit (CUP #23-0018) as well as the two (2) neighboring commercial suites due to the existing conditions on the property and historically low available parking of the site.

WHEREAS, a Negative Declaration and CEQA findings were 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, on April 25, 2024, the Environmental Evaluation Committee heard the project and recommended to the Planning Commission of Imperial County to adopt the Negative Declaration for Conditional Use Permit #24-0018 and Variance #24-0001; and

WHEREAS, on May 01, 2024 the Negative Declaration was posted for 25 days from May 01, 2024 to May 27, 2024; 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 June 12, 2024; and

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

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

SECTION 1. The Planning Commission has considered Variance #24-0001 prior to approval. The Planning Commission finds and determines that the Variance is adequate and prepared in accordance with the requirements of the Imperial County General Plan, 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 (California Government Code (§65906) and the County of Imperial Land Use Ordinance (§90202.08), the following findings for the approval of Variance #24-0001 have been made:

A. Are there special circumstances applicable to the property described in the variance application that do not apply generally to the property or class of use in the same zone or vicinity?

Requiring the proposed cannabis dispensary and lounge to adhere to parking requirements that cannot be currently met by the historically low available parking of the site would not allow the project to move forward as the project requires a Conditional Use Permit, while similar uses that do not require a Conditional Use Permit may not be hindered.

B. Will the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.

The proposed project site with an existing building has historically low available parking that cannot meet current parking requirements. In addition, the applicant has applied for a road abandonment in an effort to add more parking. Due to the historically low available parking granting such variance will not be materially detrimental to the public welfare or injurious to the property or vicinity in which the property is located.

C. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, will the strict application of zoning laws deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications?

The property has had an existing commercial building on site for several decades with a set number of parking spots that do not meet current parking requirements. Enforcing current parking requirements would not allow the proposed Conditional Use Permit (CUP #23-0018) associated with this Variance (#24-0001) to operate nor would many similar uses allowed without a CUP be able to operate onsite.

D. Does the granting of such variance adversely affect the comprehensive General Plan?

The proposed project is designated as general commercial within the General Plan and is an allowed use with an approved Conditional Use Permit in the C-2 zone. The project site has had an existing building on site for decades with historically low available parking that does not meet current parking requirements and is unable to do so due to physical constraints. The Variance would allow the project to continue to use the available parking regardless of current parking requirements and it is staff's finding that granting the variance would not adversely affect the comprehensive General Plan.

NOW, THEREFORE, based on the findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Variance #24-0001.

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 June 12, 2024 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

ATTEST:

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

ATTACHMENT "G"
Comment Letters

Derek Newland

From: Rosa Lopez
Sent: Tuesday, May 7, 2024 12:17 PM
To: Jim Minnick; Michael Abraham
Cc: Miguel Figueroa; Derek Newland; Diana Robinson
Subject: Cannabis Projects

Jim | Michael:

Good morning. Based on the Board of Supervisors' direction during their meeting this morning, all Cannabis related projects will be subject to a Fiscal and Economic Impact Analysis & Job and Employment Analysis (FEIA & JEIA). It is requested that the following language be included in all Conditional Use Permits; including WH Lounge, LLC - CUP #23-0018.

“At applicants cost, the County Executive Office shall hire a third-party consultant to produce a Fiscal and Economic Impact Analysis & Job and Employment Analysis (FEIA & JEIA) prior to project being placed on Planning Commission meeting.”

In addition, I will be reaching out to WH Lounge, LLC - CUP #23-0018 to inform of this process, as they are subject to the Board's recommendation. This project shall have an analysis prior to being placed on the Planning Commission. I will include Planning Dept in correspondence with the applicant. Should there be any questions, do not hesitate to contact us.

Thank you,

Rosa

Rosa C. López Solís

EXECUTIVE OFFICE BUDGET AND PROGRAM ADMINISTRATOR

COUNTY OF IMPERIAL

COUNTY EXECUTIVE OFFICE

PH 442.265.1001

FX 760.352.7876

E-MAIL ROSALOPEZ@CO.IMPERIAL.CA.US

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AIR POLLUTION CONTROL DISTRICT



May 24, 2024

RECEIVED

By Imperial County Planning & Development Services at 4:55 pm, May 24, 2024

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

SUBJECT: Notice of Intent for a Negative Declaration for Conditional Use Permit 23-0018 – WH Lounge LLC.

Dear Mr. Minnick:

The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on the Notice of Intent (NOI) for a Negative Declaration (ND) for Conditional Use Permit (CUP) 23-0018 (Project). The project proposes a cannabis dispensary with delivery services and a lounge for onsite consumption of cannabis products. The project is located at 509 Railroad Ave., Winterhaven also identified as Assessor's Parcel Number 056-283-006.

The Air District previously submitted comments for the project in a letter dated September 26, 2023 requesting the applicant submit an Odor Control Plan (OCP) citing Title 14 of the Imperial County Code of Ordinances Chapter 14.03, Subsection 14.03.080(F) which states, "An odor control plan providing air treatment/filtration systems to eliminate the cannabis operation detection from outside the facility shall be submitted for county of Imperial Air Pollution Control District (APCD)." The Air District also provided an informational "white paper" explaining the requirements of an adequate OCP. As of writing, the Air District does not have records of receiving an OCP for review or have records of discussions with the applicant regarding development and requirements of the OCP. Therefore, the Air District repeats its request that the applicant submit an OCP to our office for review and provides another copy of the white paper. The Air District also reminds the applicant that a site visit will be required for finalization of the OCP.

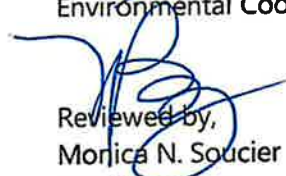
Finally, the Air District requests a copy of the draft CUP prior to recording for review.

For convenience, all Air District rules and regulations can be accessed online at <https://apcd.imperialcounty.org/rules-and-regulations>. Should you have any questions or concerns please feel free to contact the Air District by calling into our office at (442) 265-1800.

Respectfully,



Ismael Garcia
Environmental Coordinator II



Reviewed by,
Morjica N. Soucier
APC Division Manager

ATTACHMENT “H”
Environmental Evaluation
Committee Package

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE

AGENDA DATE: April 25, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 1:30 PM / No. 2

WH Lounge LLC

PROJECT TYPE: CUP#23-0018/V#24-0001/IS #23-0022 SUPERVISOR DIST #5

LOCATION: 509 Railroad Avenue APN: 056-283-006-000

Winterhaven, CA 92283 PARCEL SIZE: .2 acres

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

ZONE (existing) C-2 (Medium 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: 04/25/24

INITIAL STUDY: #23-0022

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 checked="" type="checkbox"/>	ATTACHED
SHERIFF	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
OTHER	<u>IID</u>			

REQUESTED ACTION:

(See Attached)

NEGATIVE DECLARATION
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**Conditional Use Permit #23-0018
Variance #24-0001
Initial Study #23-0022**



Prepared By:

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

April, 2024

EEC ORIGINAL PKG

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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 #23-0018 and Variance #24-0001 (Refer to Exhibit "A" & "B").

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

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

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

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

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

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

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

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

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency

which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

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

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

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

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

SECTION 1

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

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a potentially significant impact, potentially significant unless mitigation incorporated, less than 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. **Potentially Significant Unless Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

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

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

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

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

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

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

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

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

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

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

2. Incorporation By Reference

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

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

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

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- 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:** WH Lounge LLC
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Derek Newland, Planner III, (442)265-1736, ext. 1756
4. **Address:** 801 Main Street, El Centro CA, 92243
5. **E-mail:** dereknewland@co.imperial.ca.us
6. **Project location:** 509 Railroad Ave, Winterhaven, CA located on Assessor's Parcel Number 056-283-006-000
7. **Project sponsor's name and address:** WH Lounge LLC
8. **General Plan designation:** Urban Area
9. **Zoning:** C-2 (Medium Commercial)

10. **Description of project:** The project consists of a cannabis dispensary with delivery services and a lounge for onsite consumption of cannabis products as well as a variance for parking due to the historical available parking on the existing site not being able to conform to current parking requirements. The project will be located in the eastern rebuilt suite of an existing three (3) suite commercial building. The front of the suite will contain the dispensary with sales counters and the lounge area being located in the rear allowing customers to sit and consume their purchases on-site.

11. **Surrounding land uses and setting:** The project site is located within the Winterhaven Community Area Plan. The project is surrounded by commercially zoned parcels to the west and south across Winterhaven Drive and residential north and east.

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), Imperial County Sheriff's Office (ICSF), Imperial County Fire Department (ICFD), Imperial Irrigation District (IID)

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 September 15, 2023 to the Campo Band of Mission Indians and the Quechan Indian Tribe no response was received by either.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

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.

EEC VOTES

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

YES

NO

ABSENT

Jim Minnick

Jim Minnick, Director of Planning/EEC Chairman

4/25/2024

Date:

PROJECT SUMMARY




- A. Project Location:** The project is located at 509 Railroad Avenue, Winterhaven CA.
- B. Project Summary:** The project consists of a cannabis dispensary with delivery service and lounge for onsite consumption, as well as, a variance for required parking due to the historical available parking for the existing commercial site.
- C. Environmental Setting:** The project site is located within the Winterhaven Community Area Plan. The project is surrounded by commercially zoned parcels to the west and south across Winterhaven Drive and residential north and east.
- D. Analysis:** Under the Land Use Ordinance 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

PROJECT LOCATION MAP



WH LOUNGE LLC
CUP #23-0018 / IS #23-0022
VARIANCE #24-0001
APN 056-283-006-000

-  Project Location
-  Centerline
-  Parcels



EEC ORIGINAL PKG

Exhibit "B" Site Plan/Tract Map/etc.

LOUNGE & RETAIL STORE

509 RAILROAD AVE, WINTERHAVEN, CA 92283
SPACE 3 - APN: 056-283-006-000

ABBREVIATIONS

1. ASPHALT
 2. CONCRETE
 3. GRAVEL
 4. LANDSCAPING
 5. LIGHT FIXTURES
 6. SIGNAGE
 7. WALLS
 8. FLOORS
 9. CEILING
 10. PAINT
 11. MECHANICAL
 12. ELECTRICAL
 13. PLUMBING
 14. FIRE PROTECTION
 15. FURNITURE
 16. FIXTURES
 17. EQUIPMENT
 18. MATERIALS
 19. FINISHES
 20. UTILITIES
 21. SITES
 22. OTHER

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND PLANTS ON THE SITE.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SURROUNDING AREAS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL WORKMEN AND THE PUBLIC.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ENVIRONMENTAL RESOURCES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL HISTORICAL RESOURCES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL CULTURAL RESOURCES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ARCHAEOLGICAL RESOURCES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL OTHER RESOURCES.

WOOD PANELING SYSTEMS

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION AND INSTALLATION OF ALL WOOD PANELING SYSTEMS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL WOOD PANELING SYSTEMS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL WOOD PANELING SYSTEMS.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL WOOD PANELING SYSTEMS.

BUILDING CODES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SELECTION AND INSTALLATION OF ALL BUILDING CODES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BUILDING CODES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BUILDING CODES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL BUILDING CODES.

SHEET INDEX

1. SHEET INDEX
 2. SHEET INDEX
 3. SHEET INDEX
 4. SHEET INDEX

PROJECT INFORMATION

PROJECT NAME	509 RAILROAD AVE, WINTERHAVEN, CA 92283
OWNER	...
DESIGNER	...
DATE	...
SCALE	...
PROJECT NUMBER	...
PROJECT ADDRESS	...
PROJECT CONTACT	...
PROJECT PHONE	...
PROJECT FAX	...
PROJECT EMAIL	...
PROJECT WEBSITE	...
PROJECT DESCRIPTION	...
PROJECT GOALS	...
PROJECT CHALLENGES	...
PROJECT SOLUTIONS	...
PROJECT RISKS	...
PROJECT MITIGATIONS	...

SPACE 3 - LOUNGE & RETAIL STORE
 509 RAILROAD AVE, WINTERHAVEN, CA 92283
 APN: 056-283-006-000

EXHIBIT B
 PLANS PROVIDED UNDER THE SUPERVISION OF
 [Signature]
 [Title]
 [Firm Name]
 [Address]
 [Phone]
 [Fax]
 [Email]

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)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not located within an officially designated or eligible vista or scenic highway per the Imperial County Circulation and Scenic Highways Element¹, therefore, no impacts are expected.**
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

b) **The project is located within the townsite of Winterhaven within an existing building and is not located near a state scenic highway. Therefore, no impacts are 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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven which is an urban area and would not conflict with applicable zoning regulations with the approval of a Conditional Use Permit as well as complying with any applicable design standards. Additionally, the project is not within a scenic corridor or highway and therefore no impacts are expected.**
- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) **The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. Increased traffic to the area may create minimal light and glare from vehicles coming and going from the location which would not be uncommon for a commercial business. Any new exterior lighting will be required to be shielded or aim away from traffic on the adjacent streets and from shining into other properties. Any impacts would be considered to be less than significant.**

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) **The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not located on farmland nor would it convert any farmland. No impacts will occur.**
- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

b) **The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and there are currently no active Williamson Act Contracts in**

¹ Imperial County General Plan's Circulation and Scenic Highways Element

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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the County of Imperial. No impacts will occur.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

c) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and will not conflict with any land zoned for forest land or timberland. No impacts will occur.
- d) Result in the loss of forest land or conversion of forest land to non-forest use?

d) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and will not result in the loss of forest land or conversion of forest land to non-forest use. No impacts will occur.
- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

e) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and will not result in the conversion of farmland to a non-agriculture use. No impacts will 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?

a) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and will consist of cannabis sales with come and go traffic as well as consumption of cannabis in its various forms within the lounge area. Ventilation of the site will be done for internal air quality and will be required and conditioned to comply with all Air Pollution Control District (APCD) requirements including an Odor Control Plan (OCP) as outlined in ACPD's letter dated September 26, 2023². It is expected that with compliance with all of APCD's requirements will ensure that any impacts are 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?

b) The proposed project is not expected to result in cumulatively considerable net increase of any criteria pollutant as the project will be required to adhere to APCD's rules and regulations as stated above in III-a. It is expected that compliance with APCD's requirements would bring any impact to less than significant levels.
- c) Expose sensitive receptors to substantial pollutants concentrations?

c) The purpose of the Odor Control Plan (OCP) 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 adversely affecting a substantial number of people)?

d) Any odors from the proposed project would be a result of the dispensing and consumption of cannabis onsite. The implementation of the previously mentioned required OCP is expected to bring any potential impacts to less than significant.

² Imperial County Air Pollution Control District Letter Dated September 26, 2023

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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"/>
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a) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is located on disturbed and covered land. While the project site is located within the Imperial County General Plan's Conservation and Open Space Element³ figure 2 "Burrowing Owl Species Distribution Model" no disturbing of previously undisturbed land is proposed. Therefore, any impacts are expected to be less than significant.
- 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 type="checkbox"/>	<input checked="" type="checkbox"/>
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b) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven is not located within a riparian habitat or other sensitive natural community and therefore no impacts are anticipated.
- 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"/>
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c) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven is not located in or near a protected wetlands area and therefore, no impacts are expected.
- 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 type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and therefore is not expected to 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. No impacts are expected.
- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not expected to conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance. No impacts are expected.
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not expected to conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impacts are expected.

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The development of any previously undisturbed land is not proposed by the project and the entirety of the parcel has been developed or historically disturbed. Therefore, the project is not expected to cause a substantial adverse change in the significance of a historical resource. Additionally, an AB 52 letter was sent on September 15, 2023 to the Quechan Indian Tribe and the Campo Band of Mission Indians and no comments were received from either. Therefore, any impacts are 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 stated in V-a, the proposed project is located on disturbed and developed land, and it is not likely to cause a substantial adverse change to an archeological resource. Any impacts are expected to be less than significant.
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?
c) As stated in V-a, the proposed project is located on disturbed and developed land, and it is not expected that the project will disturb any human remains, including those interred outside of dedicated cemeteries. Any 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) The electrical service to the property is provided by the Imperial Irrigation District (IID). The proposed project is not expected to result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Per the IID letter dated September 25, 2023⁴, if the project requires an increase in service the applicant is advised to contact IID to initiate an application for the increase in service and may also be a circuit study required in the case of any system improvements. Any impacts would be considered less than significant.
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
b) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not expected to conflict with or obstruct a stat or local plan or renewable energy or energy efficiency. Any impacts would be considered less than significant.

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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The majority of the building has been in place for several decades while the eastern suite where the project is proposed was approved by building permit in 2023 under compliance with the 2022 California Building Code to replace the former suite which had demolished in the past due to damage from a fire many years ago. Being that the structure is new using the latest building code any impacts are expected to be less than significant.
- 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning

⁴ Imperial Irrigation District Letter Dated September 25, 2023

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Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?

1) **The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The project is not located near a known earthquake fault per the California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones map⁵. As stated above the majority of the building has existed for decades with the eastern suite having an approved building permit in 2023 to be rebuilt under compliance with the 2022 California Building Code. Any impacts are expected to be less than significant.**

2) Strong Seismic ground shaking?
2) Ground shaking is expected occur since the project is located in the Imperial Valley which is seismically active. As stated in VII-1, the suite where the project is proposed to be located has an approved building permit complying with 2022 California Building Code and therefore any impacts are expected to be less than significant.

3) Seismic-related ground failure, including liquefaction and seiche/tsunami?
3) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not located in in a tsunami inundation or seiche zone. No impacts are expected.

4) Landslides?
4) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The project is located in a relatively flat area that is not subject to landslide activity. Therefore, no impacts are expected.

b) Result in substantial soil erosion or the loss of topsoil?
b) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The proposed project location has been developed and paved with the surrounding land being paved roads and developed and compacted lands. Therefore, the project will not result in substantial soil erosion or the loss of topsoil. Any impacts are expected to be less than significant.

c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?
c) The proposed project is located on and surrounded by developed land that has been in place for decades. Therefore the project is not expected to be subject to unstable soil result in creating unstable soil that could result in on or off site landslides, lateral spreading, subsidence, liquefaction or collapse. Furthermore, any improvements to the existing structures will be required to comply with current California Building Codes and therefore, any impacts would be considered less than significant.

d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property?
d) As stated previously, the project is located on and surrounded by land that has been developed and in place for decades. Any onsite improvements as a result of the project will be required to comply with current California Building Code and therefore, any impacts would be considered 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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven which has an existing sewer system that will be utilized by the project. Therefore, any impacts would be expected to be less than significant.

⁵ California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? f) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and no development of previously undisturbed or developed land is proposed. Therefore it is not expected that the project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Any impacts would be considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. While the project will create vehicle traffic from the onsite commercial business the project is not expected to create any significant greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. It is expected that compliance with any and all of APCD's requirements would limit any impacts from the project to less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? b) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not expected to conflict with any applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. As stated previously, compliance with APCD requirements are expected to bring any impacts of the project to less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and does not include the handling or storing of hazardous materials. Therefore, it is not expected that the project will create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 stated in IX-a, the proposed project does not include the use, handling, or storage of hazardous materials and therefore, is not expected to 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. No impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? c) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven with the nearest school being the San Pasqual Elementary School 2.14 miles and therefore, would not pose a risk to school facilities. No impacts are 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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not located on a list of hazardous materials sites per the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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California Department of Toxic Substances Control: EnviroStor⁶ website. Therefore, no impacts are expected.

- 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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not located near a public or public use airport, therefore, no impacts are expected.**
- 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.**
- 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, as stated in ICFD's comment letter dated September 29, 2023⁷. It is expected that the project's compliance with the ICFD would bring any impacts to less than significant.**

X. **HYDROLOGY AND WATER QUALITY** *Would the project:*

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- a) The 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.**
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- b) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not expected to substantially decrease groundwater supplies or 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:
- 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 building permits for any potential improvements on the site 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;
- i) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not expected to result in substantial erosion or siltation on- or off-site. Therefore any impacts would be expected to be less than significant.**

⁶ California Department of Toxic Substances Control: EnviroStor

⁷ Imperial County Fire Department Letter Dated September 29, 2023

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
(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) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven on land that is already been covered, compacted and/or paved. Therefore, is not expected that the project would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite. Any impacts would be considered 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) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and 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. Therefore, any impacts would be considered 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 center⁸; 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) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and as stated above in X-c-iv) is not located in a flooding zone, nor is it located in a tsunami or seiche zone and therefore, any impacts would be 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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and the project does not appear to conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore no impacts are expected.				

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

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and will not physically divide an established community. No impacts are expected. | | | | |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 property and does not appear to conflict with the General Plan or Land Use Ordinance, since cannabis retail and consumption lounges are 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

⁸ Federal Emergency Management Agency (FEMA) Flood Map Service Center: Flood Insurance Rate Map

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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) The proposed project will not 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. 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) Any potential onsite improvements including internal remodeling of the structure or paving of parking would expected to create some level of noise during the duration of construction. These noise levels shall not exceed the threshold established in the Imperial County General Plan "Noise Element"⁹ and shall comply with the applicable regulations during construction. Adherence to these noise standards are expected to bring any impacts from onsite construction to less than significant.

- b) Generation of excessive groundborne vibration or groundborne noise levels?

b) Ground-borne noise may be expected during any on-site improvements which would be subject to the "Noise Element" as previously mentioned. Any impacts are expected to be less than significant.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

c) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and 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 1A¹⁰. 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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The proposed project is a commercial a historically commercial location which will continue to operate as a commercial business as a vendor and lounge for cannabis sales and onsite consumption. The project 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.

⁹ Imperial County General Plan "Noise Element"

¹⁰ Airport Land use Compatibility Plan

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 and lounge for onsite consumption 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) **As stated earlier in IX-g) the project will be required to comply with the Imperial County Fire Departments letter, which requires improvements:**

- **An approved water supply capable of supplying the required fire flow as determined by the California Fire Code Appendix B.**
- **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.**

Compliance with ICFD's requirements is expected bring any impacts to less than significant.

2) Police Protection?
 2) **A Safety and Security plan to be reviewed and approved by the County will be required prior to start of operations. Additionally, the project will need to comply with the Sheriff Department's requirements from their comment later dated March 05, 2024. 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 is not expected to any impacts to other public facilities. Any impacts are 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.**

	Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? a) The 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)? b) The proposed cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and does not appear to conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b). Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? c) The proposed cannabis dispensary and lounge is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The applicant has a road abandonment application with Public Works to abandon the portion of E Street in front of the property. Successful abandonment of the road will create a parking lot for the commercial building creating a more defined intersection at Winterhaven Drive and 2 nd Avenue than already exists. It is expected that these improvements will not substantially increase hazards due to geometric designs or incompatible uses. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access? 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 cannabis dispensary and lounge is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. As the project site is already developed and paved it is not expected to cause a substantial change in the significance of a tribal cultural resource. A notification of opportunity to consult letter in compliance with AB-52 was sent to the Quechan Indian Tribe and Campo Band of Mission Indians on September 15, 2023 and no comments were received from either. Therefore, any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or (i) The proposed project site is not listed under the California Historical Resources in County of Imperial nor does	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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.

- 0 (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.
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

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

b) The proposed cannabis dispensary and lounge is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The project site has operated as a commercial site for years and has utility connections to water and sewer provided by Winterhaven Water District. There is no proposed excessive use of water outside of restroom facilities for staff and customers and the current development of site does not allow for much if any landscaping requiring water use. It is expected that there will be sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years. Any impacts are considered 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?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

c) It is expected that the project will have adequate capacity to serve the projects demand. The Winterhaven County Water District was given opportunity to comment on the project and no comments were received. 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?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

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

e) The proposed project shall comply with federal, state and local statues 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 levels.

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Potentially Significant Impact (PSI)	Less Than Significant with Mitigation Incorporated (LTSMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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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 cannabis dispensary and lounge with delivery service is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven and is not located in a Fire Hazard Severity Zone per the Cal Fire: Fire Hazard Severity Zones Viewer¹¹. Therefore, 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 cannabis dispensary and lounge is proposed to be located in an existing commercially zoned building in the townsite of Winterhaven. The project is not expected to require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Any impacts are expected to be less than significant.

- 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 XX-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

¹¹ Cal Fire: Fire Hazard Severity Zones Viewer

SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

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
- Diana Robinson, Planning Division Manager
- Derek Newland, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District

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

V. REFERENCES

1. Imperial County General Plan's Circulation and Scenic Highways Element
<https://www.icpds.com/assets/planning/circulation-scenic-highway-element-2008.pdf>
2. Imperial County Air Pollution Control District Letter Dated September 26, 2023
3. County General Plan's Conservation and Open Space Element
<https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
4. Imperial Irrigation District Letter Dated September 25, 2023
5. California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones
<https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=32.538703%2C-110.920388%2C6.00>
6. California Department of Toxic Substances Control: EnviroStor
<https://www.envirostor.dtsc.ca.gov/public/>
7. Imperial County Fire Department Letter Dated September 29, 2023
8. Federal Emergency Management Agency (FEMA) Flood Map Service Center: Flood Insurance Rate Map
<https://msc.fema.gov/portal/search?AddressQuery=851%20pitzer%20road%20heber%20ca#searchresultsanchor>
9. Imperial County General Plan "Noise Element"
<https://www.icpds.com/assets/planning/noise-element-2015.pdf>
10. Airport Land use Compatibility Plan
<http://www.icpds.com/CMS/Media/ALUC-Compatibility-Plan-1996-Part-I.pdf>
11. Cal Fire: Fire Hazard Severity Zones Viewer
<https://egis.fire.ca.gov/FHSZ/>

"County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.

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 #23-0018 / Variance #24-0001 / Initial Study #23-0018

Project Applicant: WH Lounge LLC

Project Location: 509 Railroad Avenue, Winterhaven CA.

Description of Project: The project consists of a cannabis dispensary with delivery services and a lounge for onsite consumption of cannabis products as well as a variance for parking due to the historical available parking on the existing site not being able to conform to current parking requirements. The project will be located in the eastern rebuilt suite of an existing three (3) suite commercial building. The front of the suite will contain the dispensary with sales counters and the lounge area being located in the rear allowing customers to sit and consume their purchases on-site.

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 environment 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.

4-25-2024 Jim Minnick
Date of Determination Jim Minnick, Director of Planning & Development Services

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

[Signature] 4/25/24
Applicant Signature Date

SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

EEC ORIGINAL PKG

COMMENTS

EEC ORIGINAL PKG



September 26, 2023

RECEIVED

By Imperial County Planning & Development Services at 9:58 am, Sep 26, 2023

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

SUBJECT: Conditional Use Permit 23-0018 – WH Lounge LLC

Dear Mr. Minnick:

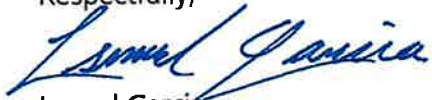
The Imperial County Air Pollution Control District (Air District) appreciates the opportunity to review and comment on Conditional Use Permit (CUP) 23-0018 (Project). The project proposes to operate a cannabis dispensary and lounge within a former market. The project is located at 509 Railroad Ave., Winterhaven also identified as Assessor's Parcel Number 056-283-006.

Title 14 of the Imperial County Code of Ordinances requires that all commercial cannabis activities comply with Chapter 14.03, Subsection 14.03.080(F) which states, "An odor control plan providing air treatment/filtration systems to eliminate the cannabis operation detection from outside the facility shall be submitted for county of Imperial Air Pollution Control District (APCD)." To assist applicants in developing an adequate OCP the Air District has developed an informational "white paper", which will be included as an attachment, explaining the requirements of an adequate OCP. The project packet does not include an Odor Control Plan (OCP), therefore, the Air District is requesting the applicant submit an OCP to the Air District for review. The Air District, recommends the applicant contact the Air District's Planning and Monitoring Division to discuss any questions regarding the development and requirements of the OCP. The Air District also advises the applicant that a site visit will be required for the finalization of the OCP.

Finally, the Air District is requesting a copy of the draft CUP prior to recording for review.

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

Respectfully,



Ismael Garcia
Environmental Coordinator



Reviewed by,
Monica N. Soucier
APC Division Manager



AIR POLLUTION CONTROL DISTRICT

WHITE PAPER

ODOR CONTROL PLAN FOR CANNABIS OPERATIONS

RECEIVED

By Imperial County Planning & Development Services at 9:59 am, Sep 26, 2023

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.¹ 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.

¹ 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:

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.



IMPERIAL COUNTY SHERIFF'S OFFICE
FRED MIRAMONTES
SHERIFF-CORONER-MARSHAL



Chief Deputy Ryan Kelley
328 Applestill Road
El Centro, Ca. 92243
(442) 265-2003
rkelly@icso.org

March 5, 2024

Imperial County Planning & Development Services
801 Main Street
El Centro, Ca. 92243
(442) 265-1736

Planning & Development Services,

The Imperial County Sheriff's Office is the Chief Law Enforcement agency in Imperial County. The Sheriff's Office provides general law enforcement, detention and court services for the residents, business owners and visitors of Imperial County. We have a service area of approximately 4,597 square miles bordering Mexico to the South, Riverside County to the North, San Diego County to the West, and the State of Arizona to the East.

The Imperial County Sheriff's Office appreciates this opportunity to provide comments. This response is in regards to WH Lounge LLC, a cannabis dispensary (CUP#23-0018) proposing a cannabis dispensary and lounge located within a former market at 509 Railroad Avenue in Winterhaven, California.

The Imperial County Sheriff's Office has reviewed the project description. The Imperial County Sheriff's Office request that a detailed security plan and security diagram be included and approved by the county prior to any activity on the premises.

It is the position of the Imperial County Sheriff's Office to prevent or deter criminal activity that could potentially be associated with the approval of a cannabis facility in our area of responsibility. The project site will see a large volume of commercial and passenger vehicles. The Imperial County Sheriff's Office requests that the applicant install license plate reading cameras at all ingress and regress locations at the project site and grant access to the Imperial County Sheriff's Office to review the data collected. It is requested that these cameras be included in the security plan.

The Imperial County Sheriff's Office requests that the Imperial County Planning and Development Services also include the below language in the conditional use permit (CUP). This request is in consideration of the potential hazards to the Imperial County Sheriff's Office

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employees associated with responding to emergencies originating at a cannabis dispensary and lounge:

The County of Imperial is committed to being a partner and provide effective and consistent patrolling to such projects. Thus, the Imperial County Sheriff's Office will require WH Lounge LLC to contribute its proportionate share associated with the cost of training related to, but not limited to: Driving Under the Influence of Drugs (DUID), California Highway Patrol Drug Recognition Expert (DRE) certification courses. Final cost and conditions shall be reasonably determined by the Sheriff's Office.

- (a) The County shall be responsible for managing the reimbursement component of this condition.

The Imperial County Sheriff's Office is available to discuss our concerns with the advancement of CUP# 23-0018.

If you have any questions, please contact the Imperial County Sheriff's Office at (442)265-2003.

Sincerely,

Chief Deputy Ryan Kelley
Imperial County Sheriff's Office

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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

September 29, 2023

RE: Conditional Use Permit #23-0018,
WH Lounge LLC
509 Railroad Ave. Winterhaven CA 92283

RECEIVED

By Imperial County Planning & Development Services at 9:58 am, Sep 29, 2023

Imperial County Fire Department would like to thank you for the opportunity to review and comments on CUP #23-0018, Cannabis dispensary and lounge located at 509 Railroad Ave, 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 as determined by the California Fire Code Appendix B.
- 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

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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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

Imperial County Fire Department
Fire Prevention Bureau

CC

David Lantzer

Fire Chief

Imperial County Fire Department

Robert Malek

Deputy Fire Marshal

Imperial County Fire Department

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September 25, 2023

RECEIVED

By Imperial County Planning & Development Services at 9:16 am, Sep 25, 2023

Mr. Derek Newland
Planner II
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Cannabis Dispensary Project (CUP23-0018, IS23-0022)

Dear Mr. Newland:

On September 15, 2023, the Imperial Irrigation District received from the Imperial County Planning & Development Services Dept. a request for agency comments on WH Lounge LLC cannabis project (Conditional Use Permit No. 23-0018, Initial Study No. 23-0022). The applicant proposes to establish a cannabis dispensary and lounge within a former market at 509 Railroad Avenue, Winterhaven, CA 92283 (APN 056-283-006).

The IID has reviewed the project information and has the following comments:

1. If the proposed project requires additional electrical service to the location's existing one, the applicant should be advised to contact Joel Lopez, IID project development service planner, at (760) 482-3444 or e-mail Mr. Lopez at jflopez@iid.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the district website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and location, operating voltage, electrical loads, project schedule, 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. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary


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to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

4. 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 for its completion are available at <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. No foundations or buildings will be allowed within IID's right of way.
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, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

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

Respectfully,



Donald Vargas
Compliance Administrator II

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent General, Fleet Services and Reg. & Environ. Compliance
Laura Cervantes. – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

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APPLICATION

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CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

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


1. PROPERTY OWNER'S NAME WH Market LLC	EMAIL ADDRESS maddocks@greencp.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 14031 Las Palmas Rd, Jamul, CA	ZIP CODE 91935	PHONE NUMBER 619-955-9433
3. APPLICANT'S NAME WH Lounge LLC	EMAIL ADDRESS maddocks@greencp.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 14031 Las Palmas Rd, Jamul, CA	ZIP CODE 91935	PHONE NUMBER 619-955-9433
4. ENGINEER'S NAME Kersi Sekhon	CA. LICENSE NO. RCE NO: 72537	EMAIL ADDRESS kesisekhon@yahoo.com
5. MAILING ADDRESS (Street / P O Box, City, State) 7072 Cordgrass Ct., Carlsbad, CA	ZIP CODE 92011	PHONE NUMBER 858-395-1143
6. ASSESSOR'S PARCEL NO. 056-283-006-001	SIZE OF PROPERTY (in acres or square foot) 16,250	ZONING (existing) C-2
7. PROPERTY (site) ADDRESS 509 Railroad Avenue, Winterhaven, CA 92283		
8. GENERAL LOCATION (i.e. city, town, cross street) City of Winterhaven; Cross Streets of Winterhaven Drive and Railroad Avenue		
9. LEGAL DESCRIPTION Lot Number 10; Block 9; Brief Description: Lots 7, 8, 9, and 10 BLK 9 TOWNSITE OF WINTERHAVEN		

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

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail) (Medical and Adult-Use)	Commercial Cannabis Retailer and Lounge
11. DESCRIBE CURRENT USE OF PROPERTY	Market
12. DESCRIBE PROPOSED SEWER SYSTEM	Utilize existing approved building sewer line and connection
13. DESCRIBE PROPOSED WATER SYSTEM	Utilize existing approved building water line and connection
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Utilize existing approved fire alarm and extinguishers (upgrade 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.

Stewart Namao
Print Name
Signature
Vince Hallak
Print Name
Signature

 09-26-2023
Date
09-26-2023
Date

REQUIRED SUPPORT DOCUMENTS

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

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

DATE _____
DATE _____
DATE _____
DATE _____
DATE _____

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

CUP #

EEC ORIGINAL PKG

SUMMARIZE THE PROPOSED USE

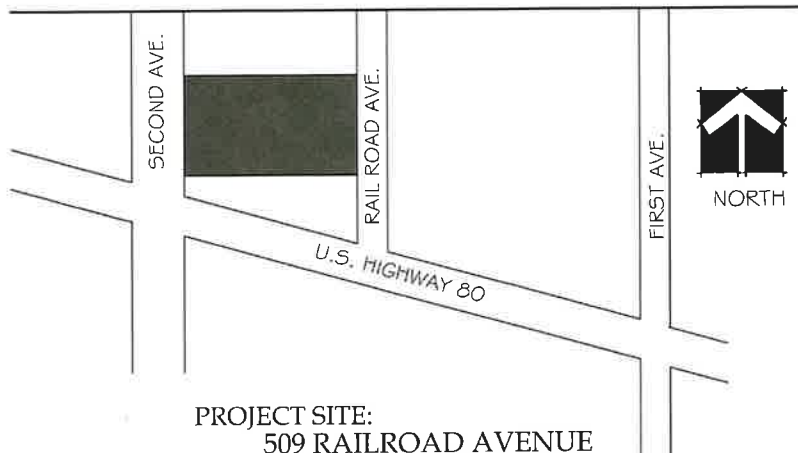
WH Lounge, LLC has secured the property zoned C-2 at APN: 056-283-006-000. WH Lounge, LLC is committed to community improvement; the operating plan demonstrates serious measures to mitigate any potential nuisances, the security plan suggests the immediate neighborhood will benefit from an increased security 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.

WH Lounge, 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 2 miles from the proposed location. Yuma's West Wetlands Park, the closest park to the facility, is over 2,650 feet away. WH Lounge, LLC's site is 1.19 miles from the nearest youth center, Martin Luther King Youth Career Center. The closest day care, Helping Hands Head Start, is located 1.25 miles from the proposed dispensary location.

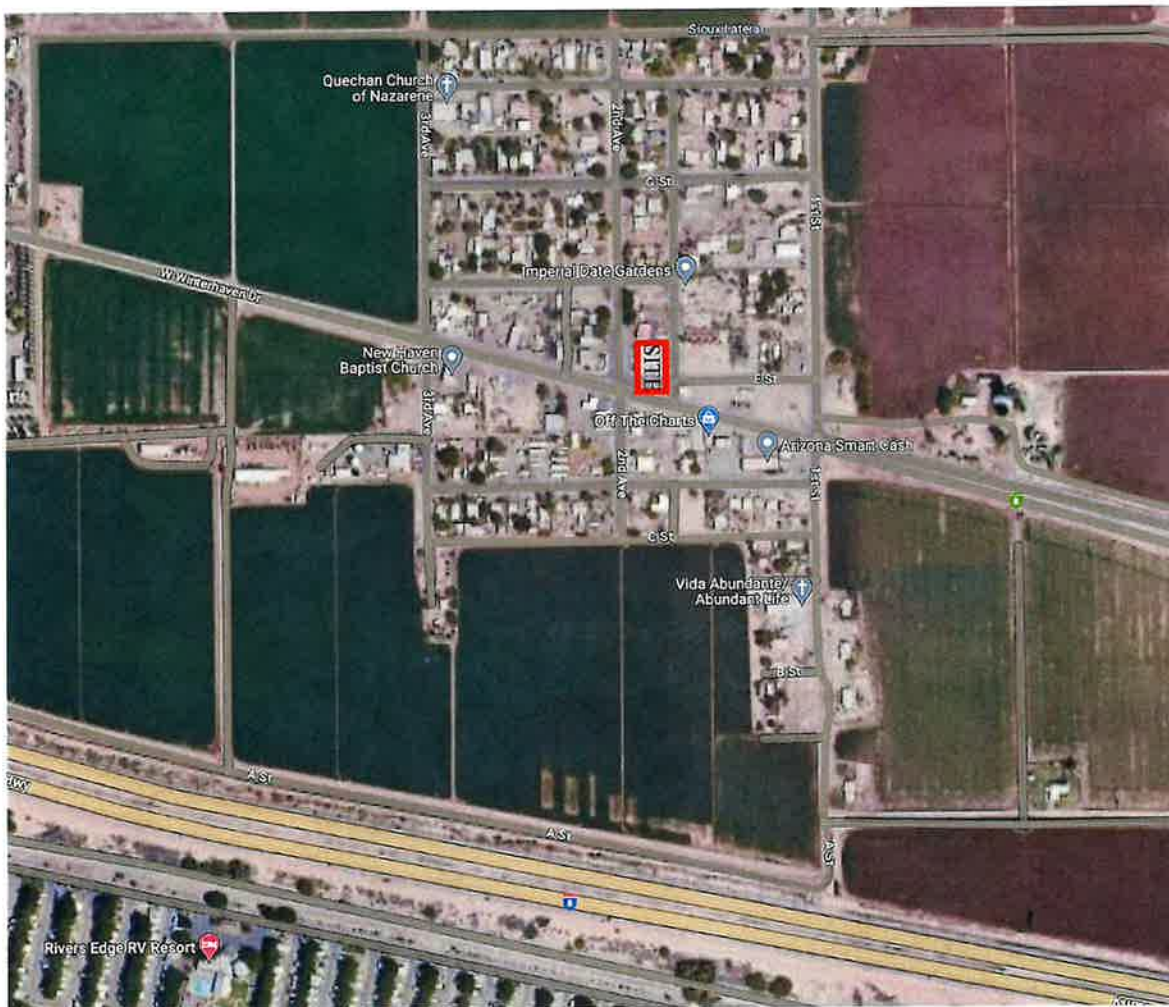
Site Address: 509 Railroad Ave., Winterhaven, CA 92283

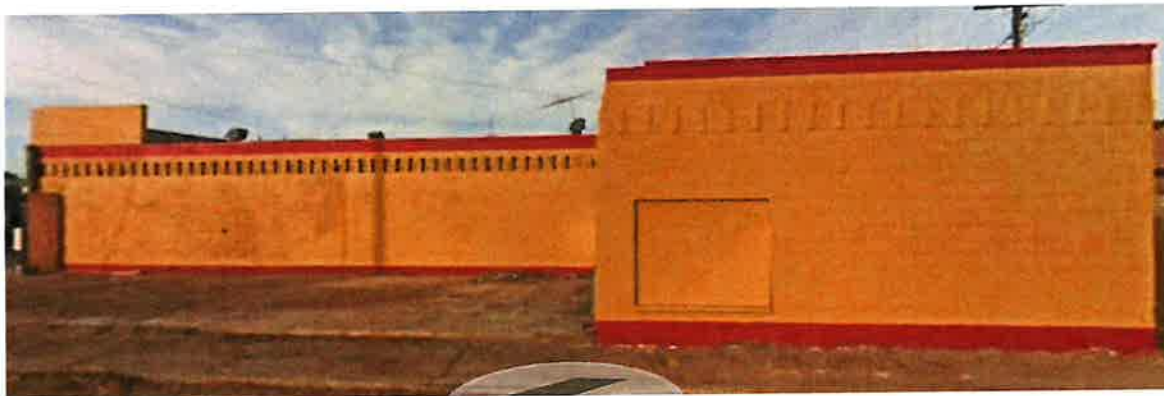
- Closest Park:** West Wetland Park (2,650 feet)
282 N 12th Ave, Yuma, AZ 85364
- Closest Youth Center:** Martin Luther King Youth Center (1.19 miles)
300 S 13th Avenue, Yuma, AZ 85364
- Closest School:** San Pasqual Elementary School (2.14 miles)
Rt 1 676 Baseline Rd, Winterhaven, CA
- Closest Day Care:** Helping Hands Head Start (1.25 miles)
384 S 13th Avenue, Yuma AZ 85364

VICINITY MAP

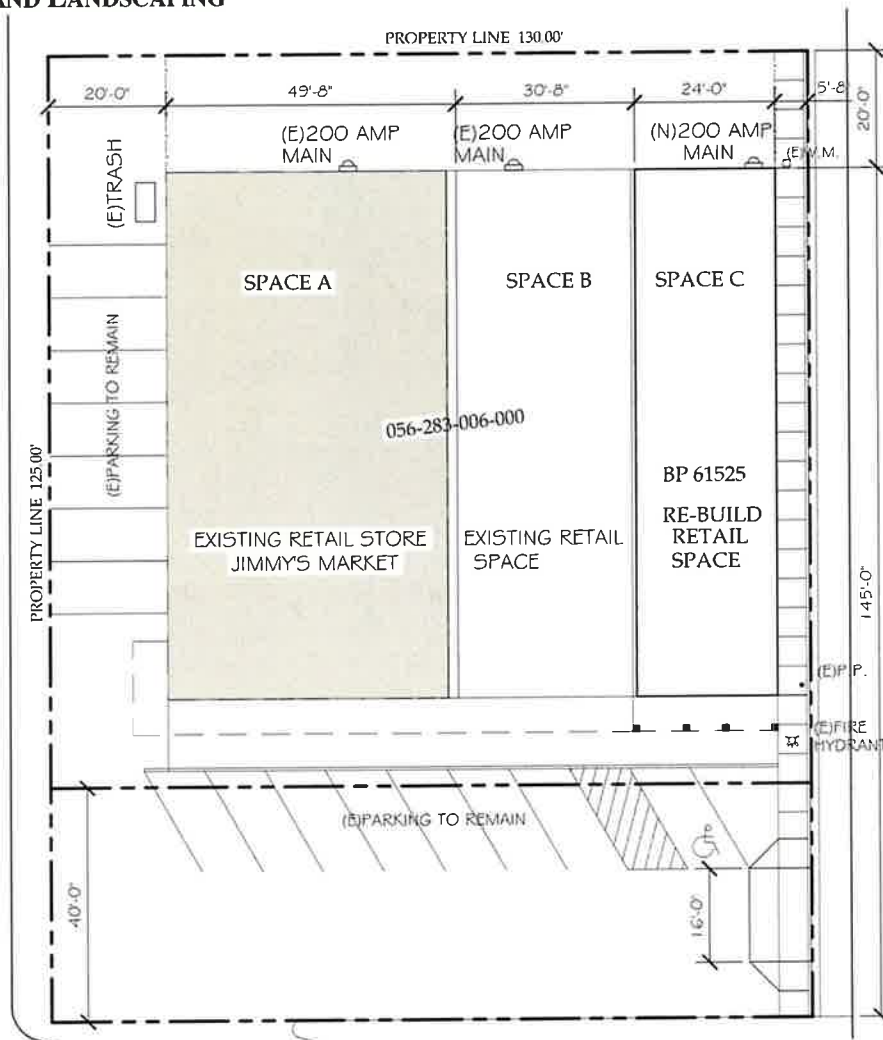


PROJECT SITE:
509 RAILROAD AVENUE
WINTERHAVEN, CA 92283





PARKING AND LANDSCAPING



Parking: WH Lounge LLC’s proposed dispensary location located at 509 Railroad Ave., Winterhaven Drive, CA 92283 features ample off-street parking for customers and employees. The roughly 4,300ft² facility conveniently located off Winterhaven Dr and features 28 parking spaces, which exceeds Imperial County’s parking rate requirement of 1 space per 250ft² of the gross building area for retail facilities (ICCO §90402.01(G)(1)). The parking lot is accessible from Winterhaven Drive 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.

The Lounge portion of the premises requires one space per 75 sq. ft., which is calculated separately from the Retail, Lobby, Security Check-In and other portions of the premises. The chart below provides a detailed breakdown of compliance with Imperial County’s parking requirements:

PARKING REQUIREMENTS

RM #	DESCRIPTION	S.F.	1/SF REQ.	SPACES REQ.
100	LOBBY	385.2	1/250	1.54
101	SECURITY CHECK IN	277.3	1/250	1.10
102	DISPLAY	592.9	1/250	2.37
103	BREAK AREA	555.8	1/250	2.22
104	RESTROOM	87	N/A	N/A
105	OFFICE	346.6	1/250	1.38
106	STORAGE	435.5	1/250	1.74
107	DISPLAY	232.7	1/250	0.93
108	LOUNGE AREA	1072.17	1/75	14.29
109	WOMEN'S RESTROOM	87	N/A	N/A
110	MEN'S RESTROOM	87	N/A	N/A

TOTAL REQUIRED PARKING

25.57
(28 PROVIDED)

Traffic: We have based our customer-related traffic projections on our estimated transactions per day, which is 55 daily transactions in Year One and 100 daily transactions in Year 2. Our Delivery-related traffic projections are based on an estimated 30 daily deliveries in Year One and 75 daily deliveries in Year Two. We have based our staff-related traffic projections on four (4) day-to-day employees, including one (1) Cannabis Specialists, one (1) Screeners, one (1) Delivery Drivers, one (1) Dispatcher. We have anticipated our Distributor-related traffic projections on the expectation that we will have at least one (1) incoming delivery per day. We anticipate the following trips generated by each respective group on daily basis:

Customers (passenger vehicles)

Year One: ~22 trips per day

Year Two: ~40 trips per day

Staff/employees (passenger vehicles):

Year One: ~6 trips per day

PROJECT DESCRIPTION

WH LOUNGE LLC

Year Two: ~11 trips per day

Delivery Vehicles (commercial vehicles)

Year One: ~4 trips per day

Year Two: ~8 trips per day

Distribution (commercial vehicles)

Year One: ~1 trips per day

Year Two: ~1 trips per day

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 (ICCO §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 planters featuring shrubs and trees. Additionally, a newly proposed planter will be built at the corner of Winterhaven Drive and Railroad Ave.

NEIGHBORHOOD COMPATIBILITY

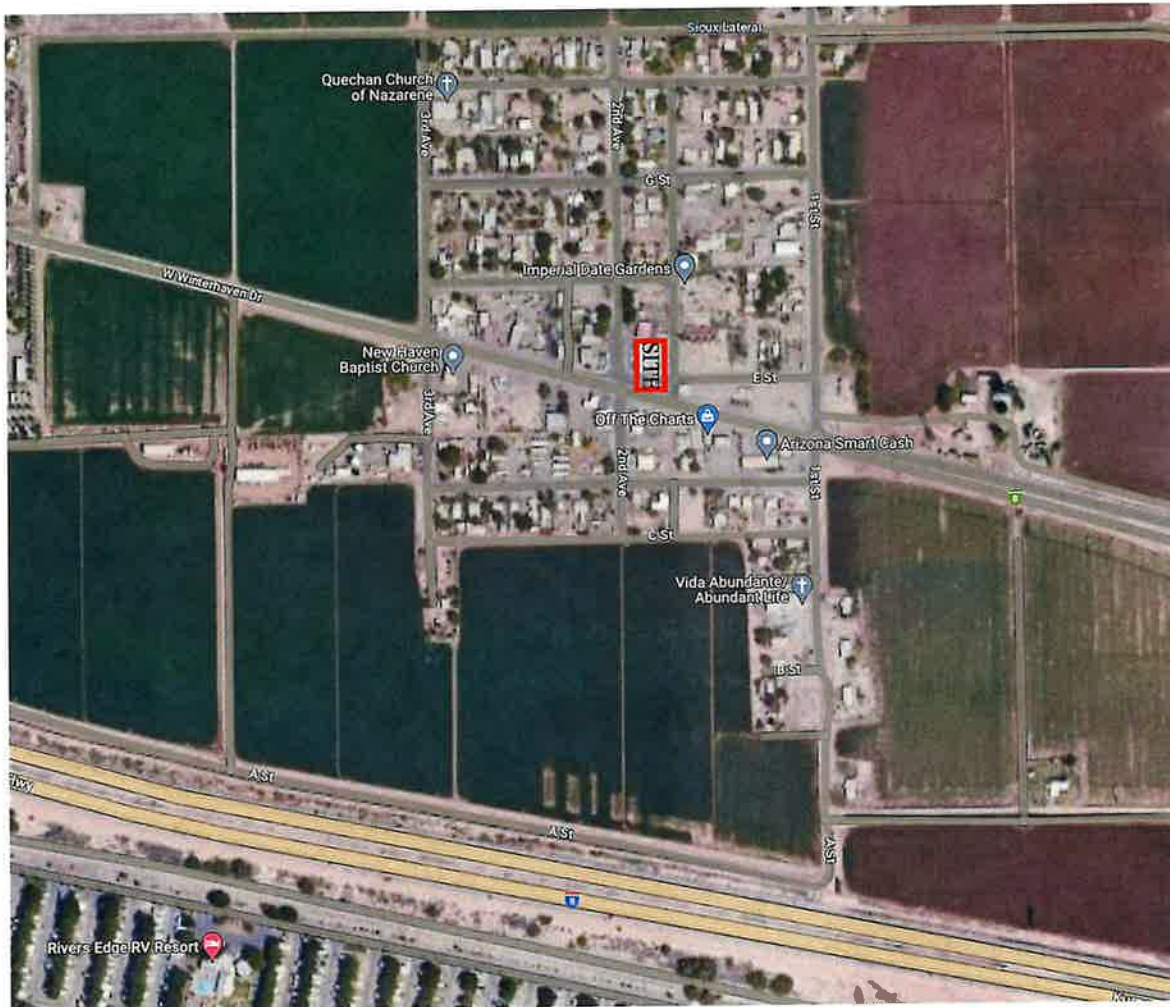
The proposed location is in the C2 Commercial Zoning District. The immediate neighborhood consists of other commercial activities including retailers and residential uses. Nonetheless, frosted privacy glass that meets all relevant security standards will prevent public sight lines from the exterior of the entire property. The property will blend in with the surrounding neighborhood, and its overall appearance will provide an improved aesthetic within the general vicinity and to the current state of the nearby area. Further, WH Lounge's security plans include round the clock surveillance, which will help maintain and increase the safety of the nearby area. The dispensing operations will comply with all setback requirements and building regulations, and accordingly WH Lounge, LLC will comply with all Imperial County zoning and buffer requirements.

The following screenshots indicate high neighborhood compatibility: APN: 056-283-006-000

EEC ORIGINAL PKC

PROJECT DESCRIPTION

WH LOUNGE LLC



WH Lounge, 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 2 miles from the proposed location. Yuma's West Wetlands Park, the closest park to the facility, is over 2,650 feet away. WH Lounge, LLC's site is 1.19 miles from the nearest youth center, Martin Luther King Youth Career Center. The closest day care, Helping Hands Head Start, is located 1.25 miles from the proposed dispensary location.

Site Address: 509 Railroad Ave., Winterhaven, CA 92283

Closest Park: West Wetland Park (2,650 feet)
282 N 12th Ave, Yuma, AZ 85364

EEC ORIGINAL PKG

PROJECT DESCRIPTION

WH LOUNGE LLC

Closest Youth Center: Martin Luther King Youth Center (1.19 miles)
300 S 13th Avenue, Yuma, AZ 85364

Closest School: San Pasqual Elementary School (2.14 miles)
Rt 1 676 Baseline Rd, Winterhaven, CA

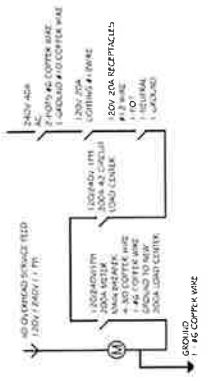
Closest Day Care: Helping Hands Head Start (1.25 miles)
384 S 13th Avenue, Yuma AZ 85364

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)

ELECTRICAL NOTES:

- NOTION SWITCHES PROVIDED TO PROVIDE AUTOMATIC SHUT-OFF CONTROLS.
- LEVEL SWITCHES TO BE PROVIDED FOR LIGHTING TO PROVIDE MULTI-LEVEL.
- NOTION SWITCHES IN EXISTING BUILDING NOT SHOWN FOR CLARITY.
- EXIT SIGNS SHALL BE LOCATED AS NECESSARY TO CLEARLY INDICATE THE EXIT FROM THE BUILDING. EXIT POINT SHALL BE MORE THAN 100 FEET FROM THE NEAREST VISIBLE SIGN.
- EXIT SIGNS SHALL BE READILY VISIBLE FROM ANY DIRECTION OF APPROACH.
- WIRING METHODS SHALL COMPLY WITH ART 517.
- ALL WIRING SHALL BE INSTALLED IN ACCORDANCE WITH ART 517 AND LABELED IN ACCORDANCE WITH NEC 110.22.
- THE OVERCURRENT DEVICES SHALL BE A.C. RATED PER MANUFACTURER'S REQUIREMENTS.
- SWITCHES AND CIRCUIT BREAKERS SHALL BE PROVIDED AT EACH MAIN BREAKER.
- PROVIDE A GFCI RECEPTACLE WITHIN 25'-0" OF ROOF MOUNTED MECHANICAL EQUIPMENT, SELF-ROOF FAN, AS SWITCHBOARDS, SWITCHGEAR, PANELBOARDS, INDIVIDUAL CONTROL PANELS, METER SOCKET ENCLOSURES, AND MOTOR CONTROL CENTERS THAT ARE LIKELY TO REQUIRE EXAMINATION, REPAIR, OR MAINTENANCE.
- FIELD OR FACTORY MARKED TO VARY QUALIFIED PERSONS OF POTENTIAL ELECTRIC ARC FLASH HAZARDS. THE MARKING SHALL MEET THE REQUIREMENTS IN 120.2 (D) AND BE LOCATED 50% OF THE DISTANCE FROM THE POINT OF CONNECTION TO THE EQUIPMENT (CFC 107.2, 1.4 CEC (110.16)).
- ALL CONNECTING WIRING SHALL BE LEGIBLY MARKED TO INDICATE ITS PURPOSE UNLESS LOCATED AND ARRANGED SO THE PURPOSE IS EVIDENT. THE MARKING SHALL BE OF SUFFICIENT DURABILITY TO WITHSTAND THE ENVIRONMENT INVOLVED (CFC 107.2, 1.4 CEC (110.16)).
- ALL ELECTRICAL EQUIPMENT SHALL BE FIELD OR FACTORY MARKED TO VARY QUALIFIED PERSONS WITH OWNER.



ELECTRICAL SINGLE LINE

PANEL 200A | PHASE 1 (20240V)

NO.	DESCRIPTION	AMPERES	VOLTS	TYPE	STATUS
1	200V 20A RECEPTACLE	20	208	1	NEW
2	120V/240V 15A BREAKER	15	240	1	NEW
3	200V 20A RECEPTACLE	20	208	1	NEW
4	200V 20A RECEPTACLE	20	208	1	NEW
5	200V 20A RECEPTACLE	20	208	1	NEW
6	200V 20A RECEPTACLE	20	208	1	NEW
7	200V 20A RECEPTACLE	20	208	1	NEW
8	200V 20A RECEPTACLE	20	208	1	NEW
9	200V 20A RECEPTACLE	20	208	1	NEW
10	200V 20A RECEPTACLE	20	208	1	NEW
11	200V 20A RECEPTACLE	20	208	1	NEW
12	200V 20A RECEPTACLE	20	208	1	NEW
13	200V 20A RECEPTACLE	20	208	1	NEW
14	200V 20A RECEPTACLE	20	208	1	NEW
15	200V 20A RECEPTACLE	20	208	1	NEW

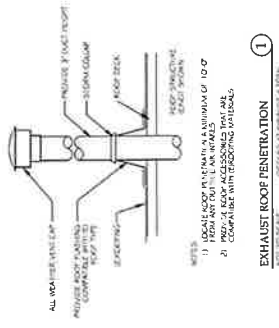
PLUMBING NOTES

- BUILDING WATER SUPPLY SYSTEMS WHERE QUICK ACTING VALVES ARE INSTALLED SHALL BE PROVIDED WITH WATER HAMMER ARRESTERS TO AVOID WATER HAMMER PRESSURES. WATER HAMMER ARRESTERS SHALL BE INSTALLED IN ALL WATER HAMMER PRONE AREAS. WATER HAMMER ARRESTERS SHALL BE APPROVED MECHANICAL DEVICES IN ACCORDANCE WITH ASSE 1010 OR PDWMT 201 AND SHALL BE INSTALLED AS CLOSE AS POSSIBLE TO THE DISCHARGE OF THE VALVE. WATER HAMMER ARRESTERS SHALL BE INSTALLED IN ALL WATER HAMMER PRONE AREAS. WATER HAMMER ARRESTERS SHALL BE INSTALLED IN ALL WATER HAMMER PRONE AREAS.
- TEMPERATURE POTENTIAL OF 110 DEGREES F BY A DEVICE THAT CONFORMS TO ASSE 1070, CSA 3125, 3 OK ENERGY STANDARDS 110Q162. THE WATER HEATER THERMOSTAT MAY NOT BE USED FOR CONTROLLING TEMPERATURE.
- SLOPE OR NOT LESS THAN 1/8" PER FOOT (20.8 MM/M) OR 2 PERCENT TOWARD THE POINT OF DISPOSAL PROVIDED THAT WHERE IT IS IMPRACTICAL DUE TO THE DEPTH OF THE STREET SEWER, TO THE STRUCTURAL FEATURES OR TO THE ARRANGEMENT OF THE PIPING, SUCH PIPE OR PIPING 4 INCHES (100 MM) OR LARGER IN DIAMETER SHALL BE INSTALLED TO HAVE A SLOPE OF NOT LESS THAN 1/8" PER FOOT (20.8 MM/M) OR 1 PERCENT, WHERE FIRST APPROVED BY THE AUTHORITY HAVING JURISDICTION BY CFC 716.

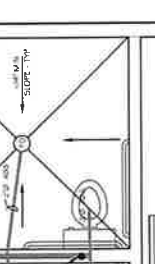
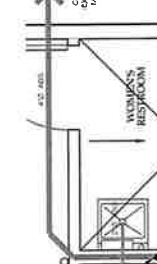
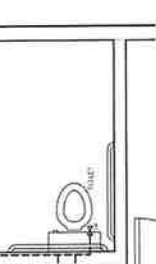
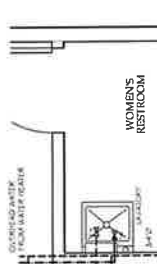
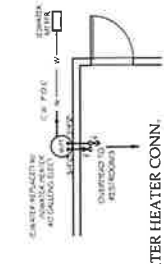
LIGHT FIXTURE / ACCESSORY SCHEDULE

SYMBOL	MANUFACTURER / DESCRIPTION	MODEL #	WATT	VOLTS	REMARKS
1	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 1
2	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
3	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
4	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
5	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
6	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
7	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
8	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
9	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
10	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
11	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
12	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
13	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
14	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
15	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
16	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
17	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
18	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
19	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3
20	WSPERCE BASIC VENTILATION FAN 0.3	TV-11106	4.5	CEILING	REMARKS 3

- WHILE BUILDING CRITICAL ON PER RULE 24 ASHRAE 92.2 REQUIREMENT, THE ASHRAE 92.2 CM PRECEDENCE 4.1 SHALL BE MAINTAINED. THE BUILDING SHALL BE MAINTAINED AT ALL TIMES WITHIN THE BUILDING IS OCCUPIED. UNLESS INDICATED OTHERWISE, THE MAXIMUM ALLOWABLE SOUND LEVEL SHALL BE 50 DB(A) WITHIN THE BUILDING. UNLESS INDICATED OTHERWISE, THE MAXIMUM ALLOWABLE SOUND LEVEL SHALL BE 50 DB(A) WITHIN THE BUILDING. UNLESS INDICATED OTHERWISE, THE MAXIMUM ALLOWABLE SOUND LEVEL SHALL BE 50 DB(A) WITHIN THE BUILDING.
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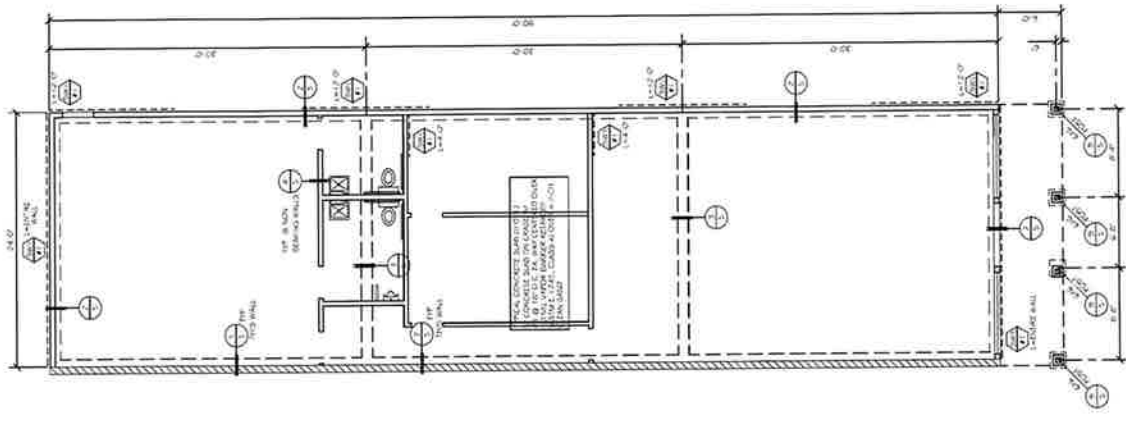


1. USE A ROOF PENETRATION SYSTEM THAT IS LISTED BY AN APPROVED TESTING AGENCY AND IS COMPATIBLE WITH THE ROOFING SYSTEM.
2. USE A ROOF PENETRATION SYSTEM THAT IS LISTED BY AN APPROVED TESTING AGENCY AND IS COMPATIBLE WITH THE ROOFING SYSTEM.
3. USE A ROOF PENETRATION SYSTEM THAT IS LISTED BY AN APPROVED TESTING AGENCY AND IS COMPATIBLE WITH THE ROOFING SYSTEM.



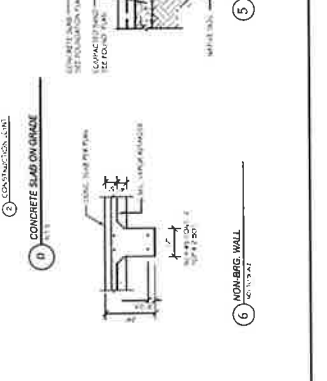
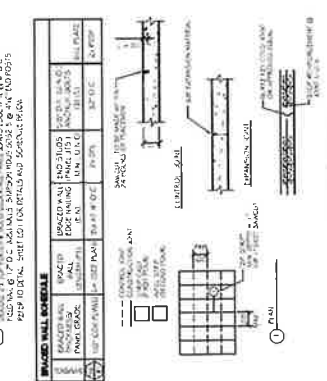
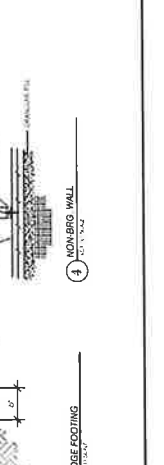
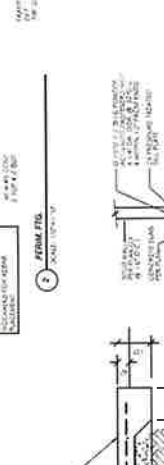
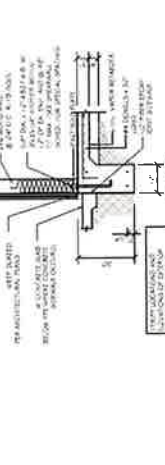
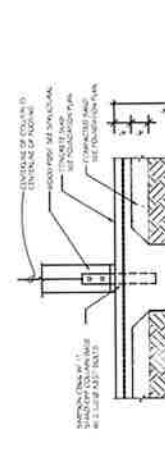
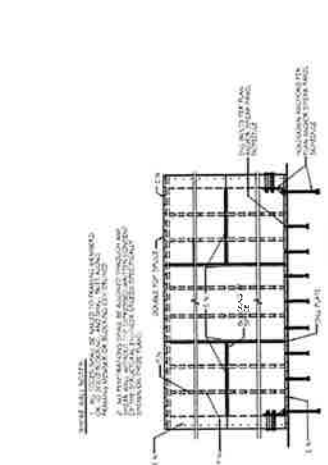
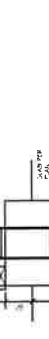
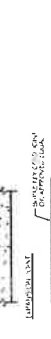
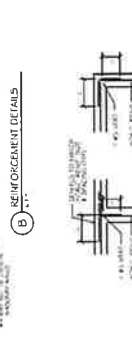


FOUNDATION PLAN SCALE: 3/4" = 1'-0"
 NORTH

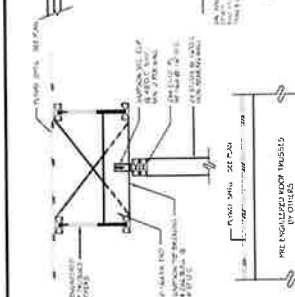
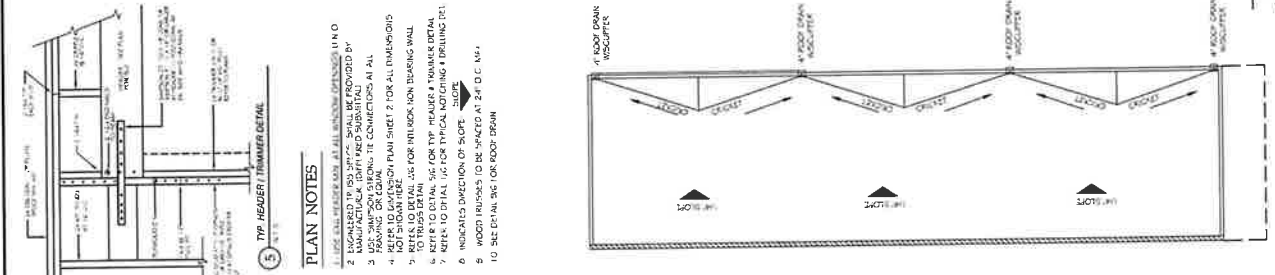
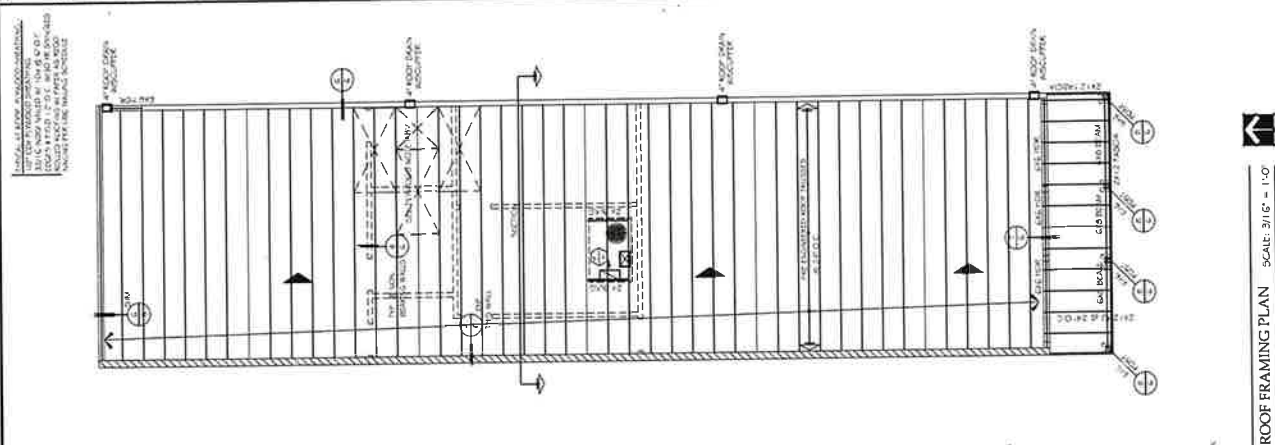


REINFORCEMENT DETAILS

NO.	DESCRIPTION	REF.
1	CONCRETE SLAB ON GRADE	SEE DETAIL 8
2	EDGE FOOTING	SEE DETAIL 5
3	NON-BEARING WALL	SEE DETAIL 6
4	NON-BEARING WALL	SEE DETAIL 4
5	POST FOOTING	SEE DETAIL 7
6	CONCRETE SLAB ON GRADE	SEE DETAIL 8
7	POST FOOTING	SEE DETAIL 7
8	CONCRETE SLAB ON GRADE	SEE DETAIL 8
9	POST FOOTING	SEE DETAIL 7
10	CONCRETE SLAB ON GRADE	SEE DETAIL 8
11	POST FOOTING	SEE DETAIL 7
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13	POST FOOTING	SEE DETAIL 7
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15	POST FOOTING	SEE DETAIL 7
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47	POST FOOTING	SEE DETAIL 7
48	CONCRETE SLAB ON GRADE	SEE DETAIL 8
49	POST FOOTING	SEE DETAIL 7
50	CONCRETE SLAB ON GRADE	SEE DETAIL 8

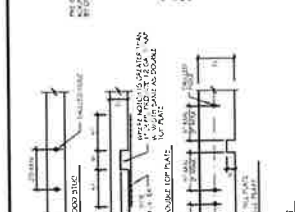


EEC ORIGINAL PKG



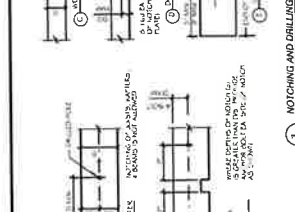
PLAN NOTES

1. ALL CONNECTIONS SHALL BE PROVIDED BY MANUFACTURER. VERIFY KID SUBSTITUTIONS FOR CONNECTIONS AT ALL.
2. REFER TO DRAWING PLAN SHEET 2 FOR ALL DIMENSIONS.
3. ALL METALS TO BE GALVALUME OR HOT-DIP GALVANIZED STEEL.
4. ALL METALS TO BE PROTECTED AGAINST WEATHERING BY PAINTING.
5. ALL METALS TO BE PROTECTED AGAINST WEATHERING BY PAINTING.
6. INDICATES DIRECTION OF SLOPE. SEE SHEET 2 FOR DETAILED SLOPE INFORMATION.
7. SEE DETAIL FOR TRUSS TO BEAM CONNECTION.



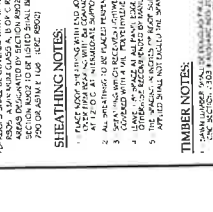
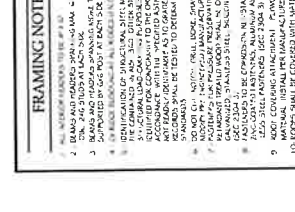
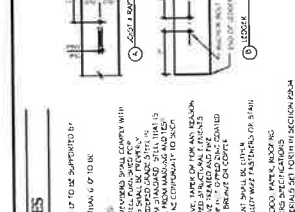
SECTION NOTES

1. RAFTERS TO BE 2x10 SIPS.
2. PURLINS TO BE 2x10 SIPS.
3. TRUSSES TO BE 2x10 SIPS.
4. ROOF DECK TO BE 1/2\"/>

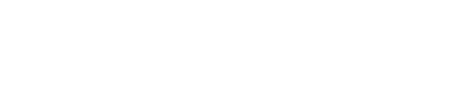


DETAILS

1. NOTCHING AND DRILLING
2. RAFTER TO BEAM
3. TRUSS TO LEADER DETAIL
4. POST TO BEAM
5. INSIDE-WALL PARAPET DRAIN
6. ROOF DRAIN



NO.	DESCRIPTION	QTY	UNIT	TOTAL
1	2x10 SIPS	100	LF	100
2	2x10 SIPS	50	LF	50
3	2x10 SIPS	20	LF	20
4	2x10 SIPS	10	LF	10
5	2x10 SIPS	5	LF	5
6	2x10 SIPS	2	LF	2
7	2x10 SIPS	1	LF	1
8	2x10 SIPS	1	LF	1
9	2x10 SIPS	1	LF	1
10	2x10 SIPS	1	LF	1



VARIANCE

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

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

1. PROPERTY OWNER'S NAME WH MARKET LLC	EMAIL ADDRESS cg4557600@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) 509 Railroad Ave., Winterhaven, CA. <i>SP. 3</i>	ZIP CODE 92283	PHONE NUMBER 760-455-7600
3. ENGINEERS NAME KESRI S. SEKHON	CA. LICENSE NO. 72573	EMAIL ADDRESS KESISEKHON@YAHOO.COM
4. MAILING ADDRESS (Street / P O Box, City, State) 7072 Cordgrass Court, Carlsbad, CA	ZIP CODE 92011	PHONE NUMBER 858-395-1143
5. ASSESSOR'S PARCEL NO. 056-283-006-000	ZONING (existing) C2	
6. PROPERTY (site) ADDRESS 509 Railroad Ave., Winterhaven, CA. 92283	SIZE OF PROPERTY (in acres or square foot) 16,250 S.F.	
7. GENERAL LOCATION (i.e. city, town, cross street) WINTERHAVEN		
8. LEGAL DESCRIPTION LOTS 7,8,9 & 10BLK 9 TOWNSITE OF WINTERHAVEN		
8. DESCRIBE VARIANCE REQUESTED (i.e. side yard set-back reduction, etc.) EXISTING PARKING IS INSUFFICIENT, ALL EMPLOYEES WILL PARK ACROSS THE STREET ON OWNERS OTHER PROPERTY PAVED AND STRIPPED		
9. DESCRIBE REASON FOR, OR WHY VARIANCE IS NECESSARY : EXISTING LOT NEVER HAD ENOUGH PARKING WHEN BUILDING WAS BUILT DOING AN ABANDONMENT OF PARTIAL E STREET, CAN ONLY FIT TWO ADDITIONAL SPACES		
10. DESCRIBE THE ADJACENT PROPERTY East APARTMENTS & ABANDONED LIQUOR STORE West COURT HOUSE North SINGLE FAMILY RESIDENCE South COMMERCIAL LOTS, SEVERAL DIFFERENT BUSINESS & POST OFFICE		

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

VINCE HALLAK

Print Name
Signature

01-12-2024

Date

Print Name
Signature

Date

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	X
B. FEE	3,000.00
C. OTHER	_____
D. OTHER	_____

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

DATE: *2/27/24*
 DATE: _____
 DATE: _____
 DATE: _____
 DATE: _____

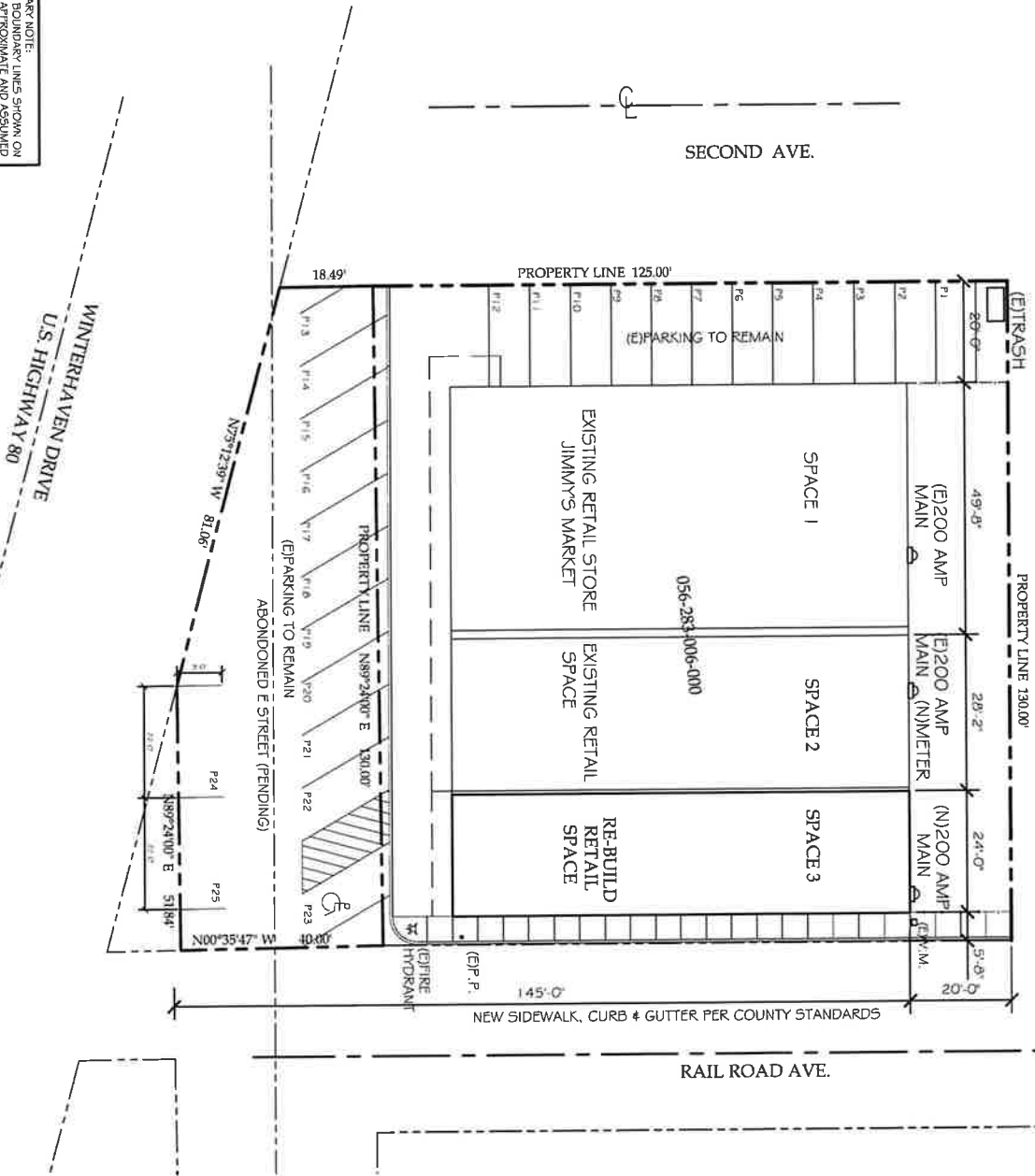
REVIEW / APPROVAL BY
OTHER DEPT'S required
 P.W.
 E.H.S.
 A.P.C.D.
 O.E.S.

V #
24-0001
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PROPERTY BOUNDARY NOTE:
 THE PROPERTY OR BOUNDARY LINES SHOWN ON THIS PLAN ARE AN APPROXIMATE AND ASSUMED LOCATION. THE PROPERTY OR BOUNDARY LINES SHOULD BE VERIFIED BY A REGISTERED LAND SURVEYOR OR IDENTIFIED, A REGISTERED LAND SURVEYOR WILL PREPARE THE NECESSARY SURVEY.



SITE PLAN SCALE: 1" = 20'-0"



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Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

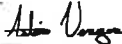
September 15, 2023
REQUEST FOR REVIEW
AND COMMENTS

The attached project and materials are being sent to you for your review and as an early notification that the following project is being requested and being processed by the County's Planning & Development Services Department. Please review the proposed project based on your agency/department area of interest, expertise, and/or jurisdiction.

- | To: County Agencies | State Agencies/Other | Cities/Other |
|--|---|--|
| <input checked="" type="checkbox"/> County Executive Office – Rosa Lopez | <input checked="" type="checkbox"/> IC Sheriff's Office – Robert Benavidez/Fred Miramontes/Ryan Kelley | <input checked="" type="checkbox"/> IID – Donald Vargas |
| <input checked="" type="checkbox"/> Public Works – Carlos Yee/John Gay | <input checked="" type="checkbox"/> Board of Supervisors – John Hawk - District #5 | <input checked="" type="checkbox"/> Caltrans, District 11 – Maurice Eaton/ Kimberly Dodson/ Roger Sanchez |
| <input checked="" type="checkbox"/> Fort Yuma- Quechan Indian Tribe – Jordan D. Joaquin/ H. Jill McCormick | <input checked="" type="checkbox"/> Ag. Commissioner – /Margo Sanchez/Antonio Venegas/ Ashley Jauregui/ Jolene Jauregui | <input checked="" type="checkbox"/> IC Fire/OES Office – Andrew Loper/ Sal Flores/Robert Malek/ David Lantzer |
| <input checked="" type="checkbox"/> Winterhaven County Water District – Rick Miller | <input checked="" type="checkbox"/> Campo Band Of Mission Indians - Marcus Cuero/Jonathan Mesa | <input checked="" type="checkbox"/> EHS – Jeff Lamoure/Mario Salinas/ Alphonso Andrade/Jorge Perez/Vanessa R Ramirez |
| | | <input checked="" type="checkbox"/> APCD – Monica Soucier/Belen Leon/Jesus Ramirez |

From: Derek Newland Planner II - (442) 265-1736 or dereknewland@co.imperial.ca.us
 Project ID: Conditional Use Permit #23-0018/Initial Study #23-0022
 Project Location: 509 Railroad Avenue, Winterhaven, CA 92283 APN 056-283-006
 Project Description: Applicant proposes to operate a cannabis dispensary and lounge located within a former market.
 Applicants: WH Lounge LLC
 Comments due by: **September 25th 2023 at 5:00PM**

COMMENTS: (attach a separate sheet if necessary) (if no comments, please state below and mail, fax, or e-mail this sheet to Case Planner)
Please see attached comment letter/packet

Name: Antonio Venegas Signature:  Title: Agricultural Biologist/Standards Specialist IV
 Date: 09/25/2023 Telephone No.: 442-265-1500 E-mail: antoniovenegas@co.imperial.ca.us

D:\Users\A\Users\APN\056\283\006\CUP23-0018_IS23-0022 Request for Comments 9.15.23 .docx



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Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

Jolene Dessert
Commissioner / Sealer

Rachel Garewal
Asst. Commissioner / Sealer

September 25, 2023

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

Re: Conditional Use Permit #23-0018/Initial Study #23-0022

Mr. Newland:

Our department has reviewed the documents pertaining to CUP #23-0018/IS #23-0022 for applicant WH Lounge LLC, a company proposing a retail commercial cannabis dispensary, delivery, and lounge at 509 Railroad Avenue, Winterhaven, California.

As mentioned in the project, the applicant will use landscaping at this site. Should the project require movement of plant material into Imperial County, the applicant must follow the requirements for movement of plant material into Imperial County from other counties and/or from out of state. The applicant may contact our Pest Detection and Eradication Division for any questions regarding the quarantines for movement of plant material, as there are several quarantines that must be observed. Additionally, the applicant may contact the California Department of Food and Agriculture (CDFA) Nursery Services Program for requirements regarding movement of cannabis nursery stock and a nursery license.

Please refer to the handouts attached for more detailed information. The handouts will explain the need for the applicant to register their point-of-sale electronic pricing system(s) with our office, determining what type of scale(s), if any, are required by their operation, how to apply for a weighmaster license when applicable, and label requirements for cannabis if scales will be used. Please be advised that any commercial weighing and measuring devices are required to be type approved for commercial use and must be registered, inspected, and sealed by our office initially and on an annual basis. The applicant can also register any non-commercial scale, such as prepacking scales, with our office and have them inspected upon request for a fee.

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

Best regards,

A handwritten signature in blue ink, appearing to read "Jolene Dessert".

Jolene Dessert



Office of the Agricultural Commissioner
 Sealer of Weights and Measures
 852 Broadway, El Centro CA 92243

Jolene Dessert
 Commissioner / Sealer

Rachel Garewal
 Asst. Commissioner / Sealer

Commercial Cannabis Activities Checklist
 (May 9, 2018)

To Whom It May Concern:

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

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

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Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

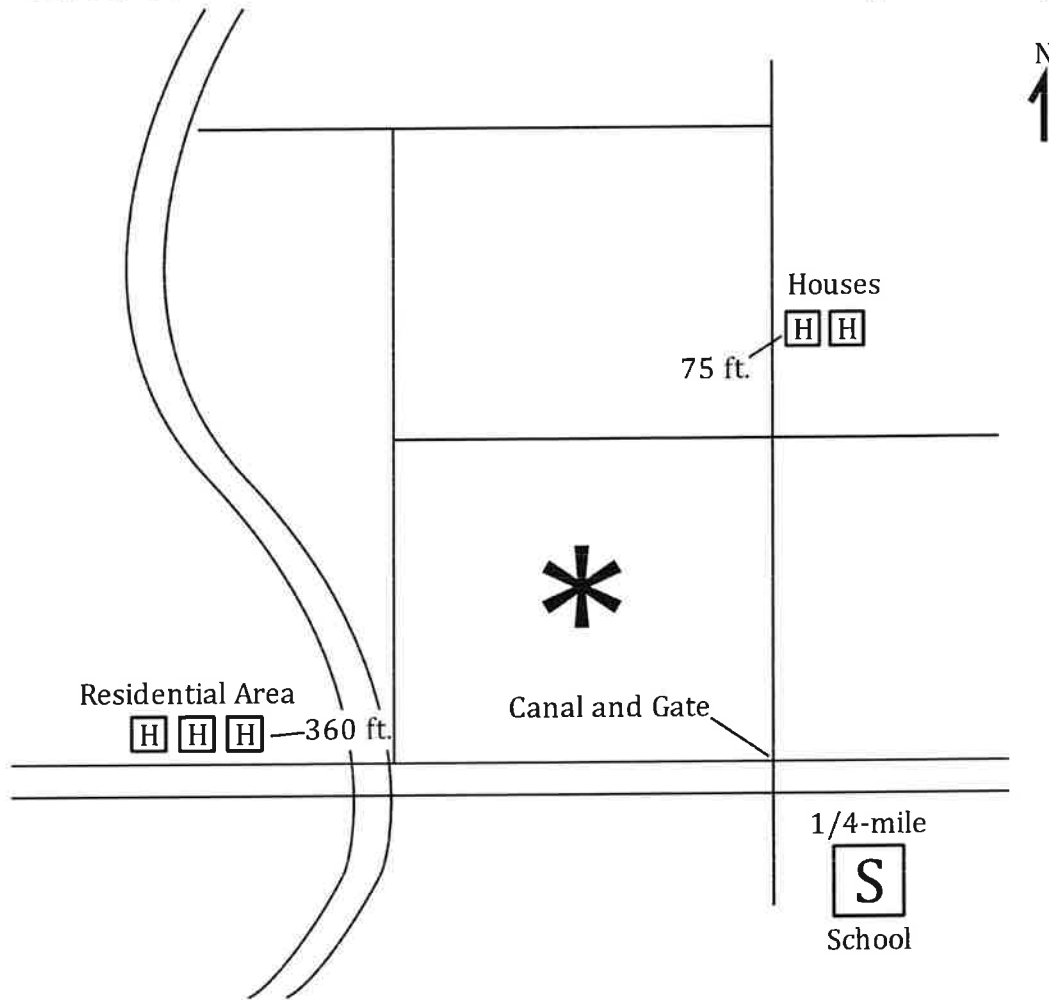
Jolene Dessert
Agricultural Commissioner
Sealer of Weights and Measures

2023-24 Operator Identification No. (OIN) Renewal Instructions

1. Fill out and sign the attached Property Operator Acknowledgement Form for each permit. It must be signed by an owner, partner, or officer of the company. An agent granted legal power of attorney, may also sign.
2. Review the attached OIN printout, including contact information, for accuracy. Please include an email address. Put a single line through any information you wish to change and write in the correct information.
 - a. Remove any sites that will not be farmed during the permit year.
 - b. Remove/correct commodities listed. For those sites that will not have a crop in the ground on July 1st or shortly after, list the commodity as "uncultivated." Note: Commodities must be specific (head lettuce, leaf lettuce, napa cabbage, etc.).
 - c. Do not include/amend site ID's.
 - d. To add a new site, write in the canal and gate, commodity, and pesticides. Use additional paper or supplement forms as needed.
3. Maps
 - a. Two clean, legible maps must be submitted for each site. Please keep a clean original to copy for each year's OIN and make updates to sensitive sites as needed. **Incorrect or rejected maps will delay the review and approval of your OIN.**
 - b. Map Criteria
 - Maps must remain legible upon faxing or photocopying in black and white.
 - Leave a one-inch margin on each side and three inches on the bottom.
 - Orient North to the top of the page.
 - Depict the field(s) and all sensitive sites or potentially impacted areas within one mile. Sensitive sites include houses, schools, churches, businesses, the international border, residential areas or cities, and bodies of water. Be sure to update changes on your maps (new residence, etc.) each year.
 - Multiple fields are allowed on one map to the extent that components remain clear and legible.
 - All crossroads must be identified by name and include the distance to the roads if not adjacent.
 - Distances from the field to the sensitive sites must be indicated and should be sufficiently accurate to allow applicators to use an appropriate buffer when needed.
 - Schools within one mile of a field must be indicated on the map.
 - Include a non-repeating map number on the lower right-hand corner and the OIN name on the top.
 - c. Likely to be rejected: plat maps, aerial imagery or color maps, illegible/blurry maps, stamped maps.
4. Return documents for review, after completing all revisions and preparing your maps, to Pesticide Use Enforcement at 852 Broadway, El Centro, CA 92243. These changes will be reviewed, then made in the CalAgPermits system. We will call the signer when the OIN is ready.
5. Note: Any supplements turned into our office in June will be automatically added to the new OIN

Farm XYZ

(Sample Map)



Map #1

Restricted Materials Permit / Op-ID Questionnaire

Please provide the following information regarding your operation:

Permit Name:		
Permit Number:		
1. Do you have employees that handle pesticides?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2a. Do you employ or contract field workers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2b. If you answered yes to 2a, are the field workers your employees, a farm labor contractor, or both?	<input type="checkbox"/> Employees	<input type="checkbox"/> FLC <input type="checkbox"/> Both
3. Do you want to add or change any of the contact persons listed on your permit? (Such as dealers, pest control businesses, pest control advisers, certified applicator, etc.) If yes, please also make the corrections on your permit copy prior to submission.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
4. CalAgPermits permissions: You can grant permission for contacts (dealer, pest control business, pest control advisor, etc) to view your permit, submit pesticide use reports (PURs), or submit/amend annual school notifications (SN). If applicable, please list contact name and/or business and indicate the type of permission that you would like to grant.		
	<input type="checkbox"/> Permit Viewer	<input type="checkbox"/> PUR Submitter <input type="checkbox"/> SN
	<input type="checkbox"/> Permit Viewer	<input type="checkbox"/> PUR Submitter <input type="checkbox"/> SN
	<input type="checkbox"/> Permit Viewer	<input type="checkbox"/> PUR Submitter <input type="checkbox"/> SN
	<input type="checkbox"/> Permit Viewer	<input type="checkbox"/> PUR Submitter <input type="checkbox"/> SN
	<input type="checkbox"/> Permit Viewer	<input type="checkbox"/> PUR Submitter <input type="checkbox"/> SN

2023/2024
Property Operator Acknowledgment and Designation of Agent

County of Imperial, State of California

Operator ID/Restricted Materials Permit Name

No. 13-24-_____
Operator ID/Restricted Materials Permit No.

The undersigned hereby acknowledges as follows:

1. The Operator ID/Restricted Materials permit named above is a:
 corporation partnership sole proprietorship other (specify) _____
2. I am the _____ of the above named entity and have the legal authority
(title/position)
to grant limited power of attorney to the designated agent below on behalf of this entity.
3. I am the operator of the properties listed on the Operator ID/Restricted Materials permit identified above. I am responsible for all acts, omissions, and representations made by the designated agent. I am responsible for compliance with all laws, rules, regulations, and permit conditions.

Designation of Agent / Limited Power of Attorney

4. I hereby designate and appoint as my agent and attorney in fact:

Printed Name of Agent Designated to Sign the Operator ID/Restricted Materials Permit

Telephone Number

I understand that the Agricultural Commissioner is relying on this appointment and agree that I will be bound to the terms hereof until this permit expires or this appointment is revoked by me in writing. I understand and agree that this appointment authorizes the above named person to act on behalf of the permittee in any and all matters pertaining to the Operator ID/Restricted Materials permit identified above. I understand that this agreement must be renewed annually.

5. I further understand and agree that this appointment does not relieve me of my responsibilities as operator of the properties listed on the Operator ID/Restricted Materials permit identified above.

Operator Signature

Date

Print Your Name

Telephone Number

Address

City, State, Zip

E-mail

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Records That Property Operators/Growers Must Maintain (3CCR 6618, 6619, 6623-6627, 6723, 6723.1, 6724, 6728, and 6739, 6761.1, 6764):

- Restricted Materials Permit (RMP) or Operator ID form, maps, and supplements (two years)
- Pesticide use reports for all pesticides applied for two years (must include the date of application, property operator, operator ID number or RMP number, site ID, crop, acres, pesticides applied-including the EPA or CA State Registration number, completion date and time, time to reentry), and records must be filed by site/field if applied by a commercial applicator.
- Any records required for employees handling pesticides, including pesticide use records with employee name and date of use for any employee handling DANGER or WARNING organophosphate/carbamate (3 years).
- Pesticide Safety Information Series (PSIS) if you have employees handling pesticides or entering treated fields.
- Safety Data Sheets (SDS) for all pesticides applied to your property

Records That Property Operator/Growers Must Submit (3CCR 6624, 6626, and 6627):

- Notice of Intent - 24 hours prior to the application of California restricted materials.
- Pesticide use reports for the grower application of any pesticide by the 10th of the month following the application. Two forms: one for crops and one for non-crops (i.e., ditch banks, right-of-ways, etc.). "Pesticides" include all substances/materials intended to control, destroy, repel, or mitigate a pest and adjuvants. This definition includes glyphosate, sanitizers, and organic materials, and all such use must also be reported.

Field Worker Safety Requirements (any employee entering a "treated" field) (3CCR 6618, 6761-6776)

- Property operators must have a method of informing employees or other contractors who may be entering a field or working within a ¼ mile of a field of ongoing applications or active restricted entry intervals (REI).
- Complete and central location display of PSIS A-9 (Hazard Communication) at work site.
- Display application-specific information at a central location with unimpeded access during hours of fieldworker operation (site ID, acreage, date and time application is completed, reentry interval, pesticide/adjuvant, and active ingredient, CA and EPA Registration numbers, and SDS).
- Do not allow any person, other than the applicator(s), to enter or remain in a treated area during an application.
- Fieldworker training - ensure that all employees working in a treated field have been trained within the last year. Training requirements of 6764 frequently change, and training material must be updated.
- Plan for emergency medical care in advance and post the location of emergency medical facilities at the work location. Immediately take all ill persons to a physician.
- Provide field worker decontamination facilities within a ¼ mile of workers - soap, water (at least one gallon per employee), and single use towels.
- Comply with pesticide REI/or early entry requirements.
- Comply with pesticide warning and posting requirements as specified on the label and in 3CCR 6776. Posting is required for all products whose REI exceeds 48 hours.

Training Requirements for Handlers (training must be provided annually) (3CCR 6724):

- Employees must be trained before working with pesticides and for each type of pesticide they handle.
- Written training records kept for each employee (retained for 2 years), signed by the employee and certified trainer.
- Certified Trainer – must be qualified by CA certified Train-the-Trainer, PAC, QAL, QAC, PCA, UCCE Farm Advisor, or other approved by Director.

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- Completed and centrally displayed PSIS A-8 (Hazard Communication)
- Written training program for handler employees. Training records must specifically address:
(Note that the PSIS covers most of these topics)
 - Format and meaning of information contained in pesticide product labeling.
 - Applicator's responsibility to protect persons, animals, and property.
 - Need for limitations, appropriate use, and sanitation of personal protective equipment.
 - Safety requirements and procedures for handling, transporting, storing, and disposing of pesticides.
 - Where and in what form pesticides may be encountered (treated surfaces, residues on clothing/PPE/ application equipment, and drift)
 - Hazards of pesticides as identified in product labeling, SDS, or PSIS.
 - Routes pesticides can enter the body.
 - Signs and symptoms of overexposure.
 - Routine decontamination procedures. (1. Hand washing before eating, drinking, using the restroom, etc. 2. Shower with soap and water. 3. Changing into clean clothes. 4. Washing clothes separately from other laundry)
 - SDS contains information on hazards, emergency medical treatment, and other information
 - The location of the written hazard communication information for employees handling pesticides (PSIS A-8), other PSIS, and SDS.
 - The purposes and requirements for medical supervision, and documentation, if they fall into that category.
 - Emergency first aid and decontamination, including eye flushing for pesticide exposure.
 - How and when to obtain emergency medical care.
 - Heat-related illness prevention, recognition, and first aid training in accordance with 8CCR section 3395.
 - Requirements of the California Code of Regulations pertaining to pest control operations and environmental protection concerning pesticide safety, SDS, and PSIS.
 - Handlers must be 18 years old
 - Environmental concerns such as drift, runoff, and wildlife hazards.
 - Field posting requirements and REIs
 - Employees should not take pesticides or containers home.
 - Potential hazards to children and pregnant women. Handlers should decontaminate prior to coming into contact with family members.
 - How to report pesticide use violations
 - Employee rights (receive information about pesticides to which they may have been exposed, that a doctor or other representative is also entitled to this information, the illegality of employer retaliation for pesticide complaints and that they should report suspected violations to the Ag. Commissioner.

Written Respiratory Protection Program – (keep records for 3 years) (3CCR 6739):

- Know if respirators are required by reading the labels of the pesticides for the products you plan to use.
- When respirators are required, you must provide medical evaluation, fit testing, a written training program, annual respiratory protection training, annual pesticide program evaluation, and recordkeeping for these documents.



Medical Care and Medical Monitoring Requirements – (keep records for 3 years) (3CCR 6726 and 6728):

- Plan for emergency medical care for all employees using pesticides and post this information at the worksite (pickup, field). You must follow this plan and take staff for medical evaluation in the event of exposure or illness.
- When handling any organophosphate or N-methyl carbamate pesticide labeled DANGER or WARNING, maintain use records for each employee, which show the pesticide(s) used and date of each use.
- When an employee works with organophosphates or N-methyl carbamates labeled DANGER or WARNING for more than six days within any 30 days:
 - Employers must obtain medical supervision from an OEHHA licensed physician for employees and comply with the Doctor's Letter, which outlines the program and frequency of testing. A current copy of the medical supervision letter must be given to the Ag Commissioner's Office.
 - Employees must have cholinesterase baseline tests BEFORE they begin work, and must be retested at intervals based on 3CCR 6728 regulations and doctor's recommendation in the medical supervision letter.
 - All medical records and test results shall be kept on file by the employer.

Protective Clothing, Safety Equipment, and Other Handler PPE Requirements (3CCR 6730-6738.4 and 6746):

- Whenever an employee is using any pesticide - soap, water (3 gallons per handler), and single use towels must be available for washing at the worksite, in addition to an extra pair of clean coveralls.
- When the label requires eye protection, the handler must have one pint of clean water available for emergency eyewash (in the cab of the application equipment), and the mix/load site must have at least 6 gallons of water available in a manner capable of delivering gently running water for at least 15 minutes.
- PPE must be provided and maintained by the employer. Employees cannot take PPE home. The employer must also ensure the proper use and storage of PPE.
- Eye protection and rubber gloves are required for all mixing and loading, when using hand or ground spray equipment, and when cleaning or repairing equipment. (CA law; may not be mandated by label)
- Whenever protective eyewear is required, and the label does not identify a specific type, one of the following ANSI Z87.1 compliant items must be worn: 1. Safety glasses that provide front, brow, and temple protection, 2. Goggles, 3. Face shield, or a respirator with a full-face mask approved by NIOSH.
- Gloves – 3CCR 6738.3 specifies various categories of glove materials. If the label specifies a category, the gloves must correspond. All gloves must be 14 mils or thicker except barrier laminate and polyethylene materials.
- Pesticide labels may also require a respirator, chemical resistant boots, apron, head covering, or specific clothing under coveralls.
- A clean, long-sleeved shirt and long pants or coveralls may be worn instead of label required PPE when handling CAUTION materials with a closed system. Coveralls and apron may be used when handling DANGER or WARNING materials instead of label-required PPE.
- A closed system must be used by employees for mixing and loading of pesticides when required by label or by precautionary statements. Tier 1 closed system: "Fatal if absorbed through skin"; Tier 2 closed system: "May be fatal if absorbed through skin."
- When an employee works with any DANGER or WARNING pesticide, a changing area must be available where the employee can change and wash at the end of the day.
- Maintain contact with employees working alone with DANGER pesticides every 2 hours in the daytime, every 1 hour at night.

Minimal Exposure Pesticides (MEP) – Bromoxynil, Folpet, Oxydemeton-methyl, Propargite (3CCR 6790-6793):

- Must comply with user requirements in 3CCR 6793; which include a full body, chemical-resistant suit.
- Employers should have a copy of PSIS A-6 Minimal Exposure Pesticides available and ensure that

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employees handling these pesticides comply with it.

Pesticide Use Near Schoolsites (3CCR 6690-6692):

- Any production ag. site within ¼ mile of a schoolsite (Public K-12 and licensed daycares) is subject to application restrictions from 6:00 AM to 6:00 PM, Monday through Friday. The restrictions prohibit applications during these times based on the potential for drift created by the application method and the pesticide formulation.
- Any property operator of an ag. site within ¼ mile of a schoolsite must submit an annual notification to the schoolsite by April 30th, of all intended pesticide use for the upcoming school year. Pesticides intended to be used should be accurate for the active ingredient; however, the trade name need not be. Notifications must be amended 48 hours prior to use for unanticipated pesticides. If a property operator changes, the new property operator has 30 days to submit the notification. Notifications must be retained for 2 years.

Beekeeper Notification Requirements for Pesticides Toxic to Bees (3CCR 6982 and 6983):

- Applicators must perform a beecheck in BeeWhere prior to applying toxic pesticides to blossoming plants. If an apiary is listed within one mile of the application site, they must be notified 48 hours in advance.
- Follow specific pesticide label requirements for bees and bloom in all cases.

I have received a copy of these requirements and understand that the California Food and Agricultural Code establishes that violations of pesticide use and worker safety requirements are subject to civil penalties of up to \$5,000 per violation.

_____ **Initial to acknowledge that you have read and understood the information in this document.**

OPERATOR (FIRM NAME)	TELEPHONE NUMBER
----------------------	------------------

MAILING ADDRESS (Number and Street, City, State, ZIP Code)

OPERATOR IDENTIFICATION NUMBER	ISSUING COUNTY			ISSUE DATE	EXPIRATION DATE	
LOCATION	SEC	TWN	RNG	COMMODITY	ACRES/UNIT	SITE IDENTIFICATION NUMBER

LIST ADDITIONAL COUNTIES AND OPERATOR IDENTIFICATION NUMBERS WHERE PESTICIDES MAY BE APPLIED:

1. _____	4. _____
2. _____	5. _____
3. _____	6. _____

SIGNATURE	TITLE	DATE
	PREPARED BY	DATE

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Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

Jolene Dessert
Commissioner / Sealer

Rachel Garewal
Asst. Commissioner / Sealer

June 21, 2023

Landscaper/Nursery

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

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

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

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

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

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

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

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

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

Sincerely,



Nelson Perez
Deputy Agricultural Commissioner
Pest Detection and Eradication



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

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

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

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

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

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

HOW DO I OBTAIN A WEIGHMASTER LICENSE?

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

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

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

Business Classification by Commodity

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

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

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

You may access these from the [California Legislative Information website](#)

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=BPC&division=5.&title=&part=&chapter=7.&article=

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

You may access these from the [WESTLAW](#) website at:

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

WHO HAS TO ISSUE WEIGHMASTER CERTIFICATES?

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

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

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

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

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

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

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

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

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

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

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

CCR Title 17 § 40277. Weights and Measures.

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

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

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

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

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

CCR Title 16 § 5049. Track and Trace Reporting.

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

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

SCALES USED FOR COMMERCIAL PURPOSES

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

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

Step 2: Setting up your scale.

Step 3: Using and maintaining your scale.

Step 4: Notifying your County Weights and Measures Office.

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

Consider:

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

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

Step 2: Setting up your scale.

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

Step 3: Using and maintaining your scale.

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

Step 4: Register a scale with your county.

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

SCALES USED FOR CANNABIS

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

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

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

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

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

*Conversions rounded to nearest legal division size.

Additional Resources

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

SALES BY WEIGHT:

A business needs to determine weight of:

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

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

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

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

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

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

SALES BY VOLUME:

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

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

- Oils
- Tinctures
- Extracts



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

CALIFORNIA WEIGHTS AND MEASURES LABEL REQUIREMENTS

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

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

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

The **three basic requirements** are:

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

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

CONSUMER PACKAGES

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

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

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

Minimum Height of Numbers and Letters for Principal Display Panel		
Area of Principal Display Panel	Minimum Height of Numbers and Letters (Printer)	Minimum Height Label Information (Blown or Molded)
32 cm² (5 in ²) or less	1.6 mm (1/16 in)	3.2 mm (1/8 in)
Over 32 cm² (5 in ²) to 161 cm² (25 in ²)	3.2 mm (1/8 in)	4.8 mm (3/16 in)
Over 161 cm² (25 in ²) to 645 cm² (100 in ²)	4.8 mm (3/16 in)	6.4 mm (1/4 in)
Over 645 cm² (100 in ²) to 2581 cm² (400 in ²)	6.4 mm (1/4 in)	7.9 mm (5/16 in)
Over 281 cm² (400 in ²)	12.7 mm (1/2 in)	14.3 mm (9/16 in)

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

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

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

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

Abbreviations:

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

SI units: kg, g, mg, L **or** l, mL **or** ml, m, cm, mm, m, m², dm², cm², m³, dm³, **and** cm³

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

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

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

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

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

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

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

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

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

Less than 1 liter: must be stated in milliliters.

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

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

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

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

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

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

NONCONSUMER PACKAGES

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

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

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

EXEMPTIONS FROM LABELING REQUIREMENTS

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

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

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

Commodities Packed and Sold on the Same Premises

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

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

Random Weight Packages

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

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

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

[CCR § 4510 UPLR 6.16, 11.1]

Exemptions

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

A random weight package will have a conspicuous label stating:

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

It is exempt from the requirements for:

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

[CCR § 4510 UPLR 11.1]

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



Office of the Agricultural Commissioner
Sealer of Weights and Measures
852 Broadway, El Centro CA 92243

Jolene Dessert
Commissioner / Sealer

Rachel Garewal
Asst. Commissioner / Sealer

POINT-OF-SALE SCANNERS & ELECTRONIC PRICING DEVICES

The Imperial County Weighing and Measuring Devices and Point-of-Sale Systems ordinance (Chapter 5.68) requires businesses to register with the Imperial County Sealer of Weights and Measures Department and pay an annual registration fee. Registration certificate fees are based on the number of point of sale stations at each retail location. This registration certificate is required in addition to any other certificate, license or permit which may be required by the county, cities, or any public entity. Any registration certificate for which fees have not been paid within forty –five (45) days from the date that such payment is due, will be subject to a twenty percent (20%) penalty. See the attached fee schedule for reference.

All retail locations that utilize a point of sale system are subject to the county ordinance. Such systems include Universal Product Code (UPC) scanners, price look-up codes, or any other system that relies on the retrieval of electronically stored information to complete a transaction. Per the ordinance, all systems shall be available for testing and inspection by the county sealer of weights and measures.

The Imperial County Weights and Measures Office enforces the California Business and Professions Code as well as the California Code of Regulations as it pertains to point-of-sale systems. Below is a summary of applicable code sections:

In accordance to the California Business and Professions Code § 12024.2 and § 12024.6, it is unlawful for any person, at the time of sale of a commodity, to do any of the following:

- Charge an amount greater than the price, or to compute an amount greater than a true extension of a price per unit, that is then advertised, posted, marked, displayed, or quoted for that commodity.
- Charge an amount greater than the lowest price posted on the commodity itself or on a shelf tag that corresponds to the commodity, notwithstanding any limitation of the time period for which the posted price is in effect.

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- No person, firm, corporation, or association shall advertise, solicit, or represent by any means, a product for sale or purchase if it is intended to entice a customer into a transaction different from that originally represented.

In accordance to the California Business and Professions Code sections § 13300-13303 and § 12024.6:

- Any business that uses a point-of-sale system must have a display of the prices charged visible to the customer from a reasonable and typical position
- When a price reduction or discount regarding an item is advertised, the checkout system customer indicator shall display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings
- Any surcharges and the total value to be charged for the overall transaction also shall be displayed for the consumer at least once before the consumer is required to pay for the goods or services
- "Point-Of-Sale System" means any computer or electronic price look-up system that retrieves the price of the item being purchased

The Imperial County Sealer of Weights and Measures is authorized to levy a civil penalty against a person violating any provision of this law or regulation adopted pursuant to this law, of not more than one thousand dollars (\$1,000) for each violation.

Please remember that it is the responsibility of the owner/operator of a business to obtain a current registration from the Sealer's Office before using an electronic point-of-sale checkout system. Our office is open to the public from 8:00AM to 5:00PM, Monday through Friday. If you have any questions or need assistance, please contact us at (442) 265-1500. We will be happy to assist you.

Sincerely,



Margo Sanchez
Deputy Sealer of Weights & Measures
Special Projects Division

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Office of the Agricultural Commissioner
 Sealer of Weights and Measures
 852 Broadway, El Centro CA 92243

Jolene Dessert
 Commissioner / Sealer

Rachel Garewal
 Asst. Commissioner / Sealer

ANNUAL REGISTRATION/RENEWAL APPLICATION (expires December 31, 2023)

Registration No.: _____ *Please update any outdated or missing information.*

Company Headquarters:

Name: _____ Contact: _____
 Mailing Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____
 Email: _____

Physical Location:

Business Name: _____ Primary Contact: _____
 Physical Address: _____ Phone: _____
 City/State/Zip: _____ Fax: _____

Device Type	Location Fee	Quantity	Fee per Device	Device Fee Subtotal	DMS Fee per Device	DMS Fee Subtotal	Device Total
TOTAL FEES DUE:							

<p align="center">For Department Use Only</p> <p>DMS Receipt #: _____ DMS Date: _____</p> <p>Deposit #: _____ Deposit Date: _____</p>	<p align="center">Make check or money order payable to:</p> <p align="center">IMPERIAL COUNTY WEIGHTS & MEASURES 852 Broadway El Centro, CA 92243</p>
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I CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION IS TRUE AND CORRECT.

_____ **Print Name of Authorized Representative** **Signature** **Date**

We gladly accept checks. If your check is returned unpaid, your account will be debited electronically for the original amount and electronically or via paper for the state's maximum allowable service fee. Payment by check constitutes authorization of these transactions. You may revoke this authorization by calling (800) 666-5222, ext. 2, to arrange payment for any outstanding checks and service fees due. www.fiserv.com

County of Imperial Division of Weights and Measures

Registration Fees = Location fee + Device fee + DMS fee (State Surcharge)

Fees are based on a statewide fee structure approved by the State Legislature and Governor. Fees partially offset the cost of administering the commercial weighing and measuring program, and are based on the number and type(s) in use per location. These fees have been adopted in the Imperial County Ordinance Chapter 5.68 and are authorized by the California Business and Professions Code: Device Fees Section 12240(f)-(t); Location Fee Section 12240(u); State Administrative Fee: Section 12241 and California Code of Regulations Title 4, Division 9, Chapter 3, Article 3, Section 4075.

All fees are due and payable by January 1st. Any registration paid after forty-five (45) days will be considered delinquent and be subject to penalties. The penalties are twenty percent (20%) of total device registration fee and location fee accruing each forty-five (45) days in arrears.

Device Location Fee: Each location (scanner/point-of-sale excluded) is charged a location fee of \$100. A location is considered a business with one or more types of devices that require specialized testing equipment that will necessitate more than one trip. Additionally, if a commercial device is installed on a vehicle, each vehicle is considered a single location.

Device Registration Fees	Fee per Device	DMS fee per Device
CNG Meter	\$20.00	\$16.00
Computing Scales <2,000#	\$20.00	\$2.20
Counter Scale < 2,000#	\$50.00	\$2.20
Electric Submeter	\$3.00	\$0.50
Fabric/Cord/Wire	\$20.00	\$2.20
Hanging Scale < 2,000#	\$50.00	\$2.20
Hanging Scale 2,000-10,000#	\$150.00	\$16.00
Hopper & Tank > 10,000#	\$250.00	\$24.00
Hopper & Tank 2,000-10,000#	\$150.00	\$16.00
L.P.G. Meter	\$185.00	\$16.00
Livestock Scale > 10,000#	\$150.00	\$24.00
Livestock Scale 2,000-10,000#	\$100.00	\$16.00
Misc. Measuring Devices	\$20.00	\$2.20
Misc. Weighing Devices < 2,000#	\$50.00	\$2.20
Monorail/Meat < 2,000#	\$50.00	\$2.20
Monorail/Meat 2,000-10,000#	\$150.00	\$16.00
Odometers	\$60.00	\$2.20
Platform/Dormant <2,000#	\$50.00	\$2.20
Platform/Dormant > 10,000#	\$250.00	\$16.00
Platform/Dormant 2,000-10,000#	\$150.00	\$16.00
Class II Scale (Non-prescription/jewelry)	\$20.00	\$2.20
Pres/Jewel Scale <2,000#	\$80.00	\$2.20
Railway Scale > 10,000#	\$250.00	\$24.00
Retail Meter Fuel (Gas pumps)	\$20.00	\$2.20
Retail Water Meter (Dispensers, Vending)	\$20.00	\$2.20
Vehicle Meter (Any vehicle mounted meter)	\$75.00	\$2.20
Vehicle Scale > 10,000#	\$250.00	\$24.00
Water Submeters	\$2.00	\$0.50
Wholesale Meter (Stationary Hi-volume sale)	\$75.00	\$2.20
Scanner/Point of Sale Registration Fees	Fee per Scanners	DMS Fee per Scanners
Scanners (1-3)	\$89.00	\$0.00
Scanners (4-16)	\$129.00	\$0.00
Scanners (17-30)	\$190.00	\$0.00
Scanners (31 or more)	\$240.00	\$0.00

Please note that some device types cap at \$1,000 per location. If you have any questions please call the Division of Weights and Measures at (442) 265-1500.

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