

CHAPTER 1.0

INTRODUCTION

1.1 PURPOSE OF THE DOCUMENT

The California Environmental Quality Act (CEQA) requires State and local public agencies to prepare an Environmental Impact Report (EIR) prior to approving any project that may have a significant effect on the environment. According to CEQA, a “project” is defined as the whole of an action that has the potential to result in a direct physical change or a reasonably foreseeable indirect physical change in the environment (State CEQA Guidelines Section 15378[a]). The Trinity Cannabis Cultivation and Manufacturing Facility is in the City of Calexico and meets the definition of a “project” as defined by CEQA.

The City of Calexico is the lead agency for the preparation of this EIR under CEQA and is responsible for conducting the environmental review and certifying the EIR. Likewise, consistent with the requirements of CEQA, the City will use the EIR as a decision-making tool to assist with its determination whether to approve, modify, or deny the Project. The City also has discretionary authority to issue a Development Agreement for the proposed Cannabis Cultivation and Manufacturing Facility. A Conditional Use Permit will not be issued until the effective date of an approved ballot measure authorizing the taxation of commercial cannabis activities in the City. Other required actions associated with the Project include a Commercial Cannabis Activity Regulatory Permit Application, Environmental Information Application, Uniform Application, Site Plan Review, all necessary Building Permits Necessary, a Parcel Map for APNs 059-343-003 and 059-343-014 to be merged. State requirements include a license from Bureau of Cannabis Control, a CalCannabis Cultivation License, and a manufacturing license from the Manufactured Cannabis Safety Branch

The Trinity Cannabis Cultivation and Manufacturing Facility EIR (State Clearinghouse Number [SCH. No.] 2017121037) is a public document for a cannabis cultivation and manufacturing project, specifically four cultivation and manufacturing facilities and one transportation and distribution facility. This Draft EIR describes the existing environment and evaluates the project-specific and cumulative impacts of the proposed Project and alternatives in accordance with the provisions set forth in CEQA and the CEQA Guidelines. This EIR will be used to address potentially significant environmental issues and recommend adequate and feasible mitigation measures, where possible, that could reduce or eliminate potentially significant environmental impacts.

1.2 PROJECT BACKGROUND

1.2.1 PROJECT BACKGROUND

In 1996, California voters approved Proposition 215, known as the Compassionate Use Act (CUA), which was later codified at California Health and Safety Code Section 11362.5. The CUA ensures that qualified patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction under state law.

In 2003, the State enacted Senate Bill (SB) 420, known as the Medical Marijuana Program, codified at California Health and Safety Code Sections 11362.7 et seq. The Medical Marijuana Program was intended to supplement the provisions, and clarify the intent, of the CUA and to allow cities to adopt and enforce rules and regulations consistent with the Medical Marijuana Program. One such regulation, California Health and Safety Code Section 11362.775, removed state-level criminal and civil sanctions for the collective or cooperative cultivation of medical marijuana.

In May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, holding that cities have the authority to regulate or ban outright medical cannabis land uses. However, under the Federal Controlled Substances Act, the

1.0 INTRODUCTION

use, possession, and cultivation of cannabis are unlawful and subject to federal prosecution without regard to a claimed medical need.

In 2015, the State enacted a trio of bills (Assembly Bill [AB] 243, AB 266, and SB 643) now known as the Medical Cannabis Regulation and Safety Act (MCRSA). This Act established a state-wide regulatory and licensing structure for medical marijuana businesses, including cultivation, manufacturing, testing, dispensary, distribution, and transport. MCRSA became effective on January 1, 2016. Marijuana businesses are required to obtain both state licenses and local permits to lawfully operate. MCRSA created immunities for any licensee acting in accordance with state and local laws. Issuing of state licenses began in January 2018. One year after the state issuance of licenses, the Medical Marijuana Program's collective or cooperative model for the cultivation of medical marijuana will be repealed.

On November 8, 2016, through ballot initiative, California adopted the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") (Proposition 64) to regulate the personal, medical, and commercial use of cannabis pursuant to local authority preserved in the AUMA. Under AUMA, it is lawful for individuals to "possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants. AUMA would authorize cities to "reasonably regulate" without completely prohibiting cultivation of marijuana inside a private residence or inside an "accessory structure to a private residence that is fully enclosed and secure." Immediately following AUMA passage, provisions such as the ability to cultivate marijuana inside a private residence or accessory structure took effect on November 9, 2016.

In the wake of the passage of Proposition 64, the Calexico City Council met on Wednesday, January 25, 2017 to discuss the implementation of the first reading of an ordinance that would open a regulatory process of cannabis within the city. Following public notice in the Imperial Valley Press, the City held a public scoping meeting on April 26, 2017 to receive input from the public to guide the scope and content of the Ordinance. The City then proceeded to draft an Ordinance regulating cannabis cultivation, manufacturing, distribution, testing, and transportation activities.

The Planning Commission of the City of Calexico conducted a properly noticed public hearing on May 22, 2017 at which members of the public were afforded an opportunity to comment on the draft Ordinance, the recommendations of staff, and other public testimony. At this hearing, the Planning Commission recommended that the City Council approve this Ordinance.

On June 21, 2017, the City Council conducted a properly noticed public hearing at which members of the public were again afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony.

On June 27, 2017 the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) (SB 94) was approved by Governor Brown. SB 94 Repealed MCRSA, includes certain provisions from MCRSA in the licensing provisions of AUMA, and creates a single regulatory scheme. SB 94 amends Section 26055(h) of the Business and Professions Code as follows: Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. Note: This subdivision will become inoperative on July 1, 2019.

On July 5, 2017, a Second Reading of Ordinance No. 1177 (by title only, Amending Title 17 [Zoning], Chapter 17.11, Article X of the Calexico Municipal Code Regulating Commercial Cannabis Activity) and Ordinance 1178, (by title only, Amending Title 5 [Business Licenses and Regulations [Article II, Chapter 5.96 of the Calexico Municipal Code Regulating Commercial Cannabis Activity]) took place. On this same date, the City Council also adopted both ordinances creating a new Chapter under Title 5, Business Licenses and Regulations, establishing a regulatory permit scheme for cannabis cultivation, manufacturing, distribution, testing, and transportation activities, such that each proposed commercial cannabis activity must have both a conditional use permit, development agreement or other applicable entitlements and a regulatory permit prior to operation.

AB 33 Cannabis Regulation was filed with the Secretary of State on September 16, 2017. AB 33 addresses cannabis regulation and refined SB 94 Medical vs. Retail procedures.

On October 30, 2017, five separate Applicants submitted five Uniform Applications to the City of Calexico Planning Department as part of the Trinity Cannabis Cultivation and Manufacturing Facility (“Project”):

- **Trinity 341, LLC.** A Uniform Application and Development Agreement requesting a Lot Line Adjustment and Parcel Carve-out. The Applicant is also requesting a Cultivation and a Manufacturing License, Commercial Cannabis Activity Regulatory Permit Application, Environmental Information Application, Site Plan Review, and all necessary Building Permits. In addition, the Applicant would need a License from the Bureau of Cannabis Control, a CalCannabis Cultivation License, a Manufacturing License from the Manufactured Cannabis Safety Branch and a Business License from the City of Calexico.
- **Barrington Consulting, LLC.** A Uniform Application and Development Agreement requesting a Lot Merger. The Applicant is also requesting a Cultivation and a Manufacturing License, Commercial Cannabis Activity Regulatory Permit Application, Environmental Information Application, Site Plan Review, and all necessary Building Permits. In addition, the Applicant would need a License from the Bureau of Cannabis Control, a CalCannabis Cultivation License, a Manufacturing License from the Manufactured Cannabis Safety Branch and a Business License from the City of Calexico.
- **Calexico Distribution Company, LLC.** A Uniform Application and Development Agreement requesting a Lot Line Adjustment. The Applicant is also requesting a Distribution License, Commercial Cannabis Activity Regulatory Permit Application, Environmental Information Application, Site Plan Review, and all necessary Building Permits. In addition, the Applicant would need a Distribution License from the Bureau of Cannabis Control, and a Business License from the City of Calexico.
- **Cole Boulevard Advisors, LLC.** A Uniform Application and Development Agreement requesting a Lot Line Adjustment. The Applicant is also requesting a Cultivation and a Manufacturing License, Commercial Cannabis Activity Regulatory Permit Application, Environmental Information Application, Site Plan Review, and all necessary Building Permits. In addition, the Applicant would need a License from the Bureau of Cannabis Control, a CalCannabis Cultivation License, and a Manufacturing License from the Manufactured Cannabis Safety Branch and a Business License from the City of Calexico.
- **Desert Valley Partners, LLC.** A Uniform Application and Development Agreement requesting a Lot Line Adjustment. The Applicant is also requesting a Cultivation and a Manufacturing License, Commercial Cannabis Activity Regulatory Permit Application, Environmental Information Application, Site Plan Review, and all necessary Building Permits. In addition, the Applicant would need a License from the Bureau of Cannabis Control, a CalCannabis Cultivation License, and a Manufacturing License from the Manufactured Cannabis Safety Branch and a Business License from the City of Calexico.

1.0 INTRODUCTION

This EIR is being prepared to analyze the potential environmental impacts of the proposed Project and fulfill the requirements of CEQA.

A Notice of Preparation (NOP) for the Trinity Cannabis Cultivation and Manufacturing Facility Draft EIR was issued by the City of Calexico on December 11, 2017 and received by the State Clearinghouse on December 13, 2017. The NOP is included in **Appendix A** of this EIR.

1.3 PROJECT OVERVIEW

The Project includes two Phases. Phase 1 consists of one existing building at 2421 Enterprise Boulevard that will undergo tenant improvements to accommodate cultivation and manufacturing. Phase 1 also includes a transportation and distribution facility with a transportation office located on a parcel carved-out north of the existing building at 2421 Enterprise Boulevard. This parcel will also have a guard shack and administration office. Phase 2 consists of three additional cultivation and manufacturing buildings proposed to be constructed on vacant land located along Sunset Boulevard.

On October 30, 2017, five separate Applicants submitted five Uniform Applications to the City of Calexico Planning Department as part of the Trinity Cannabis Cultivation and Manufacturing Facility (“Project”). The proposed Project includes the construction and operation of the following by each Applicant.

- Trinity 341, LLC. Tenant improvements to an existing 33,112-square-foot (sq. ft.) building on 2.21 acres at 2421 Enterprise Boulevard on assessor’s parcel number (APN) 059-343-018. The facility will be used to cultivate and manufacture cannabis.
- Barrington Consulting, LLC. Construction of a 38,500-sq. ft. building with a ground-floor and mezzanine on 2.00 acres located on APN 059-343-003 and 059-343-014. The facility will be used to cultivate and manufacture cannabis.
- Cole Boulevard Advisors, LLC. Construction of a 48,300-sq. ft. building on 2.00 acres located on APN 059-343-006. The facility will be used to cultivate and manufacture cannabis.
- Desert Valley Partners, LLC, construction of a 43,750-sq. ft. building on 2.00 acres located on APN 059-343-016. The facility will be used to cultivate and manufacture cannabis.
- Calexico Distribution Company, LLC. A 10,000-sq. ft. (0.23 acre) parcel carved out of APN 059-343-018. The facility will be used for transport and distribution of cannabis.

1.3.1 PROJECT LOCATION

The Project is located at 2421 Enterprise Boulevard, Calexico, CA 92231 as well as four surrounding parcels to the east. The Project parcels are located in the industrial portion of the City of Calexico within the Cannabis Overlay Zone (COZ). This COZ area is generally bounded by the railroad tracks on the west; the Adler Canal on the north; West Van De Graff Avenue and Scaroni Avenue on the east; and Weakly Street and Camacho Road on the south.

1.4 UNDERLYING PURPOSE AND OBJECTIVES OF THE PROPOSED PROJECT

Pursuant to CEQA, the following objectives have been identified for the proposed Project. Section 15124 of the CEQA Guidelines requires that the EIR include a statement of objectives sought by the proposed Project. These objectives identify the underlying purpose of the project and provide a basis for identification of alternatives evaluated in the EIR. A clearly written statement of objectives allows the lead agency to develop a reasonable range of alternatives to evaluate in the EIR and aids the decision-makers in preparing findings or a statement of overriding considerations, if necessary.

1.4.1 UNDERLYING PURPOSE

Construct and operate a cannabis cultivation and manufacturing facility and transportation and distribution facility that will help meet the increasing demand for medical cannabis and provide economic investment and diversification of the economic base in the City of Calexico.

1.4.2 STATEMENT OF OBJECTIVES

The proposed Trinity Cannabis Cultivation and Manufacturing Facility has the following objectives:

1. To set the standard for cannabis cultivators.
2. To be responsible civic and corporate citizens.
3. To bring a sustainable and expandable model of commerce to Calexico.
4. To diversify Calexico's economic and industrial base.
5. To bring economic growth to Calexico including employment, taxes and associated multiplier effect.
6. To provide a legal holistic option to patients and ultimately consumers as an alternative to opioids and the black market.
7. To cultivate and manufacture pesticide free, top-tier cannabis and cannabis products from an environmentally conscious, state-of-the art, sophisticated, agri-business campus.

1.5 REVIEW AND CERTIFICATION PROCESS

1.5.1 NOTICE OF PREPARATION

The proposed Trinity Cannabis Cultivation and Manufacturing Facility is an allowed use within the COZ and is consistent with the existing zoning of Commercial Highway and Industrial and the existing General Plan designation of Industrial. One of the applications involves tenant improvements to an existing building at 2421 Enterprise Boulevard to be used as a cultivation and manufacturing facility. Three of the applications are for construction of new buildings that would be used for cannabis cultivation and manufacturing. One application is for a transportation and distribution facility. All of the proposed cultivation and manufacturing facilities are more than 500 feet from any sensitive receptors that may conflict with the proposed use.

Although the proposed Trinity Cannabis Cultivation and Manufacturing Facility is consistent with existing zoning, general plan land use and surrounding industrial uses, the City decided to prepare an EIR as part of a good faith effort to address any concerns from the community or general public regarding development of a cannabis cultivation and manufacturing use. The City prepared an Initial Study (Code of California Regulations [CCR] §15063b (1)(A)) and subsequently issued a NOP for the preparation of an EIR (SCH. No. 2017121037) on December 13, 2017 (discussed further in subsection 1.8.1). The NOP was distributed to city, county, state and federal agencies, and other public agencies to define the scope of the EIR. The NOP was also published in the Imperial Valley Press on Monday, December 11, 2017. The purpose of the NOP was to identify public agency and public concerns regarding the potential impacts of the proposed Project, and the scope and content of environmental issues to be addressed in the EIR. Circulation of the NOP ended on January 11, 2018. A public scoping meeting was held on December 19, 2017 at 6:00 p.m. at the Fernando "Nene" Torres Council Chambers, 608 Heber Avenue, Calexico, CA. No members of the public were in attendance and no public comments were received at the meeting.

1.0 INTRODUCTION

A. DRAFT EIR

The Draft EIR includes a detailed description of the proposed Project, description of the environmental setting, identification of project impacts and mitigation measures for impacts found to be significant. An analysis of Project alternatives as well as a discussion of cumulative impacts and other CEQA required considerations are also provided. Upon completion of the Draft EIR, a Notice of Completion (NOC) will be filed with the California State Office of Planning and Research (OPR) by the City of Calexico. The NOC signals the start of the public review period for the Draft EIR (CCR §15085).

B. PUBLIC NOTICE/PUBLIC REVIEW

The Draft EIR public review and comment period should be no less than 30 days and no longer than 60 days. In the case of the proposed Project, the review period will be 45-days per CEQA Guidelines Section 15105.

On June 8, 2018 a NOC was filed with the State Clearinghouse for the Draft EIR, initiating the 45-day public review period of the Draft EIR document and associated technical appendices.

Concurrent with filing the NOC, the City is also required to provide notice to the public, agencies, organization and other interested parties of the availability of the Draft EIR for review and comment. A Notice of Availability (NOA) was published on June 6, 2018 in the Imperial Valley Press newspaper. In addition, the NOA was posted on the City's website and at local libraries. Public comment on the Draft EIR will be accepted in written form. Details on where to send questions or comments are provided in subsection 1.9, below. The public review and comment period ends on July 23, 2018 after which time all comments received will be responded to (refer to item C, "Response to Comments/Final EIR," below).

C. RESPONSE TO COMMENTS/FINAL EIR

A Final EIR (FEIR) will be prepared following the public review and comment period for the Draft EIR. The Final EIR will respond to: written comments received during the public review and comment period as well as oral comments made at any public hearing held to receive comments on the Draft EIR.

D. CERTIFICATION OF THE EIR

The Final EIR will be independently reviewed and considered by the City. If the Final EIR is deemed "adequate and complete," the City may certify the EIR at a public hearing. In general, the rule of adequacy holds that the EIR can be certified if it demonstrates a good faith effort at full disclosure of environmental information and provides sufficient analysis to allow decisions to be made regarding the project in terms of its environmental consequences.

Following review and consideration of the Final EIR, the City may take action to approve, conditionally approve, revise, or reject the Project. Written findings would accompany a decision to approve or conditionally approve the project (California Code of Regulations [CCR] §15091). Likewise, a statement of overriding considerations would be prepared if necessary (CCR §15093). A Mitigation Monitoring and Reporting Program, as described below, would also be adopted for mitigation measures that have been incorporated into or imposed upon the Project to reduce or avoid significant effects on the environment.

E. MITIGATION MONITORING AND REPORTING PROGRAM

The City must adopt a Mitigation Monitoring and Reporting Program (MMRP) for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment (CCR §15097). This program will be designed to ensure that these measures are carried out during project construction and operation.

The specific reporting or monitoring program required by CEQA is not required to be included in the EIR. However, any mitigation measures adopted by the City as part of the certified Final EIR will be considered as conditions of approval for the project and will be included in the MMRP to ensure and verify compliance.

1.6 AGENCY ROLES AND RESPONSIBILITIES

1.6.1 CITY OF CALEXICO

Parcels on which the various phases of the Project are proposed are zoned IND – Industrial and CH – Commercial Highway. The applications for the proposed Project request approval of a Development Agreement and Regulatory Permits for Cultivation and Manufacturing as well as Site Plan Review.

The City of Calexico – Municipal Code Title 17, Zoning, identifies permitted uses within various zones. Chapter 17.11, Article X of the Calexico Municipal Code Regulates Commercial Cannabis Activity identifying the purpose and intent of the Chapter; setting forth definitions; establishing permitted locations and standards; specifying the requirement of a Conditional Use Permit or Development Agreement; identifying an application fee or reimbursement agreement; prohibiting a cannabis transfer between permitted commercial cannabis activities; specifying prohibited operations; and describing penalties for violations.

Title 5 Business Licenses and Regulations, Article II (Specific Businesses), Chapter 5.96 Commercial Cannabis Activity Regulatory Permit, provides for the cultivation, manufacturing, testing, distribution, and transportation of medicinal and non-medicinal adult use cannabis (including cannabis products and edible cannabis products) within the city. The regulations and prohibitions in this Chapter 5.96 are enacted to ensure the health, safety, and welfare of the residents of the city. These regulations and prohibitions are in compliance with the Compassionate Use Act of 1996 ("CUA"), the Medical Marijuana Program ("MMP"), the Medical Cannabis Regulation and Safety Act ("MCRSA"), the Control, Use, Tax Adult Use of Marijuana Act ("AUMA"), (collectively, "State law"), and do not interfere with the use and possession of cannabis as authorized under State law.

Pursuant to CEQA, the proposed Project may require the following City authorizations:

- Certification of the EIR
- Adoption of a project MMRP
- Approval of CEQA Findings pursuant to CEQA Guidelines Section 15091
- Development Agreement
- Commercial Cannabis Activity Regulatory Permit Application
- Environmental Information Application
- Uniform Application
- Site Plan Review
- All Building Permits Necessary
- Approval of Project Site Plan
- Building Permits
- Occupancy Permits
- Business License

1.6.2 OTHER AGENCY REVIEWS AND/OR CONSULTATIONS

The Project would require permits and approvals from various state and local regulatory agencies. The agencies, potential permits and approvals are identified below.

1.0 INTRODUCTION

A. STATE

Effective January 1, 2018, three newly formed State agencies began issuing licenses for cannabis retailers, distributors, testing labs, micro-businesses, manufacturers and cultivators. In order to operate, the proposed Project will require three licenses from three State licensing authorities identified below.

CALCANNABIS

CalCannabis is part of the California Department of Food & Agriculture. This agency is responsible for issuing licenses to cannabis cultivators. CalCannabis also manages the track-and-trace system for cannabis facilities. The proposed Project will require a permit from CalCannabis for license to cultivate cannabis.

BUREAU OF CANNABIS CONTROL

The Bureau of Cannabis Control is under the purview of the Department of Consumer Affairs. The Bureau is the lead agency for retailers, distributors, testing labs and microbusiness. The proposed Project will require a permit from the Bureau in order to distribute cannabis.

MANUFACTURED CANNABIS SAFETY BRANCH

The Manufactured Cannabis Safety Branch (MCSB) is housed within the Department of Public Health. The MCSB is responsible for licensing manufacturers of cannabis products. This includes all non-flower products including tinctures and oils. The proposed Project will require a permit from the MCSB in order to manufacture cannabis.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (RWQCB), COLORADO RIVER BASIN REGION 7

The California Regional Water Quality Control Board (RWQCB), Colorado River Basin Region 7 is responsible for regulating water quality. Construction of the Project would be covered under a General Permit for Discharges of Storm Water Associated with Construction Activity (NPDES No. CAS000002) (Construction General Permit Order 2010-2014-DWQ, effective February 14, 2011). The permit requires the Applicants to file a public Notice of Intent (NOI) to discharge stormwater and to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP).

CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

The California Department of Toxic Substances Control (DTSC) oversees toxic substances procedures and remediation. If the Project is required to submit a Hazardous Materials Management Plan, a Spill Containment, Countermeasure, and Control (SPCC) Plan and/or Hazardous Materials Transportation Plans, DTSC would be responsible for review of these documents.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

The California Environmental Protection Agency (CalEPA) oversees various aspects of environmental protection throughout the State. CalEPA will be among the agencies that will be noticed during the public review period and have the opportunity to comment on the Project.

CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION

The California Native American Heritage Commission (NAHC) strives for the preservation and protection of Native American human remains and associated grave goods. The NAHC received a copy of the Notice of Preparation and provided a standard response letter.

B. LOCAL

IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

The Imperial County Air Pollution Control District (ICAPCD) is responsible for enforcing air emission requirements to protect public health in the County. These requirements apply to various activities including construction, and operational activities associated with various land uses. The Project will be required to prepare a Dust Control Plan to comply with ICAPCD Regulation VIII – Fugitive Dust Rules. The Project would also be subject to the ICAPCD’s Rule 310 Operational and Development Fees.

CALEXICO FIRE DEPARTMENT

The Calexico Fire Department would provide fire protection service to the Project. The Department received a copy of the NOP and was consulted during preparation of this EIR. The Department will review the Project including the final design of the proposed fire safety system.

CALEXICO POLICE DEPARTMENT

The Calexico Police Department would provide law enforcement service to the Project. The Department received a copy of the NOP and will review the Project, including the final design, for adequate emergency access. The Department was also consulted for input during preparation of this EIR.

1.7 RELATIONSHIP TO STATUTES, REGULATIONS AND OTHER PLANS

1.7.1 STATE

A. MEDICAL CANNABIS REGULATION AND SAFETY ACT (MCRSA)

In 2015, the State enacted a trio of bills (AB 243, AB 266, and SB 643) now known as the Medical Cannabis Regulation and Safety Act (MCRSA). This Act established a state-wide regulatory and licensing structure for medical marijuana businesses, including cultivation, manufacturing, testing, dispensary, distribution, and transport. MCRSA became effective on January 1, 2016. Marijuana businesses are required to obtain both state licenses and local permits to lawfully operate. MCRSA created immunities for any licensee acting in accordance with state and local laws. Issuance of state licenses began January 2018. One year after the state commences with the issuance of licenses, the Medical Marijuana Program’s collective or cooperative model for the cultivation of medical marijuana will be repealed.

B. ADULT USE OF MARIJUANA ACT (AUMA)

In November of 2016, voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). Under Proposition 64, adults 21 years of age or older can legally grow, possess, and use cannabis for non-medicinal purposes, with certain restrictions. In addition, beginning on January 1, 2018, AUMA made it legal to sell and distribute cannabis through a regulated business.

C. MEDICINAL AND ADULT-USE CANNABIS REGULATION AND SAFETY ACT (MAUCRSA)

In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94 (Chapter 27), that integrated MCRSA with AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) contained in division 10 of the Business and Professions Code (§26000 et seq.). Under MAUCRSA, a single regulatory system governs the medical and adult use cannabis industry in California.

1.7.2 LOCAL

A. CALEXICO GENERAL PLAN

The Calexico General Plan is the primary source of long-range planning and policy direction for the City. The Calexico General Plan contains goals, objectives, polies and implementation measures which are intended to guide land use and development decisions. The City updated its General Plan in 2015.

1.0 INTRODUCTION

B. CALEXICO ZONING ORDINANCE

The City's Zoning Ordinance and designated zone districts are a tool used to implement the General Plan Land Use Plan. The purpose of zoning is to promote and protect public health, safety and welfare and to safeguard and enhance the appearance and quality of development within the City of Calexico. State law required that the zoning on any parcel must be consistent with the parcel's General Plan Land Use designation. If the zoning is not consistent with the land use designation, a zone change is required to create consistency.

C. TITLE 17 (ZONING) AND TITLE 5 (BUSINESS LICENSES AND REGULATIONS)

On July 5, 2017, the City Council of the City of Calexico passed and approved Ordinance No. 1177, amending Title 17 (Zoning), Chapter 17.11, Article X, of the Calexico Municipal Code and Ordinance No. 1178, amending Title 5 (Business Licenses and Regulations), Article II, Chapter 5.96 of the Calexico Municipal Code, in order to regulate the cultivation, manufacturing, testing, distribution and transportation of medicinal and nonmedicinal adult use cannabis (including cannabis products and edible cannabis products) within the City of Calexico. The City's regulations require that each proposed commercial cannabis activity be located within the City's designated Cannabis Overlay Zone and must have both a conditional use permit, development agreement or other entitlements and a regulatory permit prior to operation. The proposed project has submitted five Uniform Applications requesting five Development Agreements.

D. IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT

The ICAPCD will review the proposed Project, including the proposed Odor Control Plan, for consistency with the ICAPCD CEQA Air Quality Handbook, the 1991 Air Quality Attainment Plan, and the State Implementation Plan for PM₁₀ in the Imperial Valley.

1.8 PUBLIC PARTICIPATION OPPORTUNITIES, COMMENTS AND COORDINATION

1.8.1 NOTICE OF PREPARATION

The NOP for the Trinity Cultivation and Manufacturing EIR was issued by the City of Calexico on December 11, 2017 and received by the State Clearinghouse on December 13, 2017. Three letters were received in response to the NOP. **Table 1.0-1** provides a list of the letter writers and summary of the areas of concern or issues raised in each letter. The NOP and written comments received during the public review period are included on the attached CD of Technical Appendices as **Appendix A** of this EIR.

**TABLE 1.0-1
SUMMARY OF NOP COMMENTS**

Agency/Individual	Issue Noted or Area of Controversy
State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit Scott Morgan, Director State Clearinghouse	<ul style="list-style-type: none">• Notice of receipt of Notice of Preparation.• Circulation of NOP to responsible agencies.

**TABLE 1.0-1
SUMMARY OF NOP COMMENTS**

Agency/Individual	Issue Noted or Area of Controversy
Native American Heritage Commission Gayle Totton, M.A., PhD. Associate Governmental Program Analyst	<ul style="list-style-type: none"> • AB 52 applies to the Project. • Both SB 18 and AB 52 have tribal consultation requirements. • The NAHC recommends that the lead agencies consult with all California Native American tribes affiliated with the geographic area. <p><i>These topics are addressed in Section 4.4, Cultural Resources and Paleontological Resources.</i></p>
State of California Department of Transportation District 11 Keri Robinson, Acting Chief Local Development and Intergovernmental Review Branch	<ul style="list-style-type: none"> • A Traffic Impact Study (TIS) is necessary. • The TIS should include an analysis of the multimodal travel demand expected from the proposed project. • The TIS should include regionally significant arterial system segments and intersections, including State highway facilities where the project will add over 100 trips. <p><i>Traffic is analyzed in Section 4.11, Transportation and Circulation.</i></p>
State of California Department of Fish and Wildlife Leslie MacNair Regional Manager Inland Deserts Region	<p>The Department recommends that the EIR address the following:</p> <ul style="list-style-type: none"> • Assessment of Biological Resources • Analysis of Direct, Indirect and Cumulative Impacts to Biological Resources • Analysis of Alternatives • Mitigation Measures for Project Impacts to Biological Resources • California Endangered Species Act • Lake and Streambed Alteration Program <p><i>These topics are addressed as applicable in Section 4.3, Biological Resources.</i></p>

1.8.2 SCOPING MEETING

In keeping with the provisions of CEQA Guidelines Section 15083 Early Public Consultation, a public scoping meeting was held for the proposed Project to solicit input on the scope and content of the EIR. The scoping meeting was conducted by the City of Calexico as the lead agency and took place on December 19, 2017 at 6:00 p.m. at the City Council Chambers. No members of the public attended the meeting and no comments were received.

The City also sent the NOP to responsible agencies (e.g., City of Calexico Police Department) to provide input on the Project during the 30-day comment period (December 13, 2017 – January 11, 2018). No

1.0 INTRODUCTION

tribes have requested consultation under AB 52, thus the City was not obligated to send consultation letters.

1.9 AVAILABILITY OF REPORTS

This Draft EIR, appendices, and documents incorporated by reference are available for public review at the City of Calexico Planning Department, 608 Heber Avenue, Calexico, California 92231. Copies are also available for review at the Camarena Memorial Library, 850 Encinas Avenue, Calexico, California, 92231. Documents at these locations may be reviewed during regular business hours. This document is available for review online at the City of Calexico Planning Department website: <http://www.calexico.ca.gov/>. All comments on the Draft EIR should be directed to:

Ralph B. Morales – Building, Code Enforcement & Planning Manager
City of Calexico Planning Department
608 Heber Avenue, Calexico, California 92231
rmorales@calexico.ca.gov

The Draft EIR will be reviewed by the City of Calexico Planning Commission and City Council as part of the procedure to adopt the EIR. Additional information on this process may be obtained by contacting the City of Calexico Planning Department at (760) 768-5118.

1.10 STRUCTURE OF THIS EIR

1.10.1 DRAFT EIR

The structure of this Draft EIR is identified in the Table of Contents and further explained in the beginning of Chapter 4.0, Environmental Analysis. The Draft EIR is organized into nine Chapters and the Executive Summary.

Executive Summary. This chapter provides a summary of the proposed Project, including a summary of Project impacts, mitigation measures, and alternatives to the proposed Project.

Chapter 1.0 – Introduction. This chapter explains the purpose of the document; provides a summary of the background, terminology and overview of the proposed Project; identifies the purpose and objectives of the Project; explains the review and certification process; identifies agencies responsible for review and/or consultation regarding the Project; explains the Project’s relationship to statutes, regulations and other plans; identifies public participation opportunities and summarizes comments received on the NOP; provides information regarding the availability of reports; and, outlines the structure of the document.

Chapter 2.0 – Project Description. This chapter provides a detailed description of the proposed Project and its various applications; identifies the Project’s location and land ownership; specifies the General Plan and zoning designations; provides details regarding the Project’s construction and operation; identifies alternatives under consideration; and, explains the intended uses of the EIR and authorizing actions.

Chapter 3.0 – Introduction to the Environmental Analysis and Assumptions Used. This chapter introduces the environmental impacts analyses and general assumptions used in the Project-specific and cumulative analyses contained in Sections 4.1 thru 4.11. It also describes the approach used in the General Plan consistency analysis.

Chapter 4.0 – Environmental Analysis. This chapter provides a brief overview of the ten resource areas determined for inclusion in the EIR by the Initial Study. This chapter also orients the reader to the order of the sections and format of the analysis.

Section 4.1 – Land Use. This section evaluates whether the proposed Project would conflict with surrounding land uses as well as the consistency of the Project with the City of Calexico General Plan, Zoning, and any other applicable plans or documents.

Section 4.2 – Air Quality. This section describes existing air quality in the region. It also addresses the requirements of the ICAPCD and analyzes local and regional air quality impacts associated with Project implementation including short-term construction impact (grading, etc.), as well as long-term operational emissions including exhaust from cultivation activities and traffic to and from the facility. This section also discusses the Odor Control Plan prepared for each application and as well as the increases in localized pollutant concentrations and odors attributable to the proposed Project.

Section 4.3 – Biological Resources. This section analyzes the potential for impacts to biological resources. The Project parcels have been highly disturbed. A biological field survey of the Project parcels and a search of the California Natural Diversity Database was conducted to determine the presence any special status species or habitat. The findings are discussed in this section.

Section 4.4 – Cultural and Paleontological Resources. This section describes the setting of the Project parcels with regard to cultural and historic resources. The analysis in this section is based on a records search at the South Coastal Information Center.

Section 4.5 – Geology and Soils. This section describes the current setting of the Project seismically and geologically. Engineering constraints and general soil suitability for the proposed Project are discussed. This section is based on a Preliminary Geotechnical and GeoHazards Report and the Phase I Environmental Assessments prepared for the Project parcels.

Section 4.6 – Greenhouse Gas Emissions and Climate Change. This section describes the existing setting and regulatory conditions of the City of Calexico and surrounding area in terms of Greenhouse Gases (GHGs) and climate change. Potential increases in GHG emissions would result from electricity demand needed to operate each facility. GHG emissions for the Project will be based on a quantitative assessment of CO₂ and CH₄ included in the Air Pollutant Emissions Assessment.

Section 4.7 – Hazardous and Hazardous Materials. This section examines the potential presence of hazardous materials on the Project parcels as well as the potential for the Project to introduce hazardous materials in association with cultivation, manufacturing and distribution activities. Potential impacts and mitigation measures are identified. This section is based on the Phase I Environmental Assessment prepared for the Project parcels as well as information provided by the Project Applicant(s).

Section 4.8 – Hydrology and Water Quality. This section describes the current drainage of the Project parcels and assesses potential impacts of the proposed Project on hydrology, storm drainage, and water quality. The analysis discusses drainage patterns, storm drainage runoff, and stormwater retention. This section is based on the Preliminary Drainage Study prepared for the Project parcels.

Section 4.9 – Noise. This section explains noise terminology and describes the existing noise setting of the Project parcels and surrounding area. The discussion includes a qualitative analysis of noise based on the industrial setting and the proposed uses. Potential Project noise impacts resulting from construction and operation of the cultivation and manufacturing facility as well as the transportation and distribution facility will be discussed with regard to the City's Noise Ordinance.

Section 4.10 – Public Services and Utilities. This section discusses public services and utilities that would serve the Project site. These include water, wastewater, fire protection, police protection, solid waste, and electricity. This section is based on consultation with appropriate service providers and information provided in the Project Description of each Application.

1.0 INTRODUCTION

Section 4.11 – Transportation and Circulation. This section identifies existing traffic volumes and roadway segment levels of service on area roadways. The analysis examines potential impacts on area roadways and intersections resulting from construction and operation of the Project. This section is based on a Focused Traffic Analysis prepared for the proposed Project.

Chapter 5.0 – Cumulative Impacts Summary. This chapter summarizes the cumulative impacts for each resource area identified in Sections 4.1 through 4.11.

Chapter 6.0 – Alternatives. This chapter qualitatively analyzes impacts associated with alternatives to the proposed Project relative to impacts resulting from the proposed Project. A summary matrix of impacts for each issue area is included to facilitate comparison of each alternative relative to the proposed Project (better, similar, worse).

Chapter 7.0 - Other CEQA Required Considerations. This chapter provides a discussion of energy conservation based on CEQA Guidelines Appendix F, significant and unavoidable environmental effects, growth-inducing impacts, significant irreversible environmental changes, and mandatory findings of significance.

Chapter 8.0 – EIR Preparers. This chapter lists all the individuals involved in the preparation of the EIR.

Chapter 9.0 – References. This chapter lists the data references used in preparing the EIR as well as the individuals and agencies consulted and cited in the text.

1.10.2 APPENDICES

The supporting documentation (NOP, Initial Study and Comment Letters) and technical reports for air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards and hazardous materials, drainage, and, transportation/circulation are provided on the CD attached to this Draft EIR. These documents and reports are referenced throughout this EIR. Incorporation by reference is permitted by Section 15150 of the CEQA Guidelines. Other documents, reference sources, and individuals cited in the preparation of this Draft EIR are identified in Chapter 9.0, References. The baseline physical conditions as analyzed in these reports are the conditions that existed at the time of the issuance of the NOP for the EIR (CEQA Guideline Section 15125 (a)).

1.11 ISSUES TO BE ADDRESSED

The issues evaluated in this EIR include the physical, biological, cultural, and other resources that have the potential to be affected by activities related to the proposed Project. The issues were identified through the preparation of an Initial Study Checklist:

- Air Quality
- Biological Resources
- Cultural and Paleontological Resources
- Climate Change and Greenhouse Gases
- Geology and Soils
- Land Use
- Noise
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Public Services and Utilities
- Transportation and Circulation

1.12 ISSUES SCOPED OUT FROM FURTHER ENVIRONMENTAL REVIEW

The Initial Study Checklist for the proposed Trinity Cannabis Cultivation and Manufacturing Facility prepared by the City of Calexico concluded that the Project would not cause significant impacts related to various topics addressed in the CEQA Environmental Checklist (included in **Appendix A** of this EIR). These

items were determined to have “no impact” or a “less than significant impact” in the Initial Study Checklist. Although Land Use was scoped out, this EIR includes the Land Use section to demonstrate the Project’s consistency and compatibility with surrounding uses. Likewise, Noise was initially scoped out but subsequently included in this EIR to examine project-specific noise increases on surrounding uses. CEQA Environmental Checklist topics not addressed in this EIR, and the rationale for exclusion, are identified below:

Aesthetics

- *Have a substantial adverse effect on a scenic vista?*

The Project parcels are located in an industrial portion of the City of Calexico. Four of the APNs are vacant, undeveloped land and one parcel is developed with a building, parking lot and loading dock located at 2421 Enterprise Boulevard. The vacant parcels along Sunset Boulevard have been disturbed and contain multiple soil stock piles. No scenic vistas would be adversely impacted by the proposed Project.

- *Substantially damage scenic resources, including, but limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The Project parcels are located approximately one-half mile west of SR 111 and would not be visible from this highway. In addition, SR 111 is not designated as a state scenic highway by Caltrans. Moreover, the Project parcels do not contain any scenic resources as the parcels are located in an industrial area with existing development. No scenic resources within a state scenic highway would be impacted by the proposed Project.

- *Substantially degrade the existing visual character or quality of the site and its surroundings?*

The proposed Project would add three additional buildings similar to the existing building at 2421 Enterprise Boulevard as well as a transportation and distribution facility. These buildings would be consistent with the existing commercial highway and industrial visual character of this portion of the City of Calexico. The Project would not degrade the existing visual character or quality of the Project parcels and the surrounding area.

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

The Project parcels are located in an industrial portion of the City of Calexico. Lighting in the area would be consistent with levels currently in place for other industrial buildings. Security lighting would be used at night to deter crime. No glare is anticipated to be generated by the Project from lighting or building materials. No sensitive receptors are located on or adjacent to the Project parcels. Therefore, creation of a new source of substantial light and glare would not be an issue.

Agriculture and Forestry Resources

- *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?*

The Project parcels are in an industrial portion of the City of Calexico and are not located on farmland and would not require the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, conversion of farmland would not be an issue.

- *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

There are no Williamson Act lands within or adjacent to the Project parcels. Therefore, conversion of land under Williamson Act Contract is not an issue.

1.0 INTRODUCTION

- *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 511 04(g))?*
- *Result in the loss of forest land or conversion of forest land to non-forest use?*

No forest land or timberland is present within the City of Calexico. Therefore, no impact will occur with regard to conversion of forest land, timberland or timberland zoned Timberland Production.

- *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?*

The City of Calexico does not contain any land that is designated as farmland or forest land. The Project would not result in conversion of farmland or forest land.

Biological Resources

- *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

The Project parcels have been previously disturbed and one parcel is developed with a building at 2421 Enterprise Boulevard. No riparian habitat or other sensitive natural community is located on the Project parcels. Therefore, no impact would occur with regard to this issue.

- *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The Project parcels are in an industrial portion of the City. All of the Project parcels have been previously disturbed and do not contain any wetlands. Therefore, no impact would occur with regard to this issue.

- *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The Project parcels are surrounded by industrial development within the City of Calexico. Roads and structures are present in the immediate vicinity of the Project parcels and throughout the City. Based on the urban context of the Project parcels and area, no native resident or migratory wildlife corridors are present. Therefore, no impact would occur with regard to this issue.

- *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The City of Calexico does not have any ordinances protecting biological resources that would apply to the proposed Project. Therefore, no impact would occur with regard to this issue.

- *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The City of Calexico does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur with regard to this issue.

Cultural Resources

- *Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?*

All of the Project parcels have been disturbed in association with development of the surrounding industrial area. An existing building is located on one of the parcels and the remaining four parcels are vacant, previously disturbed land. No historical resources are known to be present on any of the Project parcels.

Geology and Soils

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?*

The Project parcels are not within a designated State of California Alquist-Priolo Earthquake Fault Zone. In addition, no known active faults have been identified aligning through any of the Project parcels. While fault rupture would most likely occur along established fault traces on any of the Project parcels. Therefore, the potential for active fault rupture on the Project parcels is considered very low.

- *Landslides?*

The Project parcels have been previously leveled at the time the industrial area was developed. No landslides exist within or near the Project parcels. Therefore, no impact would occur with regard to this issue.

- *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?*

The Project would connect to the City's sewer system and would not require a septic system.

Hazards and Hazardous Materials

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

All of the Project parcels are within an industrial area of the City of Calexico. None of the Project parcels are not located within one-quarter mile of an existing school.

- *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?*

As part of the Phase I Environmental Site Assessment (ESA) prepared for Project parcels, an Agency Database Record Search was undertaken (EMG 2017a and 2017b). Based on the information available, the Project parcels were not found on a hazardous materials list pursuant to California Government Code Section 65962.5. No impact is identified for this issue area.

- *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 for people residing or working in the project area?*

1.0 INTRODUCTION

- *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The Project parcels are approximately two miles north of the Calexico International Airport and are outside of the airport land use compatibility zones shown on the Calexico International Airport Compatibility Plan (refer to Figure 4.1-2 in Section 4.1, Land Use). Therefore, no safety hazard is identified for people working in the Project area.

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

An Emergency Response Plan has been prepared as part of each application and includes an Evacuation Plan. The Project is not anticipated to interfere with the County of Imperial's Emergency Operation Plan. Therefore, no impact would occur with regard to this issue.

- *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The Project parcels are within an industrial portion of the City of Calexico with no threat of wildland fire. Therefore, no impact would occur with regard to this issue.

Hydrology and Water Quality

- *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The Project would be served with municipal water from the City of Calexico. The City's water supply source is surface water, not groundwater. Therefore, no impact would occur with regard to this issue.

- *Otherwise substantially degrade water quality?*

The proposed Project would be subject to both NPDES General Permit No. CAS000002 and NPDES General Permit No. CAS000001 for construction and operation. Compliance with these permits and the requirements of the Stormwater Pollution Prevention Plan would prevent construction and operational discharge pollutants and the Project is not anticipated to otherwise substantially degrade water quality.

- *Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- *Place within a 100-year flood hazard area structures which would impede or redirect the flood flows?*

The Federal Insurance Administration delineates areas of special flood hazards (the risk premium zones) and floodways through official maps: Flood Insurance Rate Map (FIRM); and Flood Boundary and Floodway Map. According to the FEMA FIRM 06025C02075C effective September 26, 2008, all of the Project parcels and the surrounding area is located in Zone X, which is an area determined to be outside of the 0.2% annual chance of a flood. The Project parcels do not include construction of any housing or structures within a 100-year flood hazard area. Therefore, no impact would occur with regard to this issue.

- *Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?*

No dams or levees are in the vicinity of the Project parcels. However, the Imperial Dam is located approximately 60 miles east of the Project parcels on the border of California and Arizona. Thus, it is too far from the Project parcels to result in damage and will not be discussed further.

- *Inundation by seiche, tsunami, or mudflow?*

No bays or lakes are located within a two-mile radius of the Project parcels. Furthermore, the Project is over 95-miles inland from the Pacific Ocean. In addition, the Project parcels are relatively flat and level. Therefore, there is no potential for the Project parcels to be inundated by seiches, tsunamis, or mudflows.

Land Use

- *Physically divide an established community?*

The proposed Project is located within an industrial portion of the City of Calexico. The proposed Project would be infill development in an area that is developed with various commercial highway and industrial uses. Thus, the proposed Project would not divide an established community.

- *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

The City of Calexico is not within the jurisdiction of any adopted habitat conservation plan (HCP) or natural community conservation plan (NCCP), or other approved local, regional or state habitat conservation plan. Therefore, no impact to an HCP or NCCP would occur and this issue will not be discussed further.

Mineral Resources

- *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- *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?*

All of the Project parcels are in an urbanized area designated for commercial highway and industrial development. No known mineral resources occur within the Project parcels. Therefore, no impact would occur with regard to this issue.

Noise

- *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 expose people residing or working in the project area to excessive noise levels?*
- *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

None of the Project parcels are located within two miles of the Calexico International Airport. The proposed Project is industrial in nature and therefore is not a noise sensitive land use. No impacts are identified with regard to airport noise.

Population and Housing

- *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure)?*

1.0 INTRODUCTION

The Project does not propose development of new housing on the Project parcels nor does it propose construction or extension of new roads. The Project, by its nature as cannabis cultivation and manufacturing facility, would not induce growth. Therefore, no impact would occur with regard to this issue.

- *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The proposed Project parcels are a combination of vacant land and a single building at 2421 Enterprise Boulevard in an industrial area of the City of Calexico. Moreover, the parcels are within the COZ. As a result, development of the proposed Project would not displace substantial numbers of existing housing or people requiring construction of replacement housing elsewhere.

Public Services

- *Schools, Parks and Other Public Facilities*

The proposed Project would not result in a substantial increase in population because it neither includes a residential component nor would it generate the need for new housing to accommodate workforce population. Based on the nature of the Project as a cannabis cultivation and manufacturing facility, employing approximately 75 employees at buildout, no increase in schools or parks are anticipated. Thus, impacts to schools, parks or other public services is anticipated.

Recreation

- *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?*

The proposed Project is a cannabis cultivation and manufacturing facility and does not include recreational facilities or require the construction or expansion of recreational facilities.

Transportation/Traffic

- *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The proposed Project would not result in changes to existing air traffic patterns through an increase in traffic levels or change in location. Thus, no impact is identified for this issue area.

- *Result in inadequate emergency access?*

The Project site plan includes three driveways off of Sunset Boulevard, one off of West Cole Boulevard and two off of Enterprise Boulevard. A 30-foot access easement is also located on the western side of the parcel containing 2421 Enterprise Boulevard. The proposed Project would be reviewed by the City of Calexico Fire Department and Police Department to ensure that adequate emergency access is provided. Thus, no impact is identified for this issue area.

- *Conflict with adopted policies, plans, programs, regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

The proposed Project is located in an industrial portion of the City of Calexico. The facility would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Thus, no impact is identified for this issue area.

Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*
- *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

The Project parcels have been disturbed and are located in an industrial portion of Calexico. No tribal cultural resources are known to be located on the Project parcels. Further, no Native American Tribes have requested consultation from the City of Calexico under AB 52. No impact would occur with regard to Tribal Cultural Resources.

Utilities and Service Systems

- *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

The Project parcels are located in the jurisdiction of the Colorado River Regional Water Quality Control Board. Each cultivation and manufacturing facility will be design with a 2,500-gallon wastewater tank. Each employee is estimated to generate 17 gallons of wastewater per day. Each cultivation and manufacturing facility would generate approximately 1,224 gallons (18 employees x 17 gallons x 4 cultivation and manufacturing facilities) of wastewater per day and the Transportation Office would generate approximately 60 gallons per day. In total the Project would generate 1,284 gallons (1,224 gallons + 60 gallons) of wastewater.

Daily discharge water from the benches is processed through a secondary filtration unit (called the reclaim system). When processed through the reclamation system, up to a 1:4 waste to product water ratio can be achieved. This equates to approximately 315 gallons of concentrated waste stream being produced at each of the four cultivation and manufacturing facilities (1,260 gallons per day total). The system has been designed to include a discharge tank sized at 1,050 gallons with approximately 3 days of capacity. The discharge tank is located outside of each cultivation and manufacturing facility building. The discharged water is free of any residue. A thermal evaporator would further reduce the concentrated (1:4 ratio) waste stream. The wastewater will be kept onsite and evaporated until a sludge is formed. The sludge would be trucked off site and taken to an approved landfill in accordance with all laws deemed necessary through the Imperial County Environmental Health and Safety and the City of Calexico.

The reclamation system also includes two 1,000-gallon condensate recapture tanks (stored water captured from the HVAC system) in the East fertigation room, for a total of 3,000 gallons of condensate capture for each of the fourth cultivation and manufacturing facilities (12,000 gallons total). Each tank

1.0 INTRODUCTION

will have an overflow port which should be permanently connected to a floor drain or other type of drainage system. The water should not have to be filtered because it originates from the Heating Ventilation and Air Conditioning units and will never be in contact with the cannabis plants. With on-site reclamation and evaporation of the waste stream, the proposed Project is not anticipated to exceed wastewater treatment requirements of the Regional Wastewater Quality Control Board. Thus, no impact is identified for this issue area.

- *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Each of the four cultivation and manufacturing facilities intends to recycle approximately 70% of the 5,500 gallons (15,400 gallons for all four facilities) of water used per day. The transportation and distribution facility would require 30-45 gallons of water per day. Because the Project would reclaim water and reduce wastewater discharge through evaporation, the amount of treated water required and the amount of wastewater requiring treatment would be greatly reduced. The City of Calexico currently has adequate water and wastewater treatment capacity to accommodate the proposed Project. No new water or wastewater facilities would be needed to accommodate the proposed Project. Thus, no impact is identified for this issue area.

- *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The proposed Project in the Portico Industrial Park. This area was designed with stormwater infrastructure as well as a retention basin. The proposed Project is consistent with existing land use and zoning designations and would not require new storm drainage facilities or expansion of existing facilities. Thus, no impact is identified for this issue area.

- *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Project proposes to receive wastewater service from the City of Calexico and will not use any septic tanks or other alternative wastewater disposal system. Thus, no impact is identified for this issue area.