



CHUCK STOREY

Imperial County Clerk/Recorder

940 W. Main St., Suite 202, El Centro, CA 92243

Telephone: (442)265-1076 Fax: (442)265-1091 www.co.imperial.ca.us

**City of Calexico
Development Services Department
608 Heber Avenue
Calexico, Ca 92231**

August 16, 2022

ENVIRONMENTAL POSTING NOTIFICATION

(Pursuant to California Code of Regulations Title 14)

Pursuant to the *California Code of Regulations Title 14 Chapter 3, Section 15062(c)(2)*, enclosed you will find the following EIR/NOD file number(s) filed with the Imperial County Clerk and posted for a term of 30 days.

<u>EIR/NOD File #:</u>	<u>Filed On:</u>	<u>Posted</u>	
		<i>From</i>	<i>To</i>
13-2022-050	July 12, 2022	July 12, 2022	August 15, 2022

Please retain for your records.

If you should have any questions please feel free to contact our office at 442-265-1076.

Thank you,

Francis Arias
Deputy County Clerk

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Imperial

904 W Main Street Ste 202

El Centro, CA 92243-2839

From: (Public Agency): City of Calexico
Development Services Department
608 Heber Avenue, Calexico, CA 92231

(Address)

FILE# 13-2022-050
IMPERIAL COUNTY, CALIFORNIA

Project Title: UA 2021-10, Conditional Use Permit (Cannabis Activity)

JUL 12 2022

Project Applicant: Valley Cannabis Co.

Project Location - Specific:

2421 Portico Boulevard, Suite A, Calexico, CA 92231 (APN 059-344-010)

Chuck Storey - County Clerk
By: [Signature], Deputy

Project Location - City: Calexico

Project Location - County: Imperial

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit by Applicant Valley Cannabis Co. to allow for a cannabis micro-business operation and relocation of a cannabis retailer within an existing +/- 5000 square-foot building within the Commercial Highway (CH) Zone.

Name of Public Agency Approving Project: City of Calexico, Development Services Department

Name of Person or Agency Carrying Out Project: Lisa Tylanda, Development Services Director

POSTED

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Class 32, Section 15301 & 15303

☐ Statutory Exemptions. State code number: _____

Imperial County Clerk-Recorder
California

JUL 12 2022

Reasons why project is exempt:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.

Lead Agency

Contact Person: Lisa Tylanda, Director

Area Code/Telephone/Extension: (760) 768-2105

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Lisa Tylanda Date: 7/6/22 Title: Director

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

POST FOR 30 DAYS

**CITY OF CALEXICO
PLANNING COMMISSION
REGULAR MEETING AGENDA**

June 13, 2022

6:30 P.M.

Calexico City Hall
Fernando "Nene" Torres Council Chambers
608 Heber Avenue
Calexico, CA 92231

Planning Commissioners

Bill Hodge, Chairperson
Jose Alejos, Secretary
Marcos Dylan Castillo, Commissioner
Jose Hinojosa, Commissioner
James Beaver, Commissioner

City Council Members

Javier Moreno, Mayor
Camilo Garcia, Mayor Pro-Tem
Raul Ureña, Councilmember
Gloria G. Romo, Councilmember
Rosie Arreola-Fernandez, Councilmember

Interim City Manager

Diego Favila

Planning & Building Services Director

Lisa Tylanda

AGENDA

CALL TO ORDER

Due to the Declaration of Emergency, this meeting is being held pursuant to AB 361 Approved by Governor of California on September 16, 2021 and some or all of the city council members may participate in this meeting by teleconference.

Pursuant to Imperial County Public Health Department guidelines, City Council meetings are now open for public attendance at 100% of capacity of the council chambers.

Join Zoom Meeting : <https://us06web.zoom.us/j/88601328555?pwd=REJaYUxRR2VyM3hiY1Fma0JCdEtVZz09>

Meeting ID: 886 0132 8555

Passcode: 641025

By phone: (669) 900 6833 US

Members of the public will be able to make public comments in the following ways:

- 1) Submit public comments via email by 2:00 p.m. on Monday June 13, 2022 to planning@calexico.ca.gov. These comments will be read aloud during the meeting.
- 2) Live on Zoom by submitting the request via Zoom Chat. Persons should submit name and section of the agenda they wish to speak on such as "Public Comments" or state the "Agenda Item No."
- 3) In person comments.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Planning Commission Regular Meeting Agenda
PUBLIC COMMENTS - NON AGENDIZED ITEMS

June 13, 2022

NOTE: (Not to Exceed 3 Minutes) This is the time for the public to address the Planning Commission on any item not appearing on the agenda that is within the subject matter jurisdiction. The Chairperson will recognize you. When you come to the microphone, please state your name and place of residence for the record. It is unlawful to disturb or delay the Planning Commission meeting with personal or slanderous remarks. The Planning Commission is prohibited by State law from taking action or discussing items not included on the printed agenda. If the item you wish to comment on is on the Public Hearings portion of the agenda, we will take your comment once that item is reached.

PUBLIC HEARINGS

1. **UA 2021-10:** The Planning Commission will be a Conditional Use Permit by Applicant Valley Cannabis Co. to allow for a cannabis microbusiness operation and relocation of a cannabis retailer within an existing +/- 5000 square-foot building within the Commercial Highway (CH) Zone. The location of the proposed project is 2421 Portico Boulevard, Suite A; Calexico, CA 92231; more specifically known as APN: 059-344-010. The proposed project is Categorically Exempt from the California Environmental Quality Act per Section: 15301.
 - a. **Open Public Hearing**
 - b. **Staff Report:** Lisa Tylanda, Development Services Director
 - c. **Planning Commission Discussion**
 - d. **Recommended Action:** Approve Resolution for Conditional Use Permit
2. **UA 2022-02:** The Planning Commission will be considering a Conditional Use Permit requested by applicant iClean Carwash, Inc. to allow for the use and operation of an approximately 5,507 square-foot carwash facility within the Commercial Highway (CH) Zone at 1101 Paulin Avenue; more specifically APNs: 058-155-007, 058-155-008, 058-155-003, 058-155-004, 058-155-005, & 058-155-006. The proposed project is Categorically Exempt from the California Environmental Quality Act per Section: 15303.
 - a. **Open Public Hearing**
 - b. **Staff Report:** Lisa Tylanda, Development Services Director
 - c. **Planning Commission Discussion**
 - d. **Recommended Action:** Approve Resolution for Conditional Use Permit

INFORMATIONAL ITEMS

3. **Draft Downtown Recovery Plan Guidelines:** Presentation by Lisa Tylanda, Development Services Director
4. **Economic Development Guidelines:** Presentation by Lisa Tylanda, Development Services Director
5. **Planning Commission Attendance Record**

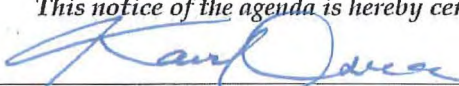
STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

It is the intention of the City of Calexico to comply with the Americans with Disabilities Act in all respects. If you are a person with a disability who requires a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services please request such modification or accommodation from the City Clerk at (760)768-2102. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Please advise us at the time whether you will require accommodations to participate in meetings on a regular basis. Any person affected by any application on this agenda may submit their concerns in writing prior to the meeting or appear in person and be heard in support or opposition to the proposal at which time the matter is considered on the agenda. The staff reports, applications and environmental documents may be viewed at the office of the City Clerk, 608 Heber Avenue from 8:00 a.m. until 5:00 p.m. Monday through Thursday, except legal holidays. Telephone inquiries may be made at (760) 768-2102. If you challenge any agenda issue in court, you may be limited to raising only those issues that you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the City of Calexico at, or prior to, the public meeting.

This notice of the agenda is hereby certified to have been posted on or before 6:30 p.m. on June 10, 2022


Karen Osuna, Administrative Assistant

6:30 p.m. on June 10, 2022

**AGENDA
ITEM**

1



PLANNING COMMISSION STAFF REPORT ITEM # 1

DATE: June 10, 2022

TO: Planning Commissioners

PREPARED BY: Lisa Tylenda, Planning and Building Services Director

SUBJECT: Conditional Use Permit Request #UA2021-13 to allow the use and operation of a proposed Cannabis Microbusiness to be located at 2421 Portico Blvd; Calexico, CA 92231

(A.) Location: 2421 Portico Blvd; Calexico, CA 92231

Assessor Parcel Numbers: 059-344-010

(B.) Zoning: Industrial General-IND

(C.) General Plan Designation: The Land Use Element of the Calexico General Plan designates the subject property as Industrial.



Zoning Considerations:

The Municipal Code of the City of Calexico requires that the Planning Commission make the following findings for the granting of a Conditional Use Permit:

Section 17.01.540 – Findings:

The planning commission shall make the following findings before granting a conditional use permit:

- A. That the proposed location size, design, and operating characteristics of the proposed use is in accord with the title and purpose of this zoning title, the purpose of the zone in which the site is located, the Calexico general plan, and the development policies and standards of the city;
- B. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 - 1. The availability of public facilities, services and utilities; and
 - 2. Harmony in scale, bulk, coverage, and density; and
 - 3. The harmful effect, if any, upon desirable neighborhood character; and
 - 4. The generation of traffic and the capacity and physical character of surrounding streets; and
 - 5. The suitability of the site for the type and intensity of use or development which is proposed; and
 - 6. The harmful effect, if any, upon environmental quality and natural resources, and
 - 7. Any other relevant impact of the proposed use; and
- C. That the proposed location size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
- D. That the proposed conditional use will comply with each of the applicable provisions of this title, except for an approved variance. (1992 zoning ord. (part))

Environmental Assessment:

Pursuant to the California Environmental Quality Act ("CEQA") and the local CEQA Guidelines of the City of Calexico, this project will not have a significant effect on the environment and is listed as a Class 32 Categorical Exemption. Class 32 consists of in-fill development projects on sites no more than 5-acres substantially surrounded by urban areas. A Notice of Categorical Exemption (Class 32 Section 15301 and 15303) has been prepared for this project. The proposed project has been found to be Categorically Exempt from the California Environmental Quality Act per section 15301.

Discussion & Analysis:

The applicant – Valley Cannabis – is seeking to operate a Cannabis Microbusiness to be located at 2421 Portico Boulevard, otherwise known as APN: 059-344-010. The proposed operation is within the City's designated

cannabis overlay zone. Applications for cannabis uses/operations are subject to the Conditional Use Permit process per City of Calexico Municipal Code Chapter 5.96.

Currently Valley Cannabis is requesting that the Retail Licensure held by "Michael Martinez" be transferred from 338 Weakley Street to 2421 Portico Boulevard (PLEASE SEE ATTACHED LETTER FROM MARCH 23, 2021). Per Chapter 5.96 of the Municipal Code, "transferring" a conditional use or commercial cannabis regulatory permit is not allowed. The proposed "microbusiness" would be composed of a retail, cultivation, and distribution operation.

The item went before the Planning Commission on October 25, 2021 as a Public Hearing. The item was partially approved for the cultivation and distribution portions of the microbusiness contingent upon a retail license becoming available, the retail portion of the requested CUP was tabled.

Recommendation:

Staff recommends the Planning Commission review the request and approve the microbusiness with the pending retail portion of the proposed microbusiness operation that will consist of retail, cultivation, and distribution uses. The retail license was not recommended for approval due to the ordinance not allowing permits be transferred in any manner during the original meeting that took place in October. Since October a review of cannabis licenses was conducted internally and there are licenses available for retail. This item was recommended to be tabled until a license review was done and licenses became available. Staff recommends that the public hearing be opened and conducted. Upon receiving testimonies for and against the project during the public hearing, Staff recommends that the Planning Commission APPROVE the Conditional Use Permit UA 2021-13.

Fiscal Impact:

- Potential to increase revenue through sales tax from this facility.

EXHIBIT A



City of Calexico
Planning and Building Services Department

Phone: 760.768.2105

Fax 760.357.7862

Email: planning@calexico.ca.gov

Via Email Only

www.calexico.ca.gov

**PLANNING COMMISSION RESOLUTION 2021-11- PC MEETING 11/8/21 and
6/13/2022**

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT FOR 2421
PORTICO BLVD. CALEXICO, CA 92231**

VALLEY CANNABIS CO.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT ALLOWING THE
OPERATION OF A MICROBUSINESS FOR RETAIL, CULTIVATION AND
DISTRIBUTION.**

PLANNING AND BUILDING SERVICES DEPARTMENT

Planning Division

1. The Project shall include the development of a cannabis Cultivation and Distribution facility located at 2421 Portico Boulevard, Calexico, California 92231.
2. The Project's development shall conform substantially with exhibits on file with the City's Development Services Department, as modified by the conditions, below.
3. The microbusiness needs to go to planning commission via a conditional use permit process for the retail portion of the microbusiness. Staff is to organize this process with the applicant once retail licenses become available. Staff is to update Valley Cannabis on a monthly basis of any changes or opening for processing.
4. The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees and costs incurred by the City and any claim for private attorney general fees and costs claimed by or awarded to any party, against the City or

its agents, officers, or employees, relating to the approval of the Valley Cannabis Co. Project including, but not limited to, any action to attack, set aside, void, challenge, or annul the development approvals (including the Conditional Use Permit and plan review) and any related environmental document or decision (collectively "Development Approvals"). The City will promptly notify applicant of any claim, action or proceeding concerning the Conditional Use Permit. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs incurred by the City. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation-related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform a settlement unless such settlement is approved by Applicant. Within ten (10) days of the filing of any action against the City covered by this Condition 3, the Applicant shall submit a One Hundred Thousand Dollar (\$100,000) cash deposit or irrevocable letter of credit in favor of the City in a form acceptable to the City, to pay the City's fees and costs in connection with the potential defense of any such action, and the satisfaction of any judgment obtained therein, and shall thereafter replenish the funds in increments of Twenty Thousand Dollars (\$20,000) when requested by the City. Failure to provide funds sufficient to satisfy this indemnification obligation shall constitute grounds for the City to take action to nullify the Conditional Use Permit Approvals associated with the Valley Cannabis Co. Project. In the event that excess defense funds are in the possession of the City after any action is concluded, the City shall refund the excess funds to Applicant. In the event any action covered by this Condition 3 is filed after expiration of the applicable statute of limitations period and the City's refund or release of the letter of credit provided above, Applicant shall submit a Twenty Thousand Dollar (\$20,000) cash deposit, to pay the City's fees and costs in connection with defense of such action, within ten (10) days of the service of any petition or complaint on the City in such action and shall thereafter replenish the funds in increments of Ten Thousand Dollars (\$10,000) within ten (10) days of the City's request for such replenishment. The City shall refund any remaining funds to Applicant within ten (10) days after such action is concluded.

5. In accepting this Conditional Use Permit and operating a business pursuant thereto, the applicant acknowledges that the regulation of the sale of cannabis remains in flux due to the relative novelty of these uses and conflicts with federal law. Applicant agrees that the applicant remains at risk and subject to all changes in federal, state, and Calexico regulations, including the possibility of the discontinuance of such uses or the imposition of additional requirements that render continuing operations infeasible, and does not gain a vested right to continue to operate in any particular manner, in any particular place, or at all.
6. The cannabis Cultivation and Distribution use is limited to this location and the use described herein shall be subject to the restrictions and limitations set forth herein

which are in addition to the approved use standards listed in the Calexico Municipal Code, and state statutes now in force, or which hereafter may be in force.

7. Continued use of the Property for cannabis purposes is subject to the Applicant maintaining a valid license from the State Bureau of Cannabis Control and providing a copy of same to the City upon issuance and renewal and a valid regulatory permit from the City as provided in Calexico Municipal Code Chapter 5.96.
8. Provide odor control plan during the building permit review process.
9. ~~The premises shall be equipped with an odor absorbing ventilation and exhaust system~~ so that odors generated inside the cannabis business are not detected outside of the business, anywhere on adjacent properties, public right-of-way, or in any exterior or interior common areas or tenant spaces. As such, the applicant shall install odor mitigation equipment in accordance with the plans on file as part of this application, and to the satisfaction of the Building Official. Should odor issues arise, the Development Services Department may require additional odor control measures to be employed. At a minimum the Applicant shall install the following:
 - a. Air filtration system with odor control that prevents internal odors from being emitted externally.
 - b. Air systems that create negative air pressure between the cannabis business and the exterior.
10. Security features shall be installed within the Project in accordance with the plans on file as part of this application. All security features shall be installed and maintained as specified in the City's Commercial Cannabis Activity Regulatory Permit Chapter 5.96.
11. The Applicant is required to have on-site security personnel during business hours. Security personnel shall be licensed with the State Bureau of Security and Investigative Services.
12. The Applicant shall comply with all applicable provisions of Chapter 5.96 *Commercial Cannabis Activity Regulatory Permit*.
13. From the public right-of-way, no exterior evidence, other than a building sign to identify the operations, of cannabis products is permitted.
14. All mechanical equipment, either roof or ground mounted, shall be screened from public view. All such equipment shall be fully screened by the roof structure, parapet wall, ground mounted walls, berming and/or landscape.
15. Any window and door security devices such as metal bars, gates, and shutters, shall be installed within the interior of the building and screened from public view.
16. The Applicant shall comply with and pay all applicable fees associated with the attached Conditional Use Permit.
17. The Applicant shall pay a cannabis business tax to the City quarterly in the amount of two (2) cents for each \$1.00 of gross receipts for its cannabis business AND sixteen

dollars (\$16.00) for each square foot involved in the cultivation of mature canopy in accordance with the rate set by the Calexico City Council.

18. Prior to issuance of any building permits, the Applicant shall sign and complete an "Acknowledgement of Conditions" form and shall return the executed original to the Planning Division for inclusion in the case records.
19. The Project shall be approved for only the uses described and agreed upon within the Conditional Use Permit.
20. The Project shall be developed in accordance with the development standards, design guidelines and land uses, as provided for under the adopted Calexico Municipal Code.
21. Operation of the cannabis business outside of these approvals and conditions shall constitute a violation of the Calexico Municipal Code and shall be enforced pursuant to the provisions in the Calexico Municipal Code. On-going violations, which are not remedied within a timeframe established by the Community Development Director, may result in revocation of the CUP and Commercial Cannabis Regulatory Permit.

Building Division

22. The Project shall comply with the latest adopted edition of the following codes:
 - a. California Building Code and its appendices and standards.
 - b. California Plumbing Code and its appendices and standards.
 - c. California Mechanical Code and its appendices and standards.
 - d. California Electrical Code.
 - e. California Energy Code.
 - f. California Green Building Standards Code.
 - g. California Administrative Code.
 - h. California Fire Code and its appendices and standards.
23. All site improvements approved with this request shall be constructed as indicated on the approved site plan. Revisions to approved site plans shall be subject to the review of the Development Services Department. All plans submitted for Building Division Plan Check shall conform to the submitted plans as modified by Conditions of Approval, or the Planning Commission through subsequent action.
24. Prior to the commencement of grading operations, the Applicant shall provide a map of all proposed haul routes to be used for movement of dirt material. Such routes shall be subject to the review and approval of the City Engineer. A bond may be required to pay for damages to the public right-of-way, subject to the approval of the City Engineer.
25. Applicant shall comply with the requirements of the Imperial Irrigation District ("IID") for any work proposed within the IID's jurisdiction. Proof of compliance shall be

submitted to the Development Services Department prior to issuance of building permits and final approval.

26. Prior to issuance of building permits, Applicant shall provide assurance that all requirements of the City of Calexico Fire, Police, Community Services/Recreation, Utility Services and Administrations Services Departments have been met.

Engineering Division

General

27. The Applicant shall dedicate all required rights-of-way and easements for the Project.
28. Utilities shall be provided in accordance with the City's Master Water/Sewer Plan.

Street Improvements and Traffic Circulation

29. The Applicant shall be responsible for any costs associated with right-of-way acquisition, if necessary. In the event the acquisition of right-of-way is needed, Applicant shall enter into an agreement with the City prior to the approval of the certificate of occupancy to pay for the costs of acquiring off-site real property interests and to complete the improvements required herein at such time as the City acquires an interest in the real property that will permit the improvements to be made by the Applicant.
30. The Applicant shall retain a qualified California registered civil engineer for design services in accordance with the City Standards.

Other Pertinent Conditions

31. The Applicant shall be responsible for procuring any necessary permits or approvals from regulatory and/or resource agencies.
32. The Conditional Use Permit and Regulatory Agreement shall be deemed void if the developer fails to submit construction plans for review and approval or commence construction within six (6) months of the execution of this Resolution.

The undersigned agrees to the condition of the approval for the Conditional Use Permit and that if the conditions of approval are found to be non-compliant, enforcement action will result as outlined within the City of Calexico's Municipal Code for Conditional Use Permits and Chapter 5.96 of the Municipal Code for Cannabis Activities.

Valley Cannabis Co. Representative Name

Valley Cannabis Co. Representative Signature & Date

City of Calexico Representative Name

City of Calexico Representative Signature & Date