

SECTION 4.1

LAND USE

This section describes the land use plans, policies, and regulations that apply to the proposed Project. The Trinity Cannabis Cultivation and Manufacturing Facility Project is located in the City of Calexico. Applicable local land use regulations include the City of Calexico General Plan and Zoning Ordinance. This section focuses on the proposed Project's consistency with existing land use plans, ordinances, regulations, policies, and the Project's compatibility with existing land uses.

4.1.1 REGULATORY FRAMEWORK

A. STATE

Proposition 215

In 1996, voters approved Proposition 215, which legalized the use of medicinal cannabis in California. Since the proposition was passed, most regulation was enacted by local governments.

Assembly Bill (AB) 243, AB 266 and Senate Bill (SB) 643 and SB 837

In 2015, California enacted three bills —AB 243 (Wood, Chapter 688); AB 266 (Bonta, Chapter 689); and SB 643 (McGuire, Chapter 719)—that collectively established a comprehensive state regulatory framework for the licensing and enforcement of cultivation, manufacturing, retail sale, transportation, storage, delivery and testing of medicinal cannabis in California. This regulatory scheme is known as the Medical Cannabis Regulation and Safety Act (MCRSA). Senate Bill 837 (Committee on Budget, Chapter 32, Statutes of 2016) built upon the MCRSA framework and added comprehensive environmental safeguards that require the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines governing the use of water for cannabis cultivation with the goal of protecting streams and rivers from illegal diversion (BCC 2018). The proposed Project would be subject to the provisions of these bills as applicable. The Project is an indoor facility and would not divert water from a stream or river nor discharge to a stream or river.

Proposition 64

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 makes it legal to sell and distribute cannabis through a regulated business (BCC 2018). The proposed Project would operate under the provisions of Proposition 34.

SB 94

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 (BBC 2018). The proposed Project is subject to the provisions of SB 94.

CalCannabis

CalCannabis is a state licensing agency which is a division of the California Department of Food and Agriculture (CDFA). Its duties include ensuring public safety and environmental protection by licensing and regulating commercial cannabis cultivators in California. CalCannabis also manages the state's track-and-trace system which tracks all commercial cannabis and cannabis products from cultivation to sale. CalCannabis is organized into three branches: Licensing, Compliance and Enforcement, and Administration. The proposed Project would be licensed by CalCannabis and implement a trace-and-trace system.

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Bureau of Cannabis Control

The Bureau of Cannabis Control is the lead agency responsible for developing regulations for medical and adult-use cannabis in California. The Bureau issues licenses to retailers, distributors, testing labs and microbusinesses. The Bureau of Cannabis Control is under the umbrella of the Department of Consumer Affairs. 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 and regulating commercial cannabis manufacturers in California. This includes all non-flower products including tinctures and oils. The MCSB strives to protect public health and safety by ensuring commercial cannabis manufacturers operate safe, sanitary workplaces and follow good manufacturing practices to produce products that are free of contaminants, meet product guidelines and are properly packaged and labeled. The proposed Project will require a permit from the MCSB in order to manufacture cannabis.

B. LOCAL

Imperial County

Imperial County recently approved a process for Commercial Cannabis Licensing. The County offers both Adult-Use and Medicinal-Use operation opportunities accepting applications for Commercial Cannabis Activity (CCA Licenses) commencing January 2018. The retail operations and wholesale distribution operations are limited and will be awarded through a public lottery selection process. The Cultivation, Manufacturing and Testing Operations have no limit to the number of operations in the County. However, the City of Calexico limits commercial cannabis activity to no more than seventy-five percent (75%) of the acreage of a legal parcel in the Cannabis Overlay Zone.

Title 9, Land Use Ordinance, Division 4, Chapter 6

Chapter 6 was designed to incorporate, adopt, and regulate, where permitted, the State of California's Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) of 2017, including any amendments thereto. The City of Calexico amended Title 17 [Zoning], Chapter 17.11, Article X of the Calexico Municipal Code to address regulation of commercial cannabis activity.

Title 14 – Cannabis and Industrial Hemp

Title 14 was adopted by Ordinance and is designed to incorporate and adopt the Medicinal and Adult-Use Cannabis Regulation and Safety Act, as defined in section 14.01.020 of the County of Imperial Codified Ordinances, and to further regulate, where permitted, the use and personal cultivation of Cannabis, and businesses engaged in Commercial Cannabis and Industrial Hemp activities, within the unincorporated areas of the County of Imperial. The proposed Project is within the City of Calexico and cultivation of hemp is not allowed.

Title 5, Chapter 5.56 Business Licenses and Regulations

Ordinance 1525 amended Section 5.56.020 of Chapter 5.56 of Title 5, Business Licenses and Regulations to include commercial cannabis activities or cannabis operations. Section 8.02.100 was added to Chapter 8.02 of Title 8, Health and Safety to include the Public Health Department Division of Environmental Health Cannabis Fees. Lastly, sections 14.03.050 and 14.040.050 of Chapter 14.04 of Title 14, Cannabis and Industrial Hemp were amended to address the lottery for cannabis licenses and CCA License fees respectively. Each application included as part of the proposed Project will require a business license from

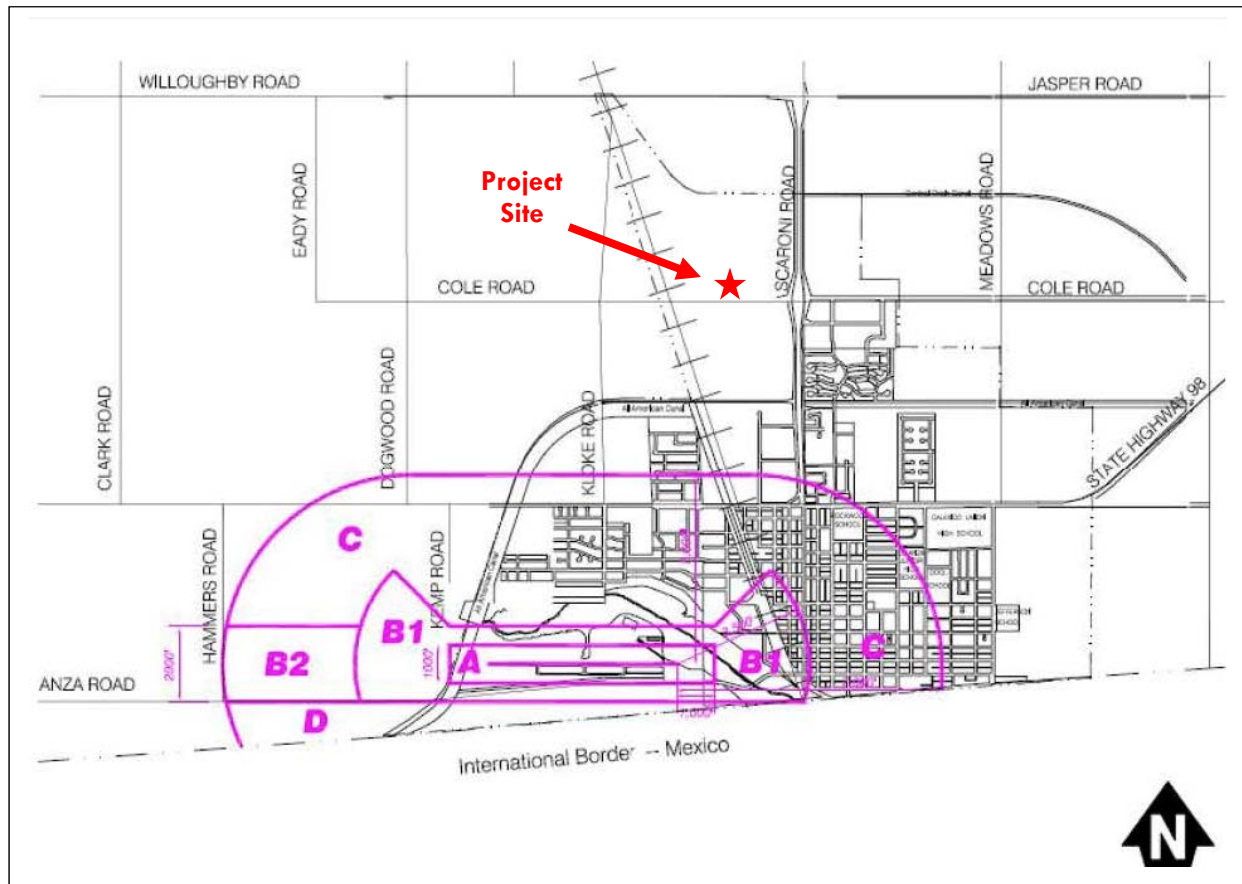
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the City of Calexico per Ordinance No. 1178, amending Title 5 (Business Licenses and Regulations), Article II, Chapter 5.96 of the Calexico Municipal Code.

Imperial County Airport Land Use Compatibility Plan

The Airport Land Use Compatibility Plan (ALUCP) (Imperial County 1996) sets forth the criteria and policies which the Imperial County Airport Land Use Commission (ALUC) will use in assessing the compatibility between the principal airports in Imperial County and proposed land use development in the areas surrounding the airports. The ALUCP emphasizes review of local general and specific plans, zoning ordinances, and other land use documents covering broad geographic areas.

The Calexico International Airport is located south of the Project parcels near the International Border. As shown in **Figure 4.1-1**, the Project parcels are located outside of any of the compatibility zones surrounding the Calexico International Airport.



Source: Imperial County 1996.

FIGURE 4.1-1
CALEXICO INTERNATIONAL AIRPORT COMPATIBILITY ZONES

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Calexico General Plan

The Calexico General Plan has been prepared to fulfill the requirement of California law that each city adopt a comprehensive General Plan to guide physical development of the incorporated area and land outside of the municipal boundaries. The General Plan addresses areas located within the City Limits as well as areas located within its Sphere of Influence. The General Plan is the primary document the City uses to regulate land use and serves as a blueprint for future growth and development. The plan contains policies and programs to inform decision-makers regarding actions related to land use and development.

All of the Project parcels are within an industrial area known as the Portico Industrial Park. This area is approximately 131-acres generally bounded by Robinson Boulevard on the north, West Cole Boulevard on the south, Portico Boulevard on the east and Sunset Boulevard on the west. The Portico Industrial Park also includes a cul-de-sac street (Portico Court) situated mid-way along Portico Boulevard that extends east approximately 500 feet (Alvarado, pers. comm., 2018a).

The General Plan Land Use Map (City of Calexico 2015c) designates 2421 Enterprise Boulevard and the proposed parcels as Industrial (I). The “I” designation is defined as follows on page 2-17 of the Calexico General Plan Land Use Element (City of Calexico 2007):

This designation is intended to located industrial uses and developments within the City with minimal negative impacts to existing and future residents...These uses can range from light industrial office parks to research and development, to incubator industrial, to warehousing and distribution centers. Development in this category is envisioned to be concrete to tilt-up construction or block construction. Fabrication, assembly, packaging, processing, and storage in conjunction with limited retail are typical uses in this category (City of Calexico 2007, p 2-19).

The purpose of the Land Use Element is to shape the future land use within the City of Calexico and identify the type and location of future land uses within the City. The Land Use Element also addresses how growth will occur with special attention given to public services and facilities and how they will be funded (City of Calexico 2007, p. 2-1). Calexico’s current General Plan dated February 2007 was adopted by the City on May 1, 2007.

Table 4.1-1 analyzes the consistency of the proposed Project with the applicable goals, objectives and policies relating to land use from the 2007 City of Calexico General Plan Land Use Element (City of Calexico 2007). While this EIR analyzes the Project’s consistency with the General Plan pursuant to CEQA Guidelines Section 15125(d), the Calexico City Council ultimately determines consistency with the General Plan.

**TABLE 4.1-1
CITY OF CALEXICO GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
LAND USE ELEMENT		
2.1.6.2 Distribution of Land Use		
Objective 1: Land use distribution should be accomplished in a manner that protects the existing urban and rural areas of Calexico while meeting the goals, objectives, and policies of the General Plan; the land use distribution should be such that the integrity of the existing land use is maintained and/or enhanced, and the new land use is distributed to encourage the development of safe, efficient residential and employment uses.		

**TABLE 4.1-1
CITY OF CALEXICO GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
<p>Policy 1d. New industrial land uses should be located such that trucks avoid the City center and in response to the eastern commercial border crossing.</p>	<p>Yes</p>	<p>The proposed Project is located in the Portico Industrial Park. Construction and operational traffic is anticipated to use SR 111 and West Cole Boulevard. Products to be transported for distribution are anticipated to use Interstate 8. The construction and operational traffic along these routes would avoid the City center. Therefore, the proposed Project is consistent with this policy.</p>
<p>2.1.6.3 Land Use Compatibility</p>		
<p>Objective 2: Land use distribution should create a pattern which organizes land uses in order to maximize compatibility with adjacent land uses.</p>	<p>Yes</p>	<p>The proposed Project is located in a portion of the City designated as Industrial on the General Plan Land Use Map and with Industrial and Commercial Highway zones. The Project is also within Cannabis Overlay Zone. The Land Use, Zoning and COZ are all compatible and consistent. The proposed Project, as a manufacturing use, would be compatible with existing adjacent industrial uses. Therefore, the propose Project is consistent with this Objective.</p>
<p>2.1.6.4 Public Services and Facilities</p>		
<p>Objective 3: Land use pattern and population of Calexico should be consistent with the capabilities of existing and planned public services and facilities.</p>	<p>Yes</p>	<p>The Project Applicant is working with the City of Calexico as well as the service and utility providers to ensure that adequate service and capacity is available to serve the Project. Any short-falls in service would be mitigated through payment of Developer Impact Fees, fair share payments to construct new facilities. Therefore, the proposed Project is consistent with this objective.</p>
<p>2.1.6.13 Industrial</p>		
<p>Objective 12: Industrial land uses that provide a full range of industrial and manufacturing services are encouraged where they are compatible with existing and other planned land uses.</p>	<p>Yes</p>	<p>The proposed Project is located in a portion of the City designated for industrial used as well as manufacturing uses. Moreover, the Project parcels are within the COZ. Therefore, the proposed Project is consistent with this objective.</p>
<p>Policy 12b: Industrial uses shall be located so as to not create adverse impacts on surrounding land uses and/or the City circulation system.</p>	<p>Yes</p>	<p>The proposed Project, as an industrial use, is located to avoid adverse impacts on surrounding land uses and the City circulation</p>

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**TABLE 4.1-1
CITY OF CALEXICO GENERAL PLAN CONSISTENCY ANALYSIS**

General Plan Goals, Objectives and Policies	Consistent with General Plan?	Analysis
		system. Refer to Policy 1d and Objective 2, 3 and 12 above.
Policy 12i: The types of activities allowed in industrial park land uses include: light industrial uses, office and administration facilities, research and development laboratories, warehousing, as well as support commercial services.	Yes	The proposed Project as a cannabis cultivation and manufacturing facility within the COZ is consistent with the type of activities allowed within an industrial park. Therefore, the proposed Project is consistent with this policy.
Policy 12k: Industrial uses should be located along the Cole Road and Heber Road corridors to encourage truck traffic to avoid other streets within the City.	Yes	The proposed Project is adjacent to and north of West Cole Boulevard. Construction and operational traffic would primarily use West Cole Boulevard as well as SR 111 and Interstate 8 thereby avoiding other streets within the City. Therefore, the proposed Project is consistent with this policy.
2.1.6.16 Land Use and Circulation		
Objective 15. Land use should not overburden the City circulation system (see also the Circulation Element).	Yes	The proposed Project would not overburden the City's circulation system. Refer to Section 4.11, Transportation and Circulation.
Policy 15a. No land use should be approved that will increase the traffic on a City roadway above the roadway's existing design capacity at Level of Service "C."	Yes	The proposed Project would not increase the traffic on a City roadway above the roadway's existing design capacity at Level of Service "C". Refer to Section 4.11, Transportation and Circulation.
2.1.6.22 Infill Development		
Objective 21: The City shall encourage infill and adjacent new development to provide for the efficient use of existing infrastructure, avoid "leap frog" new development and to reduce impacts to agriculture.		The proposed Project is an infill of an existing vacant building and vacant parcels in the Portico Industrial Park. The Project does not represent "leap frog" development. Therefore, the proposed Project is consistent with this objective.

Calexico Municipal Code

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 (COZ) and

must have both a Conditional Use Permit (CUP), Development Agreement (DA) or other entitlements and a regulatory permit prior to operation. Article X also defines the COZ, a specific area within the industrial portion of the City, as follows:

“Cannabis Overlay Zone” means the approximately 354.02 acres within the area bounded by railroad tracks on the west; the Adler Canal on the north; West Van de Graff Avenue and Scaroni Avenue on the east; and Weakley Street and Camacho Road on the south. The Cannabis Overlay Zone includes Industrial (IND), Industrial Rail Served (IR) and Commercial Highway (CH).

The City of Calexico Zoning Map (September 2016) show the zoning of each parcel in the City. Proposed Parcels 1, 2 and 3 are zoned Industrial (IND) on the City of Calexico Zoning Map. The existing building located at 2421 Enterprise Boulevard (Building A) and the proposed 10,000 sq. ft. carve-out parcel for the Transportation and Distribution Facility is zoned Commercial Highway (CH) (City of Calexico 2016) (**Figure 4.1-2**).

The purpose of the Industrial Zone is as follows:

I - General Industrial Zone. This zone is intended as an area for modern industrial, research, and administrative facilities that can meet high performance and development standards. Retail commercial uses in conjunction with a permitted or conditional use are permitted to occupy up to twenty-five percent of the gross floor area.

The purpose of the Commercial Highway Zone is as follows:

CH - Commercial Highway Zone. This zone is intended as an area for the location of highway-oriented retail service and wholesale commercial activities.

These zones are consistent with the land use designations of Industrial and Commercial Highway depicted on the City of Calexico General Plan Land Use Map (**Figure 4.1-3**). All of the Project parcels are within the City’s Cannabis Overlay Zone (COZ) (**Figure 4.1-4**).

4.1.2 ENVIRONMENTAL SETTING

As discussed in subsection 2.1.2 of Chapter 2.0, Parcels 1, 2 and 3 are currently vacant, undeveloped land. An existing building with a loading dock on the north and a parking lot on the south has been constructed at 2421 Enterprise Boulevard (Building A). Further details of the proposed Project parcels and surrounding area are provided below.

A. PROJECT PARCELS

On-Site Land Uses

Proposed Parcels 1, 2 and 3 are bordered by Sunset Boulevard on the west. The Parcels are open dirt with no existing structures or foundations. Overhead electrical infrastructure is located along West Cole Boulevard to the south of proposed Parcel 3. APN 059-343-018 has been developed with a two-story building, parking lot and loading dock at 2421 Enterprise Boulevard. Calexico Distribution Company, LLC is proposing to carve-out a 10,000 sq. ft. lot for a Transportation and Distribution Facility on APN 059-343-018 (the existing parcel on which 2421 Enterprise Boulevard is located).

Surrounding Land Uses

The Project parcels area located within the 131-acre Portico Industrial Park. The area around the railroad tracks is generally surrounded by lands zoned Industrial with a concentration along the east side of the railroad tracks north of West Cole Boulevard and south of East Jasper Road. Lands surrounding the Project Parcels are zoned Industrial Specific Plan, Industrial and Commercial Highway (refer to **Figure 4.1-2**) and

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designated as Industrial and Commercial Highway on the City of Calexico General Plan Land Use Map (City of Calexico 2015c) (refer to **Figure 4.1-3**).

The existing building at 2421 Enterprise Boulevard is bordered on the west by vacant land, on the north by a pallet storage yard, on the east by a mini-storage facility and CAM Trucking at 2452 Enterprise Boulevard, and on the south by a tire shop. The proposed Parcels 1, 2 and 3 front Sunset Boulevard on the west; Parcel 3 also fronts West Cole Boulevard to the south. Areas to the north of proposed Parcel 1 are vacant. Likewise, the area to the west across Sunset Boulevard is currently vacant.

4.1.3 IMPACTS AND MITIGATION MEASURES

A. STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines, as listed in Appendix G. The Project would result in a significant impact to land use if it would result in any of the following:

- a. Physically divide an established community.
- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (include, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- c. Conflict with any applicable habitat conservation plan or natural community conservation plan.

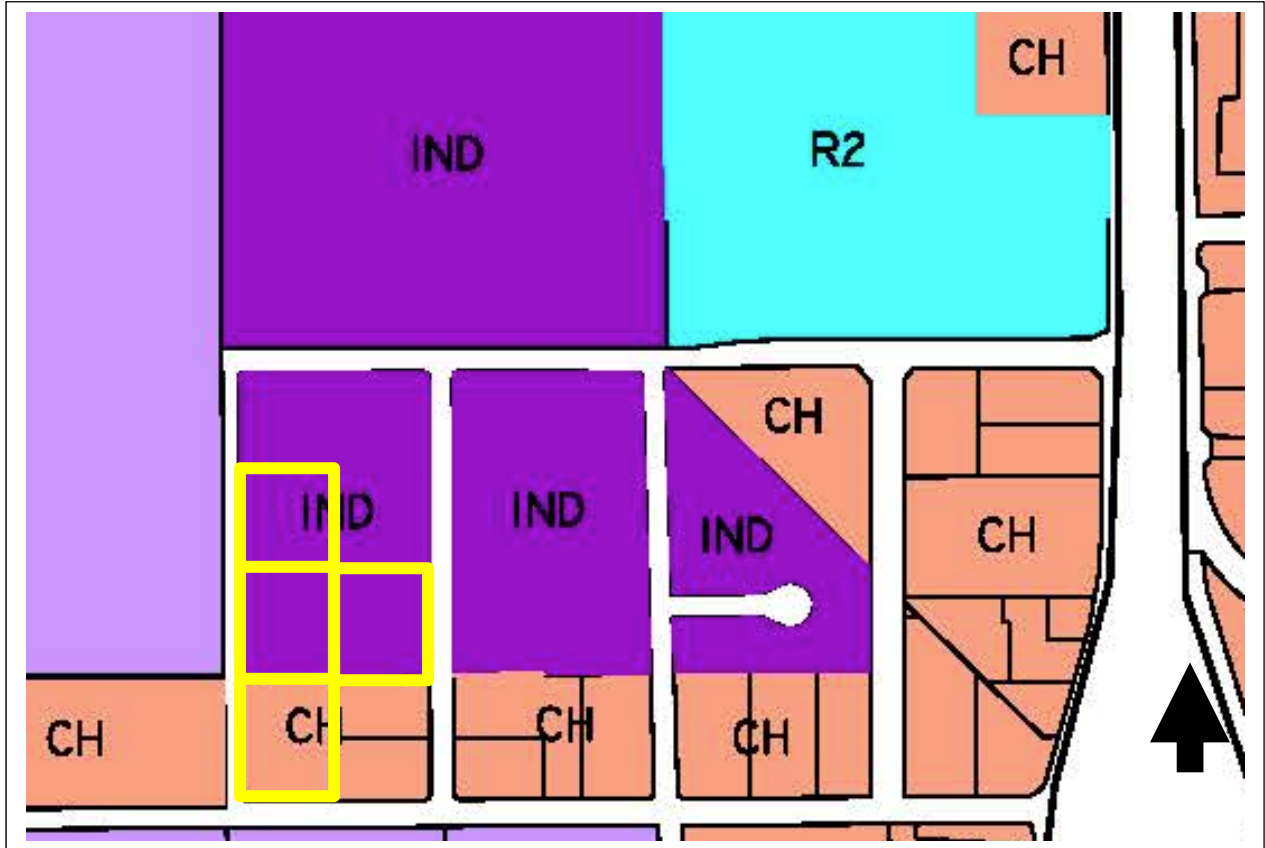
B. ISSUES SCOPED OUT AS PART OF THE INITIAL STUDY

Criterion “a” was eliminated from further evaluation as part of the Initial Study because 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.

Criterion “c” was eliminated because 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.

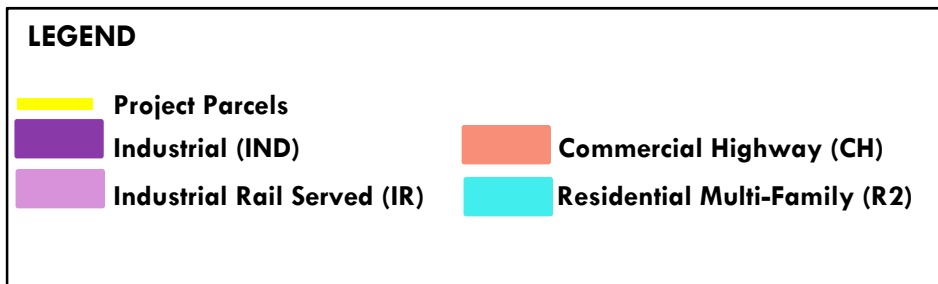
C Methodology

Potential land use impacts of the proposed Project were evaluated based on review of relevant planning documents including the City of Calexico General Plan and the City of Calexico Municipal Code. The focus of the land use analysis is on compatibility with surrounding land uses. Land use compatibility is based on siting of the Project within the COZ (**Figure 4.1-4**).

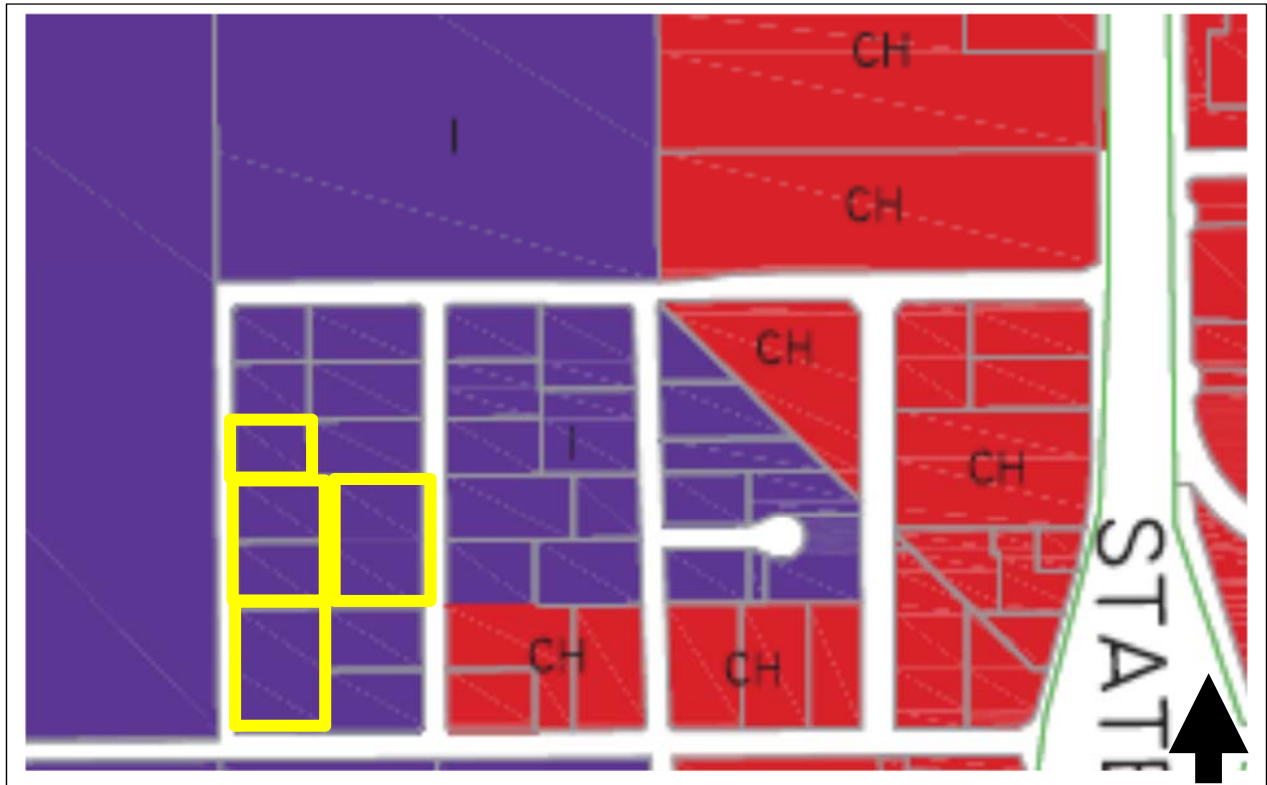


Source: City of Calexico 2016.

FIGURE 4.1-2
ZONING MAP OF PROJECT PARCELS






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Source: City of Calexico 2015c.

FIGURE 4.1-3
LAND USE MAP OF PROJECT PARCELS

LEGEND	
	Project Parcels
	Commercial Highway (CH)
	Industrial (I)



Source: City of Calexico 2017.

**FIGURE 4.1-4
CANNABIS OVERLAY ZONE**

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As illustrated in **Figure 4.1-1**, the Project would not conflict with the Calexico International Airport as none of the Project parcels are located within any of the airport's compatibility zones. Short-term construction impacts associated with traffic, noise and dust are addressed in the appropriate sections of this EIR. On an operational basis, the Project would not interfere with existing surrounding or proposed uses because all surrounding areas are designated for industrial uses and area zoned Commercial Highway, Industrial and Industrial Rail. Moreover, all of surrounding parcels are within the COZ. Thus, potential for conflicts with an applicable land use plan, policy, or regulation is considered **less than significant**.

Mitigation Measures

None required.

Significance After Mitigation

Not applicable.

4.1.4 CUMULATIVE SETTING, IMPACTS AND MITIGATION MEASURES

A. CUMULATIVE SETTING

The geographic scope for the analysis of cumulative land use impacts is the COZ as depicted in **Figure 4.1-4**. This area was chosen as the geographic scope because it would include projects in proximity to the proposed Project that could result in similar land use impacts. The Town Center Industrial Park, one of the proposed, approved and reasonably foreseeable projects in the City of Calexico (identified in Table 3.0-1 in Chapter 3.0, Introduction to the Environmental Analysis and Assumptions Used) is also located within the COZ. Town Center Industrial Park is to the west of the proposed Project on the west side of Sunset Boulevard. The cumulative projects are described in Table 3.0-1 and depicted geographically in Figure 3.0-1.

B. CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Conflicts with Applicable Land Use Plans, Policies, or Regulations

Impact 4.1.2 Development of the proposed Project in combination with proposed, approved and reasonably foreseeable projects in the City would not incrementally add to conflicts with applicable land use plans, policies and regulations. Each project would be required to be consistent with the applicable plans that apply to the area in which it is located. Thus, cumulative conflicts with applicable land use plans, policies, or regulations is considered **less than cumulatively considerable**.

Projects within the City of Calexico must be consistent with the General Plan Land Use designation and Zoning. Moreover, projects within the COZ must be consistent with the requirements of the overlay zone. Each project is assessed for consistency with all applicable plans and regulations on a project-by-project basis. Implementation of the proposed Project would result in tenant improvements to an existing building at 2421 Enterprise Boulevard, construction of three new cannabis cultivation and manufacturing facilities and one transportation and distribution facility including a guard house and administration office. All of the Project parcels are consistent with the existing Industrial land use designation as well as the Industrial and Commercial Highway zoning. Likewise, all of the Project parcels are within the COZ. Because all projects must be consistent with the General Plan Land Use designation, zoning and the COZ, the proposed Project would not conflict with any existing development or cumulative projects proposed for development in the COZ, including the Town Center Industrial Park proposed to the west of the Trinity Cannabis Cultivation and Manufacturing Facility.

Lands surrounding the Project parcels are currently vacant or developed with industrial uses. The Project is also located approximately 1.75 north of the Calexico International Airport outside of any of the airport's

compatibility zones (refer to **Figure 4.1-1**). Therefore, the proposed Project's contribution to cumulative conflicts with applicable land use plans, policies, or regulations would be **less than cumulatively considerable**. Likewise, land use compatibility/conflict impacts are site specific and would not cumulatively contribute to conflicts with applicable land use plans, policies, or regulations throughout the geographic scope of the cumulative land use setting (i.e. the COZ). As a result, the proposed Project, in combination with development of the approved, proposed and reasonably foreseeable projects in the City of Calexico identified in Table 3.0-1, would result in **less than cumulatively considerable** conflicts with applicable land use plans, policies, or regulations.

Mitigation Measures

None required.

Significance After Mitigation

Not applicable.

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