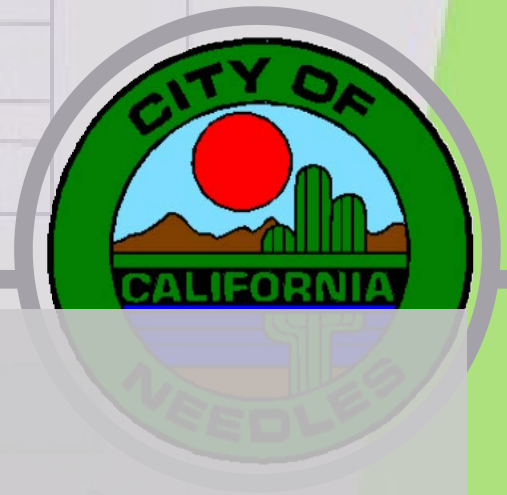


August 16, 2021



CITY OF NEEDLES

**Grow Heights Conditional Use Permits,
Zoning Change, and General Plan Amendment**

City of Needles
Planning Department
817 Third Street | Needles, California 92363

RECIRCULATED INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION

INTRODUCTION:

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Recirculated Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND) for the currently proposed Grow Heights Conditional Use Permits, Zoning Change, and General Plan Amendment (Project). This Recirculated IS/MND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and recommended mitigation measures to lessen or avoid impacts on the environment. Pursuant to Section 15367 of the State CEQA Guidelines, the City of Needles is the Lead Agency for the Project. The Lead Agency is the public agency that has the principal responsibility for carrying out a project and also has the authority to approve the Project and its accompanying environmental documentation. In addition to addressing the potential environmental impacts that would result from the Project, this Recirculated IS/MND serves as the primary environmental document for future activities associated with the Project, including discretionary approvals requested or required for Project implementation.

BACKGROUND:

Project Title: Grow Heights Conditional Use Permits, Zoning Change, and General Plan Amendment

Assessor's Parcel Number: 185-111-084

Lead agency name and address: City of Needles Planning Department, 817 Third Street, Needles, California 92363

Contact person and phone number: Cindy Semione, Planner; phone: (760) 326-5740 x127; fax: (760) 326-6765; email: ndlscdda@citilink.net

Project Location: The Project site is located in the City of Needles in San Bernardino County, California in Township 09 North, Range 23 East, Section 30. The site address is 109 L Street with assessor's parcel number (APN) 185-111-084, and the parcel is 1.24 acres in size. The Project site also fronts K Street, and it is located approximately 1,400 feet south of the intersection of Needles Highway and Mohave Valley Highway.

Project sponsor's name and address: Mark Hannawi, phone: (702) 371-1824; email: magedhannawi@hotmail.com; address: 10420 South Harbor Drive, Mohave Valley, Arizona 86440

General plan description: Medium Density Residential. A general plan amendment to change the land use designation to Manufacturing is required for project approval.

Zoning: The Project site is currently zoned R-3 Multi-Family Residential. The Project would require a zoning change to M-1 Light Manufacturing. A zoning change request has been submitted by the applicant to the City of Needles.

City Permitting Requirements: Two Conditional Use Permits are required: one for cultivation and a second for distribution.

Site history: The Project site is located in an area of Needles north of the BNSF Railway right-of-way and north of Interstate

40. The site is two blocks north of Historic U.S. Route 66, which is located on the opposite side of the railway right-of-way from the Project site. A site location map can be found in Appendix A.

The Grow Heights Project site is flat, cleared, and vacant. The southwest corner of the parcel has previously been developed, as evidenced by multiple water meters along L Street in that location. However, these structures have since been removed. The parcel has previously seen both residential and commercial uses, based on descriptions by the property owner, nearby residents, the Needles Museum, which is substantiated by aerial imagery. These uses included a metal building for storage, a nursery, and four cabins on the parcel at varying times. The Project parcel was also once divided into 16 individual parcels.

An Environmental Data Resources (EDR) assessment of the site shows that previous developments were cleared sometime between 1994 and 2006. Aerial imagery from 1969 through 1994 shows five small structures, four of which are likely the cabins described by nearby residents. The 1969 aerials are remarkably clear and show a larger structure in the southwest corner of the parcel with four smaller structures along the southern edge. The EDR did not record any hazardous materials sites on the Project parcel. No structures exist on the parcel today.

Project description: Grow Heights' is applying for a general plan amendment, zoning change, and two Conditional Use Permits for proposed indoor cannabis cultivation and distribution facilities in accordance with the Medicinal and Adult Use Cannabis Regulation and Safety Act. The Project proposes to operate cultivation activities within two separate metal buildings on the 1.24-acre parcel with up to 10,589 square feet of indoor cannabis cultivation. The Project proposes to operate distribution facilities out of one of the two buildings.

The Project proposes to develop the site in two distinct phases, which are described as Phase 1 and Phase 2. Phase 1 includes both cultivation and distribution facilities, while Phase 2 includes additional cultivation facilities. The Project would require both cannabis cultivation and cannabis distribution licenses.

PROJECT HISTORY AND CEQA PROCESS:

Overview of February 2019 IS/MND Process: A preliminary draft IS/MND was prepared in February 2019 for the Project and was posted to the City of Needle's website for public review and consideration. The Project proposed to apply for a general plan amendment (from Medium Density Residential to General Commercial), zoning change (from R-3 Multi-Family Residential to C-2 General Commercial), and Conditional Use Permit for proposed indoor cannabis cultivation facilities in accordance with the Medicinal and Adult Use Cannabis Regulation and Safety Act. The Project proposed to operate cultivation activities within up to two separate metal buildings on the 1.24-acre parcel with up to 25,000 square feet of indoor cannabis cultivation.

On March 20, 2019, the Project IS/MND and a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was prepared. Pursuant to Sections 15072 and 15073 of (CEQA) Guidelines, the IS/MND and NOI

was distributed for a 30-day public review period, which ended on April 19, 2019. The IS/MND was sent to the State Clearinghouse and Planning Unit (State Clearinghouse); responsible and trustee agencies; organizations and interested parties; and all parties who requested notice in accordance with CEQA. The City received a total of four comment letters. The following comment letters were received regarding the Draft IS/MND:

- State Clearinghouse, dated April 19, 2019
- Twenty-Nine Palms Band of Mission Indians, date April 2, 2019
- State Water Resources Control Board – Colorado River Basin Region -7, dated April 24, 2019
- Fort Mojave Indian Tribe, dated May 13, 2019

The Original Comments Received are attached as Appendix D. It should be noted that the comment letters received from the State Water Resources Control Board (SWRCB) and the Fort Mojave Indian Tribe were received after the public comment period had ended.

Subsequent to the public review period but prior to the hearing for the IS/MND, the scope of the Project changed. The Project now proposes distribution in addition to cultivation and, instead of changing the land use designation and zone to commercial, is now proposing a change to manufacturing. The Project proposes to operate cultivation activities within two separate metal buildings on the 1.24-acre parcel with up to 10,589 square feet of indoor cannabis cultivation (a total structure area of 21,500 square feet). The Project proposes to operate distribution facilities out of one of the two buildings. The Project proposes to develop the site in two distinct phases, which are described as Phase 1 and Phase 2. Phase 1 includes both cultivation and distribution facilities, while Phase 2 includes additional cultivation facilities. The Project would require both cannabis cultivation and cannabis distribution licenses. Therefore, the Project is now applying for a general plan amendment to change the land use designation from Medium Density Residential to Manufacturing, a zoning change from R-3 Multi-Family Residential to M-1 Light Manufacturing, and two Conditional Use Permits for one for cultivation and a second for distribution. Due to the additions and changes made to the Project and the applications, the City has decided to recirculate the IS/MND. The IS/MND has been revised to analyze the changes to the Project and address the four comment letters received regarding the Draft IS/MND.

Recirculated IS/MND CEQA Process: Pursuant to Section 15073.5 of the State CEQA Guidelines, because the changes to the Project are considered “substantial revisions” and the February 2019 IS/MND had not been adopted by the City, a Recirculated IS/MND has been prepared to disclose the revised Project description and analyze the environmental impacts of the current Project. Section 15073.5 of the State CEQA Guidelines states:

- (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.
- (b) A “substantial revision” of the negative declaration shall mean:
 - (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
 - (2) The lead agency determines that the proposed mitigation measures or project revisions will not

reduce potential effects to less than significance and new measures or revisions must be required.

Accordingly, this Recirculated IS/MND has been prepared because the Project would meet the criterion described under Section 15073.5(b)(1) above, and this results in substantial revisions to the February 2019 IS/MND after its public review period but prior to its adoption as per Section 15073.5(a) above.

Under CEQA, an Environmental Impact Report (EIR) is required when there would be impacts that would not be avoided or reduced to a less than significant level with project changes or with mitigation measures (Section 15064(a)(1) of the State CEQA Guidelines). The Recirculated IS/MND discloses the environmental impacts that would result from the Project and describes mitigation measures that would reduce impacts to a less than significant level. As discussed in the Recirculated IS/MND, there would be less than significant impacts after implementation of mitigation measures. Therefore, an MND is the appropriate CEQA documentation for the Project. The changes identified in the Recirculated IS/MND and its associated technical appendices replace and supersede the February 2019 IS/MND.

A Notice of Intent to Adopt a Recirculated Mitigated Negative Declaration (NOI) was mailed to the State Clearinghouse and affected responsible and trustee agencies and interested organizations and individuals. A summary of the NOI was published in the Needles Desert Star newspaper to announce the public review period. The Recirculated IS/MND and associated technical reports are available online at <https://cityofneedles.com/>.

Hard copies are available for public review during business hours at the City of Needles Planning Department (817 Third Street, Needles, CA 92363).

There will be a 30-day public review period for the Recirculated IS/MND, meeting the requirements of Section 15073 of the State CEQA Guidelines. In reviewing the Recirculated IS/MND, the reviewer should focus on the sufficiency of the document in identifying and analyzing the potential impacts on the environment and ways in which the potentially significant effects of the Project are avoided or lessened. Comments or questions on this Recirculated IS/MND can be sent in writing, either by U.S. mail to the City of Needles Planning Department at the address below or via email to csemione@cityofneedles.com. Comments can be mailed to the following address:

City of Needles
Attn: Planning Department
817 Third Street
Needles, CA 92363

In accordance with Section 15074 of the State CEQA Guidelines, prior to approving the Project, the City of Needles City Council will consider the proposed Recirculated IS/MND together with any comments received during the public review periods. The City Council will adopt the proposed MND and approve the Project only if it finds that there is no substantial evidence that the Project will have a significant effect on the environment and that the MND reflects the independent judgment and analysis of the City Council.

Project Construction and Operations Plan

Phase 1

The first phase includes the construction of one 215-foot by 50-foot metal building with a maximum height of 15 feet. The total square footage of this building is 10,750 square feet. Within the building, cultivation is proposed in a total of three grow rooms, and one veg room, with a combined total of 3,768 square feet of cultivation in the Phase I building. The building will also include a 449-square-foot clone room, a 707-square-foot dry room, and a 389-square-foot trim room dedicated to the cultivation operation. The Phase 1 building also includes a 378-square-foot security room, a 247-square-foot office, two American with Disabilities Act (ADA) accessible bathrooms, a 230-square-foot men's dressing room, a 230-square-foot women's dressing room, a 353-square-foot break room, and a data room and an electrical room. The security room, dressing rooms, break room, office, bathrooms, data room and electrical room are associated with both the cultivation and distribution operations. The Phase 1 building would also contain a 440-square-foot distribution room, a 353-square-foot secured storage room, and a 172-square-foot vault that exclusively support the distribution activities. A total of 965 square feet of the Phase 1 building is dedicated strictly to distribution operations. A total of 5,313 square feet of the Phase 1 building is dedicated strictly to the cultivation operation. The remaining 4,472 square feet of the total 10,750 square feet of the Phase 1 building includes common hallways and the rooms that are shared by both operations.

All construction will be completed to the standards of the California Code of Regulations for manufacturing structures, including the installation of smoke and fire detection alarms. The building will be thoroughly insulated to reduce the load on the proposed air conditioning (A/C) systems.

Ten industrial 4-ton mini-split A/C units are proposed. The exact model is not known, but a couple potential models have sound pressure levels of 76 decibels (dBA) at a standard AHRI measurement distance of 3 feet (Daikin 2018). The system will be designed so that units can be quickly swapped out if one fails. Up to ten A/C units will be running at any given time during summer months. The cultivation room will include growing lights each rated at 1,000 watts on a mechanical system that allows them to be raised and lowered as needed. The total current draw of a single cultivation facility will be up to 1,500 Amps.

State-of-the-art Phresh Filter carbon filtration units will be utilized by the project to remove cannabis odor from air vented to the exterior. These units have been utilized successfully by other cannabis projects for odor elimination. Hyperfans, or another fan compatible with the filtration units, will be used and sized appropriately for required air circulation inside the facility. Locked dumpsters will be located exterior to each building that will be within the security perimeter and within a trash enclosure. A parking lot will be installed appurtenant to the building with access from L Street (see site plan). Two ADA parking spots will be designated based on the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design which requires one spot for every twenty-five. A total of 40 parking spaces will be provided, as well as a dedicated shipping/receiving space bay for each building. There is sufficient area on the east side of the parcel and between the buildings for these parking spaces (see site plan). Cannabis cultivation does not fit any of the listed uses in the Needles parking code, and the number of required spaces is based on peak employee shift (Ordinance 427-AC).

The parcel will be lined on the north and south sides with a 6-foot masonry block wall. The east and west sides, facing the streets, will be fenced with a 6-foot wall that is a combination of masonry block and wrought iron. Gates will be installed facing both streets. Landscaping is proposed along all edges of the parcel and around the buildings. All landscaping will require minimal maintenance and will include palm trees, native cacti, and other native desert plants in addition to other types of plants that can be sustained by water reclaimed on-site. The project will include a reverse osmosis pre-treatment system with wastewater plumbed to exterior hard tanks for off-site disposal at a licensed facility. The project will qualify for an exemption under the Regional Water Quality Control Board (RWQCB) State Water Board Cannabis

Cultivation Policy, General Order 2017-0023-DWQ.

Site plan figures can be found in Appendix B.

Phase 2

The second phase proposes the construction of an additional structure. The timeline proposed for beginning Phase 2 is within a year of installation of the first structure under Phase 1. The second structure will be of identical size (215-foot by 50-foot), adding an additional 10,750 square feet of space for a total structure area of 21,500 square feet. With both buildings in place, the total cultivation area (grow rooms and veg rooms) will be 10,589 square feet. The Phase 2 building also includes a 383-square-foot trim room, a 760-square-foot dry room, a 501-square-foot secured storage room, and a 241-square-foot vault. The Phase 2 building will not include any of the distribution operations.

Each of the buildings will have their own A/C units and carbon filtration units and will be able to be independently operated. Parking areas may be combined, but each will have sufficient capacity for employees and staff and a designated ADA parking space.

Construction and Operational Considerations

During all phases of short-term construction activities for the project, the following dust control measures are required and will be implemented in accordance with Air Quality Regulation IV, Rule 403–Fugitive Dust to reduce nuisance fugitive dust generation:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily for dust suppression when construction activities are occurring on-site.
- All trucks transporting soil, sand, or any other loose material off-site shall be covered.
- All standing soil, sand, or any other loose material left on-site shall be covered and secured.
- Adjacent public roads shall be kept clean of loose dirt tracked onto the roadways from the construction-site.
- All vehicle speeds shall be limited to 5 miles per hour on the project property.

Noise impacts are also a consideration of project construction and operation. The project proposes to limit construction hours to normal working hours during the week. Construction activities will be limited to the hours of 8:00 a.m. to 6:00

p.m. on weekdays and will not occur during evenings, on Saturdays or Sundays, or on Holidays. Equipment will be fitted with mufflers to help reduce noise impacts.

Cultivation Operations Plan

Cannabis will be cultivated indoors in soil pots. The project will not include any hydroponic cultivation. Pots will be located in the grow room and will be between 1 gallon and 10 gallons in size. Cannabis plants will be hand-watered to prevent overwatering. The lighting for the plants will be raised or lowered as needed.

Cannabis plants will be grown on an approximately 8-week cycle. The exact cycle depends on the strain of cannabis being grown and the desires of the facility operator. The Phase 1 cultivation will likely be done as a single cycle in the grow room, but later operations will be staggered so that harvests occur every

1-2 weeks.

The interior of the facility will be kept neat and tidy. Employees will be responsible for watering and maintaining cannabis plants, adding nutrients, cutting, and tending clones. Harvest responsibilities will include cutting down and trimming plants, drying plants and processing the final cannabis products. There will be a first aid kit and list of emergency contacts in each building, and employees will be trained in proper safety protocols. The facility entrance and restroom will be constructed to ADA standards.

Honda generators will be utilized on-site in case of a power outage. An estimated twenty-four units will be required for each cultivation building, a total of 48 for the entire project. The manufacturer noise rating for a 7,000-watt Honda EU700iS generator is 60 dBA at 23 feet at rated load. To reduce the potential noise resulting from generator usage, the applicant has proposed housing them in enclosures adjacent to each building.

The project site plan also depicts the proposed orientation of noisy equipment that will allow the greatest amount of shielding possible from nearby residences. Both the generators and A/C units will be oriented away from the closest property line on each building. The construction of the additional structure, as well as the block wall and landscaping along the edge of the parcel, will also help mask the noise produced on-site by providing a line-of-sight break between the noise source and nearby receivers.

A minimal amount of soil, nutrients and other materials will be temporarily stored in barrels inside the facility. Deliveries will be timed so that all materials delivered will be utilized after only two to three days so that there is no long-term storage required. These will be delivered directly to the project site by a cultivation supplier. Spent soil will be sent to a licensed disposal facility.

Distribution Operations Plan

The distribution operations will be contained to three rooms within the Phase 1 building. These include a vault, distribution room, and secured storage room. The vault will be used for storage of finished product, tested product ready for distribution, and untested product. The distribution room will be a holding area for finished and packaged goods ready to be shipped, and the secured storage will store finished goods ready for distribution. Product must be stored in secure, vaulted facilities, and the storage rooms would meet these requirements. Distribution staff would use the common rooms, such as dressing rooms and bathrooms, shared with the cultivation operation.

The cultivation operation ends as soon as product is transferred to the distribution operation. Product is typically transferred in 100-lb increments from the cultivator to the distributor. The project will implement a track and trace system as required by the City of Needles and by the State of California.

The distributor would be in contact with the dispensaries to which product would be sold. The distributor would package and label cannabis product based on dispensary needs and prepare for transportation. All proper personal protective equipment would be used by distribution operation staff.

It is anticipated that the distribution operation will operate 6 hours per day, Monday through Friday. Depending on the cultivation schedule and needs of dispensaries buying cannabis product, distribution of product would occur anywhere from weekly to monthly.

No on-site retail sales or manufacturing will be performed. The distribution operation will require a California cannabis distribution license.

Utilities

The project will be served by city water. Needles city water is provided by groundwater wells that are located in the lower part of the city. The cultivation operation's requested water needs are 5 to 7 acre-feet per year for the full buildout of all phases of the project. The actual water usage may vary based on the operator, strains, and/or cultivation methods employed; it is projected to be more likely between 4 and 5 acre-feet per year. The City of Needles will provide a "will serve" letter to Grow Heights for the amount of water requested by the operation as part of the local permitting process. Per conversations with City staff, the groundwater well that the City currently utilizes as their municipal water source has sufficient capacity to meet the project's needs. The project will utilize city sewer for wastewater needs, and all bathrooms and sinks will be plumbed to the city sewer lines. Cleanouts will be installed, which will allow cultivation effluent testing: one for bathroom effluent that is sent to city sewers and one for cultivation wastewater that will not be sent to city sewer systems. Each facility will include a reverse osmosis water treatment system that does not employ salt. The system is high capacity and produces treated water at a 1:2 ratio with mineralized wastewater. All cultivation wastewater from the project will be disposed of through an evaporation system consisting of a 2,500-gallon hard plastic tank. Wastewater from the reverse osmosis system will be sent to external hard tanks prior to being sent into the evaporation tank. The black evaporation tank is left with the vents open so that the water will warm and evaporate off as the tank heats up. These tanks are located along the southern edge of the site, close to the southwest corner of the parcel. Alternatively, wastewater will be stored and picked up for treatment by an off-site by a septic company, Daniell's Septic Tank Pumping, that will transport it to a licensed disposal facility.

The project will qualify for an exemption under the RWQCB State Water Board Cannabis Cultivation Policy, General Order 2017-0023-DWQ. No mineralized cultivation wastewater will be sent to the City sewer or reclaimed on site. The cultivation water system for the project will be modeled after the system currently used by the Green Acres Group within the City of Needles, which has been designed as a "zero waste" system. The amount of cultivation wastewater from this cultivation system is very minimal, as water is applied to plants in an amount that does not result in any runoff.

The project will utilize grid power provided by the Needles Public Utility Authority. The primary use of power will be for A/C and cultivation lighting. The estimated power draw per structure is 170 kilowatts (kW). At full buildout, the total power draw is estimated at 340 kW. Backup generators will be used to power critical processes in the event of a power outage.

The distribution operation will also be served by city water and local electrical utilities. The energy usage for distribution activities will be minimal compared to the energy needs for the cultivation operation. Water and sanitation needs for the distribution operation consist of water and sewer for bathrooms.

Hours and Days of Operation and Employees

Phase I cultivation operations will require a maximum of four employees as well as the facility operator. The operating hours of the cultivation operation will be four to six hours per day during daylight business hours. Proposed hours are between 8:00 a.m. and 2:00 p.m. or 10:00 a.m. to 2:00 p.m. each day. At full operation after Phase 2 completion, a maximum of 14 people will be on-site each day, including eight employees and two operators, and up to 4 distribution employees.

Access and Security

The facility will be secured by locked gates where only employees and the facility operator have access codes. There will be security cameras on each exterior corner of each building. Some cameras will be motion-activated and will turn on exterior lights if movement is detected. There will be interior security cameras in each of the main spaces. All exterior lighting will comply with the City of Needles lighting standards as outlined in Ordinance 594-AC and amended Chapter 12 of the Needles Municipal Code.

Access to the project site will be exclusively from L Street. Emergency responders will have access to the K Street side via a gate code. The K Street access will be exclusively for emergencies. No public access to the facility will be allowed, and no cannabis products will be sold on-site. Deliveries will be on an as-needed basis, and employees will be responsible for permitting delivery vehicles to access the project site.

Surrounding Land Uses and Setting

The parcels surrounding the project site to the north, east, and south contain single-story residences, generally 15 to 20 feet in height. Some of them are vacant and in disrepair, with boarded up windows. The lot to the west of the project site, across L street, is vacant.

BNSF Railroad right-of-way is located to the south of the project. An underpass beneath the railroad is located 300 feet south of the project parcel on K street. The project parcel is within 550 feet of Ed Parry Park, which is located to the southeast of the Project. The project site is more than 600 feet from all schools, churches, and other recreational facilities.

Other zones around the project site include a section of M-1 Light Manufacturing directly southeast of the project parcel. Across the BNSF Railroad right-of-way is the City of Needles' general commercial center where C-2 General Commercial zoning dominates.

Other Public Agencies Whose Approval is Required

California Department of Food and Agriculture, Cannabis Cultivation License

California Department of Food and Agriculture, Cannabis Distribution License

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed name

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
- All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 21, “Earlier Analyses,” may be cross-referenced).
- Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - Earlier Analysis Used: Identify and state where they are available for review.
 - Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyze in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures of earlier analyses.
 - Mitigation Measures: For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which address site-specific conditions for the project.
- Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- The explanation of each issue identify:
 - The significant criteria or threshold, if any, used to evaluate each question; and
 - The mitigation measure identified, if any, to reduce the impact to less than significant.

CHECKLIST, DISCUSSION OF CHECKLIST RESPONSES, PROPOSED MITIGATION

1. AESTHETICS

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The project site is located in an area of Needles north of the BNSF Railway right-of-way and approximately 3 blocks or 700 feet east and north of Interstate 40 (I-40) at the closest point to I-40. The project site is approximately 2.5 blocks east and north of Historic U.S. Route 66, which passes through this area of Needles in an alignment adjacent to I-40 (Google Maps 2018). The Grow Heights Project site is currently flat, cleared, and bare, and its scenic context is that of a developed area, with residential structures (which are not designated historic buildings), sidewalks, streets, and power poles all immediately adjacent.

I-40 is eligible for the State Scenic Highway System, but it is not officially designated as a scenic highway by the California Department of Transportation (Caltrans 2018).

Analysis:

- a) Finding: The project will not have a substantial adverse effect on a scenic vista.

Discussion: The project will not have a substantial adverse effect on a scenic vista because there are no designated scenic vistas or designated scenic resources associated with or neighboring the project site. There are no associated lands that are preserved under a scenic easement or contract, and no identified scenic resources or unique or remarkable scenic context surrounding the project site. The project will therefore have No Impact on any scenic vista.

- b) Finding: The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Discussion: The project will not damage scenic resources because it is proposed for a bare lot. There are no trees and no rock outcroppings. The project as proposed includes tree planting as part of the landscaping for the facility. There are no historic buildings on the project site or immediately adjacent to the project site. The closest historic building is located at 517 N “K” Street at a distance of 1,268 feet from the project site. A second historic building, known as El Garces, is located at 950 Front Street in the City of Needles, at a distance of 1,650 feet from the project site. This historic building is separated from the project site by the BNSF railroad. A segment of Historic U.S. Route 66 passes within a half-mile of the project area. The project vicinity does not contain any designated scenic highways. While I-40 is eligible for inclusion in the State Scenic Highway System, it has not officially been designated as a scenic highway by the California Department of Transportation. The project will therefore have No Impact on scenic resources such as trees, rock outcroppings, and historic buildings within a state scenic highway.

- c) **Finding:** The project will not substantially degrade the existing visual character or quality of the site and its surroundings.

Discussion: The current visual character of the site is a bare lot, immediately surrounded by a developed area that includes non-historic residential structures, sidewalks, streets, fences, and power poles. While currently a bare lot, the subject parcel has previously seen both residential uses and commercial use as a nursery, based on descriptions by the property owner, nearby residents, and the Needles Museum. The aesthetic design of the proposed structure will not conflict with the current visual context of its immediate, current neighborhood. The proposed structures will not exceed 15 feet in height as they are within 50 feet of a residential area. Desert-appropriate vegetation, such as palm trees and native desert cacti, will be used in landscaping. The project will have No Impact in terms of degrading the existing visual character or quality of the site and its surroundings.

- d) **Finding:** The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Discussion: The project as designed will not create a new source of glare to daytime views. The project will introduce lighting consistent with the City of Needles Ordinance 594-AC and amended Chapter 12A of the Needles Municipal Code. The entrances and all window areas of the structure will be illuminated during evening hours. However, the applicant will comply with the City's lighting standards regarding the fixture type, wattage, illumination levels, and shielding, which will moderate any light generated from the project to a level that will not contribute adverse impacts to nighttime views (AES-1). In addition, the indoor grow lighting system will be shielded to confine light and glare to the interior of the allowable structure. Based on these regulated elements of project design, the project will have No Impact on day or nighttime views of the area, and no substantial light or glare will be generated as a result of the project.

Applicant Proposed Operating Restrictions:

AES-1: The project will manage its lighting as prescribed in City of Needles Ordinance 594-AC and amended Chapter 12A of the Needles Municipal Code, in compliance with the City's lighting standards regarding fixture type, wattage, illumination levels, and shielding. The indoor grow lighting system will also be shielded to confine light and glare to the interior of the proposed structure. The landscaping and planting plan will include the planting of desert-appropriate and native vegetation such as palm trees and native desert cacti, consistent with the visual context of the area.

AES-2: The proposed buildings will not exceed 15 feet in height.

Mitigation: None required.

2. AGRICULTURE AND FORESTRY RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board (CARB).

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project is proposed for an area within the City of Needles that is fully developed and urbanized, with no agricultural use nor agricultural zoning (California Department of Conservation 2018), and which is neither forest land nor zoned timberland (San Bernardino County 2007). Residential structures, sidewalks, and fully paved streets surround the project area.

Analysis:

- a) Finding: The project will not 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.

Discussion: While the project site lies outside of the survey boundary for the California Resource Agency's Farmland Mapping and Monitoring Program, the land's current use and context is consistent with this program's classification of land as "urban and built up land." There is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the project area. Therefore, the project will have No Impact to Farmland and will not convert any Farmland to non-agricultural use.

- b) Finding: The project will not conflict with existing zoning for agricultural use or a Williamson Act contract.

Discussion: The land is currently zoned R-3 Multi-Family Residential per the City of Needles Zoning Map, which is not a zoning category that includes agricultural use. The project would require a zoning change to M-1 Light Manufacturing, a zoning category that similarly does not prescribe agricultural use. The land is not under a Williamson Act contract. Therefore, the project will have No Impact to any existing zoning for agricultural use or to a Williamson Act contract.

- c) Finding: The project will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526).

Discussion: There is no forest land as defined in Public Resources Code section 12220(g) or timberland as defined in Public Resources Code section 4526 in the project area or associated with the project in any way. Therefore, there will be No Impact to the zoning of forest lands or timberlands.

- d) Finding: The project will not result in the loss of forest land or conversion of forest land to non-forest use.

Discussion: The project site is a vacant lot in a developed, urban area in the City of Needles, with no associated forest land. There will be No Impact to forest land and no conversion of any forest land to non-forest use.

- e) Finding: The project will not involve other changes in the existing environment that, 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.

Discussion: The project site is a vacant lot in a developed, urban area in the City of Needles, with no associated Farmland and no forest land. No direct effects, indirect effects, or cumulative effects of this project with other projects will result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. This project will have No Impact on existing Farmland or forest land.

Applicant Proposed Operating Restrictions: None.

Mitigation: None required.

3. AIR QUALITY.

Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

The project site is located with the Mojave Desert Air Basin, which encompasses the bulk of San Bernardino County, the far eastern part of Riverside County, and portions of Kern and Los Angeles Counties. The City of Needles falls within the area administered by the Mojave Desert Air Quality Management District (MDAQMD), which has jurisdiction over San Bernardino County and the far eastern part of Riverside County within the basin. The project site is located on the easternmost edge of the MDAQMD.

The MDAQMD operates and maintains six air quality monitoring stations within the district's jurisdiction of over 20,000 square miles. The proximity of the High Desert region to heavily polluted metropolitan regions such as Los Angeles and San Bernardino Valley, coupled with consistent southwest winds transporting pollution from more congested urban areas, contributes to an air pollution problem within the MDAQMD.

Several climatic and topographical factors impact the air quality of the region as well. The Santa Ana winds originating from high-pressure air masses over the Great Basin region and Upper Mojave Desert directly north of Needles contribute to the hot, arid climate. Average annual precipitation in Needles, California is 4.65 inches, which predominantly falls during winter months. Temperatures range from highs in the 110s degrees Fahrenheit (°F) in July to overnight lows in the 40s °F during winter months.

Project activities are subject to the authority of the MDAQMD and the CARB. The MDAQMD is listed as "non-attainment" for the following California Standards: Ozone (O₃) and Respirable Particulate Matter (PM₁₀), as well as Fine Particulate Matter (PM_{2.5}) only in the southwest corner of the desert portion of San Bernardino County (MDAQMD 2017). The MDAQMD is listed as "non-attainment" for the following Federal Standards: O₃ and PM₁₀ (MDAQMD 2016).

In determining whether a project has significant air quality impacts on the environment, agencies often apply their local air district's thresholds of significance to the project in the review process.

Sensitive receptors near the project site primarily include residential uses to the north, south, east, and west. Ed Parry Park is located approximately 550 feet from the eastern edge of the project site. The closest schools and other critical facilities, such as hospitals, are more than 1,700 feet away.

Analysis:

- a) Finding: The project will not conflict with or obstruct implementation of the applicable air quality plan.

Discussion: The MDAQMD's primary responsibility is to achieve and maintain federal and state air quality standards, subject to the powers and duties of the CARB. To meet these standards the MDAQMD regulates stationary sources of air pollution located within its jurisdictional boundaries. Such work requires regulation and rule enforcement based on air pollution laws, implementation of state and federal programs, and education of businesses and residents about the role they play in protecting air quality.

The MDAQMD is currently listed as being in "attainment" for all Federal health protective standards for air pollution (ambient air quality standards) with the exception of O₃ and PM₁₀. The MDAQMD is currently listed as being in "attainment" for all state health protective standards for air pollution except for O₃, PM₁₀, and PM_{2.5}. MDAQMD received "non-attainment" for the Federal and State Eight-hour Ozone concentration levels which cannot exceed 70 parts per billion under federal and state law. MDAQMD failed to meet minimum standards for particulate matter less than ten microns in size (PM₁₀) on both the federal and state level, resulting in a "non-attainment" designation (MDAQMD 2016). PM₁₀ emissions include, but are not limited to, smoke from wood stoves, dust from traffic on unpaved roads, vehicular exhaust emissions, and airborne salts and other particulate matter naturally generated by ocean surf. Only the southwest corner of the desert portion of San Bernardino County received a state-level "non-attainment" designation for PM_{2.5}. The project area does not fall within this boundary.

A potentially significant impact to air quality would occur if the project would conflict with or obstruct the implementation of the applicable air management or attainment quality plan. Although the proposed project would represent an incremental increase in emissions within the air district, the primary concern is that project-related impacts have been properly anticipated in the regional air quality planning process and reduced whenever feasible. Therefore, it is necessary to assess the project's consistency with the applicable district air quality management or attainment plan(s).

The California Clean Air Act requires the MDAQMD to achieve and maintain state ambient air quality standards for the PM₁₀ and O₃ by the earliest practicable date. The MDAQMD prepared the PM₁₀ Attainment Plan Final Report in July 1995. The Plan includes the purpose of the document, information on technical issues, emissions inventories, a control strategy, an attainment demonstration, and a conformity emissions budget. The report identifies the southwestern corner of San Bernardino County as the primary location of both the population and associated anthropogenic PM₁₀ sources. The project is not located within this area. The report also states that the majority of the northern and eastern portions of the County are not monitored for PM₁₀ and the monitoring data does not reflect ambient air in that portion of San Bernardino County. The Attainment Plan does outline control measures for construction activities, which have been incorporated into the project as applicant proposed operating restrictions (AQ-1).

The MDAQMD 2005 Ozone Attainment Plan (state and federal) published in April 2004 provides a statement of purpose and background information on O₃ regulation. The Plan includes emission inventories, control and contingency measures, and an attainment demonstration. The Plan does not provide any new control measures, but instead focuses on strengthening and enforcing those measures already in place. State and federal law specifies that each O₃ non-attainment area must demonstrate ongoing emission reductions relative to the base year (1990).

The project will not obstruct implementation of the MDAQMD Attainment Plans for PM_{2.5}, PM₁₀, or O₃, and the impact would be Less than Significant.

- b) Finding: The project will not violate any air quality standard or contribute substantially to any existing or projected air quality violation.

Discussion: Air quality in San Bernardino County is regulated by the MDAQMD, which is responsible for monitoring and enforcing local, state, and federal air quality standards. Air quality standards are set for emissions

that may include, but are not limited to: visible emissions, fugitive dust, and particulate matter. In accordance with the Air Quality Regulation IV–Prohibitions, Rule 402–Nuisance, “a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property” (MDAQMD 1977).

Air quality impacts can be divided into two phases for a project: temporary construction impacts and operational impacts.

Construction Impacts

There is potential for the project to create dust during both Phase 1, construction of a single cultivation and distribution structure, the block wall, and perimeter fencing and landscaping, and Phase 2, construction of the second cultivation structure. Sources of dust include construction equipment, vehicle/truck traffic, and other activities. Construction activities will not include intense dust-generating activities, such as substantial earth moving, or heavy traffic, and they will be temporary in nature. Primary construction activities include the installation of metal buildings. Ongoing emissions of fugitive dust from construction and vehicular traffic are unlikely to occur. Precautions in accordance with Air Quality Regulation IV, Rule 403–Fugitive Dust are required.

During short-term construction activities, dust control measures in accordance with Rule 403 will be implemented to reduce nuisance fugitive dust generation as an applicant proposed operating restriction (AQ-1). These measures are described in the project description and at the end of this section.

With compliance with Rule 403, construction impacts to air quality are considered Less than Significant.

Operational Impacts

As indicated on the Site Plan map, access to the project, including driveways and parking spaces, will be paved with asphalt. This will be effective in preventing on-site dust generation from vehicle and truck traffic during long-term operation of the project. Paved city streets, including the primary access at North L Street, will serve as the main access routes. Fugitive dust and other particulate impacts from ongoing project operation are considered less than significant.

Operational impacts of the project on O₃, Carbon Monoxide (CO), and other criteria pollutants will be less than significant. CO hot spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). No such intersections exist within the general project area (Needles General Plan). There is potential for increased traffic on K Street due to implementation of the proposed project, but this will not be significant (see Section 16 Transportation/Traffic). As the site is not a commercial storefront and no more than ten people are anticipated to visit the site each day, emissions due to traffic will be less than significant. In addition, the MDAQMD is currently in attainment/unclassified for CO on the federal and state levels.

Stationary sources of emissions from the project include the proposed cultivation, harvesting, processing, and distribution of the cannabis plants. All cultivation, harvesting, and processing will occur indoors. The bulk of distribution operations will occur indoors, as cannabis product is sorted, labeled packaged, and stored for distribution. Product will be transported to a distribution truck routinely, approximately once per week to once per month. The project will be served by city water and will utilize grid power provided by the Needles Public Utility Authority. The primary use of power will be for air conditioning (A/C) and cultivation lighting. Honda back-up generators will be utilized only in the event of a power outage. Up to 24 generator units will be required for each cultivation building. The contribution to air pollution will be minimal as the generators will only be used under emergency circumstances. Each will be run routinely, approximately on a monthly basis, as part of maintenance procedures. The total estimated emissions are based on monthly 20- minute maintenance running of each generator

results in an estimated total of 192 hours of usage at minimal load. Using a conservative estimate of two power loss events of 300 minutes each (EIA 2016), the annual emergency generator usage is estimated at 480 hours of usage at full load. All generators will be CARB-compliant (operating restriction AQ-3). Considering the infrequency of maintenance usage, the unlikelihood of emergency usage, and the compliance with CARB regulations, the generators present a Less than Significant impact to air quality.

Based on this analysis, the project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation with implementation of the applicant-proposed operating restrictions. Impacts will be Less than Significant.

- c) Finding: The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Discussion: The MDAQMD is currently listed as being in “attainment” or is listed as “unclassified” for all federal health protective standards pollution except O₃ and particulate matter less than ten microns in size PM₁₀. Under state ambient air quality standards, MDAQMD has been designated “non-attainment” for the aforementioned O₃ and PM₁₀, as well as particulate matter less than 2.5 microns in size (i.e., PM_{2.5}) (MDAQMD 2017).

The construction and operational activities will not generate total emissions (direct or indirect) in excess of the thresholds defined by the federal or state government. As described previously, the project will comply with regulatory requirements to control fugitive dust during the construction phase (operating restriction AQ-1). Construction equipment will result in temporary incremental emissions within the air basin, but given the scale of the project and the fact that equipment will meet state CARB standards, these are considered to not be cumulatively significant. This project will not appreciably contribute to further violations of ambient air quality standards either individually or cumulatively. Construction will be transient in nature, and project operations will result in infrequent, localized emissions from maintenance and emergency usage of the generators.

Therefore, the project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard and impacts will be Less than Significant.

- d) Finding: The project will not expose sensitive receptors to substantial pollutant concentrations.

Discussion: Sensitive receptors are groups which are particularly vulnerable to air pollution. Although exposure is potentially a risk for everyone, the health of certain groups would be affected with greater severity. At-risk individuals include children, the elderly, and individuals with chronic or acute illness. Sensitive receptor land uses therefore include schools, childcare centers, residences, parks, hospitals, retirement homes, and nursing homes. Sensitive receptor land uses near the project site primarily include residential uses to the north, south, and east. Ed Parry Park is located approximately 550 feet southeast of the project site. All other sensitive receptors are more than 1/3 mile away.

As indicated by the air quality impact analysis under Subsection b), the proposed project would not result in emissions that are considered significant for criteria pollutants during the short-term construction activities or the long-term operation of the site.

As the proposed cultivation and distribution operations are entirely indoors, the applicant is proposing the use of Phresh Filter filtration units to prevent odors from leaving the building (see proposed Operating Restriction AQ-2). The Phresh Filter filtration units will be effective in cleansing the air of these materials.

The applicant is proposing the use of natural pest controls that are either registered for use on cannabis based on California Department of Pest Control regulations, or are exempt from residue tolerance or registration requirements. The California Department of Pest Control has published a current list of legal pest management

active ingredients, and Grow-Heights Farms will use pesticides that are either on this list or meet residue tolerance exemption requirements (CDPR 2017). These will only be implemented if deemed necessary for the health of the cannabis plants.

Based on the above, the proposed project will not expose sensitive receptors to substantial pollutant concentrations.

- e) **Finding:** The project may create objectionable odors affecting a substantial number of people; however, with applicant proposed operating restrictions incorporated, the impact will be Less than Significant.

Discussion: During long-term operation of the project, there is the potential to impact air quality due to odors that would be generated by the proposed cultivation and distribution activities. Wind direction shifts seasonally, blowing south between late April and early October and blowing north for the remaining months. The windier portion of the year lasts for eight months, from November to early July. Cannabis odors have the potential to be carried to nearby residents where they may be objectionable.

Odors that would be generated in the proposed indoor cultivation and distribution buildings will be abated with an air ventilation/filter system containing Phresh Filter activated carbon filtration units (operating restriction AQ-2) to ensure odors generated by the project are minimized. The filtration system will be appropriately sized by a professional familiar with the technology. The filtration technology uses activated carbon to remove contaminants and impurities through chemical absorption. Chemicals passing through the carbon surface of activated carbon traps contaminants and impurities. The large surface area of activated carbon provides approximately 100 acres of surface area for attachment per 1 pound of activated carbon. Activated carbon has been processed to make it highly porous for greater absorption. This system has capacity for large-scale organic molecules, works well under a range of temperatures, and is safe for handling and use (Phresh Filter 2018).

Prevention of nuisance cannabis odors is of critical importance to the City. As part of the application package, the applicant must outline their plans regarding installation of filtration systems to mitigate odors. This action has resulted in successful indoor grow operations free of odors. As previously noted, the proposed cultivation is entirely indoors, and the applicant is proposing the use of Phresh Filter filtration units to prevent odors from leaving the building. The Phresh Filter filtration units will be effective in cleansing the air of these materials.

The closest land uses to the project site that could potentially be notice any odors include surrounding residences, as well as the commercially zoned district directly south of the BNSF. Railroad. The impact will largely be dependent upon season and wind speed. Based on site visits and aerial photography, there are approximately seven occupied residential homes within the immediate vicinity of the project area; this includes two houses adjacent to the project on the north side, three adjacent properties to the south, accessed by L street, and two properties on the east side of North K Street, directly across the street from the project parcel. The nearest unit is approximately 17 feet from the Phase I project structure. Compliance with required dust control measures (AQ-1) and applicant-proposed air carbon filtration system (AQ-2) will sufficiently reduce potential air quality emissions and odor disturbances in the surrounding residential area. Impacts would be Less than Significant levels.

Applicant Proposed Operating Restrictions:

AQ-1: During short-term construction activities, the following dust control measures will be implemented to reduce nuisance dust generation:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily for dust suppression when construction activities are occurring on-site.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All standing soil, sand, or other loose material left on-site shall be covered and secured.
- Adjacent public roads shall be kept clean of loose dirt tracked onto the roadways from the construction-site.
- All vehicle speeds shall be limited to 5 miles per hour.

AQ-2: All cultivation and distribution structures shall be designed and maintained per manufacturer recommendations with a ventilation and air filtration system containing activated carbon filters, such as Phresh Filters, to ensure odors generated by the proposed facility are not a nuisance.

AQ-3: All generators shall be CARB-compliant.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

A review of the California Department of Fish and Wildlife Service (CDFW)'s California Natural Diversity Database (CNDDDB) was performed for both plant and animal species that may be present on the 1.24-acre project site. Given that the project site is cleared ground in a developed urban setting, a 0.25-mile search radius was used (**Figure 1**).

Plant Species

The CNDDDB review for the project site yielded two historical occurrences of the spiny-hair blazing star (*Mentzelia tricuspidis*) centered on the City of Needles. This species is not federally or state listed; it has a California Rare Plant Rank of 2B.1. The notes on the two occurrences of *Mentzelia tricuspidis* state "only sources are vague historical collections. Needs fieldwork. Jones 1884 collection 'The Needles' and 1942 Holt collection 'Near Needles' attributed to this occurrence" (CDFW 2018). Based on the fact that the occurrences are more than 75 years old and are only vague locations, the typical habitat for this species is sandy or gravelly slopes and washes, and the project site is a cleared, previously developed lot in an urbanized area, it is reasonably assumed that this species is not present on the project site.

Animal Species

A review of the CDFW CNDDDB for the project site provided one historical occurrence of a pallid bat (*Antrozous pallidus*) centered on the City of Needles. This species is not federally or state listed; it is a CDFW Species of Special Concern. The historical occurrence is a specimen collected in 1939 with an unknown location, mapped in the vicinity of Needles (CDFW 2018). Based on the fact that the occurrence is more than 75 years old with a non-specific location, the fact that pallid bats need roosts that protect them from high temperatures and are extremely sensitive to roost disturbance, and the project site is a cleared, previously partially developed lot in an urban area, it is reasonably assumed that this species is not present on the project site.

There are no wetlands as defined by Section 404 of the Clean Water Act on the project site (U.S. Fish and Wildlife Service

[USFWS] 2018). There are currently no trees on the cleared and bare project site, and thus, no potential nesting habitat for protected migratory bird species (Migratory Bird Treaty Act, amended 1998).

Analysis:

- a) Finding: The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impacts will be Less than Significant.

Discussion: The project site is a cleared, previously developed lot in an urban area and is not habitat for any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. The project will have No Impact on any candidate, sensitive or special status species or their habitat.

- b) Finding: The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. Impacts will be Less than Significant.

Discussion: The project site is a cleared, previously developed lot in an urban area, and it does not contain any riparian habitat or other sensitive natural community identified in local plans or mapped by the CDFW or the USFWS. The project will therefore have No Impact on any riparian habitat or sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.

- c) Finding: The project will not 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. Impacts will be Less than Significant.

Discussion: There are no federally protected wetlands as defined by Section 404 of the Clean Water Act that exist on the project site (USFWS 2018), nor would any wetlands be affected indirectly by the project's activities. Therefore, the project will have No Impact to wetlands.

- d) Finding: The project will not 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. Impacts will be Less than Significant with Mitigation.

Discussion: There are currently no trees on the cleared and bare project site, and thus, no potential nesting habitat for migratory bird species as defined, described, and regulated in the Federal Migratory Bird Treaty Act (Migratory Bird Treaty Act, amended 1998) and Fish and Game Code § 3503 and 3503.5. The project site is not part of any identified wildlife corridors, occurring as it does within a highly developed and urbanized area.

There is potential suitable habitat for nesting birds in close proximity to the site. A variety of ornamental trees in the immediate project vicinity could provide nesting opportunities to bird species protected under the Migratory Bird Treaty Act. If possible, construction should occur between September 1 and February 14 to avoid the nesting bird season. If work must be completed during the nesting bird season (February 15–August 31), then a pre-construction survey must be completed by a qualified biologist to survey for active bird nests on the project site within the project footprint and in a 300-foot buffer (500-foot buffer for raptor species) surrounding the project. This survey must be performed no more than seven days prior to when construction begins. If nests are discovered, a qualified biologist shall establish a species appropriate buffer around the nest that shall remain in place until the nest is determined by a qualified biologist to be inactive. This has been added as **Mitigation Measure 4.1**. As such, impacts to migratory birds will be Less than Significant with Mitigation.

- e) Finding: The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Impacts will be Less than Significant.

Discussion: The project site is cleared, bare ground, with no trees. There is no applicable local policy or ordinance protecting biological resources that will be in conflict with any phase of the project. There will be No Impact with regard to local ordinances or policies protecting biological resources.

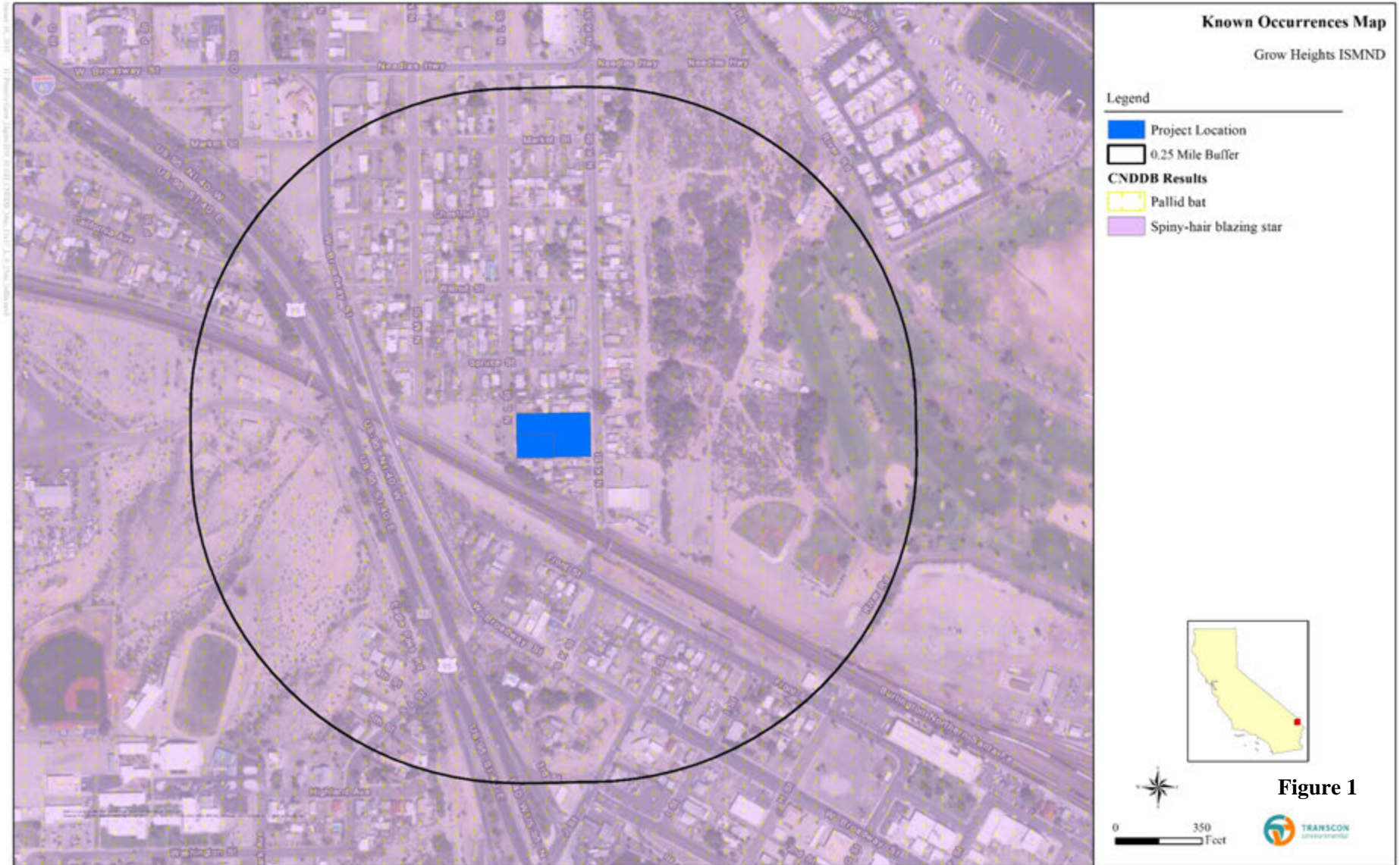
- f) Finding: The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts will be Less than Significant.

Discussion: The planned development of this lot in an urban area of the City of Needles does not present any conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There will be No Impact to any existing conservation plan for the purposes of California Environmental Quality Act (CEQA).

Applicant Proposed Operating Restrictions: None.

Mitigation:

Mitigation Measure 4.1: If work must be completed during the nesting bird season (February 15–August 31), then a pre-construction survey must be completed by a qualified biologist to survey for active bird nests on the project site within the project footprint and in a 300-foot buffer (500-foot buffer for raptor species) surrounding the project. This survey must occur no more than seven days prior to when construction begins. If nests are discovered, a qualified biologist shall establish a species appropriate buffer around the nest that shall remain in place until the nest is determined by a qualified biologist to be inactive.



5. CULTURAL RESOURCES.

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

According to the California Public Resources Code Section 21084, a project may have a significant effect on the environment if the project “may cause a substantial adverse change in the significance of an historical resource.” Tribal cultural resources are discussed separately in the Tribal Cultural Resources section.

As part of compliance with CEQA, a Cultural Resources Review was prepared by Transcon Environmental, Inc. (Transcon) for the project area. Transcon staff archaeologists conducted a records search at the South Central Coastal Information Center at California State University Fullerton followed by a field survey of the 1.24-acre site.

The records search identified four previously recorded sites and ten studies within a half-mile buffer of the site. Three of these sites are historical, and one is Native American in origin with pottery shard scatter. No sites or studies are recorded within the area of potential impact of the project. The area of potential impact has not been subject to a previous survey. The four previously recorded sites are summarized in Table 3.

TABLE 1 RECORDED SITES WITHIN A HALF-MILE BUFFER OF THE PROJECT AREA		
Site No.	Description	Eligibility
Primary: P-36-000985	Pottery shard scatter.	
Primary: P-36-002910	This site is a segment of the Historic U.S. Route 66.	Eligible (2S2)
Primary: P-36-002904	This site is a historic glass scatter of artifacts appearing to date from 1880s through 1919.	
Primary: P-36-019765	This site is the National Register listed former Needles Atchison Topeka and Santa Fe Depot, currently El Garces.	Listed (1S)

A Transcon archaeologist performed a field survey on Tuesday, March 6, 2018. No historical sites were identified within the 1.24-acre area of potential impact. The final Cultural Resources Review recommends general precautionary measures during construction at the project site, including protocols if human remains are encountered. This has been added as a mitigation measures to ensure adequate protection of cultural resources (**Mitigation Measure 5.1**).

Analysis:

- a) Finding: The project is highly unlikely to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5. Impacts will be Less than Significant

Discussion: The records search and field survey performed as part of the Cultural Resources Review did not identify any historical resources on the project site. Three historic sites were identified within a half-mile radius of the

project site. It is unlikely that the project will result in a substantial adverse change in the significance of a historical resource.

- b) **Finding:** The project is unlikely to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064. Impacts will be Less than Significant with Mitigation.

Discussion: The records search and field survey performed as part of the Cultural Resources Review did not identify any archaeological resources on the project site. One Native American site was identified within a half-mile radius of the project site. Based on these findings, it is unlikely that the project will result in a substantial adverse change in the significance of an archaeological resource, and the impact is considered to be Less than Significant. However, as a precaution, conditions from the Cultural Resources Review have been included as a mitigation measure that include stopping work and contacting local Native American Tribes in case human remains are encountered that may have Native American significance (**Mitigation Measure 5.1**).

- c) **Finding:** The project is highly unlikely to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Discussion: Based on the type of construction, ground disturbance is unlikely to be at a depth greater than 12 inches and on a parcel in an urban area that has previously been disturbed. There is a very low risk that paleontological resources will be encountered. Based on this, it is unlikely that the project will result in a substantial adverse change in the significance of a paleontological resource, and the potential impact is considered Less than Significant.

- d) **Finding:** The project is unlikely to disturb any human remains, including those interred outside of formal cemeteries. Impacts will be Less than Significant with Mitigation.

Discussion: The records search performed as part of the Cultural Resources Review did not identify any historical or archaeological resources on the project site. Based on the historic aerial imagery and historic topographic maps included in the EDR Report for the project, the project site does not appear to have been historically used as a cemetery. It is unlikely that the project will disturb any human remains, including those interred outside of formal cemeteries. The project site has also been previously disturbed, and the ground disturbance will not be to a large depth. The impact to human remains is considered Less than Significant. However, as a precaution, conditions from the Cultural Resources Review have been included as a mitigation measure (**Mitigation Measure 5.1**).

Applicant Proposed Operating Restrictions: None.

Mitigation:

Mitigation Measure 5.1: Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb human remains. If human remains are encountered, work should halt in the vicinity and the County Coroner and local Native American Tribes should be notified. At the same time, an archaeologist should be contacted to evaluate the situation. If the remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of identification.

6. GEOLOGY AND SOILS.

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
<ul style="list-style-type: none"> Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Strong seismic ground shaking? 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Seismic-related ground failure, including liquefaction? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Landslides? 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project is not located within an Alquist-Priolo Earthquake Fault Zone according to the most recent maps prepared by the State Geologist and the California Geologic Survey (Division of Mines and Geology 2018) or identified on the County of San Bernardino Geologic Hazards Surface Mining and Reclamation Act (SMARA) Overlay Map as in the vicinity of an earthquake fault, or in an area subject to liquefaction, landslide, or collapse (San Bernardino County 2018).

A custom soil report was produced for the Needles area using the web tool provided by the United States Department of Agriculture Natural Resources Conservation Service. No data was available for the Needles area (NRCS 2018).

The project site is a graded, flat, and formerly developed lot that no longer has its original native topsoil, and the project will utilize city sewer lines for general wastewater needs. Cultivation wastewater will be stored and transported offsite by a septic company. The project will qualify for an exemption under the RWQCB State Water Board Cannabis Cultivation Policy, General Order 2017-0023-DWQ. There is no septic system planned.

Analysis:

- a) Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death, based on the following sub-findings. Impacts will be Less than Significant.
 - i. Finding: The project will not 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. No Impact.

Discussion: The project is not located within an Alquist-Priolo Earthquake Fault Zone according to the most recent maps prepared by the State Geologist and the California Geologic Survey and is not identified as in proximity to an earthquake fault on the County of San Bernardino Geologic Hazards SMARA Overlay Map. There is No Impact in terms of exposing people or structures to adverse effects, including the risk of loss,

injury, or death involving rupture of a known earthquake fault.

- ii. Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts will be Less than Significant.

Discussion: As discussed above, the project is not located within an Alquist-Priolo Earthquake Fault Zone according to the most recent maps prepared by the State Geologist and the California Geologic Survey and is not identified as in proximity to an earthquake fault on the County of San Bernardino Geologic Hazards SMARA Overlay Map. Like all of Southern California, however, large earthquakes can subject land that is not in the immediate vicinity of an earthquake fault to some degree of seismic ground shaking. Under existing regulations, all project structures will incorporate California Building Code standards into their design and construction, which are designed to minimize potential impacts associated with ground-shaking during an earthquake. With the established distance from mapped earthquake faults and the application of California Building Code standards, there will be a Less than Significant Impact in terms of exposing people or structures to adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

- iii. Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. No Impact.

Discussion: The project area is identified on the County of San Bernardino Geologic Hazards SMARA Overlay Map as not in the vicinity of an earthquake fault, and not in an area subject to liquefaction. Liquefaction typically occurs in saturated soil, which are typically not found in the project area, as the climate in Needles is dry, with less than six inches of rainfall annually. A No Impact determination is found, as the project is highly unlikely to expose people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction.

- iv. Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. No Impacts.

Discussion: The project area is identified on the County of San Bernardino Geologic Hazards SMARA Overlay Map as not in an area subject to landslides. The project site is level and at grade with surrounding parcels. Therefore, there will be No Impact, and no exposure to adverse effects from landslides.

- b) Finding: The project will not result in substantial soil erosion or the loss of topsoil. Impacts will be Less than Significant.

Discussion: The project site is flat, graded, and previously developed. There will be earthmoving to construct the proposed facility, but based on the existing conditions of the site, the fact that it is already flat and graded, and the parcel's size (1.24 acres), there is unlikely to be substantial soil erosion or loss of topsoil associated with this project. A small amount of wind erosion may occur, but the project incorporates measures to minimize this potential as part of the operating standards to address air quality impacts (AQ-1). Therefore, there will be a Less than Significant Impact to soils in regard to soil erosion or the loss of topsoil.

- c) Finding: The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. No Impact.

Discussion: The project is not located on a geologic unit or soil that is unstable or subject to lateral spreading or subsidence. As discussed above, the project area is identified on the County of San Bernardino Geologic Hazards SMARA Overlay Map as not in an area subject to landslides or liquefaction. There is No Impact with regard to soil stability.

- d) Finding: The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. No Impact.

Discussion: The Project area is not located in an area which has been identified by the County Building and Safety Geologist as having the potential for expansive soils. Expansive soils require a high clay content, something that is not found in the soils of the Mojave Desert area. A map available from a United States Geologic Survey report depicts the Needles area as being underlain by soils with little to no swelling potential (Olive et al. 1989). No Impact is anticipated.

- e) Finding: The project will not 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. No Impact.

Discussion: The City of Needles sewer system is available for the project, and the project will utilize city sewer lines for general wastewater needs. Some project water may also be reclaimed on-site as part of the landscaping plan, but this will not include mineralized cultivation effluent. There is no septic system planned. There will therefore be No Impact from septic tanks or alternative waste water systems.

Applicant Proposed Operating Restrictions: None.

Mitigation: None required.

7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

In 2006 the State of California enacted the Global Warming Solutions Act of 2006 which required the state to establish a greenhouse gas (GHG) emissions cap for 2020 based on 1990 emissions. The act also required mandatory reporting rules for significant sources of GHG emissions. GHG emissions in the project area are regulated by the MDAQMD, which has developed daily and annual thresholds of significance for these emissions.

Analysis:

- a) Finding: The project will not generate GHG emissions, either directly or indirectly, that will have a significant effect on the environment. Impacts will be Less than Significant.

Discussion: The proposed project can be broken into two phases: construction and operation. During the construction phase, there is the potential for GHG emissions from equipment and vehicles used during this phase. However, the emissions generated will be minor and incremental given the scale of the project and the limited period of construction.

During operations, there are little to no direct emissions due to project activities. Nearly all activities occur indoors, and equipment used includes lighting, pumps, and ventilation units that are all electrically powered. The project does include Honda backup generators, but these will only be used in emergency circumstances. These generators will require a permit from the City of Needles. The project will result in an incremental amount of indirect GHG emissions due to the estimated 340 kW power usage for project operations. The daily threshold of significance for GHG emissions for the MDAQMD is 548,000 pounds of carbon dioxide equivalent (CO_{2e}). The annual threshold is 100,000 tons. Projects resulting in emission that exceed these thresholds must be mitigated to a level that is not significant.

The project at full buildout (Phase 2 complete) requires an estimated maximum instantaneous power draw of 340 kW. Estimated daily energy usage is 8,160 kilowatt hours (kWh). The amount of CO₂ generated per kWh depends on the amount of green energy available. Using an average of 1,153 pounds of CO₂ per megawatt hour (MWh) based on the secondary sub-region estimate for the Needles area (EPA 2015), the project would result in 9,408 pounds of CO_{2e} emissions daily. Annual emissions are estimated at 1,717 tons. Factoring in the estimated 192 hours of routine generator maintenance usage will not result in an appreciable contribution to this total. In case of power loss and full generator usage, emissions will increase slightly, as this method of generation is less efficient and results in more CO₂. In any case, total CO₂ emissions are still far below the threshold of significance for the MDAQMD.

Based on this analysis of project construction and operations, the project is determined to have a Less than Significant Impact in regard to either direct or indirect generation of GHG emissions.

- b) Finding: The project will not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. No impact.

Discussion: The project proposes a facility that will involve the cultivation and distribution of cannabis products to

a licensed dispensary or dispensaries. Distribution of packaged product would once per week to once per month, depending on the cultivation operation.

For the purposes of this analysis, the proposed project was evaluated against the following applicable plans, policies, and regulations:

- i. MDAQMD—the CEQA and Federal Conformity Guidelines contain thresholds of significance for GHG emissions. As described above, project emissions will be far below the threshold of significance adopted in the plan.

As reporting of emissions is required for electricity suppliers pursuant to the Mandatory Greenhouse Gas Reporting Program as part of meeting the reduction goals set for California, it is reasonable to determine that emissions due to the electrical demand of the project will continue to be regulated in line with state goals. The mobile source emissions from worker vehicle trips and once per week to once per month distribution transportation will also fall well below the MDAQMD significance thresholds.

The project will therefore not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. A No Impact determination is found.

Applicant Proposed Operating Restrictions: None.

Mitigation: None required.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project site is located in an area of Needles north of the BNSF Railway right-of-way. The site is cleared, bare, and does not currently contain any hazardous materials or known hazards. An EDR assessment of the project site did not identify any mapped spill or cleanup sites on the project parcel.

Analysis:

- a) **Finding:** The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts will be Less than Significant.

Discussion: The project will require the delivery of various materials, including soil, amendments, pesticides, and fungicides used for cannabis cultivation. Deliveries will happen on an as-needed basis from a grow supplier, with the bulk of materials used being delivered just prior to a new cultivation cycle. Materials will be temporarily stored in barrels or other secure storage inside the cultivation facility before being used in cultivation. The soil and amendments used are not classified as hazardous substances, and the project will not require the development of a hazardous materials business plan. All of the materials will be approved by the California Environmental Protection Agency (CalEPA), and many will be certified organic. As a precaution, the applicant proposes to provide Material Safety Data Sheets (MSDS) to the City of Needles for all cultivation supplies used on the project premises (see Operating Restriction **HHM-1**). Disposal of materials will be in accordance with the City of Needles Ordinance 594-AC as it relates to cultivation wastes. Distribution operations do not include the use of any potentially hazardous materials, consisting of sorting, packaging, and labeling cannabis product for shipment. Based on this analysis, exposure of the public or environment to hazardous materials due to the project is highly unlikely and the impact is considered Less than Significant.

- b) **Finding:** The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No Impact.

Discussion: The project will require the delivery of various materials, including soil, amendments, pesticides and fungicides used for cannabis cultivation. Deliveries will happen on an as-needed basis from a grow supplier, with the bulk of the materials being delivered just prior to a new cultivation cycle. All of the materials used will have the approval of the CalEPA, and many will be certified organic. There will be no volatile chemicals used in the project or other materials that would pose a hazard to human health or to the environment should an accident involving these materials occur. Distribution shipments consist of packaged and labeled cannabis product. Therefore, a No Impact determination is made in regard to accidental release of hazardous materials.

- c) Finding: The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No Impact.

Discussion: The project site is 1,340 feet—more than a quarter mile—from the closest school. The project also does not involve the use of hazardous materials nor produces hazardous emissions. Cannabis waste is considered non-hazardous and will be managed and secured according to all aspects waste disposal outlined in of City of Needles Ordinance 594-AC. The project will therefore have No Impact in regard to hazardous emissions and handling of hazardous materials near a school.

- d) Finding: The project is not 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, does not create a significant hazard to the public or the environment. No Impact.

Discussion: An EDR assessment was requested for the project which compiles data from reasonably ascertainable public records for the target property and within a search radius around the property. This assessment did not identify any hazardous materials sites on the project parcel. A number of hazardous materials sites were identified in the vicinity, the closest located at a distance of 250 feet from the project site. None of these are anticipated to impact the project. The project therefore does not present any problem with its location in regard to hazardous materials sites. There will be No Impact.

- e) Finding: The project is not 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. No Impact.

Discussion: The project is not located within an airport land use plan or within two miles of an airport. The closest airport is Eagle Airpark, located 2.5 miles north of the project site in Arizona. The Needles Airport is located 4.7 miles from the project site. The project will not result in safety hazards to people working or residing within an airport land use area. There will be No Impact.

- f) Finding: The project is not within the vicinity of a private airstrip and will not result in a safety hazard for people residing or working in the project area. No Impact.

Discussion: The project is not located in the immediate vicinity of a private airstrip. There will be No Impact.

- g) Finding: The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts will be Less than Significant.

Discussion: Implementation of the proposed project would develop a private parcel that is fenced, cleared and bare. The project provides adequate emergency access to the parcel via an emergency gate on K Street and the primary access gate on L Street. Access will be provided by a KNOX box or other entry system at each of these entrances (see Operating Restriction **HHM-2**). A KNOX box provides emergency responders access to the property through the placement of a key (or multiple keys) in an easily identifiable box that only the fire department has access to using a master key. The property key(s) will then be used by responders to access the facility. The proposed development will not prevent emergency responders from accessing the site and will not block emergency response routes to any of the surrounding area.

The project was also analyzed in light of the Lower Colorado River Geographic Response Plan. The City of Needles was not included among the agencies collaborating in this plan, but the planning area includes a portion of San Bernardino County. The plan describes the overall emergency response organization for hazardous materials incidents in the Lower Colorado River response area and establishes lines of communication. The proposed project will not affect implementation of this plan in any way. There will be No Impact.

- h) Finding: The project will not 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. No Impacts.

Discussion: The project is located in an urbanized area that is not adjacent to wildlands. According to the CalFire fire hazard map for southeast San Bernardino County, the project site falls within local responsibility area. The project is not located in any mapped moderate, high or very-high fire hazard zones. Based on this, the project will not expose people or structures to a significant risk due to wildland fires and a No Impact determination is made.

Applicant Proposed Operating Restrictions:

HHM-1. MSDS shall be provided to the City of Needles for all potentially hazardous materials used in the operation in the event that emergency responders may require them.

HHM-2. A KNOX box or other rapid entry system for emergency access will be installed at both the emergency access gate facing K Street and the primary access gate on L Street.

Mitigation: None required.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project proposes to use a maximum of 5 to 7 acre-feet of irrigation water per year at full build-out, although differences in cultivation techniques could reduce this to as little as 4 to 5 acre-feet of irrigation per year. Using an estimate of 5 gallons per 25 square feet of indoor cultivation, typical of an indoor Ecogrow system, the facility would require an estimated 4.9 acre-feet of water per year. Irrigation volumes are highly dependent on the type of growing media and operator of the facility, among other factors. The project uses municipal water provided by the City of Needles. Needles' city water is provided by groundwater wells located in the southern part of the city. These wells are approximately 0.75-1.0 mile from the closest Fort Mojave Indian Tribe lands, located across the Colorado River from Needles.

For the purposes of CEQA, this document will analyze the higher level of water use, with the recognition that impacts could be reduced based on the cultivation and irrigation techniques employed. Translated to daily water use, the maximum potential water use would equate to between 0.36 gallons per square foot of cultivated area and 0.51 gallons per square foot of cultivated area per day. Based on operations of similar facilities, cultivation operations do not typically produce runoff. The Eco Grow pots that are proposed to be used contain a water reservoir under the soil that allows for proper drainage and aeration without either resulting in runoff while maintaining healthy plants. Water usage is controlled by hand irrigation into the reservoir.

The project will employ a reverse osmosis pre-treatment system to filter the water before irrigation, which will result in additional mineralized wastewater. All of this wastewater is proposed to be stored in hard plastic tanks and treated by evaporating it in a black 2,500-gallon evaporation tank. Alternatively, water will be stored in the hard tanks and transported offsite by a septic company to a licensed disposal facility. The project will qualify for an exemption under the RWQCB State Water Board Cannabis Cultivation Policy, General Order 2017-0023-DWQ. The filtered portion of the water will be

Transcon Environmental, Inc.

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used for cultivation. Mineralized reverse osmosis wastewater and cultivation wastewater will not be sent to the City sewer nor reclaimed onsite.

The project will also have bathrooms and sinks for cultivation and distribution employee use that use normal City water and that utilize city sewer for wastewater needs. All bathrooms and sinks will be plumbed to the city sewer lines, which will be entirely separate from the cultivation water system. A cleanout will be installed which will allow cultivation effluent testing.

The City of Needles is located in San Bernardino County Flood Control District, Zone 6. As mapped by the Federal Emergency Management Agency (FEMA), the project site is not in a flood zone (FEMA 2016). The project's location is outside of the Colorado River Floodway, and outside of the boundary areas for the Colorado River Floodway (FEMA 2016).

There are no streams or rivers on or near the subject property, and the subject property is located within a developed, urbanized area where streets substantially channel and control the flow of stormwater to flood control features and not directly into streams or rivers.

The project is not downstream of a dam, and is not in an area subject to seiche, tsunami, or mudflow (FEMA 2016).

Analysis:

- a) Finding: The project is highly unlikely to violate any water quality standards or waste discharge requirements. Impacts will be Less than Significant.

Discussion: The project will utilize city sewer for wastewater needs, and all bathrooms and sinks will be plumbed to the city sewer lines. Cleanouts will be installed which will allow cultivation effluent testing (see Operating Restriction **HWQ-1**). Cultivation wastewater from the project will not be sent to city wastewater treatment, instead being stored on site in hard tanks located along the southern edge of the parcel before being transported offsite for disposal at a licensed offsite treatment facility. Because wastewater will be sent to wastewater treatment facilities, the project will qualify for an exemption from the RWQCB State Water Board Cannabis Cultivation Policy, General Order 2017-0023-DWQ.

The proposed project cultivation water system is designed in such a way as to not impact the City sewer or violate waste discharge requirements. The vast bulk of the wastewater will be mineralized effluent from the reverse osmosis system employed for treating cultivation wastewater. Wastewater diverted in this manner will be not be sent to the City sewer but will instead be stored and transported to a licensed disposal facility capable of handling this waste. A similar system has been employed by the Green Acres Group for their currently permitted and operating facility within the City of Needles, and it has been observed to work effectively. With cleanouts installed that allow the City to monitor and test effluent sent to the sewer, the project will minimize the potential for violating water quality standards or waste discharge requirements.

All distribution wastewater will consist of bathroom and sink use that can be sent directly to the city sewer.

Therefore, the project is highly unlikely to violate any water quality standards or waste discharge requirements and would not on violate any water quality standards.

- b) Finding: The project will not 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). Impacts will be Less than Significant

Discussion: The project proposes to use a maximum of 5 to 7 acre-feet of water per year at full build out; however, the cultivation techniques that will likely be employed will more likely use only 4 to 5 acre-feet per year. Translated to daily water use, the maximum potential water use would equate to between 0.36 gallons per square foot of cultivated area and 0.51 gallons per square foot of cultivated area per day. All mineralized cultivation wastewater from the reverse osmosis pre-treatment system will be stored in hard tanks and transported to a licensed disposal

facility by a septic company.

The City of Needles has indicated that it can meet the water demand for the project without developing additional water facilities or requiring a new source of water. The applicant will request a “will serve” letter from the City to Grow Heights for the amount of water requested for the project. The groundwater well that the City utilizes as their municipal water source has sufficient capacity to meet the project’s needs. Based on the amount of water available and the amount that this project is anticipated to consume, this project will have a Less Than Significant Impact to groundwater supplies and will not substantially deplete groundwater supplies or lower the local groundwater table.

- c) Finding: The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. Impacts will be Less than Significant.

Discussion: The subject property is a flat, bare, previously developed lot in an urbanized area. There are no rivers or streams present or near the project, and the development of the project is not anticipated to substantially alter drainage patterns or contribute to erosion or siltation on-site or off-site.

- d) Finding: The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts will be Less than Significant.

Discussion: The subject property is a flat, bare, previously developed lot in an urbanized area. There are no rivers or streams present or near the project, and the development of the 1.24-acre project is not anticipated to substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts would be less than significant to drainage or any substantial contribution to surface runoff or flooding resulting from the project.

- e) Finding: The project will not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts will be Less than Significant.

Discussion: The subject property is a flat, bare, previously developed lot in an urbanized area. While the project will cover this lot with largely impervious surfaces, the size of the project—1.24 acres—is not anticipated to substantially increase or contribute to surface runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Any sources of potential contaminants, such as cultivation amendments, will be securely stored indoors inside barrels. There are no substantial changes to existing storm water drainage systems, and no sources of polluted runoff are anticipated as a result of the project.

- f) Finding: The project will not otherwise substantially degrade water quality. No Impact.

Discussion: The Grow Heights project will not individually—or in connection with other similar projects—have an effect that substantially degrades water quality. Effluent will be tested (see Operating Restriction **HWQ-2**) to ensure it meets standards required by the City.

- g) Finding: The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. No Impact.

Discussion: The project site is outside of mapped flood zones, and it does not involve housing.

- h) Finding: The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows. No Impact.

Discussion: As mapped by FEMA, the project site is not in a flood zone. The project's location is outside of the Colorado River Floodway, and outside of any boundary areas for the Colorado River Floodway. The structures proposed for development by the project will not be in a 100-year flood hazard area, and thus will not impede or redirect these flood flows.

- i) **Finding:** The project will not expose people or structures to a significant risk or loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. No Impact.

Discussion: The project site is not in a flood zone. The project's location is outside of the Colorado River Floodway, and outside of any boundary areas for the Colorado River Floodway. In addition, the project is not in the downstream path of a levee or a dam.

- j) **Finding:** The project will not result in inundation by seiche, tsunami, or mudflow. No Impact.

Discussion: The project site is not on or near a lake, and as such there is no risk of seiche. The project site is hundreds of miles from a coastal zone that could conceivably present the risk of tsunami. The project site is in a developed and urbanized area that lies outside of mapped flood zones, nor is it near an area with a steep grade that could conceivably result in a mudslide. There is consequently no risk of inundation by mudflow.

Applicant Proposed Operation Restrictions:

HWQ-1: Cleanouts will be installed which will allow cultivation effluent testing for both water and wastewater sent to the city sewer and water sent to landscaping, and cultivation effluent testing will occur on a regular schedule.

HWQ-2: The applicant will have a qualified professional perform routine testing of the facility wastewater to determine if the effluent concentrations. The results of this testing will be provided to the City of Needles for review.

Mitigation: None required.

10. LAND USE AND PLANNING.

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project parcel is currently zoned R-3–Multiple Family Residential and does not contain any existing structures. The General Plan Land use for the project site is Medium Density Residential. Previous developments include both residential and commercial uses. The parcel has previously contained a nursery and four cabins. Historic aerials show five structures in the southwest corner of the parcel, one larger and four smaller. The smaller four along the southern edge are assumed to be the cabins.

The primary zoning directly surrounding the parcel is R-3–Multiple Family Residential, which includes the small section to the south between the project site and the BNSF railroad right-of-way, the area to the west of the project between L Street and M Street, a small section across K Street from the project site, and the area to the north of the project. To the southwest across L Street there is a section zoned M-1–Light Manufacturing, called out on the zoning map as the Old Lumber Yard; there is currently a collision repair business in this zone. To the south, across the BNSF Railroad right-of-way, is the primary downtown commercial district of Needles, designated with a General Commercial land use and zoned C-2–General Commercial. To the west, beginning along the west side of M Street, the zoning is C-2–General Commercial, which is consistent with a General Plan designation of General Commercial. Further to the east, past the houses across L Street from the parcel, the zoning is CRR–Commercial Residential Resort. This area contains the Needles Municipal Golf Course and Ed Parry Park. I-40 also runs relatively close to the project site. Both I-40 and the BNSF right-of-way bisect the City of Needles.

Analysis:

- a) **Finding:** The project will not physically divide an established community. Impacts will be Less than Significant.

Discussion: The project parcel lies near the southern edge of a residential neighborhood in close proximity to the BNSF right-of-way. The site is surrounded primarily by single story residences of small size (**Figure 2**), a few of which are in a state of disrepair. A few parcels to the west of the project are cleared and bare, and beyond that is the BNSF right-of-way and I-40, yielding to the overall feeling of the parcel lying on the edge of a community (**Figure 3**). The project is also of small size (1.24 acres), and development of the parcel will not result in any lessening of interaction within the residential community or introduce any sort of divide. No visual divide will be introduced, as the height of the structures will be of similar size with the surrounding development.

While implementation of the project would result in a change in zoning and land use for the project parcel, the parcel size and the fact that the change of zoning will not result in the establishment of any physical divide in the established community.

- b) **Finding:** The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, 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. Impacts will be Less than Significant.

Discussion: The proposed project requires a zoning change and a City of Needles General Plan amendment in order to be consistent with the City's zoning and planning standards. The current zoning of R-3–Multiple Family Residential is proposed to be changed to M-1–Light Manufacturing to accommodate both cultivation and distribution operations. The General Plan designation would need to be changed from Medium Density Residential to Manufacturing. The applicant has also submitted a zoning change application, and the project is contingent on the approval of this application. If approved, the project will be consistent with the applicable land use plan and zoning ordinance.

A map showing the proposed project in relation to the existing zoning has been prepared (**Figure 4**). The zoning change would occur near the southern edge of a residential area and is in fairly close proximity to other M-1–Light Manufacturing zones that exist within the City of Needles along the BNSF right-of-way.

However, approval of the general plan amendment, zoning change, and implementation of the proposed project would result in a slight “island” of M-1–Light Manufacturing zone within a residentially zoned area. This could be interpreted as “spot zoning”. The project parcel and immediate surrounding areas are zoned R-3–Multiple Family Residential; however, the current use is generally single family residential. One block east of the project site, in the area between Broadway and M Street, there is a section zoned C-2–General Commercial with a current use that generally consists of single-family residential. On the northeast corner of Chestnut Street and M Street there is a business that appears to have been rezoned such that the C-2–General Commercial zoning “bleeds over” into the R-3–Multiple Family Residential zone. Typically, R-3–Multiple Family Residential zone acts as a buffer in many municipalities between commercial zones and single-family residential. Although the zoning change would result in an “island” of commercial zone within an area of R-3–Multiple Family Residential zone, it would not cause C-2–General Commercial zone to be placed adjacent to or closer to any R-1–Single Family Residential areas.

Additionally, there is a single parcel zoned M-1–Light Manufacturing directly southeast of the project site that is adjacent to the BNSF railroad right-of-way. Across the railroad right-of way from there is downtown Needles, which is all zoned C-2–General Commercial. To the west of the project site is an empty lot that is currently within the R-3–Multiple Family Residential zone but is likely not to be developed for that use in the near future given the proximity to the railroad right-of-way. Further to the west across the freeway there is additional M-1–General Commercial zoning near the railroad right-of-way. The proposed project is sufficiently close to other manufacturing zones and sufficiently close to an identifiable “transition zone” between commercial, manufacturing, and residential uses, given the proximity to existing C-2–General Commercial zone of downtown Needles and the M-1–Light Manufacturing zone along the BNSF right-of-way. Ultimately, the change is not outside the character of the general plan of Needles.

Additionally, there are a few residences in a general state of disrepair around the project site. The application to rezone the project parcel to M-1–Light Manufacturing and implement the proposed project is likely to improve the visual character of the neighborhood overall, even if the proposed use is different than the surrounding use. The project buildings will be consistent in height with surrounding residences, and the site will be screened by block and wrought-iron walls and aesthetically-pleasing landscaping. The project will not result in traffic uncharacteristic of a residentially-zoned area. Furthermore, it is likely to benefit the City of Needles by providing 10-14 additional jobs. This presents sufficient evidence that rezoning the parcel for the project is not a case of “spot zoning”, nor will it result in detrimental effects on the surrounding uses.

Based on this analysis, the project is not determined to conflict with any applicable land use plan, as it is contingent upon a change in designated land use and zoning, and there is sufficient basis for the zoning change and the general plan amendment.

- c) Finding: The project will not conflict with any applicable habitat conservation plan or natural community conservation plan. No Impact.

Discussion: The City of Needles does not have any habitat conservation plan or natural community conservation plans in place that would apply to the project. The project site is currently cleared, bare soil that has been previously

disturbed and that is located in an urban area. As outlined in the Biological Resources section (**Section 4**), the site is unlikely to present suitable habitat for state-listed plant or animal species.

Applicant Proposed Operation Restrictions: None.

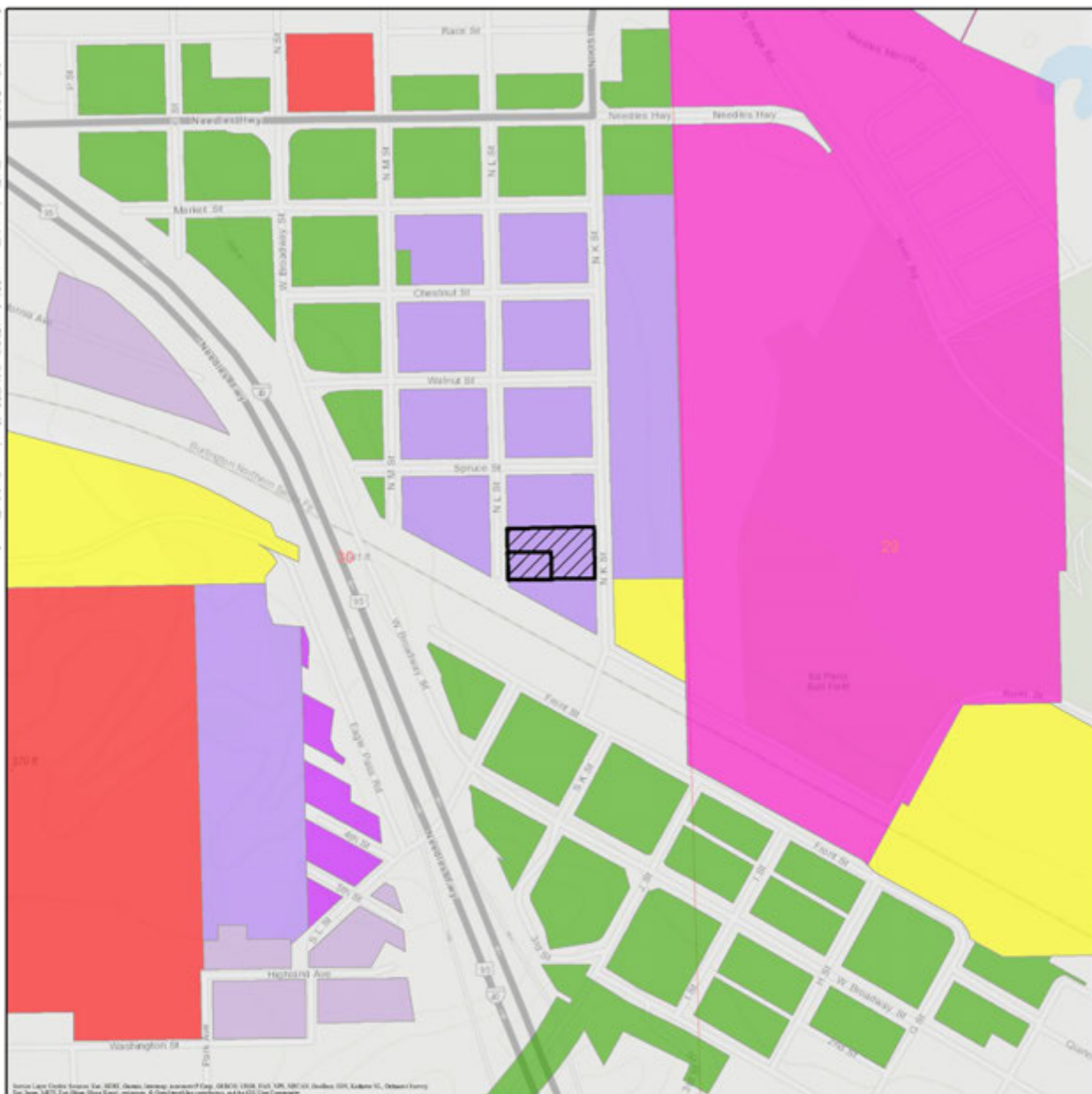
Mitigation: None required.



Figure 3. Character of nearby residences.



Figure 2. View across the parcel from K Street



Legend

- Project Location
- Commercial, Residential, Resort
- General Commercial
- Light Manufacturing
- Multiple Family Residential
- Public Facilities
- Single Family Residential
- Two Family Residential

Zoning

Grow Heights ISMND

Figure 4.



11. MINERAL RESOURCES.

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project site is located within the City of Needles, in an urbanized area that is not zoned for mining or for mineral resource extraction (San Bernardino County 2007). A review of the Division of Mines and Geology's Open File report 85-18 demonstrates that there is the potential for mineral resources in the Eagle Pass area, more than two miles distance from the project site, and an established mineral resource known as the Needles magnesite deposit, located west of Eagle Peak, more than four miles from the project site (Division of Mines and Geology 1985).

Analysis:

- a) Finding: The project will not 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. No Impact.

Discussion: The location of the project, a developed area within the City of Needles that is not zoned for mineral resource extraction. The scope of the project does not include any development for mineral extraction, nor will the proposed zoning change make mineral extraction at the site readily possible. There is also a significant distance to mapped existing or potential mineral deposits.

- b) Finding: The project will not result in the loss of availability of a local -important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No Impact.

Discussion: There is no mineral resource recovery site delineated on the City of Needles General Plan or the County of San Bernardino's General Plan for the project area or its vicinity.

Applicant Proposed Operation Restrictions: None.

Mitigation: None required.

12. NOISE.

Would the project result in:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project site is located in an urban setting on the southern end of a residential area in close proximity to the BNSF Railroad right-of-way. The tracks are approximately 100 feet from the southwest corner of the parcel. I-40 is also within 500 feet of the site. Due to the proximity of the railroad, highway, and traffic on K Street, the project site experiences a reasonable amount of noise on a daily basis.

During a one-day survey of the site on December 29, 2017, data were recorded to obtain a baseline understanding of the current ambient noise levels at the project site. Sampling was performed using a calibrated Extech Type 2 sound meter. During a 3 ½ hour time span between 11:25 a.m. and 2:55 p.m., a minimum of 8 trains passed the project site. From the sampling point, the midpoint along the parcel edge fronting L Street, a maximum of 81 decibels (dBA) was observed for northbound passing locomotives and 74 dBA for southbound passing locomotives. Northbound trains averaged 69 dBA for passing cars and southbound trains averaged 60 dBA for passing cars. When trains are not passing the project site, the ambient noise is significantly reduced, and it is consistent with a quiet residential area, approximately 50 dBA.

Data were also recorded for cars passing along K Street over a 23-minute timeframe starting at approximately 3:10 p.m. on December 29, 2017. The sampling point was located at the midpoint of the parcel line fronting K Street. It should be noted that this is a small sample, but it should at least provide a basic understanding of the noise experienced in the area surrounding the project. The average noise recorded during the period was 64 dBA.

The City of Needles Ordinance 594-AC requires that cultivation “not create offensive odors; create excessive dust, heat, noise, smoke, traffic, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.”

Analysis:

- a) Finding: The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts will be Less than Significant with Mitigation.

Discussion: The Environmental Protection Agency (EPA) has general recommendations for noise standards that reasonably prevent nuisance and allow for speech intelligibility. The typical levels are express in day-night noise levels (L_{dn}), which is the average sound level in decibels during a 24-hour period with a 10-dBA weighting applied to noise generated during nighttime hours. The EPA recommends an indoor L_{dn} of 45 dBA and an outdoor L_{dn} of 55 dBA (EPA 1974).

Based on the site visit, it is reasonable to posit that the project area is subject to above average ambient noise levels due to passing trains and traffic along K Street. In light of this, an average noise level of 60 dBA at the parcel edge is determined to be an acceptable standard from which to assess impacts, as it is in line with the EPA standards but slightly elevated based on this project-specific conditions. Typical transmission loss through residential structures is 15 dBA, so this will still result in an ambient interior noise level of less than 45 dBA inside nearby residences.

Daytime operations result in a minor amount of project-related noise. The cultivation employees, distribution employees, and site operator will be on-site for a limited number of hours each day during normal working hours. Their outdoor activities will include entering and exiting the premises and a limited amount of exterior routine maintenance. Deliveries will occur on a regular basis, potentially multiple times per week. Materials will be unloaded and loaded at the project site. Distribution vehicles will access the site on a weekly to monthly basis. None of these activities are anticipated to result in an undue amount of noise at the project site and will certainly not exceed the current ambient noise due to passing trains and traffic.

The primary sources of noise at the project site are the A/C units, ventilation fans, and backup generators. These have the potential to be relatively loud compared to the surrounding area. One potential A/C unit proposed for the project has a sound pressure level of 76 dBA at reference distance of 3 feet based on ANHI 220 testing standards (Daikin 2018). Each structure will contain sixteen of these units. Taking into consideration the directivity of the noise source placed along a flat, reflective wall, the noise generated by each unit will be approximately 79 dBA at three feet. Cumulatively, the noise produced by ten A/C units is anticipated to be 91 dBA at a distance of 3 feet from the A/C units.

The A/C units of each structure are located a minimum of 80 feet from the property line. Assuming a noise reduction of 6 dB per doubling of distance from the source, a general rule of thumb for sound attenuation over distance, the net noise level at the property line from the A/C units at a single structure is anticipated to be 62.5 dBA. The construction of the block wall will add sufficient shielding to reduce the noise levels to below 60 dBA.

With both structures in use after implementation of Phase 2 of the project, the noise at the property line is not anticipated to be greater than 60 dBA. The positioning of the structures will allow sufficient shielding of the noise sources and the receptors to the north and south of the project.

Given the potential use of a number of generators during an emergency power outage, the total noise generated by the project still has a small potential to exceed the standard at the property line. To mitigate this potential significant effect, a number of measures are proposed by the project. First, the applicant acknowledges that noise must not exceed 60 dBA at the property lines to the north or the south, or result in a less than 5 dBA increase over ambient L_{dn} noise levels (mitigation measure 12.1). In lieu of a City noise ordinance, this shall be the standard the project will need to meet. Adhering to a 60-dBA standard at the parcel edge, measured at the exterior side of the block wall and at the sidewalk on the opposite side of the street, will ensure noise has a less than significant impact on surrounding residents. The noise modeling was completed with the assumption that sixteen A/C units would be running concurrently onsite. Additionally, the proposed block wall will be constructed along both the north and south edges of the parcel prior to operation of the facility (see mitigation measure 12.2). This is estimated to provide a minimum 5-dBA noise reduction.

The applicant also plans to locate the A/C units such that they are along walls facing away from nearby residences. For the structure closer to the south side of the parcel, the A/C units will be installed along the north wall. For the structure closer to the north side of the parcel, the A/C units will be installed along the south wall. This will allow opposite structure to shield noise from A/C units and will ensure that A/C units are located away from the property line (see mitigation measure 12.3). During Phase 1, the block wall on the north side of the parcel will provide shielding to help mitigate noise from that single structure. As described previously, the noise from operation of a single structure are not anticipated to be above 60 dBA at the property line.

- b) **Finding:** The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels. Impacts will be Less than Significant.

Discussion: Implementation of the project includes a small manufacturing and commercial development that will include a construction phase. There will not be any blasting, and there will be a very limited amount of earth moving. None of the construction methods that will be used to construct the facility can be reasonably assumed to generate excessive amounts of groundborne vibration or groundborne noise.

- c) Finding: The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Less than Significant Impact with Mitigation Incorporated.

Discussion: As discussed above, the project has the potential to result in a permanent increase in ambient noise due to the installation of A/C units along the exterior walls of each structure. It has already been shown that ambient noise in the project area is slightly elevated over typical residential background noise levels due to the close proximity of the project to the BNSF railroad right-of-way.

The measures proposed in Section a) would mitigate against a permanent increase in ambient noise (see mitigation measures 12.1, 12.2 and 12.3). With these measures in place to reduce noise from project operations to no more than 60 dBA at the property line of adjacent landowners, the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity over existing levels.

- d) Finding: The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Less than Significant Impact with Mitigation Incorporated.

Discussion: Temporary noise impacts of the proposed project include the construction during Phase I and Phase II. During Phase I, the first of the two proposed units would be constructed on the south side of the parcel. During Phase II, the remaining unit would be installed. Construction methods for both are the same. Activities would include constructing the metal manufacturing building, paving the parking lot, landscape installation, installing the wrought-iron fence along each side of the parcel fronting L Street and K Street, and construction of a block wall along the north and south edges of the parcel.

During the construction phase of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. This noise increase would be of short duration and would occur during daytime hours. It is anticipated that Phase 1 construction will take approximately 3 to 4 months, Phase 2 construction would occur sometime within the following year, and construction of the additional unit would take approximately 2 to 3 months. Activities involved in construction would generate maximum noise levels, as indicated in Table 1, ranging from 75 to 85 dBA at a distance of 50 feet.

Construction noise impacts will be of short duration. In context with the surrounding area, noise impacts from construction will fall in line with the current noise experienced by the site due to the railroad activity. However, it is important to consider the impact elevated levels of noise can have on quality of life and of sleep, in particular. The proximity of the railroad already results in an elevated level of ambient noise.

To mitigate against degrading the quality of life of nearby residents during nighttime and evening hours, mitigation is proposed to limit construction activities to the period between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. It is proposed that construction not be permitted on weekends and holidays. Additionally, equipment must be maintained in good working order and fitted with muffler devices (see mitigation measure 12.4).

Other noise impacts of a temporary or periodic nature include deliveries of materials at the site, distribution shipments of cannabis product, and employees entering and exiting the site. None of these activities are anticipated to generate noise levels in excess of the existing noise already experienced at the project site. Additionally, emergency generators will be utilized in the event of power loss. Although the models suggested by the applicant as fairly quiet, multiple units will be used, and the generators have the potential to add to the cumulative noise generated by the project. To mitigate this, it is required that the generators be contained fully enclosed spaces (see mitigation measure 12.5).

TABLE 2 Construction Equipment Noise	
Type of Equipment	Maximum Level, dBA at 50 feet
Backhoe	78
Bulldozer	82
Compactor (ground)	83
Compressor (air)	78
Generator	81
Paver	77
Pickup Truck	75
Pneumatic Tools	85
Source: Federal Highway Administration, 2006	

- e) **Finding:** The project is not located within an airport land use plan or within two miles of a public airport or public use airport and will expose people residing or working in the project area to excessive noise levels. No Impact.

Discussion: The project is not located within an airport land use plan or within two miles of a public airport or public-use airport. The closest airport is Eagle Airpark, located 2.5 miles north of the project site in Arizona. The Needles Airport is located 4.7 miles from the project site. The project will not expose people working or residing within an airport land use area to excessive noise.

- f) **Finding:** The project is not within the vicinity of a private airstrip and will not expose people residing or working in the project area to excessive noise levels. No Impact.

Discussion: The project is not located in the immediate vicinity of a private airstrip.

Applicant Proposed Operating Restrictions: None.

Mitigation:

Mitigation Measure 12.1: The applicant shall acknowledge that the noise generated by operation of the project must not exceed 60 dBA at the property line to the north or the south, or result in an increase of more than 5 dBA in ambient noise if ambient noise is over 60 dBA Ldn.

Mitigation Measure 12.2: The proposed block walls shall be constructed prior to operation of the facility to provide noise reduction to surrounding residences.

Mitigation Measure 12.3: The applicant shall orient the A/C units such that they will be obstructed by the adjacent building. For the buildings on the south side of the parcel, the A/C units shall be located along the north exterior wall of each building. For the buildings on the north side of the parcel, the A/C units shall be located along the south exterior wall of each building. This shall allow adjacent buildings to act as a barrier between the noise sources and nearby residences.

Mitigation Measure 12.4: The following shall apply to construction noise from tools and equipment:

- Construction activities shall be limited to the period between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday.
- No heavy equipment related construction activities shall be allowed on weekends or holidays.
- All stationary and construction equipment shall be maintained in good working order and fitted with factory-

approved muffler systems.

Mitigation Measure 12.5: Emergency generators shall be located inside an enclosure to lessen any noise generated during their usage.

13. POPULATION AND HOUSING.

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The project is proposed for a vacant lot in an area of the City of Needles currently zoned R-3 Multi-Family Residential per the City of Needles Zoning Map. The project would require a zoning change to M- 1 Light Manufacturing. A zoning change request has been submitted to the City of Needles and is part of this analysis.

As the lot is vacant, the project does not involve the removal or displacement of any existing housing. The project is a business that is anticipated to employ approximately 10 people at full operation.

The population of Needles at the 2010 Census was 4,844 (U.S. Census Bureau 2010) and estimated at 4,988 in 2016 (U.S. Census Bureau 2016). Total housing units for the City of Needles were estimated at 2,992 in 2016, with an estimated 4.9% homeowner vacancy rate (U.S. Census Bureau 2016).

Analysis:

- a) Finding: The project will not induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure). Impacts would be Less than Significant.

Discussion: At full operation, the cultivation and distribution operations will employ up to 14 people, many of whom are likely to come from the existing population of Needles. The population of Needles at the 2010 Census was 4,844 and estimated at 4,988 in 2016. Total housing units for the City of Needles were estimated at 2,992 in 2016, with a 4.9% homeowner vacancy rate. Even if all 14 prospective cultivation and distribution employees and operators were added to the population and none were current residents of the City, the project's projected impact to population growth represents a potential addition of approximately two-tenths of a percent (0.3%) to the City of Needles population and three-tenths of a percent (0.5%) increase in the potential demand for available housing.

- b) Finding: The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. No Impact.

Discussion: While the project is proposing a zoning change for the subject property from Multi-Family Residential to Manufacturing, the project site is currently a bare and vacant lot. The parcel was created by the "Denairs" tract map for residential development, but it is currently vacant. Previous parcel development was removed sometime between 1994 and 2006. The project therefore does not represent any displacement of existing housing.

- c) Finding: The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. No Impact.

Discussion: The project site is currently a bare and vacant lot with no developed housing. This project therefore does not represent any displacement of people.

Applicant Proposed Operation Restrictions: None.

Mitigation: None required.

14. PUBLIC SERVICES.

Would the project:				
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
• Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

Needles is served under contract with the San Bernardino County Fire Department for fire protection services. Fire Station 32 serves as the administrative offices for fire protection to the City of Needles and houses three Type I Engine companies and one Water Tender. The station is staffed with one paid officer augmented by limited-term firefighters and paid-call firefighters living in the community. Fire Station 32 is located approximately 0.8 mile from the project site (San Bernardino County Fire Department 2018).

Needles contracts with the San Bernardino County Sheriff's Department for law enforcement services (City of Needles 2018).

Schools in the Needles area are part of the Needles Unified School District, a public Kindergarten through 12th grade school system. The school district is one of the largest in the United States in terms of area with almost 6,000 square miles (16,000 km²) in its boundaries. Locally, Needles Unified School District is made up of seven different site locations throughout the town of Needles. The district has an estimated 1,158 enrolled students ("Needles" Greatschools.net 2018). The project site is located more than 0.25 mile from any school in the Needles Unified School District (Google Maps 2018).

The city has approximately 40 acres of maintained grass and parkland in addition to its 111-acre municipal golf course (City of Needles 2018). The closest park in proximity to the project is Ed Parry Park; the project parcel is within 550 feet of Ed Parry Park, which is located to the southeast of the project (Google Maps 2018).

The City of Needles is home to a full-service hospital, the Colorado River Medical Center, with a 24-hour emergency room. The project site is located approximately 1.3 miles from this medical facility (Google Maps 2018).

There will be a first aid kit on the project site and a list of emergency contacts in each building, and employees will be trained in proper safety protocols.

Analysis:

- i. **Finding:** The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services for fire protection. Impacts would be Less than Significant.

Discussion: The project proposes to build on one 1.24-acre lot within the City of Needles. The buildings' wiring will be installed by a certified electrical contractor to the standards of the California Code of Regulations for manufacturing structures, and smoke/fire detection alarms will be installed to meet the California Code of Regulations. Emergency responders will have access to both the K Street side of the property and the L Street side of the property via a gate code, KNOX box (previously described in Section 8), or other rapid entry system, and this K Street access will be provided exclusively for emergencies (see Operating Restriction HHM-2). The project does not involve the use of volatile compounds for product extraction, as the operation is strictly limited to cultivation and distribution.

- ii. **Finding:** The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services for police protection. Impacts would be Less than Significant.

Discussion: The project is accompanied by a robust security plan, which includes a provision that the facility will be secured by locked gates where only employees and the facility operator have access codes. There will be security cameras on each exterior corner of each building. Some cameras will be motion activated and will turn on exterior lights if movement is detected. There will be interior security cameras in each of the main spaces. This security plan is designed to serve as a deterrent to potential robbery or associated criminal activity (Operating Restriction PS-1).

- iii. **Finding:** The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services related to schools. Impacts would be Less than Significant.

Discussion: The project site is located more than 0.25 mile (1,320 feet) from any school, which is greater than the 600-foot minimum distance required by City of Needles Ordinance 594-AC. There will be no public access to the site, and no retail sales of cannabis from the facility.

- iv. **Finding:** The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services for parks. No Impact.

Discussion: While the project is located approximately 550 feet from Ed Parry Park, which is greater than the 200-foot minimum distance required by City of Needles Ordinance 594-AC. The facility would not be visible from the park as a result of the visual barriers of existing residential structures and vegetation (**Figure 5**). Access to Ed Parry Park is from the east and does not directly pass by the project. The project meets the City standard of being more than 200 feet from parks as outlined in Ordinance 594-AC. There will be no public access to the project facility, and no retail sales of cannabis from the facility. The project will have No Impact to parks or to the acceptable service ratios, response times, or other performance objectives for any of the public services for parks.

- v. **Finding:** The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services for other public facilities. No Impact.

Discussion: The project is located approximately 1.3 miles from the Colorado River Medical Center. The project does not propose hazardous activities and is not anticipated to place any extra demand on the community's medical services. There will be a first aid kit on the project site and a list of emergency contacts in each building, and employees will be trained in proper safety protocols (Operating Restriction PS-2).

Applicant Proposed Operation Restrictions:

PS-1: The project will be subject to a robust security plan, which includes a provision that the facility will be secured by locked gates where only employees and the facility operator have access codes. There will be security cameras on each exterior corner of each building. Some cameras will be motion activated and will turn on exterior lights if movement is detected. There will be interior security cameras in each of the main spaces.

PS-2: There will be a first aid kit on the project site and a list of emergency contacts in each building, and employees will be trained in proper safety protocols.

Mitigation: None required.



Figure 5. View toward project site from Ed Parry Park; site obscured by vegetation.

15. RECREATION

	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

The City of Needles has approximately 40 acres of maintained grass and parkland, in addition to its 111-acre municipal golf course (City of Needles 2018). The closest park in proximity to the project is Ed Parry Park. The project parcel is within 550 feet of Ed Parry Park, which is located to the southeast of the project (Google Maps 2018).

The project does not include construction of recreational facilities or any other connection to recreational facilities.

Analysis:

- a) Finding: The project will not 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. No Impact.

Discussion: The project does not include recreational facilities or any connection to recreational facilities. There will be no public access to the project site, no retail sales of cannabis from the project site, and the project will include its own parking for employees. Thus, there is no opportunity for interaction with the use of the existing neighborhood or the neighborhood's recreational facilities.

- b) Finding: The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. No Impact.

Discussion: The project does not include recreational facilities. The project will result in ten new jobs in the City of Needles, many of which are likely to go to existing residents. Even if those ten jobs were to be filled by new residents of the City of Needles, they would not require construction or expansion of existing recreational facilities.

Applicant Proposed Operation Restrictions: None.

Mitigation: None required.

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant	Potentially Significant Mitigation	Less Than Significant Impact	No Impact
Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting:

I-40 is the major highway through Needles, connecting Barstow to the west and Arizona to the east. The project is approximately three blocks at its closest point north and east from I-40, although the nearest Interstate on-ramp or off-ramp is located approximately 0.8 mile away from the project. U.S. Route 95 also enters the city from the east on former Historic U.S. Route 66 concurrent with the I-40 freeway, then splits with Interstate 40 west of the city, as U.S. Route 95 heads north to Nevada (Caltrans 2016). Due to its parallel alignment with I-40, U.S. Route 95 is located a similar distance from the project site. Historic State Route 66 traverses downtown Needles and is approximately three blocks from the project site at its nearest point. The project site occupies a parcel that is situated between North L Street and North K Street and provides frontage onto both North L Street and North K Street, at a distance approximately one block north of the BNSF Railway right-of-way (Google Maps 2018).

The City of Needles has developed a Circulation and Transportation Plan included as part of their General Plan, which identifies a problematic traffic constriction near the project site: “The Golf Course-Marina area, generally north and east of the [BNSF] tracks, is prone to traffic congestion during peak hours because of the lack of direct access points across the tracks. Of particular concern is the ‘K’ Street undercrossing, which because of its one lane width requires traffic to experience delay while awaiting the right of way to cross under the tracks.” An average of approximately 9,000 cars pass under the K Street underpass daily (City of Needles 1985). Traffic has the potential to back up for approximately 650 feet north of the undercrossing, which would result in traffic congestion along K Street adjacent to the project. City staff have also communicated that this undercrossing can flood during storm events, necessitating the closure of K Street to through traffic for safety reasons (City of Needles pers. comm. 2017). The project site is located approximately 300 feet from this undercrossing identified as a source of traffic constriction and closure during flood events.

Local transit service to and within the Needles area is provided by Needles Area Transit. Amtrak provides daily service to Needles station, on the Southwest Chief route operating between Chicago and Los Angeles. The Needles airport is located south of the City, approximately 7.2 miles from the project site (Google Maps 2018).

Analysis:

- Finding:** The project will not conflict with an applicable plan, ordinance, or policy establishing measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited

to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Impacts would be Less than Significant with Mitigation.

Discussion: The project presents the potential for conflict with the City of Needles Circulation and Transportation Plan included as part of its General Plan. The project is likely to introduce increased vehicle traffic during both construction and operations, and the immediately adjacent BNSF undercrossing on K Street is identified in the Circulation and Transportation Plan as a location of traffic congestion, particularly during periods of peak use. In addition, City staff have identified the K Street undercrossing as subject to flooding during storm events, and closure during these times for safety purposes.

The proposed primary access route to the project site includes L Street, Walnut Street, and West Broadway street. During a site survey on December 29, 2017, traffic was observed to be very light on L Street and Walnut Street. If L Street will be utilized, traffic will first travel via L Street and Spruce Street to the intersection of K Street and Spruce Street. The average traffic anticipated from full implementation of Phase II of the project includes up to 15 daily trips to the project site. This assumes one trip per employee and manager, and a liberal estimate of one delivery or distribution vehicle per day. The overall amount of traffic generated from the project is not determined to be substantial.

As a mitigation measure to come into compliance with the City of Needles Circulation and Transportation Plan, the project shall utilize L Street exclusively for access during the construction period. Construction traffic shall approach and depart from the site via the north, utilizing L Street, Walnut Street, and West Broadway Street, so as not to further impact the K Street underpass.

As a mitigation measure to minimize ongoing traffic impacts from the project, access along K Street will be restricted during operations to only emergency response usage. Employee and manager access to the project site, and access for all deliveries and shipments to or from the facility, shall use L Street. There will be a locked gate for access on K Street, which shall be used and maintained strictly for emergency response use.

Mitigation Measures 16.1 and 16.2 should be implemented, as listed here and below, to address potential traffic impacts to applicable plans and performance standards for the City of Needles' circulation system.

- b) Finding: The project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. No Impact.

Discussion: The project as mitigated reduces any potential impacts from construction and operational traffic on the local congestion issue along K Street as described above. The nearest roadways identified as county-wide priorities for congestion management by the San Bernardino Associated Governments (SANBAG) are located in Barstow, more than 140 miles away from the project site. The distance of the project from state-maintained I-40, U.S. Route 95, and Historic U.S. Route 66, combined with the limited scope of the project, will not impact the congestion or traffic movement on these roadways.

- c) Finding: The project will not 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. No Impact.

Discussion: The project will not result in any additional air traffic, either to the Needles Airport or to other regional airports. The distance of the project from the Needles Airport (approximately 7.2 miles), and the size of the building proposed (approximately 15 feet tall) for construction will present no safety risk to flights departing from or landing at the Needles Airport.

- d) Finding: The project will not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). No Impact.

Discussion: The project will involve construction of structures built to California Building Code on a level lot, with

adequate access on L Street as mitigated. With an accompanying change in zoning to Manufacturing, there will be no incompatible uses of this structure or its facilities. The project will have No Impact in terms of increasing hazards through design features or incompatible uses.

- e) **Finding:** The project will not result in inadequate emergency access. Impacts would be Less than Significant with Mitigation.

Discussion: The project should incorporate mitigation measure 16.1, will provide for emergency access via both the primary entrance on L Street and via the exclusive, gated, and maintained emergency access on K Street, to which emergency providers will be given a code, provided access by KNOX box or provided some other rapid-entry system. The emergency access to the project is adequate.

- f) **Finding:** The project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. No Impact.

Discussion: The project is not in conflict with the adopted policies regarding public transit, bicycle, or pedestrian facilities—including but not limited to the Circulation and Transportation Plan adopted by the City of Needles in the 1986 General Plan. The project is not anticipated to decrease the performance or safety of any transportation feature or facility. Sidewalks are located on both the L Street and K Street sides of the project. These may be potentially impacted by construction of the wrought iron fence due to forming and concrete pouring of the stem wall along each side of the parcel, but these impacts will be minimal and of extremely short duration.

Applicant Proposed Operation Restrictions: None.

Mitigation:

Mitigation Measure 16.1: To minimize impacts on local traffic and transportation circulation, and to conform to the Needles General Plan and its Circulation and Transportation Plan, the project shall utilize L Street exclusively for access during the construction period. Construction traffic shall approach and depart from the site via the north, utilizing L Street, Walnut Street, and West Broadway Street, so as not to further impact the K Street underpass.

Mitigation Measure 16.2: During operation the project shall utilize L Street exclusively for employee access during operation and for all deliveries and shipments from the project facility. There shall be a locked gate for access on K Street, which shall be used and maintained for the life of the strictly for emergency response access. All local emergency responders shall be provided appropriate access to the emergency access gates.

17. TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

According to the California Public Resources Code Section 21084, a project may have a significant effect on the environment if the project “may cause a substantial adverse change in the significance of an historical resource.” Assembly Bill 52 (AB52) specifies that a project with the potential for adverse effects on tribal cultural resources may be considered a significant effect on the environment. The City of Needles, as the lead CEQA agency and as required by AB52, is in the process of consulting with the local Native American Tribes in the project area. The City issued AB52 letters on March 20, 2019 for a 30-day consultation period concluding on April 19, 2019. The City notified the following tribes who had requested notification for the project under AB52:

- Torres Martinez Desert Cahuilla Indians
- Morongo Band of Mission Indians
- Fort Mojave Indian Tribe
- Colorado River Indian Tribes
- Twenty-Nine Palms Band of Mission Indians

The City received two (2) responses: from the Twenty-Nine Palms Band of Mission Indians in a letter dated April 2, 2019 and from the Fort Mojave Indian Tribe (FMIT) in a letter dated May 13, 2019. In the letter from the Twenty-Nine Palms Band of Mission Indians, the Twenty-Nine Palms Band of Mission Indians Tribe stated it is not aware of any additional cultural resources or Tribal Cultural Resources, however, due to the location of the Project site the Tribe requested any cultural reports related to the project site.

The FMIT in their letter expressed interest in the AB 52 consultation process for this project raising questions regarding water use, dust control, project lifetime, and hazardous materials permits. The City responded to their letter on November 23, 2020 and stated the City was available to meet with the FMIT to further discuss concerns and provide the City with any additional information they believed applicable to the project. The FMIT did not provide a response and, as a result, consultation has been deemed complete. The City did not receive any responses from the remaining Tribes.

Senate Bill 18 (SB18) also requires the CEQA lead agency to consult with local Tribes prior to amending a City or County General Plan or prior to designating land as open space for the purpose of protecting Native American cultural places. The proposed project requires an amendment to the general plan, and the City of Needles is required to consult with local Tribes as the CEQA lead agency. The project has been referred to California Native American tribes in conformance with SB18. As discussed above, the Fort Mojave Indian Tribe requested information regarding the project water source. The project uses municipal water provided by the City of Needles. Needles’ city water is provided by groundwater wells located in the southern part of the city. These wells are approximately 0.75-1.0 mile from the closest Fort Mojave Indian Tribe lands, located across the Colorado River from Needles.

The records search conducted as part of the Cultural Resources Review indicated that only one site of Native American origin is present within a half-mile buffer of the project site.

Analysis:

- a) Finding: The project is unlikely to cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code §5020.1(k). No Impact.

Discussion: Unless the City of Needles consultation with the appropriate Tribes indicates otherwise, No Impact is anticipated to tribal cultural resources.

- b) Finding: The project is unlikely to cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? Impacts will be Less than Significant with Mitigation.

Discussion: The City of Needles should require a tribal monitor at the project site during the construction phase. This has been added as a mitigation measure 17.1.

Applicant Proposed Operation Restrictions: None.

Mitigation:

Mitigation Measure 17.1: To minimize the potential for any adverse impacts to tribal cultural resources, the City of Needles requires a tribal cultural monitor to be on site during the ground-disturbance phases of the project. The applicant will coordinate the services of a tribal monitor with the Fort Mojave tribe.

18. UTILITIES AND SERVICE SYSTEMS.

Would the project:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting:

The project proposes to use a maximum of 5 to 7 acre-feet of irrigation water per year at full build-out for cultivation operations, although differences in cultivation techniques could reduce this to as little as 4 to 5 acre-feet of irrigation per year. Water needs for distribution operations are negligible relative to the cultivation demand. For the purposes of CEQA, this document will analyze the higher level of cultivation water use, with the recognition that impacts could be reduced based on the cultivation and irrigation techniques employed. Translated to daily water use, the maximum potential water use would equate to between 0.36 gallons per square foot of cultivated area and 0.51 gallons per square foot of cultivated area per day. The project is also likely to employ a reverse-osmosis pre-treatment system to filter the water before irrigation, providing additional mineralized wastewater which will be stored on site in hard tanks before being removed and transported by a septic company to a licensed offsite disposal facility. The project facilities will also have bathrooms and sinks for employee use.

The project will utilize city sewer for wastewater needs, and all bathrooms and sinks will be plumbed to the city sewer lines. A cleanout will be installed which will allow cultivation effluent testing. Cultivation wastewater from the project will not be sent to city wastewater treatment.

Plant-based cannabis waste will be stored in a locked dumpster within the security perimeter of the site, and all plants and plant materials will be accounted for as part of California's track-and-trace system. Solid, non-compostable waste will first be sorted for recyclable materials. Recyclable materials will be disposed of at the nearest recycling facility in operation during the life of the project (CalRecycle 2018), and non-recyclable materials (including spent soil) will be disposed of at a licensed facility.

Analysis:

- a) Finding: The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Impacts would be Less than Significant.

Discussion: The project will utilize the city sewer system for all bathroom and sink wastewater needs. The cultivation wastewater from the project will not be sent to city wastewater treatment but instead will be evaporated on site through a 2,500-gallon hard tank system. Alternatively, the water will be stored and sent to a licensed offsite treatment facility identified in the project description. The wastewater needs from cultivation are minimal since the Ecogrow system does not result in runoff. Cleanouts will be installed which will allow cultivation effluent testing

(HWQ-1). Since the non-cultivation discharge is to a municipal sewer and the cultivation discharge is sent to holding tanks for transport to a licensed offsite wastewater treatment facility, the project will qualify for an exemption under the RWQCB State Water Board Cannabis Cultivation Policy, General Order 2017-0023-DWQ.

- b) Finding: The project will not 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. No Impact.

Discussion: The City of Needles will need to provide a “will serve” letter regarding water and sewer systems and has confirmed that the facilities providing both services will not require any expansion in order to meet the needs of this project.

- c) Finding: The project will not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Impacts would be Less than Significant.

Discussion: The project, at 1.24 acres in size, is not anticipated to contribute toward any significant increase in capacity needs of stormwater drainage facilities.

- d) Finding: The project will have sufficient water supplies available to serve the project from existing entitlements and resources, and new or expanded entitlements are not needed. Impacts would be Less than Significant.

Discussion: The City of Needles will need to provide a “will serve” letter to Grow Heights for the amount of water requested for the project. The groundwater well that the City utilizes as their municipal water source has sufficient capacity to meet the project’s needs.

- e) Finding: There is adequate capacity to serve the project’s projected wastewater demand in addition to the provider’s existing commitments. Impacts would be Less than Significant.

Discussion: The project’s operation plan calls for the recycling of a large portion of cultivation runoff for on-site landscaping. Other wastewater, from bathroom wastewater and sink wastewater produced daily by up to 14 people on site, is not of significant volume to affect the local wastewater treatment provider. The City of Needles has confirmed that there is more than adequate wastewater treatment capacity to serve the project.

- f) Finding: The project will not be served by a landfill with insufficient permitted capacity to accommodate the project’s solid waste disposal needs. Impacts would be Less than Significant.

Discussion: The project is not anticipated to generate significant non-compostable or non-recyclable solid waste. Assuming regional growth in waste generation of 3 percent per year, the nearest landfill identified as a disposal area for solid waste for the project has adequate capacity until 2051.

- g) Finding: The project will not violate any federal, state, and local statutes and regulations related to solid waste. Impacts would be Less than Significant.

Discussion: The project is not anticipated to generate any hazardous waste or a significant amount of compostable or non-compostable waste. All wastes generated will be disposed of at appropriate facilities with adequate capacity to handle the waste.

Applicant Proposed Operation Restrictions:

Same as proposed restriction HWQ-1.

Mitigation: None required.

19. MANDATORY FINDINGS OF SIGNIFICANCE

Would:	Potentially Significant	Potentially Significant Unless Mitigation Incorp.	Less Than Significant Impact	No Impact
The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The project will not have impacts that are individually limited, but cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The project is not of a type or located in an area that will cause substantial adverse effects on human beings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting:

The project is located in an urban setting in the City of Needles and consists of the development of two manufacturing structures in two phases for indoor cannabis cultivation and distribution. The estimated annual water requirement for operations is between 5 and 7 acre-feet, although this is highly dependent on the facility operator and is an upper-end estimate. The project is located in an area that experiences some traffic congestion (see section 16 Transportation for description). As the project is sandwiched between a railroad right-of-way and a residential area, noise at the project site is an issue of concern. The project would require a general plan amendment and a zoning change in order to issue a permit.

A review of the CNDDDB for sensitive species and habitat revealed two species within a 0.25-mile buffer of the project site.

As previously described, a Cultural Resources Review, which included a records search and a field survey, was prepared for the project. No cultural resources were identified on the parcel, but the study still recommended measures as appropriate precautions against adversely impacting tribal or historic resources.

Analysis:

- a) Finding: The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Impacts would be Less than Significant with Mitigation.

Discussion: As previously described in the Biological Resources section of this document, the project is highly unlikely to impact a plant or wildlife population and will not have an adverse effect on habitat for fish or wildlife. The CNDDDB review of the project site only revealed two species, neither of which have likely habitat on the project site.

A Cultural Resources Review was prepared for the project as part of the CEQA compliance process. The records search did not reveal any existing recorded sites within the project site, nor did the field survey discover any cultural resources. The report outlines mitigation measures in case human remains are unearthed during construction activities. With these measures in place, the project will have a Less than Significant Impact in regard to its potential to degrade biological or cultural resources.

Mitigation:

Mitigation Measures 4.1 and 5.1 discussed in this document shall apply (See Section 20 – Discussion of Mitigation Measures, Monitoring, and Reporting Program).

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- b) Finding: The project will not have impacts that are individually limited, but cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects. Impacts would be Less than Significant with Mitigation.

Discussion: Previous sections describe potential project impacts to biological resources, cultural resources, noise, transportation, and tribal cultural resources. The mitigation measures included are designed to reduce impacts to these resources to Less than Significant levels. Likewise, the project has incorporated operating restrictions that will ensure impacts to aesthetics, air quality, hazards and hazardous materials, hydrology and water quality, public services, and utilities will be Less than Significant. However, the project must be considered along with other past projects and reasonably foreseeable future projects that may cumulatively result in a significant impact to the environment.

The effects of this project in relation to other cannabis cultivation and distribution projects within the City of Needles includes an increased demand on the local electrical transmission infrastructure. Upwards of fifty cannabis cultivation operations and thirty cannabis distribution operations have been permitted or are proposed within the City of Needles. As of early 2018, the City increased their electrical allocation from 35 megawatts (MW) to 60 MW to provide over 40 MW of additional power for new development. The City electrical utility obtains their electricity from the Western Area Power Administration (WAPA). The effect of this increase in allocation on WAPA's generation is unknown, but the WAPA has also indicated that they would be able to supply upwards of 100 MW to the City of Needles if a formerly used Nevada Power line is rehabilitated (Needles Desert Star 2017), which points to transmission as the major limiting factor and not generation of electricity. It is assumed that no additional generation will need to be installed to meet the demands of this project or other past and reasonably foreseeable projects that can be cumulatively analyzed. Therefore, the cumulative impact on electrical utilities is considered Less than Significant.

Likewise, a cumulative effect of the project along with other cannabis cultivation operations within the City of Needles is an increased water demand on the municipal supply. The City has indicated that they are able to meet the demand of this project and other projects without taxing the current water system. The City has not yet determined whether the total projected water demand for other cannabis cultivation projects can be met by the current water source. The cumulative impact to Hydrology and Water Quality and Utilities and Service Systems are considered Less than Significant.

The project along with other cultivation and distribution operations in the City of Needles all have the potential to impact air quality in the area. The construction impacts from the proposed project are temporary, and with the proposed operating restrictions, the impacts are considered less than significant. These impacts are no different than any other light commercial construction. Operational air quality impacts must be considered as well. All projects within the City must comply with Ordinance 594-AC in terms of potential for odor nuisance. Each project will therefore be required to utilize the same general form of ventilation filtration employed by this project. Thus, odor impacts from all projects will be properly mitigated, and the overall impact will be considered Less than Significant.

The project does not present a significant risk to cultural resources, and it is unnecessary to consider the project along with other projects in the area, as any effects of this project will be isolated to the limited ground disturbance at the urban project site.

The noise impacts of the proposed project will be mitigated to a level of less than 60 dBA at the property line, which consistent with residential standards and acceptable given the noise impact already present in the area. There are no other projects proposed in the immediate project vicinity. Cumulative noise impacts are considered Less than Significant based on the analysis of the Grow Heights project meeting the standard outlined in the Noise section.

There will be No Impact to Agricultural and Forestry, Land Use and Planning, Mineral Resources, Population and Housing, and Recreation. Therefore, it will not add to any impacts that may be cumulatively considerable.

Therefore, based on this analysis and incorporation of appropriate mitigation measures identified in Section 20 – Discussion of Mitigation Measures, Monitoring, and Reporting Program, the project will not result in any impacts that are individually limited but cumulatively considerable.

Mitigation:

Mitigation Measures 4.1, 5.1, 12.1, 12.2, 12.3, 12.4, 12.5, 16.1, 16.2, and 17.1 shall apply (See Section 20 – Discussion of Mitigation Measures, Monitoring, and Reporting Program).

- c) Finding: The project is not of a type or located in an area that will cause substantial adverse effects on human beings. Impacts would be Less than Significant with Mitigation.

Discussion: Based on all of the previous analysis and findings, it can be found that the project is not located in an area and will not cause a substantial adverse effect on human beings with mitigation incorporated.

Mitigation:

Mitigation Measures 4.1, 5.1, 12.1, 12.2, 12.3, 12.4, 12.5, 16.1, 16.2, and 17.1 shall apply (See Section 20 – Discussion of Mitigation Measures, Monitoring, and Reporting Program).

20. DISCUSSION OF MITIGATION MEASURES and Applicant Proposed Restrictions

The City of Needles found that the project could result in potentially significant adverse impacts unless mitigation measures are required. A list of Mitigation that addresses and mitigates potentially significant adverse impacts to a level of non-significance follows.

Mitigation:

Mitigation Measure 4.1 (Biological Resources): If work must be completed during the nesting bird season (February 15–August 31), then a pre-construction survey must be completed by a qualified biologist to survey for active bird nests on the project site within the project footprint and in a 300-foot buffer (500-foot buffer for raptor species) surrounding the project. This survey must occur no more than seven days prior to when construction begins. If nests are discovered, a qualified biologist shall establish a species appropriate buffer around the nest that shall remain in place until the nest is determined by a qualified biologist to be inactive.

Mitigation Measure 5.1 (Cultural Resources): Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb human remains. If human remains are encountered, work should halt in the vicinity and the County Coroner and local Native American Tribes should be notified. At the same time, an archaeologist should be contacted to evaluate the situation. If the remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of identification.

Mitigation Measure 12.1 (Noise): The applicant shall acknowledge that the noise generated by operation of the project must not exceed 60 dBA at the property line to the north or the south, or result in an increase of more than 5 dBA in ambient noise if ambient noise is over 60 dBA Ldn.

Mitigation Measure 12.2 (Noise): The proposed block walls shall be constructed prior to operation of the facility to provide noise reduction to surrounding residences.

Mitigation Measure 12.3 (Noise): The applicant shall orient the A/C units such that they will be obstructed by the adjacent building. For the buildings on the south side of the parcel, the A/C units shall be located along the north exterior wall of each building. For the buildings on the north side of the parcel, the A/C units shall be located along the south exterior wall of each building. This shall allow adjacent buildings to act as a barrier between the noise sources and nearby residences.

Mitigation Measure 12.4 (Noise): The following shall apply to construction noise from tools and equipment:

- Construction activities shall be limited to the period between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday.
- No heavy equipment related construction activities shall be allowed on weekends or holidays.
- All stationary and construction equipment shall be maintained in good working order and fitted with factory-approved muffler systems.

Mitigation Measure 12.5 (Noise): Emergency generators shall be located inside an enclosure to lessen any noise generated during their usage.

Mitigation Measure 16.1 (Transportation): To minimize impacts on local traffic and transportation circulation and to conform to the Needles General Plan and its Circulation and Transportation Plan, the project shall utilize L Street exclusively for access during the construction period. Construction traffic shall approach and depart from the site via the north, utilizing L Street, Walnut Street and West Broadway Street, so as not to further impact the K Street underpass.

Mitigation Measure 16.2 (Transportation): During operation the project shall utilize L Street exclusively for employee access during operation, and for all deliveries and shipments from the project facility. There shall be a locked gate for access on K Street, which shall be used and maintained for the life of the strictly for emergency response access. All local emergency responders shall be provided appropriate access to the emergency access gates.

Mitigation Measure 17.1 (Tribal Cultural Resources): To minimize the potential for any adverse impacts to tribal cultural resources, the City of Needles requires a tribal cultural monitor to be on site during the ground-disturbance phases of the project. The applicant will coordinate the services of a tribal monitor with the Fort Mojave tribe.

A Mitigation and Monitoring Report is attached (Section 22).

Applicant proposed operating restrictions:

AES-1: The project will manage its lighting as prescribed in City of Needles Ordinance 594-AC and amended Chapter 12A of the Needles Municipal Code, in compliance with the City's lighting standards regarding fixture type, wattage, illumination levels, and shielding. The indoor grow lighting system will also be shielded to confine light and glare to the interior of the proposed structure. The landscaping and planting plan will include the planting of desert-appropriate and native vegetation such as palm trees and native desert cacti, consistent with the visual context of the area.

AES-2: The proposed buildings will not exceed 15 feet in height.

AQ-1: During short-term construction activities, the following dust control measures will be implemented to reduce nuisance dust generation:

- All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily for dust suppression when construction activities are occurring on-site.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All standing soil, sand, or other loose material left on-site shall be covered and secured.
- Adjacent public roads shall be kept clean of loose dirt tracked onto the roadways from the construction-site.
- All vehicle speeds shall be limited to 5 miles per hour.

AQ-2: All cultivation and distribution structures shall be designed and maintained per manufacturer recommendations with a ventilation and air filtration system containing activated carbon filters, such as Phresh Filters, to ensure odors generated by the proposed facility are not a nuisance.

AQ-3: All generators shall be CARB-compliant.

HHM-1: MSDS shall be provided to the City of Needles for all potentially hazardous materials used in the operation in the event that emergency responders may require them.

HHM-2: A KNOX box or other rapid entry system for emergency access will be installed at both the emergency access gate facing K Street and the primary access gate on L Street.

HWQ-1: Cleanouts will be installed which will allow cultivation effluent testing for both water sent to the city sewer and water sent to landscaping, and cultivation effluent testing will occur on a regular schedule.

HWQ-2: The applicant will have a qualified professional perform routine testing of the facility wastewater to determine if the effluent concentrations. The results of this testing will be provided to the City of Needles for review.

PS-1: The project will be subject to a robust security plan, which includes a provision that the facility will be secured by locked gates where only employees and the facility operator have access codes. There will be security cameras on each exterior corner of each building. Some cameras will be motion activated and will turn on exterior lights if movement is detected. There will be interior security cameras in each of the main spaces.

PS-2: There will be a first aid kit on the project site and a list of emergency contacts in each building, and employees will be trained in proper safety protocols.

21. EARLIER ANALYSES.

Earlier analysis may be used where, pursuant to the tiering, program Environmental Impact Report (EIR), or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

No earlier analyses were used.

SOURCE/REFERENCE LIST

The following documents were used in the preparation of this Initial Study:

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- Energy Information Administration (EIA). 2016. *EIA data show average frequency and duration of electric power outages*. Transcon Environmental, Inc.
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Google Earth Pro. 2018. *Street Views: Looking Toward the Project Site from L Street and K Street, and from Ed Parry Park Toward Project Site*. Accessed 01/17/18.

Google Maps. 2018. *Distances and Routes Calculated Between Project Site and Key Planning Features*. Accessed 01/18/18.

Lower Colorado River Area Committee. 2014. Lower Colorado River Geographic Response Plan. Accessed 03/15/18. https://ndep.nv.gov/uploads/documents/LCRGRP_Area_2_February_2014_-_No_Maps.pdf

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MITIGATION MONITORING AND REPORTING PLAN:

Mitigation Measure 4.1 (Biological Resources): If work must be completed during the nesting bird season (February 15–August 31), then a pre-construction survey should be completed by a qualified biologist to survey for active bird nests on the project site within the project footprint and in a 300-foot buffer (500-foot buffer for raptor species) surrounding the project. This survey must occur no more than seven days prior to when construction begins. If nests are discovered, a qualified biologist shall establish a species appropriate buffer around the nest that shall remain in place until the nest is determined by a qualified biologist to be inactive.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Prior to construction activities	Each time prior to construction activities for each phase, if construction starts during nesting bird season		City of Needles		

Mitigation Measure 5.1 (Cultural Resources): Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb human remains. If human remains are encountered, work should halt in the vicinity, and the County Coroner and local Native American Tribes should be notified. At the same time, an archaeologist should be contacted to evaluate the situation. If the remains are of Native American origin the Coroner must notify the Native American Heritage Commission within 24 hours of identification.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Continuous during construction		City of Needles		

Mitigation Measure 12.1 (Noise): The applicant shall acknowledge that the noise generated by operation of the project must not exceed 60 dBA at the property line to the north or the south, or result in an increase of more than 5 dBA in ambient noise if ambient noise is over 60 dBA Ldn.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Continuous during operation		City of Needles		

Mitigation Measure 12.2 (Noise): The proposed block walls shall be constructed prior to operation of the facility to provide noise reduction to surrounding residences.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Prior to facility operation		City of Needles		

Mitigation Measure 12.3 (Noise): The applicant shall orient the A/C units such that they will be obstructed by the adjacent building. For the buildings on the south side of the parcel, the A/C units shall be located along the north exterior wall of each building. For the buildings on the north side of the parcel, the A/C units shall be located along the south exterior wall of each building. This shall allow adjacent buildings to act as a barrier between the noise sources and nearby residences.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Prior to facility operation		City of Needles		

Mitigation Measure 12.4 (Noise): The following shall apply to construction noise from tools and equipment:

- Construction activities shall be limited to the period between the hours of 8: 00 a.m. and 6:00 p.m. Monday through Friday.
- No heavy equipment related construction activities shall be allowed on weekends or holidays.
- All stationary and construction equipment shall be maintained in good working order and fitted with factory-approved muffler systems.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Continuous during construction		City of Needles		

Mitigation Measure 12.5 (Noise): Emergency generators shall be located inside an enclosure to lessen any noise generated during their usage.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Prior to facility operation		City of Needles		

Mitigation Measure 16.1 (Transportation): To minimize impacts on local traffic and transportation circulation, and to conform to the Needles General Plan and its Circulation and Transportation Plan, the project shall utilize L Street exclusively for access during the construction period. Construction traffic shall approach and depart from the site via the north, utilizing L Street, Walnut Street, and West Broadway Street, so as not to further impact the K Street underpass.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Continuous during construction		City of Needles		

Mitigation Measure 16.2 (Transportation): During operation the project shall utilize L Street exclusively for employee access during operation, and for all deliveries and shipments from the project facility. There shall be a locked gate for access on K Street, which shall be used and maintained for the life of the strictly for emergency response access. All local emergency responders shall be provided appropriate access to the emergency access gate.

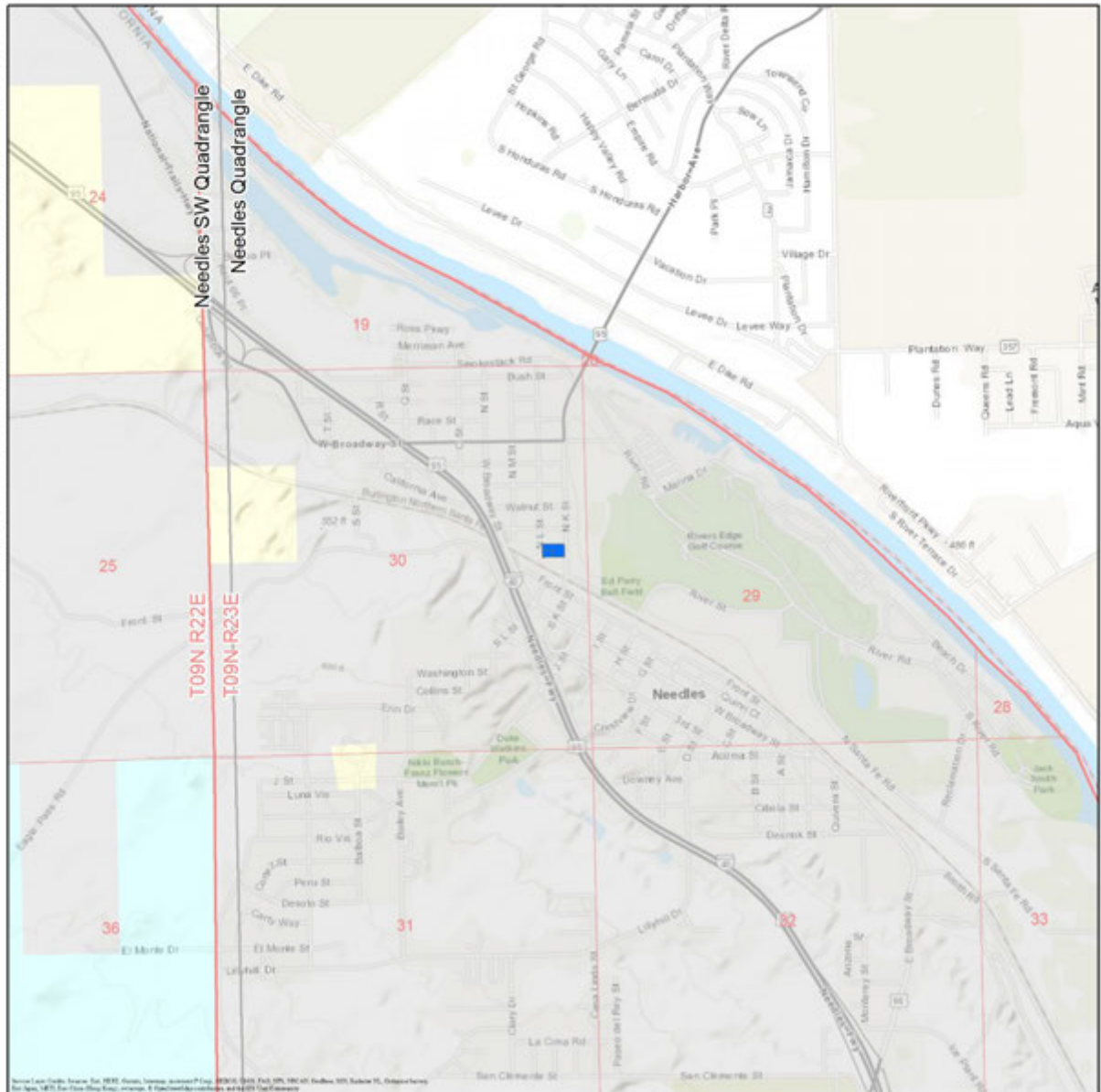
Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During continuous project operations	Continuous		City of Needles		

Mitigation Measure 17.1 (Tribal Cultural Resources): To minimize the potential for any adverse impacts to tribal cultural resources, the City of Needles requires a tribal cultural monitor to be on site during the ground-disturbance phases of the project. The applicant will coordinate the services of a tribal monitor with the Fort Mojave tribe.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Continuously during construction		City of Needles		





APPENDIX A

PROJECT AREA MAP



0 2,000
Feet

Legend

-  Project Location
 Bureau of Land Management
 State
 Unclassified

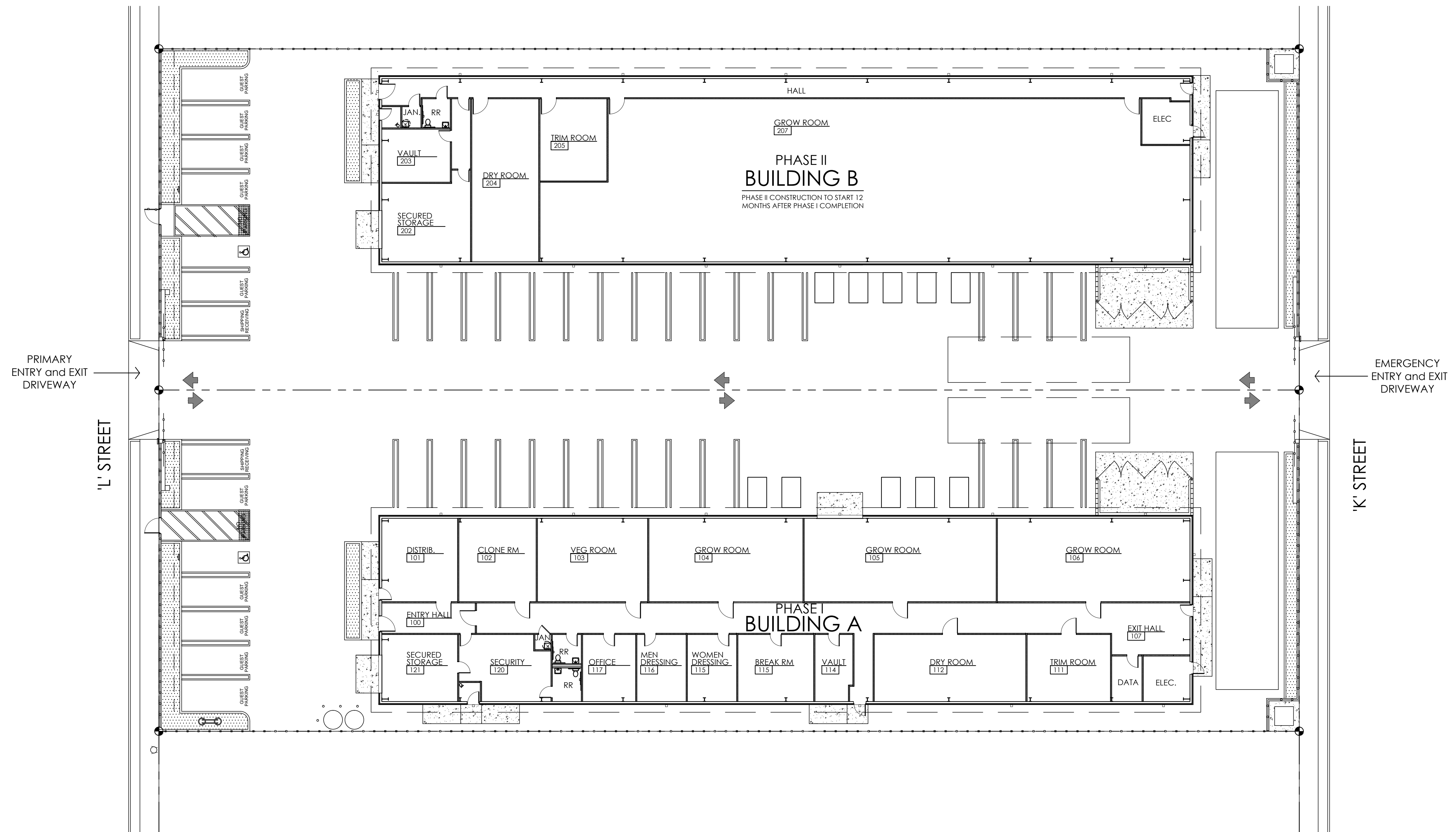
Project Area

Grow Heights ISMND

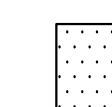


APPENDIX B

Project Site Plans



LANDSCAPE LEGEND



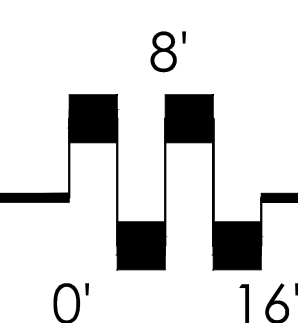
PLANTERS TO INCLUDE:

- 3" LAYER OF 3/4" 'CALIFORNIA GOLD' CRUSHED ROCK by SOUTHWEST BOULDER AND STONE or APPROVED EQ.
- 3' TO 4' DIAMETER 'DESERT GOLD BOULDERS' by SOUTHWEST BOULDER AND STONE or APPROVED EQ.
- SCULPTURAL STEEL CACTUS

MARK HANNAWI

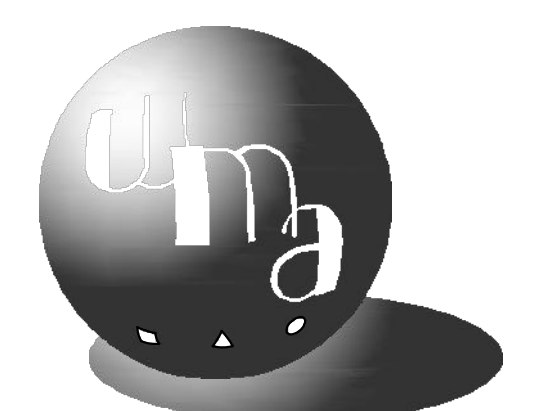
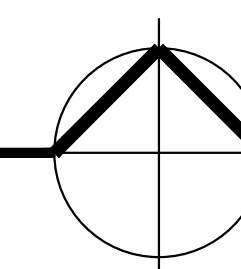
10420 S. HARBOR DR,
MOHAVE VALLEY, AZ 86440

GHF GROW HEIGHTS FARM
109 NORTH 'L' STREET,
NEEDLES, CA 92363



LANDSCAPE PLAN

SCALE: 1/16"=1'-0"



ARCHITECTURE PLANNING INTERIORS
WILLIAM MASON ARCHITECT

3276 DAKOTA AVENUE
COSTA MESA, CALIFORNIA 92626
714.427.0688 EMAIL: Bill@WilliamMasonArchitect.com
19.036.00 11.04.2020

5

APPENDIX C

Cultural Resources Report



March 21, 2018

Cindy Semione
City of Needles Planning Department
817 Third Street
Needles, CA 92363

RE: Cultural Resources Review for the Grow Hights Conditional Use Permit of 109 L Street (APN 185-111-084), Needles, San Bernardino County, California: No Adverse Effect

Dear Ms. Semione:

Transcon Environmental, Inc. (Transcon) is pleased to provide this cultural resources letter report which summarizes a background literature review and an archaeological field inspection of the above referenced project area in the city of Needles, San Bernardino County, California. This letter report will support findings of no adverse effect and satisfy the cultural resources requirements under Section 106 and CEQA.

Project Description

Grow Hights is applying for a general plan amendment, zoning change, and Conditional Use Permit for proposed indoor cannabis cultivation facilities in accordance with the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA). The business proposes to operate cultivation activities within up to four separate metal buildings on the 1.25-acre parcel with up to 5,000 square feet of indoor cannabis cultivation.

The project proposes to develop the site in two distinct phases which can be described as a single-building initial phase followed by a second phase of complete buildout.

Phase 1

The first phase includes the construction of a 50-foot by 50-foot metal building (2,500 square feet of space) with a maximum height of 20 feet. Within the building, cultivation is proposed in an approximately 25-foot by 50-foot area, yielding 1,250 square feet of cultivation in the Phase I building. The building will also include a 26-foot by 20-foot cloning room, a 12-foot by 8-foot dry room, a 12-foot by 12-foot supply room, a 8-foot by 8-foot ADA accessible bathroom, and a 12-foot by 12-foot office in the remaining space. All construction will be completed to the standards of the California Code of Regulations for commercial structures, including the installation of smoke and fire detection alarms. The building will be thoroughly insulated in order to reduce the load on the proposed air conditioning (A/C) systems. A parking lot will be installed appurtenant to the building with access from L Street (see site plan).

The parcel will be lined on the north and south sides with a 6-foot masonry block wall and will be landscaped. Palm trees, native desert cacti and other landscaping are proposed along the north edge of the parcel and around the buildings. All landscaping will require minimal maintenance. The east and west sides, facing the streets, will be fenced with a short stub wall and wrought iron. Gates will be installed facing both streets.

Phase 2

The second phase proposes the construction of three additional structures. The timeline proposed for beginning Phase 2 is within a year of installation of the first structure under Phase 1. Each of the structures will be of identical size (50-foot by 50-foot) and will have the same floor plan as the Phase 1 structure, for a total of 10,000 square feet of space. With all four buildings in place, the total cultivation area will be 5,000 square feet.

Project Location

The project site is approximately 1.25 acres in total and located in the City of Needles in San Bernardino County, California within Township 09 North, Range 23 East, Section 30, San Bernardino Meridian. The northwest corner of the project site is located at approximately 718385mE/ 3858405mN (Zone 11, NAD 83) while the southeast corner is located at approximately 718479mE/ 3858352mN (Zone 11, NAD 83). The site address is 109 L Street with assessor's parcel number (APN) 185-111-084. The project site also fronts K Street, and it is located approximately 1,400 feet south of the intersection of Needles Highway and Mohave Valley Highway. The Area of Potential Impact (API) covers the approximately 1.25 acre parcel.

Background and Archival Research

Prior to field work, Transcon reviewed maps and records on file at the South Central Coastal Information Center Fullerton located at California State University, Fullerton to determine if the project contained any recorded historic or prehistoric sites, or if it had been subjected to previous archaeological survey. Laura MacDonald, Cultural Resources Specialist with Transcon, conducted the record search on February 28, 2018 (IC File Number D39-01 ER). Four previously recorded sites and ten studies were identified within 0.5 miles of the project area. No previously recorded sites occurred within the API which has not been covered by previous archaeological pedestrian survey. Table 1 lists the four previously recorded sites.

Table 1 – Previously recorded sites within a half mile of the project

Site No.	Description	Eligibility
Primary: P-36-000985	Pottery shard scatter.	
Primary: P-36-002910	This site is a segment of the Historic U.S. Route 66.	Eligible (2S2)
Primary: P-36-002904	This site is a historic glass scatter of artifacts appearing to date from 1880s through 1919.	
Primary: P-36-019765	This site is the National Register listed former Needles Atchison Topeka & Santa Fe Depot, currently El Garces.	Listed (1S)

Ethnographically, the project falls within the tribal territory of the Yuman-speaking Hohan River Group of the Mojave dialect (Stewart 1983; Golla 2011). Golla (2011:122) states that Mojave is the language of the Mojave (Mohave) tribe, whose territory extended in the mid-19th century along the Colorado River from north of Davis Dam in Nevada to the vicinity of Blythe, California, and Ehrenberg, Arizona, where they adjoined the Quechan. Prior to that time, Mojave territory was centered on the Mohave Valley around present-day Needles, extending south into the Chemehuevi Valley only as far as Parker. Settlements were situated on low rises above the floodplain and often were scattered throughout the valleys for miles (Stewart 1983). Death practices of the Mojave included cremation of the deceased and their possessions, including the house and granary (Stewart 1983).

The project is located within the City of Needles which was founded in 1883. Originally a railroad town for the construction crews on the Atchison, Topeka, and Santa Fe Railways, the railroad company went on to build up the town around it and construct the first bridge to cross the Colorado River (Needles Chamber of Commerce 2018). Needles was a major stop on the historic U.S. Route 66 highway from the 1920s through the 1960s (City of Needles 2018) and was the first town marking traveler's arrival into California.

The original General Land Office (GLO) survey of 1884 shows the Southern Pacific Railroad as well as a dirt road or trail following the present alignment of Interstate 40 (BLM 2018a). Additionally, the GLO records shows eleven land patents within Section 30 of Township 09 North, Range 23 East with one intersecting the project location (BLM 2018b). Historic topographic maps from 1903 show the town of Needles east of its current location with no structures, roads, or trails within 400 feet of the API (USGS 2018a). The town continues to grow in the subsequent maps of 1950s through to the present day (USGS 2018b-d). Historic Aerial Imagery from 1947 and 1969 show five structures, consisting of a possible house and four smaller outbuildings, to be present within the southwest portion of the API but then no longer present from 2005 onward (NERT 2018).

Field Survey Results

Transcon Environmental Cultural Resource Specialist, Scott Underwood surveyed the entirety of the API on March 6, 2018. He walked systematic transects back and forth across the property with a 10 meter interval. Property boundaries were easily determined on the basis of NL Street, NK Street, and existing residential fence lines on adjacent lands. Ground visibility was 100 percent with soils consisting of sand and loose gravel. Modern trash was found throughout the project area. No historic or prehistoric cultural materials were observed within API. In addition, no structural remains or foundations associated with the structures shown in historic aerial imagery were observed on the surface of the parcel.

Recommendations

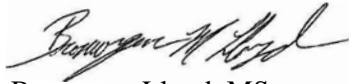
No historic properties were identified and no historic properties will be affected by the proposed undertaking. In view of the negative findings re. "historic properties" within the project area, archaeological clearance is recommended for the proposed further development of APN 185-111-084 with the following general provision:

Unanticipated Encountering of Human Remains

Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb human remains. If human remains are encountered work should halt in the vicinity and the County Coroner and local Native American tribes should be notified. At the same time, an archaeologist should be contacted to evaluate the situation. If the remains are of Native American origin the Coroner must notify the Native American Heritage Commission within 24 hours of identification.

If you, the City or other review agencies have any questions concerning our survey findings or recommendations, please don't hesitate to contact me at your earliest convenience.

Sincerely,

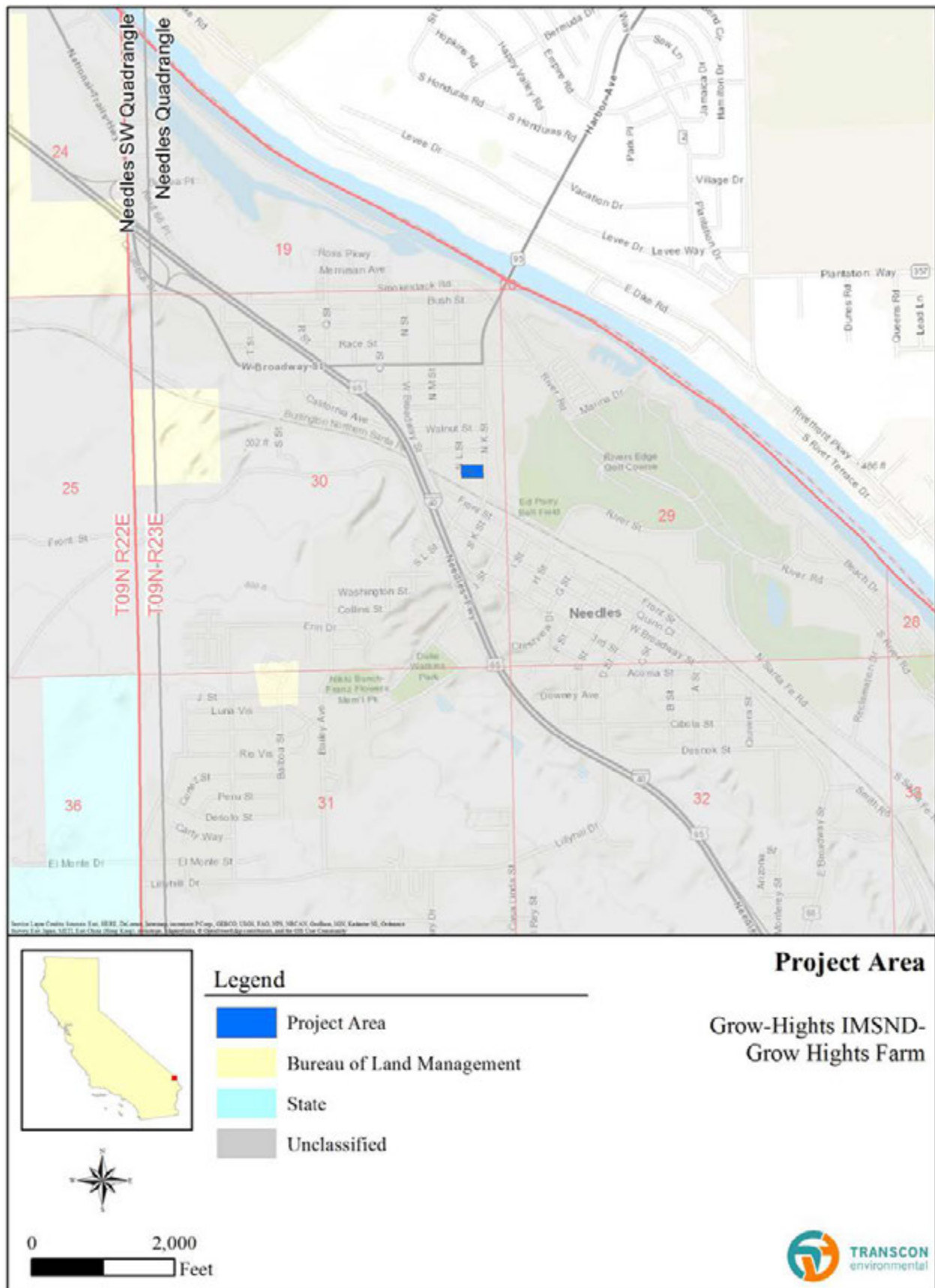
A handwritten signature in black ink, appearing to read 'Bronwynn Lloyd', is written over a light gray rectangular background.

Bronwynn Lloyd, MS
Senior Cultural Resource Specialist

Attachments:

Location Map

References



References

Bureau of Land Management (BLM)

2018a DM ID: 284776. Accessed March 15, 2018 from:

https://glorerecords.blm.gov/details/survey/default.aspx?dm_id=284777&sid=5zl3bkgd.nm0#surveyDetailsTabIndex=0

2018b CACAAA 072858. Accessed March 15, 2018 from:

<https://glorerecords.blm.gov/details/patent/default.aspx?accession=CACAAA%20072858&docClass=SER&sid=wxncznki.wnn>

City of Needles

2018 Needles History. Accessed March 15, 2018 from:

<http://www.cityofneedles.com/Pages/About-Needles/Needles-back-in-the-day.html>

Golla, Victor

2011 California Indian Languages. University of California Press, Berkeley, California.

Nationwide Environmental Title Research (NETR)

2018 Historic Aerials. Accessed March 15, 2018 from: <http://historicaerials.com/>

Needles Chamber of Commerce.

2018 Needles History. Accessed on March 15, 2018 from:

<http://www.needleschamber.com/needles-history/>

United States Geological Survey (USGS)

2018a 1903, 30-Minute topographic map. Accessed March 15, 2018 from:

https://ngmdb.usgs.gov/img4/ht_icons/Browse/CA/AZ_Needles_314847_1903_125000.jpg

2018b 1950, 15-Minute topographic map. Accessed March 15, 2018 from:

https://ngmdb.usgs.gov/img4/ht_icons/Browse/CA/CA_Needles_298343_1950_62500.jpg

2018c 1956, 60-Minute topographic map. Accessed March 15, 2018 from:

https://ngmdb.usgs.gov/img4/ht_icons/Browse/CA/CA_Needles_299842_1956_250000.jpg

2018d 1970 7.5-Minute topographic map. Accessed March 15, 2018 from:

https://ngmdb.usgs.gov/img4/ht_icons/Browse/CA/CA_Needles_293447_1970_24000.jpg

APPENDIX D

Original Comments Received



Gavin Newsom
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gordon
Director

April 19, 2019

Cindy Seimone
Needles, City of
817 Third Street
Needles, CA 92363

Subject: Grow Height Cannabis Cultivation Facility Project
SCH#: 2019039101

Dear Cindy Seimone:

The State Clearinghouse submitted the above named MND to selected state agencies for review. The review period closed on 4/18/2019, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act, please visit: <https://ceqanet.opr.ca.gov/2019039101/2> for full details about your project.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Rcd
4-22-2019



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

April 2, 2019

Cindy Semione, Associate Planner
City of Needles
Planning Department
817 Third Street
Needles, CA 92363

RE: Notice of Opportunity to Consult with the City of Needles on the Grow Heights Cannabis Cultivation Facility to be Located on the Parcel 185-111-084 along North L Street in the City of Needles

Dear Ms. Semione,

This letter is in regard s to consultation in compliance with AB 52 (California Public Resources Code § 21080.3.1) for the Grow Heights Cannabis Cultivation Facility, located in the City of Needles. This project entails the development of a 15,000 square foot indoor cannabis facility on approximately 1.25 acres. The Twenty-Nine Palms Band of Mission Indians Tribal Historic Preservation Office (THPO) is not aware of any additional cultural resources or Tribal Cultural Resources, as defined California Public Resources Code § 21074 (a) (1) (A)-(B) in the project area that pertains to the Twenty-Nine Palms Band of Mission Indians (Tribe). However, the project is within the Chemehuevi Traditional Use Area (TUA) and is located in the vicinity of a culturally sensitive area.

For these reasons, the THPO requests any cultural reports related to this project. After a review of these reports, the THPO may provide additional recommendations and comments. If you have any questions, please do not hesitate to contact the THPO at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

Sincerely,

Anthony Madrigal, Jr.
Director of the Tribal Historic Preservation Office

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Cultural Resources Manager

Rcd
4-4-2019

From: Tan, Reginald@Waterboards <Reginald.Tan@Waterboards.ca.gov>
Sent: Wednesday, April 24, 2019 3:45 PM
To: Cindy Semione <csemione@cityofneedles.com>
Cc: Wylie, Doug@Waterboards <Doug.Wylie@waterboards.ca.gov>; Taxer, Eric@Waterboards <eric.taxer@waterboards.ca.gov>; Middlemis-Clark, Timothy@Waterboards <Timothy.Middlemis-Clark@Waterboards.ca.gov>
Subject: Grow Heights Intial Study and Draft Mitigated Negative Declaration

Good afternoon Cindy-

Colorado River Basin Water Board staff has reviewed the Initial Study and Draft Mitigated Negative Declaration of the Grow Heights project, Staff have the following comments:

1. Page 28, Hydrology and Water Quality, Analysis a Discussion, *"Cultivation wastewater from the project will not be sent to the city wastewater treatment, instead being redirected for use in landscaping on the project site and for the washing of equipment and vehicles"*. Discharge of cultivation wastewater into the environment is subjected to the State Water Board *Cannabis Cultivation Policy, General Order 2017-0023-DWQ*. The project sponsor must enroll under the General Order, or obtain a waiver if discharge to a community sewer system. The project sponsor must submit a Report of Waste Discharge to the Regional Water Quality Control Board for permitting of discharge other than to a discharging to a sewer system or a holding tank that transports the wastewater to a wastewater treatment plant.
2. Page 28, Hydrology and Water Quality, Analysis a Discussion, *" The vast bulk of the wastewater will be mineralized effluent from the reverse osmosis system employed for the treating cultivation wastewater. Wastewater diverted in this manner will be fully reclaimed on site and will not be sent to the city sewer"*. The reject water generated by reverse osmosis is high in TDS (Total Dissolved Solids), and is considered a designated waste. The discharge of designated waste to land is not allowed without a Title 27 Waste Discharge Requirements. However, the discharge of reject water into a wastewater treatment plant is permissible and is not subjected to a Waste Discharge Requirements.

Reginald Tan
Water Resource Control Engineer
SWRCB-Colorado River Basin Region-7
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
Reginald.Tan@waterboards.ca.gov
(760) 776 8944



Fort Mojave Indian Tribe

TIMOTHY WILLIAMS - Chairman

SHAN LEWIS - Vice Chairman

COLLEEN GARCIA - Secretary

NICHOLE GARCIA - Council Member • NORVIN MCCORD SR - Council Member

JOHNNY HEMMERS - Council Member • CELLINA REYES - Council Member

500 Merriman Avenue • Needles, CA 92363

(760) 629-4591 • FAX (760) 629-5767

VIA ELECTRONIC MAIL

FMIT P039A Grow Heights-AB 52/CEQA 040119

May 13, 2019

City of Needles

Attention: Ms. Cindy Semione, Associate Planner

817 Third Street

Needles, CA 92363

Reference: Grow Heights Cannabis Cultivation Facility to be located on Parcel 185-111-084 along North L. Street, Needles California.

Dear Ms. Semione,

The Fort Mojave Indian Tribe (FMIT) thanks you for your letter dated March 20, 2019, regarding a request for our comment regarding the above-mentioned *Grow Heights Cannabis Cultivation Facility* (GHCCF) to be located on Parcel 185-111-084 in Needles, California. As we understand, the City of Needles has accepted a request from GHCCF for a Condition Use Permit, Change of Zone; and a General Plan Amendment for the development of the GHCCF proposed project. From our understanding, this should also include consultations with FMIT regarding water use within the general Region 7 area, under the Colorado Regional Board's Order R1-2015-0023 or Order R5-2015-0113, which is in the Lahontan Regional Water Quality Control Board's Eastern California district, including Needles CA.

According to your March 20, 2019 letter, the applicant's facility will cover approximately 1.25 acres and develop up to a 15,000 square foot indoor cannabis cultivation facility. At this time, in accordance with Public Resources Code Section 21080.3.1(b), the Fort Mojave Indian Tribe, which is traditionally and culturally affiliated with lands within and around the City of Needles's geographic area of jurisdiction, requests formal notice of and information for this current project and on future proposed projects for which the City of Needles will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

The AhaMakav Cultural Society was delegated by the Fort Mojave Tribal Council in 1988 (Resolution 88-70), on their behalf, to conduct National Historic Preservation Act (NHPA) Section 106 government-to-government consultation related to projects within and around the Fort Mojave ancestral homelands. In the future, we request that copies of all consultation materials and other notifications sent or addressed to Chairman Williams also be forwarded to Linda Otero, Director of the AhaMakav Cultural Society via the contact information provided in this letter. Sensitive cultural resource materials and reports can be sent directly to the ACS Director, Ms. Otero.

Rec'd
5-23-2019

Pursuant to Public Resources Code Section 21080.3.1(b), and until further notice, we hereby designate the following person as the tribe's lead contact person for purposes of receiving notices of proposed projects from your agency:

Name: Linda Otero
Title: Director, AhaMakav Cultural Society
Address: P.O. 5990, Mohave Valley, Arizona 86440
Phone Number: (928) 768-4475
Cell Phone Number: (760) 238-1760
Fax Number: (928) 768-7996
Email Address: lindaotero@fortmojave.com

In accordance with requirements mandated by Assembly Bill 52 (Public Resource Code Section 21080.31, FMIT appreciates the opportunity to discuss our concerns regarding the GHCCF. We understand that the City of Needles has prepared a Mitigated Negative Declaration (MND) for this proposed project. FMIT is requesting that a copy of the MND be forwarded for our review. We also request a summary copy of the Cultural Resource Records review. We understand that confidentiality is a priority as does our qualified cultural resource staff (Secretary of the Interior Standards). FMIT considers the nature and location of cultural resources sacred information (reference Public Resources Code § 21082.3(c)(2)(A)) and have concerns about potential vandalism or desecration if that information is mis-appropriated. The consulting agency must respect tribal sovereignty and recognize the need for confidentiality regarding sensitive tribal cultural resource information, consistent with Government Code sections 6254, subdivision(r), and 6240.10, and Code of Regulations section 15120, subdivision (d). Id.; Pub. Res. Code § 21082.3.¹

The general questions FMIT would like addressed regarding the Grow Heights Cannabis Cultivation Facility are listed here:

Question

- 1) What is the Applicant's water source?²

FMIT Concerns

This river corridor is unique and highly significant to the Mojave and other Yuman River Tribes on several levels related to our creation; religious identity; past, present, and future wellbeing as a Tribe and as a People. The river corridor is not just the lands within the flood plain or within visual range of the Colorado River as it passes through the Mohave Valley, but extends from the river outward for many miles directly related to the ancestral territory of the Mojave. The Mojave people have cultural and spiritual connections with many locations (Mojave named places) within this corridor, where this relationship defines the river corridor as a traditional cultural landscape.

¹ http://www.smwlaw.com/files/AB_52.pdf accessed 032119

² https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/final_cannabis_policy_with_att_a.pdf

2) How many feet/meters is the Applicant's water source from the Fort Mojave Indian Tribe's reservation lands?³

The Mojave traditional name is AhaMakav, which means "People of the River," where all project effects (be they past, present, new or cumulative) related to this traditional cultural landscape/river corridor are of concern to the Tribe. The Fort Mojave Indian Tribe is determined to preserve this important traditional cultural landscape for the present and future generations of the AhaMakav.

3) How many acres will the Applicant cultivate?⁴

As above

4) On a yearly basis, how many acre-feet of water will the Applicant use?

As above

5) How is the Applicant addressing discharged waters?

Concern is for negative in-organic/organic by-products entering the ground-water or the Colorado River, or onto FMIT lands.

6) How is the Applicant disposing of solid waste?

Concern is for solid waste management and where solid waste is being stored. Carbon foot-print and repercussions for landfill cumulative effects, i.e. Needles Landfill. Concern is for negative in-organic/organic by-products entering the ground-water or the Colorado River, or onto FMIT lands

7) How is the Applicant going to control dust related to cannabis cultivation?

The Mojave people have cultural and spiritual connections with many locations (Mojave named places) within the Colorado River corridor, where this relationship defines the river corridor as a traditional cultural landscape. "Effects" of projects near FMIT reservation lands, affect this traditional cultural landscape/river corridor (be they past, present, new or cumulative).

8) How long does an Applicant plan on farming cannabis in the proposed location?

The Mojave people have cultural and spiritual connections with many locations (Mojave named places) within the Colorado River corridor, where this relationship defines the river corridor as a traditional cultural landscape. "Effects" of

³ Ibid, page 21, *Prohibition Against Waste and Unreasonable Use of Water*

⁴ Ibid, page 14, *Determination of Total Disturbed Area*

projects near FMIT reservation lands, affect this traditional cultural landscape/river corridor (be they past, present, new or cumulative).

9). Is an Applicant requesting a Type 7 permit (allowing the use of volatile solvents) to manufacture oils, etc.? If so, what is their safety plan?

FMIT is concerned with safety and fire hazards. Volatile solvents include the use of butane, hexane and propane in the process of manufacturing cannabis oils.

FMIT, due to cultural affiliations the Mojave have with ancestral cultural landscapes within the vicinity of the project area, is concerned about the projected area of potential effect (APE), indirect, direct and cumulative impacts of the project. FMIT may have additional comments and concerns after completely reviewing any other pertinent documents or information that may assist with informed consent on behalf of the FMIT

The FMIT appreciates this opportunity to provide our comments and we look forward to continuing our combined efforts in achieving mutually agreed objectives. For FMIT, avoidance is the most acceptable form of conservation management for preserving and protecting our ancestral cultural landscapes.

We look forward to hearing from you regarding continued government-to-government (and/or staff discussions), for *Grow Heights Cannabis Cultivation Facility* project. If you have any questions, please do not hesitate to contact me by phone at (928) 768-4475 or by email at lindaotero@fortmojave.com.

Thank you for consulting with the Fort Mojave Indian Tribe.

Sincerely,



Mr. Timothy Williams, Chairman
Fort Mojave Indian Tribe

cc:

Mr. Shan Lewis, Vice Chairman, Fort Mojave Indian Tribe
Mr. Jeff Williams, Mayor, City of Needles
Mr. Rick Daniels, Needles City Manager
Ms. Linda Otero, Director AhaMakav Cultural Society, Fort Mojave Indian Tribe
Mr. James Ramos, Chairman, California Native American Heritage Commission