



(ACT) – ACTION NEEDED
(INF) – INFORMATION ONLY
(DIS) – DISCRETIONARY

A G E N D A

REGULAR MEETING OF THE CITY COUNCIL
NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA
TUESDAY, JANUARY 25, 2022
COUNCIL EXECUTIVE SESSION – **5:30 P.M.**
CITY COUNCIL MEETING – **6:00 P.M.**
CITY COUNCIL CHAMBERS
1111 BAILEY AVENUE, NEEDLES

**THE 5:00 P.M. PORTION OF THE CITY COUNCIL MEETING WILL BE RECESSED
BY THE CITY CLERK TO 5:30 P.M.**

AUTHORIZED BY AB 361

**THE MAYOR AND COUNCIL MEMBERS MAY BE ATTENDING THIS MEETING VIA
*** MICROSOFT TEAMS *****

**THE PUBLIC MAY ALSO ATTEND VIA TEAMS AND MAY SUBMIT ANY COMMENTS IN WRITING
PRIOR TO NOON ON THE DAY OF THE MEETING BY EMAILING djones@cityofneedles.com**

**TO JOIN THE LIVE TEAMS MEETING log into the City of Needles website at
www.cityofneedles.com to access the agenda and [Click here to join the meeting](#)**

**If asked, enter the following: Meeting ID: 894 034 814#
OR listen in and participate by calling Teams: 1-323-488-2227 - Meeting ID: 894 034 814 #
The meetings are being recorded.**

THE PUBLIC MAY ATTEND – MASKS ARE ENCOURAGED AND DESIGNATED SEATING

CALL TO ORDER
ROLL CALL

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS (A three-minute time limit per person has been established.)

RECESS TO EXECUTIVE SESSION

- a) Conference with real property negotiator pursuant to Government Code §54956.8: Agency negotiator City Manager Rick Daniels or his designee. Negotiating Parties are the City of Needles as the potential seller and Elks Lodge as the potential buyer of the real property described as 1.17 acres located on Lillyhill Drive west of the Elks Lodge, APN 0185-331-22-0000. Under negotiations are the price and terms.

EXECUTIVE SESSION – Report by City Attorney

CALL TO ORDER
ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE
APPROVAL OF AGENDA
CONFLICT OF INTEREST
CORRESPONDENCE
INTRODUCTIONS
CITY ATTORNEY Parliamentary procedures

PUBLIC APPEARANCE – Persons wishing to address the City Council on subjects other than those scheduled are requested to do so at this time. When called by the Mayor, please announce your name and address for the record. In order to conduct a timely meeting, a three-minute time limit per person has been established by Municipal Code Section 2-18. Amendments to the California Government Code Section 54950 prohibits the City Council from taking action on a specific item until it appears on the agenda.

As a courtesy to those in attendance, we would ask that cell phones be turned off or set in their silent mode. Thank you.

- 1) Interviews / appointments to fill vacancies on various Board and Commissions due to resignations and / or expiration of terms (ACT)
- 2) Extend the Chamber of Commerce lease agreement with amendments – Resolution No. 2021-69 amending Resolution No. 2021-22 approving amending the Lease Agreement with the Chamber of Commerce for the offices located in the Historic El Garces Train Depot **OR** Declare the Chamber of Commerce Visitor Center Services Agreement and Lease Agreement in default and request the Council Visitor Center Committee to reassess the project and seek other options (ACT)

RECESS THE CITY COUNCIL MEETING AND CONVENE A JOINT COUNCIL / NPUA MEETING
CALL TO ORDER (Roll Call previously taken)

NPUA / COUNCIL CONSENT CALENDAR: All matters listed on the Consent Calendar are considered to be routine and will be enacted by one motion in the form listed. The Mayor or any member of the NPUA / City Council may pull an item from the Consent Calendar for discussion. Prior to NPUA / Council action, a member of the public may address the NPUA / City Council on matters scheduled on the Consent Calendar. A three-minute time limit per person applies. **Recommended Action:** Approve Items 3 through 6 on the Consent Calendar by affirmative roll call vote. (ACT)

- 3) NPUA / COUNCIL: Authorize TKE Engineering Inc. to develop plans, specifications, bidding assistance, and project management for standby generators for wells 15 and 16 not to exceed \$11,550 to be funded by the Water Capital Improvement Fund
- 4) NPUA / COUNCIL: Authorize Brooks Consulting to develop plans for the 69kV line for future load growth not to exceed \$18,000 to be funded by electric operating expenses
- 5) NPUA / COUNCIL: Authorize Epic Engineering to complete the construction management for the L Street booster station project in an amount not to exceed \$20,904 and an additional \$5,000 for design work for a total cost not to exceed \$25,904 to be partially funded under a Supplemental Environmental Project (SEP) and the balance to be reimbursed by the State Water Resources Control Board

- 6) NPUA / COUNCIL: Authorize Simon Sewer Maintenance to complete three manhole geopolymer rehabilitations in the amount of \$13,500, wastewater plant transfer well no. 1 lift station geopolymer rehabilitation in the amount of \$11,375, and wastewater plant transfer well no. 2 lift station geopolymer rehabilitation in the amount of \$11,375 for a total project cost not to exceed \$36,250 to be funded by Wastewater Asset Replacement Funds

End of Consent

RECESS THE COUNCIL/NPUA MEETING AND CONVENE THE CITY COUNCIL MEETING

PUBLIC HEARINGS

- 7) Public hearing noticed to consider all evidence and testimony for or against approval of the application from Mr. John E. Bistagne representative for "Route 66 Farms LLC", for a Conditional Use Permit for a two-phase, cannabis cultivation facility, phase one existing building 1, 4,520 sq. ft. and phase two, a new two story 14,324 sq. ft. building located at 315 Balboa in a C-3 Highway Commercial Zone, also known as Assessor's Parcel Number 0660-081-21
- Staff Report
 - Council Questions of Staff
 - Mayor to open the public hearing
 - Public Comment
 - ◆ Applicant Comments
 - ◆ Comments in Favor
 - ◆ Comments Opposed
 - ◆ Applicant Rebuttal
 - Mayor to close the public hearing
 - Council Discussion / Deliberation
 - Resolution No. 2022-13 approving a Conditional Use Permit for a two-phase development of a cannabis cultivation facility totaling 19,340 sq. ft. located at 315 Balboa in a C-3 Highway Commercial Zone, APN 0660-081-21 (ACT)
- 8) Public hearing noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas to change the General Plan designation for 109 N "L" Street, also known as APN 0185-111-84-0000 from "Medium Density Residential" to "Industrial". Said property is located near the BNSF railroad underpass at Front Street and "K" Street.
- AND**
- Public hearing noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas to change the Zoning designation for 109 N "L" Street, also known as APN 0185-111-84-0000 from "Multiple Family Residential" (R-3) to "Light Manufacturing" (M-1). Said property is located near the BNSF railroad underpass at Front Street and "K" Street
- Staff Report
 - Council Questions of Staff
 - Mayor to open the public hearing
 - Public Comment
 - ◆ Applicant Comments
 - ◆ Comments in Favor
 - ◆ Comments Opposed
 - ◆ Applicant Rebuttal
 - Mayor to close the public hearing
 - Council Discussion / Deliberation
 - Resolution No. 2022-09 approving a proposed General Plan amendment from a Residential Medium Density (RM) designation to an Industrial Designation and approving a proposed zone change from a Multi-Family Residential (R-3) to Light Manufacturing (M-1) for the parcel located at 109 N "L" Street, APN 0185-111-084-0000 (ACT)

- 9) Pulled from agenda
- 10) Public hearing noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas for a Conditional Use Permit for a cannabis cultivation facility in the "Light Manufacturing" (M-1) zone, at 109 N "L" Street, also known as APN 0185-111-84-0000. Said property is located near the BNSF railroad underpass at Front Street and "K" Street.
 - Staff Report
 - Council Questions of Staff
 - Mayor to open the public hearing
 - Public Comment
 - ◆ Applicant Comments
 - ◆ Comments in Favor
 - ◆ Comments Opposed
 - ◆ Applicant Rebuttal
 - Mayor to close the public hearing
 - Council Discussion / Deliberation
 - Resolution No. 2022-11 approving a Conditional Use Permit for a 2-phase cannabis cultivation facility located at 109 N "L" Street, APN 0185-111-084-0000 and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ACT)
- 11) Public hearing noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas for a Conditional Use Permit for a cannabis distribution facility in the "Light Manufacturing" (M-1) zone, at 109 N "L" Street, also known as APN 0185-111-84-0000. Said property is located near the BNSF railroad underpass at Front Street and "K" Street.
 - Staff Report
 - Council Questions of Staff
 - Mayor to open the public hearing
 - Public Comment
 - ◆ Applicant Comments
 - ◆ Comments in Favor
 - ◆ Comments Opposed
 - ◆ Applicant Rebuttal
 - Mayor to close the public hearing
 - Council Discussion / Deliberation
 - Resolution No. 2022-12 approving a Conditional Use Permit for a 440 sq. ft. cannabis distribution facility located at 109 N "L" Street, APN 0185-111-084-0000 and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ACT)
- 12) Application from Mr. Curtis Devine, representative for Mohave Cannabis Club, for a Conditional Use Permit for a cannabis retail business, located at 1409 Needles Highway and 113 Needles Highway, in the C-2 General Commercial Zone, APN 0185-066-19-0000 and 0185-066-23-0000 **has been continued to February 8, 2022**

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS (A three-minute time limit per person has been established.)

CONSENT CALENDAR: All matters listed on the Consent Calendar are considered to be routine and will be enacted by one motion in the form listed. The Mayor or any member of the City Council may pull an item from the Consent Calendar for discussion. Prior to Council action, a member of the public may address the City Council on matters scheduled on the Consent Calendar. A three-minute time limit per person applies. **Recommended Action:** Approve Items 13 through 18 on the Consent Calendar by affirmative roll call vote. (ACT)

- 13) Approve the warrants register through January 25, 2022
- 14) Authorize the City Manager to execute an Independent Contractor Consulting Agreement with Registered Nurse (RN) Patricia Scott to administer Employee Covid Rapid Tests not to exceed \$100/hour to be funded by each department being tested and reimbursed by the city's second allocation of Cares Act Funding expected in June 2022
- 15) Authorize payment to Daniell's Septic in the amount of \$425 for the Holiday Fun Fair event using funds from account 101-1030-414-61.45 (customer/employee relation)
- 16) Waive the reading and adopt Resolution No. 2022-14 approving a Professional Services Agreement with Mark A. Marnati as the City of Needles Hearing Officer for an amount not to exceed \$10,000 using General Funds and authorize the mayor to sign the agreement
- 17) Waive the reading and adopt Ordinance 645-AC amending Chapter 4, Animal Control, related to un-spayed and un-neutered cats (2nd reading – publish)
- 18) Resolution No. 2022-08 authorizing the California Department of Water Resources Grant Application, Acceptance and Execution for the City of Needles Golf Course Irrigation Efficiency Project Phase 1 and 2

End of Consent

REGULAR ITEMS

- 19) Discussion regarding First Beach Park Design using funds from the Clean California Local Grant Program if awarded (ACT)

CITY ATTORNEYS REPORT

CITY MANAGERS REPORT

COUNCIL REQUESTS

- Councilmember Campbell
- Councilmember Evans
- Councilmember Merritt
- Vice Mayor Paget
- Councilmember Belt
- Councilmember Longacre
- Mayor Williams

ADJOURNMENT

**INTERNET ACCESS TO CITY COUNCIL AGENDAS AND STAFF REPORT MATERIAL
IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT**

<http://www.cityofneedles.com>

Posted: January 21, 2022

SB 343-DOCUMENTS RELATED TO OPEN SESSION AGENDAS -- Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the City Clerk's Office, 817 Third Street, Needles, CA 92363.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 326-2113 ext 145. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-104 ADA Title II).

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the front entrance of City Hall not less than 72 hours prior to the meeting.

Dated this 21st day of January 2022

Dale Jones, CMC, City Clerk

CITY OF NEEDLES
City Clerk's Office
817 Third Street
Needles, Ca 92363

BOARD, COMMISSION AND/OR COMMITTEE APPLICATION

Applicant Name: MERLIN WILLIS

Address: 1000 N. 10th Street

Daytime Phone Number: 951-233-1111 Cell 951-233-1111

Home Phone Number: AS ABOVE Email: merlin.willis@needlesca.gov

Position(s) applied for: PARKS AND RECREATION COMMISSION

Special comments and/or interests: WE LOVE ALL THE PARKS IN OUR TOWN, THE RIVER, AND WOULD LIKE TO HELP KEEP IMPROVING THEM.

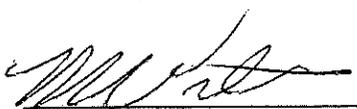
THE RIVER IS AN IMPORTANT PART OF THE COMMUNITY, PROGRAMS FOR OUR CHILDREN ARE VERY IMPORTANT, AND FRANKLY WE NEED MORE ACTIVITIES FOR THEM

Background and qualifications: _____

I HAVE LIVED IN NEEDLES OVER 15 YEARS MY CHILDREN AND NOW MY GRANDKIDS ATTEND SCHOOL HERE, ONE DAUGHTER PLAYED ON THE NEEDLES SOFTBALL TEAM.

NEEDLES HAS BEEN GOOD TO ME AND MY FAMILY, AND WE WANT TO HELP THE COMMUNITY.

You must be a registered voter in the City of Needles to qualify for appointment.

Signature 

Date JAN 12, 2022

(Please return to the above address)

ROV ok

CITY OF NEEDLES
City Clerk's Office
817 Third Street
Needles, Ca 92363

BOARD, COMMISSION AND/OR COMMITTEE APPLICATION

Applicant Name: Suzanne Torres

Address: 1111 11th Street

Daytime Phone Number: _____ Cell _____

Home Phone Number: _____ Email _____

Position(s) applied for: Parks & Recreation

Special comments and/or interests: Needles Resident for 35+ years

Mother to Seven (7) children

within the Community

Background and qualifications: Needles Resident for 35+ years

Mother to Seven (7) children

within the Community

You must be a registered voter in the City of Needles to qualify for appointment.

Signature Suzanne Torres

Date 01/19/2022

(Please return to the above address)

ROV ok

CITY OF NEEDLES
City Clerk's Office
817 Third Street
Needles, Ca 92363

BOARD, COMMISSION AND/OR COMMITTEE APPLICATION

Applicant Name: David Upton

Address: Needles, CA, 92363

Daytime Phone Number: _____ Cell _____

Home Phone Number: _____ Email _____

Position(s) applied for: Parks & Recreation and Utilities Board

Special comments and/or interests: I am interested in running for city council Mayor ~~and~~ as well as Parks ~~&~~ and Recreation ~~Board~~ and Utilities Board

Background and qualifications: I have a Social and Behavioral Studies Associates Degree from Moreno Valley College, and Social and Behavioral Sciences Degree from Moorpark College and I am a Senior Public Administration Major with Northern Arizona University

You must be a registered voter in the City of Needles to qualify for appointment.

Signature [Signature] Date 1/19/2022

(Please return to the above address)

LOU OK



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA RDA Regular Special

Meeting Date: January 25, 2022

Title: City Council Resolution No. 2021-69
A Resolution of the City Council of the City of Needles Amending Resolution 2021-22 Approving an Amendment to the Visitor Center Services Agreement with the Chamber of Commerce as the preferred vendor for the Visitor Center and Amendment to the Lease Agreement with the Chamber of Commerce in the Historic El Garces Train Depot

Background: On April 27, 2021, City Council entered into both a Services Agreement and a Lease Agreement with the Chamber of Commerce as the preferred vendor for the Visitor Center in the Historic El Garces Train Depot. The Chamber agreed to complete the tenant improvements for the Visitor Center and the Chamber Offices to open full time regular business on or before December 31, 2021.

At the October 26, 2021, City Council meeting, the Chamber of Commerce provided the City Manager with a request to extend the December 31, 2021, deadline to August 1, 2022, for the Services and Lease Agreement.

The following outlines the terms of the agreement for the Professional Services Agreement:

- The Chamber will occupy 634 square feet of the 1,217 square feet to operate the Needles Visitor Center.
- The Chamber will provide quarterly report to the City on the contacts with visitors (foot traffic at the VC, email count, phone call count, tours given, events scheduled in the El Garces).
- The Agreement will remain in effect for a period of five years and shall be subject to mutually agreeable options to extend for three (3) year periods.
- The Chamber will be compensated a fixed sum of \$2,000 per month or \$24,000 annually as Chamber's sole and only compensation under the Agreement.
- The City or Chamber may terminate this Agreement by giving written notice.

The following outlines the terms of the Lease Agreement for the Chamber in the El Garces:

- The Chamber will lease 583 square feet of the 1,217 square feet space for the Needles Chamber of Commerce Offices.
- The Agreement will remain in effect for a period of five years and shall be subject to mutually agreeable options to extend for three (3) year periods.
- The Chamber will lease the 583 square feet for \$0.61 cents per square foot or \$355.63 per month for the area of the premises operated as the Needles Chamber of Commerce. Rent in the amount of \$0.61 cents per square foot (634) for the City of Needles Visitor Center or \$386.74 per month shall be waived by the City provided the Chamber is providing services under the Services Agreement.
- The payment of utilities in the operation of the Needles Chamber of Commerce and the Needles Visitor Center shall be the responsibility of the Chamber.
- Prior to entering the lease, the Chamber will obtain a building permit and commence construction within 30 days from the Effective Date of the agreement and be completed 90 days thereafter.

2

The Chamber provides an explanation of the delays that they have encountered in their letter received on October 26, 2021. The Building permit was issued for this project in 2019. When the Chamber was first selected as the vendor, they informed the Council that they were "shovel ready" to immediately start construction. They presented proof of funds to pay for the project. They also provided a list of volunteer subcontractors which led the Council to choose them to build and operate the Visitor Center. Some volunteer subcontractors have since chosen to be unavailable. The City has not been provided an overall project plan for achieving the completion of the project. While the Chamber has a volunteer general contractor to construct the facility, there does not appear to be sufficient project management skills or expertise engaged for this effort. Any consideration of remaining with this vendor must be accompanied by proof of qualifications to manage a project of this scale.

When the Visitor Center in the El Garces was first envisioned, there were two disconnected organizations operating to serve visitors. That situation remains. The Needles Tourism and Visitor Center group recently submitted a status report on their efforts.

On January 18, 2022 the Needles Chamber provided a construction schedule for the Chamber of Commerce Tenant Improvements at the El Garces. The proposed First Amendment to the Lease Agreement includes the following amendments:

1. Section 11 of the Lease is amended in its entirety to read as follows:

"11. Lessee's Work. Prior to entering into this Lease, Lessee has obtained a building permit for Lessee's Improvements to the Visitor's Center and the Chamber of Commerce offices and performed certain work as provided in the schedule attached hereto as Schedule "1". Lessee has commenced construction of the alterations and improvements contained in Lessee's plans no as provided in Schedule "1" and the original Exhibit "A" to the Lease Agreement (which Exhibit "A" shall remain in full force and effect ("Lessee's Work"), and Lessee will perform in full, at its sole cost and expense, in a lien free and good and workmanlike manner subject to a certificate of occupancy no later than July 11, 2022 (the "Commencement Date")). Lessee will pay all bills for labor and materials for the construction of Lessee's Work. Upon completion of Lessee's Work Lessee will provide Lessor with proof of payment and unconditional lien waivers from Lessee's general contractor, subcontractors and material suppliers. Notwithstanding anything to the contrary in this Agreement or in Lessee's Proposal related to this Lease and incorporated by reference in the Services Agreement, Lessor shall have no obligation to pay for any of Lessee's Work or any other amount related to the improvement of the Premises or the operation and maintenance of the Visitor's Center. Lessor shall not be responsible to make any improvements to the Premises."

2. Section 21 is stricken and replace with the following:

21. Time of the Essence. Notwithstanding anything to contrary contained herein, time is of the essence in regards to this Agreement and each and every provision and term and section of this Agreement as amended. Under no circumstances will any extension of the timeframes in Section 11 be allowed or permitted in spite of any impracticability, frustration of purpose, force majeure or other legal theory allowing for the extension or delay of a party's contractual obligations.

All other terms and provisions of the Lease shall remain in full force and effect as provided therein.

The Chamber indicates on their construction schedule the Certificate of Occupancy will be no later than July 11, 2022.

Fiscal Impact: Tenant Improvements are to be completed for the Visitor Center no later than July 22, 2022 (the Commencement Date). The City will receive \$4,267.56 in rental income from the Needles Chamber of Commerce office. Additionally, once the Commencement Date is reached the Services Agreement will go into effect which totals \$24,000 for the management of the Needles Visitor Center to be paid out of the General Fund and.

Sylvia Miledi _____

Recommendation: That the City Council determine to either:

- Option 1 Declare the contract and lease in default and request that the Council Visitor Center Committee to reassess the project and seek other options.
- Option 2 Extend the Lease Agreement with the Amendments

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City

Management Review:

Rick

Date:

1/20/22

Approved:

Not Approved:

Tabled:

Other:

Agenda Item

2

RESOLUTION NO. 2021-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES AMENDING
RESOLUTION 2021-22 APPROVING AMENDING THE VISITOR CENTER LEASE
AGREEMENT WITH THE CHAMBER OF COMMERCE IN THE HISTORIC EL
GARCES TRAIN DEPOT FOR THE CHAMBER OF COMMERCE OFFICES**

WHEREAS, at the October 27, 2020 City Council meeting City Staff was given direction to develop a scope of work and initiate a Request for Proposal process for management services of the Needles Visitor Center; and

WHEREAS, on March 9, 2021 the City Council selected the Chamber of Commerce as the preferred vendor for the Visitor Center in the Historic El Garces Train Depot and authorized City staff to negotiate an agreement; and

WHEREAS, On April 27, 2021 the City Council entered into a Lease Agreement with specific terms of the Agreements between the City and The Needles Chamber of Commerce are identified in Exhibit "A", attached; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Needles, California, hereby approves the First Amendment to the Lease Agreement with the Chamber of Commerce in the Historic El Garces Train Depot which include the following amendments:

1. Section 11 of the Lease is amended in its entirety to read as follows:

***"11. Lessee's Work.** Prior to entering into this Lease, Lessee has obtained a building permit for Lessee's Improvements to the Visitor's Center and the Chamber of Commerce offices and performed certain work as provided in the schedule attached hereto as Schedule "1". Lessee has commenced construction of the alterations and improvements contained in Lessee's plans no as provided in Schedule "1" and the original Exhibit "A" to the Lease Agreement (which Exhibit "A" shall remain in full force and effect ("Lessee's Work"), and Lessee will perform in full, at its sole cost and expense, in a lien free and good and workmanlike manner subject to a certificate of occupancy no later than July 11, 2022 (the "Commencement Date")). Lessee will pay all bills for labor and materials for the construction of Lessee's Work. Upon completion of Lessee's Work Lessee will provide Lessor with proof of payment and unconditional lien waivers from Lessee's general contractor, subcontractors and material suppliers. Notwithstanding anything to the contrary in this Agreement or in Lessee's Proposal related to this Lease and incorporated by reference in the Services Agreement, Lessor shall have no obligation to pay for any of Lessee's Work or any other amount related to the improvement of the Premises or the operation and maintenance of the Visitor's Center. Lessor shall not be responsible to make any improvements to the Premises."*

2. Section 21 is stricken and replace with the following:

***21. Time of the Essence.** Notwithstanding anything to contrary contained herein, time is of the essence in regards to this Agreement and each and every provision and term and section of this Agreement as amended. Under no circumstances will any extension of the timeframes in Section 11 be allowed or permitted in spite of any impracticability, frustration of purpose, force majeure or other legal theory allowing for the extension or delay of a party's contractual obligations.*

All other terms and provisions of the Lease shall remain in full force and effect as provided therein.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 25, day of January, 2022 by the following vote:

AYES
NOES
ABSENT
ABSTAIN

Mayor

Attest:

City Clerk

(Seal)

Approved as to form:

City Attorney

FIRST AMENDMENT TO LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease"), dated this 25 day of January, 2022, is entered into by and between the CITY OF NEEDLES, a Charter City and Municipal Corporation, hereinafter called "Lessor", and the NEEDLES AREA CHAMBER OF COMMERCE, a nonprofit mutual benefit corporation hereinafter called "Lessee."

RECITALS

- A. Lessor and Lessee executed that certain LEASE AGREEMENT [REVISED 04/26/21] dated April 27, 2021 ("Lease");
- B. Lessee has not completed the Lessee's Work as defined in Section 11 and obtained a certificate of occupancy by the December 31, 2021 deadline;
- C. Lessee and Lessor dispute whether the delay was subject to Force Majeure (COVID) under Section 21 of the Lease;
- D. In order to resolve the dispute the parties wish to amend the Lease as provided in this Agreement.

AMENDMENT

1. **Section 11 of the Lease is amended in its entirety to read as follows:**

*"11. **Lessee's Work.** Prior to entering into this Lease, Lessee has obtained a building permit for Lessee's Improvements to the Visitor's Center and the Chamber of Commerce offices and performed certain work as provided in the schedule attached hereto as Schedule "1". Lessee has commenced construction of the alterations and improvements contained in Lessee's plans no as provided in Schedule "1" and the original Exhibit "A" to the Lease Agreement (which Exhibit "A" shall remain in full force and effect ("**Lessee's Work**"), **and Lessee will perform in full, at its sole cost and expense, in a lien free and good and workmanlike manner subject to a certificate of occupancy no later than July 11, 2022 (the "Commencement Date")**). Lessee will pay all bills for labor and materials for the construction of Lessee's Work. Upon completion of Lessee's Work Lessee will provide Lessor with proof of payment and unconditional lien waivers from Lessee's general contractor, subcontractors and material suppliers. Notwithstanding anything to the contrary in this Agreement or in Lessee's Proposal related to this Lease and incorporated by reference in the Services Agreement, Lessor shall have no obligation to pay for any of Lessee's Work or any other amount related to the improvement of the Premises or the operation and maintenance of the Visitor's Center. Lessor shall not be responsible to make any improvements to the Premises."*

2. **Section 21 is stricken and replace with the following:**

*21. **Time of the Essence.** Notwithstanding anything to contrary contained herein, time is of the essence in regards to this Agreement and each and every provision and term and section*

of this Agreement as amended. Under no circumstances will any extension of the timeframes in Section 11 be allowed or permitted in spite of any impracticability, frustration of purpose, force majeure or other legal theory allowing for the extension or delay of a party's contractual obligations.

All other terms and provisions of the Lease shall remain in full force and effect as provided therein.

IN WITNESS WHEREOF, the parties hereto have executed this Lease the day and year first above written.

CITY OF NEEDLES, a Charter City and Municipal Corporation

By: _____
Mayor

Date: _____

NEEDLES AREA CHAMBER OF COMMERCE, a California nonprofit mutual benefit corporation

By: _____
Chamber President

Date: _____

LEASE AGREEMENT [REVISED 04/26/21]

THIS LEASE AGREEMENT ("Lease"), dated this 27 day of April, 2021, is entered into by and between the CITY OF NEEDLES, a Charter City and Municipal Corporation, hereinafter called "Lessor", and the NEEDLES AREA CHAMBER OF COMMERCE, a nonprofit mutual benefit corporation hereinafter called "Lessee."

1. **Lease.** Lessor hereby leases to Lessee, and Lessee hires from Lessor those certain premises described as follows:

Enclosed office space consisting of approximately 1,217 square feet, as shown on the attached Exhibit "A" entitled "Lease Area" and made a part hereof (the Premises"). The diagram of the Premises depicts an area to be used as the Needles Chamber of Commerce Offices ("Chamber Offices") composed of 583 square feet and an area to be used as the Needles Visitor's Center composed of 634 square feet. The Lessee has the obligation to operate and maintain the Needles Visitor Center under the Services Agreement ("Services Agreement") between the parties of even date.

2. **Use.** The Premises are to be used for business and meetings of the Needles Chamber Of Commerce and for the Needles Visitor Center, respectively, as designated on Exhibit "A" entitled "Lease Area" and for no other purposes. Assignment or sublet of the premises to any other organization shall be in accordance with **Section 9** of this Agreement.

CHAMBER AGREES THAT IT SHALL COMPLETE THE TENANT IMPROVEMENTS FOR THE VISITOR CENTER AND THE CHAMBER OFFICES AND OPEN FOR FULL TIME REGULAR BUSINESS ON OR BEFORE December 31, 2021. IF CHAMBER FAILS TO COMPLY WITH THE FORGOING OBLIGATIONS WITHIN THIRTY (30) DAYS AFTER WRITTEN NOTICE BY CITY, CITY MAY TERMINATE THIS LEASE AND TAKE POSSESSION OF THE PREMISES IN ADDITION TO ANY OTHER RIGHTS AND REMEDIES IT MAY HAVE UNDER THIS LEASE OR AT LAW.

3. **Term.** The term of this lease shall be for a period of five years, commencing on the Commencement Date as defined in **Section 11** ("Term"). The Term shall be subject to eight (8) mutually acceptable options to extend for three (3) years each. However, either party may terminate the option by providing the other party with written notice at least ninety (90) days in advance of the end of the then applicable Term.

4. **Rent.** Lessee agrees to pay Lessor the sum of \$0.61 cents per square foot (583) for the area of the Premises operated as the Needles Chamber of Commerce or \$355.63 per month. Rent in the amount of .61 cents for square foot (634) for the Visitor Center or \$386.74 per month shall be waived by City provided that Lessee is providing services under and is not in default of the Services Agreement.

5. **Utilities.** The payment of all utilities utilized on the Premises or in the operation of the Needles Chamber of Commerce and the Needles Visitor Center shall be the responsibility of

Lessee. In the event that the City terminates this Lease as it applies to the Visitor Center City shall in its sole and absolute discretion recalculate the utilities to apply only to that area making up the Chamber Offices. Payment for the utilities shall be estimated by the City and payable at the time the monthly rent payment is due.

6. Indemnity. Lessee shall indemnify, protect, defend and hold harmless the Lessor from and against any and all claims, damages, liens, judgments, penalties, reasonable attorneys' and consultants' fees, expenses and/or liabilities arising out of, involving, or in connection with, the use and/or occupancy of the Premises by Lessee.

7. Insurance. Lessee shall obtain and keep in force a Commercial General Liability policy of insurance protecting Lessee and Lessor as additional insured against claims for bodily injury, personal injury and property damage based upon or arising out of Lessee's use of the Premises. Such insurance shall be on an occurrence basis providing single limit coverage in an amount not less than \$1,000,000 per occurrence with an annual aggregate of not less than \$1,000,000. The policy shall not contain any intra-insured exclusions as between insured persons or organizations but shall include coverage for liability assumed under this Lease as an "insured contract" for the performance of Lessee's indemnity obligations under this Lease. The Limits of said insurance shall not, however, limit the liability of Lessee nor relieve Lessee of any obligation hereunder. Lessee shall provide Lessor a current valid Certificate of Insurance and an endorsement on its liability policy(ies) identifying the City, its public officials, city council members, employees, and agents as additional named insureds and which provides that its insurance shall be primary to and not contributory with any similar insurance carried by Lessor, whose insurance shall be considered excess insurance only. Said insurance shall not be subject to cancelation, termination or change with first giving Lessor at least 30 days written notice of the same. In the event of cancellation or termination Lessee shall secure substitute insurance in the same amount.

8. Unlawful Uses. The Premises shall not be used except for the purposes specified in Section 2 above. Lessee shall not do or permit anything to be done in or about the premises which will in any way conflict with any law, ordinance, rule or regulation or in any way obstruct or interfere with the rights of Lessor, its patrons and employees or other Lessees, allow the Premises to be used for any unlawful or objectionable purpose, or do or permit to be done anything to disturb the occupants of neighboring properties.

9. Assignment. Lessee shall not assign or sublet the Premises or any part thereof without obtaining the prior written approval of the Lessor, which approval may be given or withheld in the sole and absolute discretion of the Lessor.

10. Condition. Lessee agrees to maintain the premises in good condition and repair at its own expense, ordinary wear and tear and damage by fire and the elements excepted. Lessee agrees to commit no waste during the term of the Lease. Any repairs or alterations made upon the Premises shall remain upon and be surrendered at the expiration or other termination of this Lease. Lessee shall perform all required repairs and maintenance on and within the Premises including painting, wall coverings, plumbing, electrical, flooring, carpeting, lighting, replacing windows and other interior improvements. At all times during the term of this Lease, the City shall have the right to reserve the the Chamber of Commerce conference room for events, meetings and other purposes subject to any prescheduled meetings of the Chamber that by their nature require use of the

Chamber of Commerce conference room.

11. Lessee's Work. Prior to entering into this Lease, Lessee has obtained a building permit for Lessee's Improvements to the Visitor's Center and the Chamber of Commerce offices. Lessee will promptly commence construction of the alterations and improvements contained in Lessee's plans no later than July 2, 2021 ("Lessee's Work"), which Lessee will perform in full, at its sole cost and expense, in a lien free and good and workmanlike manner subject to a certificate of occupancy no later than December 31, 2021 (the "Commencement Date"). Lessee will pay all bills for labor and materials for the construction of Lessee's Work. Upon completion of Lessee's Work Lessee will provide Lessor with proof of payment and unconditional lien waivers from Lessee's general contractor, subcontractors and material suppliers. Notwithstanding anything to the contrary in this Agreement or in Lessee's Proposal related to this Lease and incorporated by reference in the Services Agreement, Lessor shall have no obligation to pay for any of Lessee's Work or any other amount related to the improvement of the Premises or the operation and maintenance of the Visitor's Center. Lessor shall not be responsible to make any improvements to the Premises.

12. Alterations. Lessor agrees that Lessee may, from time to time during the Lease Term, at Lessee's sole cost and expense and after giving Lessor at least thirty (30) days' prior notice of its intention to do so, make such alterations, additions and changes in and to the interior of the Premises (except those of a structural nature) as Lessee may find necessary or convenient, provided that the value of the Premises is not thereby diminished, and provided that no alterations, additions or changes which (a) cost in excess of Two Thousand Five Hundred Dollars (\$2,500) for any one work of improvement or alteration, or in excess of Five Thousand Dollars (\$5,000) in the aggregate for multiple works of improvement or alteration during any period of twelve (12) consecutive months during the Term. Lessee agrees that it shall pay, or cause to be paid, all costs for work done by it or caused to be done by it on the Premises and that it shall keep the Premises free and clear of all mechanics' liens and other liens for or arising from work done by or for Lessee or for persons claiming under it. Lessee shall indemnify, defend and protect Lessor from and against all liability, loss, damage, costs, attorney fees, and all other expenses on account of claims of contractors, subcontractors, laborers or materialmen or others for work performed or materials or supplies furnished for Lessee or persons claiming under it. In the event that a mechanics or material provider's lien is imposed against the Premises or the Development, Lessee shall secure a statutory bond releasing the same within five business days after receipt of notice from Lessor. Lessee shall assure that its contractor and all material providers and subcontractors maintain liability insurance, workers compensation insurance and course of construction insurance.

13. Inspection. Lessor may inspect the Premises at all reasonable times without prior notice to Tenant.

14. Lessee Default. Each of the following events will be considered an "Event of Default" by Lessee:

14.1.1. Default in Rent. Lessee's failure to pay any Rent:

14.1.2. Default in Other Covenants. Lessee's failure to perform any other of the terms, conditions, or covenants of this Lease.

14.1.3. Insolvency. Lessee becomes insolvent; the filing by Lessee of a voluntary petition in bankruptcy; the filing of any involuntary petition of bankruptcy and failure of Lessee to secure a dismissal of the petition within thirty (30) days after the filing; an assignment of this Lease for the benefit of creditors; an adjudication that Lessee is bankrupt or the appointment of a receiver of the properties of Lessee; or attachment of or the levying of execution on the leasehold interest and failure of Lessee to secure discharge of the attachment or release of the levy of execution within ten (10) days.

14.1.4. Termination of the Services Agreement. Default or termination of the Services Agreement, provided that in such event the City may terminate the portion of this lease applicable to the Visitor's center and Lessee may continue to occupy the area designated as the Chamber Offices so long as it pays rent in a timely manner at all times and performs all of its other obligations under this Lease with respect to the Chamber Offices.

15. Lessor's Remedies. In the Event of Default by Lessee, Lessor in addition to any other remedies available to it at law or in equity, including injunction, at its option, and without further notice or demand of any kind to Lessee or any other person may:

(a) Terminate this Lease and declare the Lease Term hereof ended and re-enter the Premises and take possession thereof and remove all persons and property therefrom, and Lessee shall have no further claim thereon or hereunder; or

(b) Have the remedy described in California Civil Code Section 1951.4 (Lessor may continue the Lease in effect after Lessee's breach and abandonment and recover rent as it becomes due, if Lessee has the right to sublet or assign, subject only to reasonable limitations); or

(c) Even though Lessor may have re-entered the Premises, thereafter, elect to terminate this Lease and all of the rights of Lessee in or to the Premises.

(d) Should Lessor elect to terminate this Lease pursuant to this Lease, Lessor may recover from Lessee as damages the following:

(i) The worth at the time of the award of any unpaid rent and other charges which had been earned at the time of termination; plus

(ii) The worth at the time of the award by which the unpaid rent and other charges which would have been earned after termination until the time of the award exceeds the amount of the loss of such rental and other charges that Lessee proves could have been reasonably avoided; plus

(iii) The worth at the time of the award of the amount by which the unpaid rent and other charges for the balance of the Lease Term after the time of the award exceeds the amount of the loss of such rental and other charges that Lessee proves could have been reasonably avoided; plus

(iv) Any other amount necessary to compensate Lessor for all the detriment proximately caused by Lessee's failure to perform its obligations under this Lease or which in the ordinary course of things would be likely to result therefrom including, but not limited to, any costs or expense incurred by Lessor in (a) retaking possession of the Premises, including reasonable attorneys' fees thereof; (b) maintaining or preserving the Premises after such default; (c) preparing the Premises for reletting to a new Lessee, including repairs or alterations to the Premises for such

reletting; (d) leasing commissions; or (e) any other costs necessary or appropriate to relet the Premises; plus

(v) At Lessor's election, such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time by applicable state law.

(e) Should Lessor elect not to terminate this Lease, then Lessor may from time to time, without terminating this Lease, either recover all rental as it becomes due or relet the Premises or any part thereof for such term or terms and at such rental or rentals and upon such other terms and conditions as Lessor in its sole discretion may deem advisable, with the right to make alterations and repairs to the Premises. In the event that Lessor shall elect to relet the Premises following an Event of Default by Lessee, then rentals received by Lessor from such reletting shall be applied:

1. first, to the payment of any indebtedness, other than rent due hereunder, owed by Lessee to Lessor.
2. second, to the payment of any cost of such reletting.
3. third, to the payment of the cost of any alterations and repairs to the Premises.
4. fourth, to the payment of Base Rent due and unpaid hereunder.
5. fifth, to the payment of Additional Rent; and
6. the residual, if any, shall be held by Lessor and applied in payment of future rent as the same may become due and payable hereunder.

16. Notices. Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Lease or by law to be served on or given to either party by the other party shall be in writing and shall be deemed duly served and given when delivered by hand delivery, or by recognized overnight courier, addressed to Lessor or Lessee at :

CITY OF NEEDLES
817 Third Street
Needles, CA 92363
Attention: City Manager

Needles Chamber of Commerce
119 F Street
Needles CA 92363
Attn: Chamber President

Either party may change its address for the purpose of this paragraph by giving written notice of the change to the other party in the manner provided in this paragraph.

17. Successors. This Lease and each of its provisions shall be binding on and shall inure to the benefit of the respective heirs, devisees, legatees, executors, administrators, trustees, successors, and assigns of the parties to this Lease.

18. Entire Agreement. This instrument constitutes the sole and only agreement between Lessor and Lessee respecting the Premises, the leasing of the Premises to Lessee, or the lease Term created under this Lease, and correctly sets forth the obligations of Lessor and Lessee to each other as of its date. Any agreements or representations respecting the Premises or their leasing by Lessor to Lessee not expressly set forth in this instrument are null and void. This Lease may not be extended, amended, modified, altered, or changed, except in a writing signed by Lessor and Lessee.

19. **Authority.** Each of the parties executing this Lease represents and warrants that he or she has the authority to execute this Lease on behalf of the entity on whose behalf he or she is executing this Lease and that all actions have been taken to make this Lease binding on such entity.

20. **Limitation on Damages.** Lessor and Lessee agree that neither of them shall have the right to recover consequential damages, special damages or punitive damages with regards to performance of this Lease. Further, the Lessor and Lessee agree that their damages are limited to the amount of rent actually paid by the Lessee. The forgoing limitation on damages shall not apply to any claim or liability covered by insurance required by this Lease.

21. **Force Majeure.** Notwithstanding anything to contrary contained herein, neither party shall be held liable or responsible to the other party nor be deemed to have defaulted under or breached this Lease for failure or delay in fulfilling or performing any term of this Lease to the extent, and for so long as, such failure or delay is caused by or results from causes beyond the reasonable control of the affected party including, but not limited to, the following events that actually directly impact the project: disease, contagion, pandemic, fire, floods, seismic events, embargoes, civil disturbance, war, labor unrest, materials shortages, acts of war (whether war be declared or not).

IN WITNESS WHEREOF, the parties hereto have executed this Lease the day and year first above written.

CITY OF NEEDLES, a Charter City and Municipal Corporation

By: _____

Mayor

Date: _____

4-27-2021

NEEDLES AREA CHAMBER OF COMMERCE, a California nonprofit mutual benefit corporation

By: _____

Chamber President

Date: _____

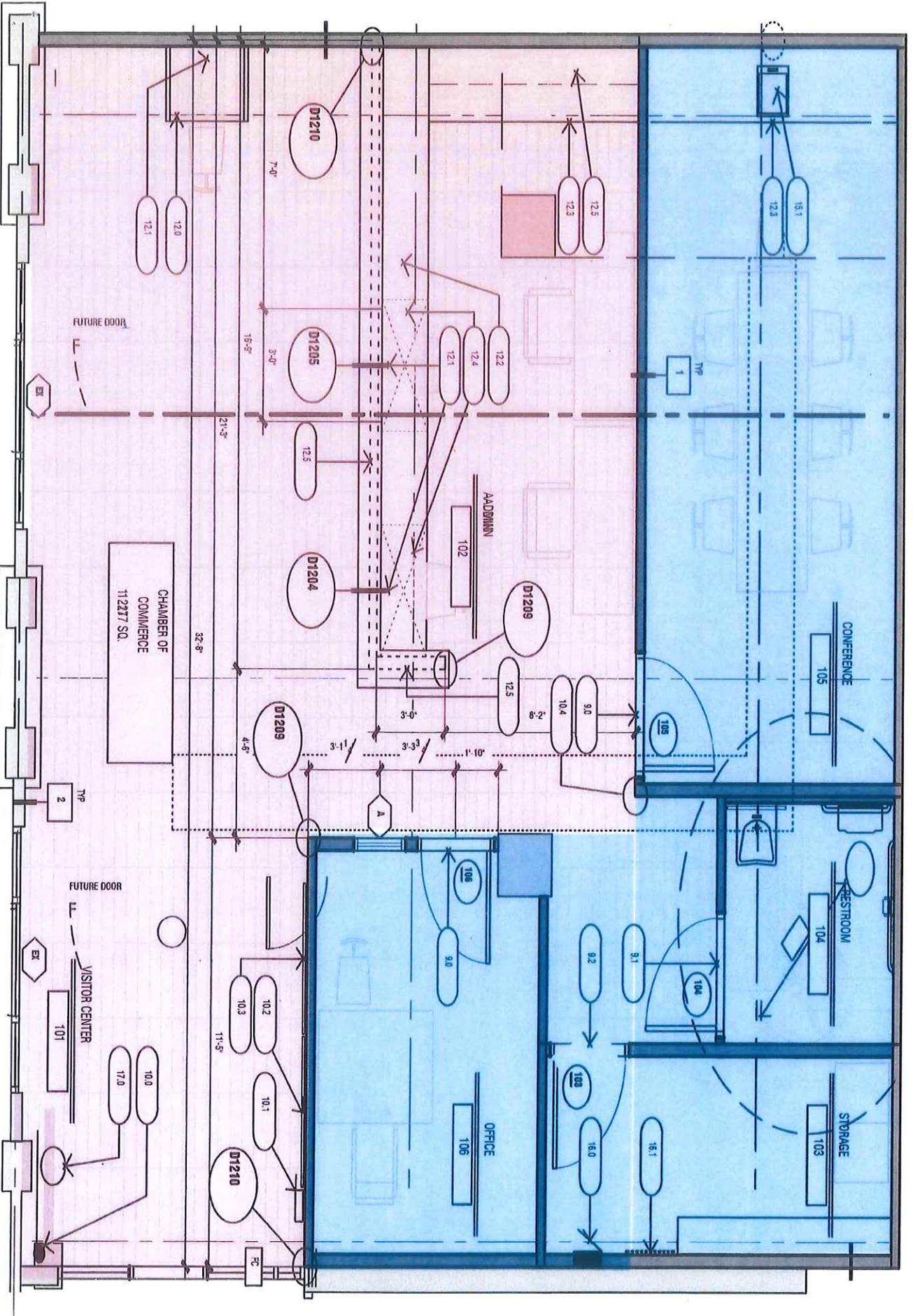
4-27-2021

Exhibit "A"
"Lease Area"
(Chamber Offices and Visitor Center Separately)



Visitor Center Lease 634 Sq. Ft.
 Chamber of Commerce Business Offices 583 Sq. Ft.

EXHIBIT "A"
**NEEDLES CHAMBER OF COMMERCE
 AND VISITOR CENTER LEASE AREA**



Note: **The admin area counter will be moved North as required by the City.

SCHEDULE "1"

**(ATTACH NEEDLES CHAMBER OF COMMERCE OFFICE
IMPROVEMENT EL GARCES**



P.O. BOX 705
NEEDLES, CALIFORNIA
info@needleschamber.com

January 18, 2022

City of Needles
817 Third Street
Needles, Ca 92363

Attention: Rick Daniels

As per your request stated at the 1/11/2022 City Council Meeting, enclosed is the projected construction Schedule (in the form of a Gant Chart) for the Chamber of Commerce Tenant Improvements at the El Garces.

Respectively,

George DeLeon
Chamber President

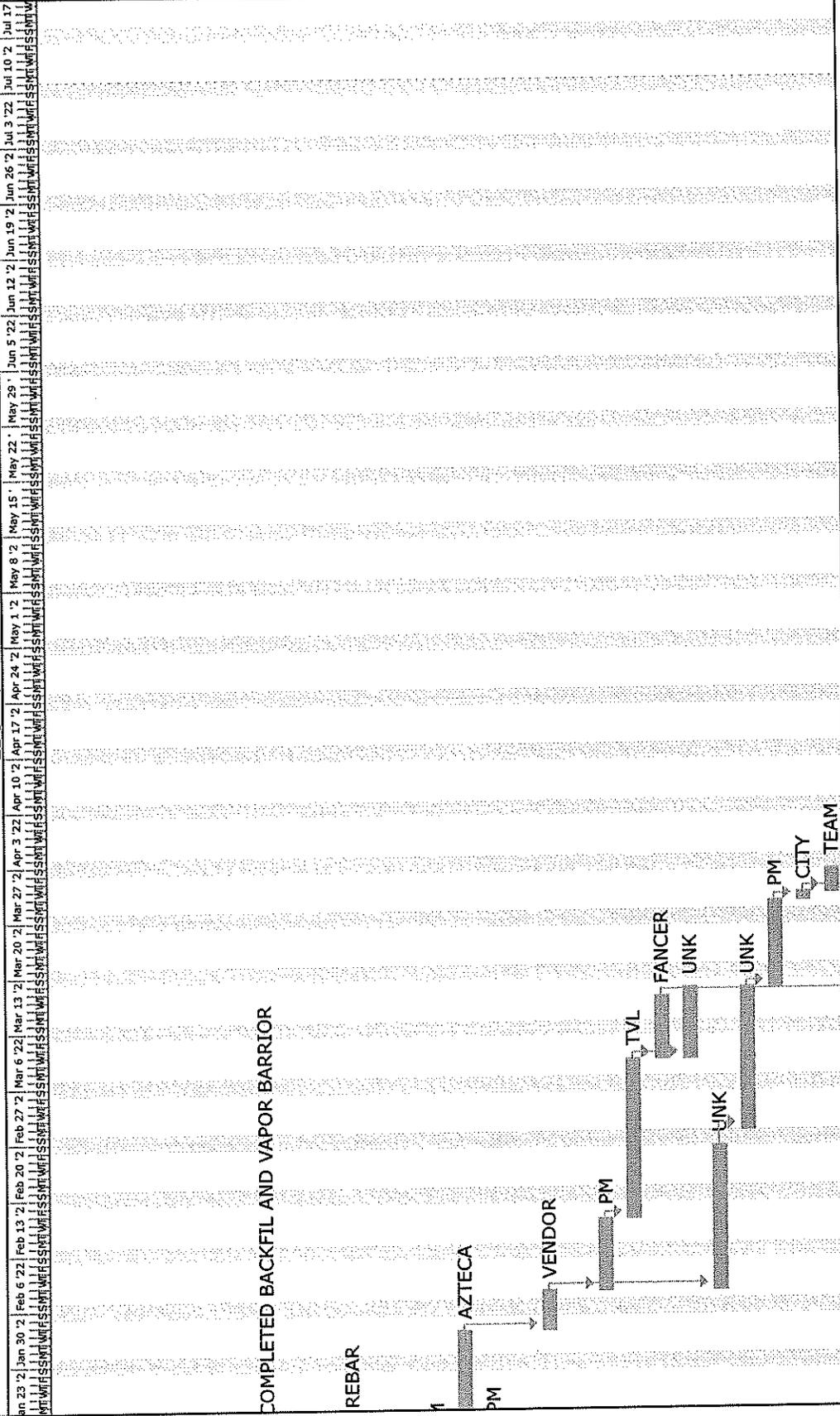
cc: Patrick Martinez
Chamber Board
Steve Cropsey
Pam Blake

NEEDLES CHAMBER OF COMMERCE
OFFICE IMPROVEMENTS
EL GARCES

Task Name	Resource Names	Duration	Start	Finish	Work	PM
1 SAW CUT CONCRETE FOR PLUMBING	PM	1 day	Sat Nov 20, '21	Sat Nov 20, '21	8 hrs	
2 REMOVE CONC FROM DITCH AREA	CAMERON	1 day	Thu Dec 2, '21	Thu Dec 2, '21	8 hrs	
3 DIG TRENCH AND INSTALL GROUND PLUMBING	PHILLIPS EXC. AND FANCIER PLUMBING	1 day	Fri Dec 3, '21	Fri Dec 3, '21	8 hrs	2
4 INSPECT GRD PLUMBING	CITY	1 day	Fri Dec 3, '21	Fri Dec 3, '21	8 hrs	2
5 BACK FILL AND COMPACT PLUMBING DITCH	VOLUNTEER COMPLETED BACKFILL AND VAPOR BARRIER	1 day?	Thu Jan 6, '22	Thu Jan 6, '22	8 hrs	2
6 INSPECTION	CITY	1 day	Fri Jan 7, '22	Fri Jan 7, '22	8 hrs	5
7 REINSPECT REBAR AND VAPOR BARRIER	INSTALLED REBAR	1 day	Sat Jan 8, '22	Sat Jan 8, '22	8 hrs	2
8 INSPECT	CITY	1 day?	Mon Jan 10, '22	Mon Jan 10, '22	8 hrs	7
9 PROJ SCHED SLIP	PM	7 days	Tue Jan 11, '22	Wed Jan 19, '22	56 hrs	8
10 POUR BACK CONCRETE	AZTECA	10 days	Thu Jan 20, '22	Wed Feb 2, '22	80 hrs	9
11 ORDER METAL FRAMING MATERIAL	PM	10 days	Mon Jan 10, '22	Fri Jan 21, '22	80 hrs	7
12 DELIVER FRAMING MATERIAL	VENDOR	3 days	Thu Feb 3, '22	Mon Feb 7, '22	24 hrs	10
13 PROJ SCHED SLIP	PM	7 days	Tue Feb 8, '22	Wed Feb 16, '22	56 hrs	12
14 FRAME INTERIOR WALLS	TYL	14 days	Thu Feb 17, '22	Tue Mar 8, '22	112 hrs	13
15 PLUMBING TOP OUT	FANCIER	6 days	Wed Mar 9, '22	Wed Mar 16, '22	48 hrs	14
16 ELECTRICAL ROUGH-IN	UNK	7 days	Wed Mar 9, '22	Thu Mar 17, '22	56 hrs	14
17 T BAR CEILING FRAMING	UNK	14 days	Tue Feb 8, '22	Fri Feb 25, '22	112 hrs	12
18 ROUGH-IN HVAC DUCT	UNK	14 days	Mon Feb 28, '22	Thu Mar 17, '22	112 hrs	17
19 PROJ SCHED SLIP	PM	7 days	Fri Mar 18, '22	Mon Mar 28, '22	56 hrs	18
20 INSPECT	CITY	1 day	Tue Mar 29, '22	Tue Mar 29, '22	8 hrs	19
21 CORRECTIONS FOLLOWUP	TEAM	3 days	Wed Mar 30, '22	Fri Apr 1, '22	24 hrs	20

NEELES CHAMBER OF COMMERCE
OFFICE IMPROVEMENTS

EL GARCES



**NEEDES CHAMBER OF COMMERCE
OFFICE IMPROVEMENTS
EL GARCES**

Task Name	Resource Names	Duration	Start	Finish	Work	Predec Lessons	Nov 14 '21	Nov 21 '21	Nov 28 '21	Dec 5 '21	Dec 12 '21	Dec 19 '21	Dec 26 '21	Jan 2 '22	Jan 9 '22	Jan 16 '22
22 ORDER CABINETS AND MILL WORK	PM	3 days	Thu Mar 17, '22	Mon Mar 21, '22	24 hrs	15										
23 INSULATE WALLS	UNK	2 days	Wed Mar 30, '22	Thu Mar 31, '22	16 hrs	20										
24 INSTALL DRYWALL	UNK	8 days	Fri Apr 1, '22	Tue Apr 12, '22	64 hrs	23										
25 INSPECT DRYWALL	CITY	1 day?	Wed Apr 13, '22	Wed Apr 13, '22	8 hrs	24										
26 PROJ SCHED SLIP		7 days	Thu Apr 14, '22	Fri Apr 22, '22	0 hrs	25										
27 ORDER FLOOR COVERING	UNK	3 days	Wed Apr 13, '22	Fri Apr 15, '22	24 hrs	24										
28 FINISH DRYWALL	UNK	7 days	Mon Apr 25, '22	Tue May 3, '22	56 hrs	26										
29 PAINT INTERIOR WALLS	UNK	4 days	Wed May 4, '22	Mon May 9, '22	32 hrs	28										
30 SET ALL INTERIOR DOOR FRAMES	UNK	1 day?	Tue May 10, '22	Tue May 10, '22	8 hrs	29										
31 INSTALL CEILING ACOUSTICAL PANELS	UNK	3 days	Wed May 4, '22	Fri May 6, '22	24 hrs	28										
32 PROJ SCHED SLIP	PM	7 days	Mon May 9, '22	Tue May 17, '22	56 hrs	31										
33 INSTALL FLOOR COVERING	UNK	4 days	Wed May 18, '22	Mon May 23, '22	32 hrs	32										
34 INSTALL INTERIOR DOORS	UNK	2 days	Tue May 24, '22	Wed May 25, '22	16 hrs	33										
35 FINISH PLUMBING	FANCER	2 days	Thu May 26, '22	Fri May 27, '22	16 hrs	34										
36 FINISH ELECTRICAL	UNK	3 days	Tue May 24, '22	Thu May 26, '22	24 hrs	33										
37 FINISH HVAC	UNK	4 days	Fri May 27, '22	Wed Jun 1, '22	32 hrs	36										
38 PROJ SCHED SLIP	PM	7 days	Thu Jun 2, '22	Fri Jun 10, '22	56 hrs	37										
39 CLEAN AND PREP FOR FINAL INSPT	UNK	2 days	Mon Jun 13, '22	Tue Jun 14, '22	16 hrs	38										
40 FINAL INSPECTION	CITY	1 day	Wed Jun 15, '22	Wed Jun 15, '22	8 hrs	39										
41 MOVE IN ALL FURNITURE	VENDOR	3 days	Thu Jun 16, '22	Mon Jun 20, '22	24 hrs	40										
42 CORRECTIONS PER FINAL INSPECTION	UNK	7 days	Thu Jun 16, '22	Fri Jun 24, '22	56 hrs	40										
43 PROJ SCHED SLIP	PM	10 days	Mon Jun 27, '22	Fri Jul 8, '22	80 hrs	42										
44 FINAL INSPECTION CERT OF OCCUPANCY	CITY	1 day	Mon Jul 11, '22	Mon Jul 11, '22	8 hrs	43										



City of Needles, California Request for Board Action

CITY COUNCIL NPUA BOARD OF PUBLIC UTILITIES
 Regular Special

Meeting Date: January 18, 2022

Title: Authorize TKE to Develop Plans, Specifications, Bidding Assistance and Project Management for Standby Generators for Well No. 15 and 16 not to exceed \$11,550 funded by the Water Capital Improvement Fund

Background: The City developed a Culinary Water Master Plan in 2019 which identified existing system deficiencies. Currently, Well No. 15 serves as the City's only source of potable water supply and does not have standby generator to ensure uninterrupted service during a power outage. In addition, the proposed new Well No. 16 bid did not include a standby generator. A backup generator is essential to the water system to prevent disruptions in service to the community and provides emergency preparedness during potential catastrophic events.

In 2021 the City submitted an application of approximately \$6M in water system improvements to be funded by the State Water Resource Control Board (SWRCB) which was approved pending engineering and environmental (if applicable). The backup generators for well no. 15 and 16 were included in the project scope.

Financial Impact: Engineering to be covered by Water Asset Replacement Funds and is To reimbursement by the State Water Resource Control Board when the project is bid. As of 11/30/21 the Water Asset Replacement Fund has an available balance of \$1.2M.

_____ Sylvia Miledi, Finance Director

Recommended Action: Authorize TKE to Develop Plans, Specifications, Bidding Assistance and Project Management for Standby Generators for Well No. 15 and 16 not to exceed \$11,550 funded by the Water Capital Improvement Fund

Submitted By: Rainie Torrance, Assistant Utility Manager

City Management Review: Rick **Date:** 1/20/22

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u>3</u>



T K E E N G I N E E R I N G , I N C .

December 22, 2021

Ms. Rainie Torrance
Assistant Utility Manager
City of Needles
817 Third Street
Needles CA 92363

Subject: Proposal to Provide Professional Engineering Services for the New Standby Generators for Well Site No. 15 and Well Site No. 16

Dear Ms. Torrance:

Thank you for the opportunity to submit a proposal to provide professional engineering services for the subject project. Existing Well No. 15 and proposed Well No. 16 serve as the City's only sources of potable water supply and are critical to the City's water supply system. As such, the City desires to retain a consultant to prepare electrical plans and specification for the addition of standby generators at each well site to ensure uninterrupted service during a power outage. To best meet the project requirements, TKE will partner with W.A. Doby Engineering, Inc. to complete the design.

Our proposed scope of services includes preparation of electrical construction documents, including plans and specifications, bidding assistance, and project management.

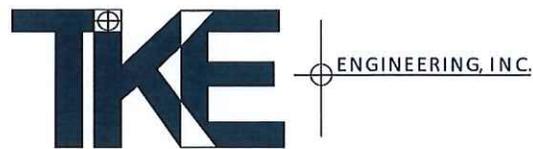
Our fee to provide said services is not to exceed \$11,550, on a time and materials basis. We will invoice the City monthly in accordance with the attached rate schedule, including subconsultant costs. Our invoice will not exceed the amount presented above without prior approval. Understanding the urgency with adding the standby generators, we are ready to begin work immediately upon receiving the notice to proceed.

Again, thank you for the opportunity to submit our proposal to provide professional engineering services to the City. If you have any questions, please contact me at (951) 680-0440.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven W. Ledbetter'.

Steven W. Ledbetter, P.E.
Vice President
TKE Engineering, Inc.



RATE SCHEDULE 2021- 2022

	<u>HOURLY RATE</u>
Principal in Charge	\$175.00
Project Manager/Construction Manager/Licensed Surveyor	\$165.00
Senior Engineer/Project Engineer (PE)/Senior Plan Checker....	\$155.00
Associate Engineer	\$145.00
Assistant Engineer/Plan Checker/Designer	\$135.00
AutoCAD Technician.....	\$125.00
Engineering Technician.....	\$ 90.00
Clerical	\$ 85.00
Forensic Engineering	\$250.00
Expert Witness Testimony	\$350.00
 <u>SURVEYING SERVICES</u>	
2-Man Survey Crew (Prevailing Wage).....	\$240.00
 <u>CONSTRUCTION SERVICES</u>	
Senior Construction Inspector (Prevailing Wage)	\$120.00
Construction Inspector (Prevailing Wage)	\$110.00
 <u>REIMBURSABLE COSTS</u>	
In-house Reproduction	Cost
Printing and Materials	Cost + 10%
Express Mail/Courier/Next Day Service ..	Cost + 10%
Special Subconsultant Services ...	Cost + 10%



City of Needles, California Request for Council Action

CITY COUNCIL NPUA BOARD OF PUBLIC UTILITIES
 Regular Special

Meeting Date: January 25, 2022

Title: Authorize Brooks Consulting to Develop Plans for the 69kV line for Future Load Growth not to exceed \$18,000 funded by the Electric Operating Expenses

Background: On March 29, 2017, Western Area Power Administration increased the power delivery load of the NPUA to 60 Megawatts (MW). One condition of the approval was that when the load reach 30 MW the system load would be split between Bush and Eagle Pass Substation. This load split may result in reliability issues. The current electric load has reach 22 MW during peak season.

Brooks Consulting is reviewing the current and future peak loads to develop and propose system improvements that can be implemented now to avoid future system issues. The final report will be available and presented in March to the Board of Public Utilities and followed by City Council. The Board of Public Utilities approved the recommended action on January 18, 2022.

Fiscal Impact: To be funded by the Electric Operating Expenses

Sm Sylvia Miledi

Recommended Action: Authorize Brooks Consulting to Develop Plans for the 69kV line for Future Load Growth not to exceed \$18,000 funded by the Electric Operating Expenses

Submitted By: Rainie Torrance, Assistant Utility Manager

City Management Review: Rick

Date: 1/20/22

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u>4</u>



664 Vermillion Peak Dr.
Windsor, CO 80550
678-427-0126

December 13, 2021

Rainie Torrance
City of Needles
817 Third Street
Needles CA 92363

Rainie,

There is a need to supplement the support for completing the future planning project and report for the city. As you know, there are many complex issues that together have made the way forward challenging. This study started to just simply model and look at the 69kV of Needles, which was completed after collecting the needed information and physical layout of the system. However, as this was being finished, several major issues moved to the forefront to impact the system in major ways. They include the general and specific additions of more cannabis sites, the current and future effects of growth at Moabi, a new south side substation to serve the cannabis sites, the increase in motor demand in the Fish and Wildlife site in Arizona, and the forthcoming event that Needles will exceed the WAPA allocation peak for Needles of 30MW from Noname. These challenges all affect the decisions made today for growing a quality, efficient, and timely power system to meet these issues. The initial funds have been consumed and the scope has been expanded to now review these issues and frame them for a proper system response.

The estimated supplemental need is \$18,000. This includes about \$7k of work not billed but was used to work on these issues, an additional \$7k to now complete the work and the report and develop a presentation, and about \$2.5k for the trip there to present the results to the board and others, and the balance of the estimate for travel expenses.

Thank you for this opportunity to provide important information to help Needles navigate the future development of their system.

Great regards,

Christopher L. Brooks, PE
Principal-President



Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland, CO 80539-3003

MAR 29 2017

City of Needles
Rick Daniels, City Manager
817 Third Street
Needles, CA 92363

Dear Mr. Daniels:

The City of Needles (Needles) has requested from Western Area Power Administration (WAPA) a notification identifying how much transmission capacity can be granted to serve Needles' projected increased load in the near future.

WAPA has performed studies, reviewed the information, and determined that a total of 60 Megawatts can be provided to Needles on the following conditions:

- 1) Needles must split their load between Bush and Eagle Pass;
- 2) Maintain area voltage levels above .95 per unit, which may require Needles to install additional voltage support on their system;
- 3) Needles will be required to submit a transmission service request to WAPA and follow WAPA's Tariff procedures and practices;
- 4) Needles will be required to sign both a Transmission Service Agreement and a Network Operating Agreement, which will contain the stipulations for accepting this increase of capacity.

Not adhering to items one and two may result in reliability issues causing the loss of power. Item three initiates the process of granting the additional capacity and item four ensures the stipulations of WAPA granting the transmission.

For WAPA to grant this transmission to Needles, it needs to be understood that Needles' load-serving system would be split in two, with neither normally operated interconnected to the other, and with either normally served from a radial 69kV path different than the other. So, while WAPA and Needles work on a longer term solution to support a 230 MW transmission request, there is a potential of a disturbance on those lines in either radial path to cause Needles to shed load.

Any questions related to this letter should be directed to Mr. John Steward at (602) 605-2774.

Sincerely,



Robert H. Easton
VP of Transmission Services for
CRSP, DSW and RMR

Engineer's Estimate - L Street Booster Pump Station Replacement

prepared by Epic Engineering as of 12/9/20

Item	Description	Quantity	Unit	Cost/Unit	Cost
SITE WORK					\$ 30,100.00
1	MOBILIZATION	1	LS	\$ 11,128.84	\$ 11,128.84
2	IMPORT ENGINEERED FILL	16	CY	\$ 20.70	\$ 331.20
3	IMPORT ROADBASE	13	CY	\$ 29.90	\$ 398.67
4	COATED CHAINLINK FENCE	180	LF	\$ 52.90	\$ 9,522.00
5	DEMO OF EXISTING BUILDING	1	LS	\$ 8,625.00	\$ 8,625.00
UTILITIES					\$ 40,900.00
6	3" ELECTRICAL CONDUIT	50	LF	\$ 20.70	\$ 1,035.00
7	12" PVC C-905 CUL. WATERLINE	100	LF	\$ 57.50	\$ 5,750.00
8	CUT IN 12" TEE	2	LS	\$ 5,980.00	\$ 11,960.00
9	12" TEE	2	EA	\$ 2,875.00	\$ 5,750.00
10	12" 90 BEND	4	EA	\$ 2,070.00	\$ 8,280.00
11	12" BFV	2	EA	\$ 4,025.00	\$ 8,050.00
INTERIOR PVF					\$ 108,900.00
12	VERTICAL TURBINE PUMP	2	EA	\$ 20,010.00	\$ 40,020.00
13	HEAT EXCHANGER (AIR HANDLER)	1	EA	\$ 9,390.73	\$ 9,390.73
14	12" x 8" FABRICATED STEEL HEADER (L=10')	1	LS	\$ 6,875.00	\$ 6,875.00
15	12" x 6" FABRICATED STEEL HEADER (L=18')	1	LS	\$ 3,750.00	\$ 3,750.00
16	6" FL 90° BEND	2	EA	\$ 562.50	\$ 1,125.00
17	10" FL 90° BEND	2	EA	\$ 750.00	\$ 1,500.00
18	12" MJ 90° BEND w/M.L.	1	EA	\$ 1,375.00	\$ 1,375.00
19	12" FL 90° BEND	1	EA	\$ 1,375.00	\$ 1,375.00
20	12" x 10" FL TEE	1	EA	\$ 2,000.00	\$ 2,000.00
21	12" x 10" FL x GE REDUCER	2	EA	\$ 2,062.50	\$ 4,125.00
22	10" FL GATE VALVE	2	EA	\$ 1,625.00	\$ 3,250.00
23	6" FL SLANTING DISC CHECK VALVE	2	EA	\$ 2,125.00	\$ 4,250.00
24	12" FL MAG METER	1	EA	\$ 10,625.00	\$ 10,625.00
25	2" COMBINATION AIR VAC VALVE	1	EA	\$ 1,250.00	\$ 1,250.00
26	6" GE SPOOL	2	EA	\$ 287.50	\$ 575.00
27	6" FL SPOOL	2	EA	\$ 287.50	\$ 575.00
28	8" FL SPOOL	2	EA	\$ 661.25	\$ 1,322.50
29	12" FL x GE SPOOL	2	EA	\$ 805.00	\$ 1,610.00
30	6" FL x GE ADAPTER	5	EA	\$ 460.00	\$ 2,300.00
31	10" FL x GE ADAPTER	5	EA	\$ 632.50	\$ 3,162.50
32	12" MJ LONG SLEEVE w/M.L.	3	EA	\$ 1,250.00	\$ 3,750.00
33	PRESSURE GAUGE TREE	3	LS	\$ 1,265.00	\$ 3,795.00
34	PIPE SUPPORTS (FLOOR)	3	EA	\$ 287.50	\$ 862.50

STRUCTURAL/ ARCHITECTURAL					\$ 53,900.00	
35	RAIN GUTTERS	40	LF	\$ 17.25	\$	690.00
36	DOUBLE DOOR 6'-4" X 7'-0"	1	EA	\$ 4,600.00	\$	4,600.00
37	ASPHALT ROOFING	300	SF	\$ 6.61	\$	1,983.75
38	FIRE EXTINGUISHER	1	EA	\$ 230.00	\$	230.00
39	SIGNAGE	1	LS	\$ 2,000.00	\$	2,000.00
40	CONCRETE MASONRY	600	SF	\$ 22.50	\$	13,500.00
41	PAINTING/COATINGS	1	LS	\$ 8,041.95	\$	8,041.95
42	CONCRETE FOOTING/FOUNDATION	10	CY	\$ 575.00	\$	5,750.00
43	CONCRETE FLOOR SLAB	3	CY	\$ 575.00	\$	1,725.00
44	SKYLIGHTS	2	EA	\$ 2,990.00	\$	5,980.00
45	WOOD FRAMED ROOF	216	SF	\$ 23.00	\$	4,968.00
46	EXTERIOR SOFFIT	80	SF	\$ 11.50	\$	920.00
47	INTERIOR GYPSUM BOARD	840	SF	\$ 2.01	\$	1,690.50
48	SOUND BOARD	600	SF	\$ 2.88	\$	1,725.00
					SUBTOTAL =	\$ 233,800.00
ELECTRICAL					\$ 58,500.00	
49	ELECTRICAL (25%)	1	L.S.	\$ 58,500.00	\$	58,500.00
					SUBTOTAL =	\$ 292,300.00
50	CONTINGENCY (10%)	1	L.S.	\$ 29,300.00	\$	29,300.00
					TOTAL	\$ 321,600.00

ENGINEERING & MANAGEMENT						
1	ENGINEERING DESIGN (18%)	1	LS	\$ 57,888.00	\$	57,888.00
2	CONSTRUCTION MANAGEMENT SERVICES (7%)	1	LS	\$ 20,904.00	\$	20,904.00
					SUBTOTAL =	\$ 78,792.00

GRAND TOTAL					\$	400,392.00
GRAND TOTAL ROUNDED					\$	400,400.00



City of Needles, California Request for Council Action

CITY COUNCIL NPUA BOARD OF PUBLIC UTILITIES
 Regular Special

Meeting Date: January 25, 2022

Title: Authorize Simon Sewer Maintenance to complete three (3) Manhole Geopolymer Rehabilitations in the amount of \$13,500, Wastewater Plant Transfer Well No. 1 Lift Station Geopolymer Rehabilitation in the amount of \$11,375 and Wastewater Plant Transfer Well No.2 Lift Station Geopolymer Rehabilitation in the amount of \$11,375 utilized Wastewater Asset Replacement Funds

Background: Staff have been conducting manhole inspections since 2019 and developing a changeout program for deteriorated and damaged manholes that need replacement or rehabilitation. In 2021, three (3) deteriorated manhole rehabilitation were completed on East Broadway at the entrance of the Wastewater Plant. The next phase of the project is to complete three (3) additional rehabilitation on Front Street and L Street. The project consists of removing and replacing 30 vertical feet of the manhole with geopolymer coating which adds 30 years of useful life to the manhole.

The Wastewater Plant has two wet well transfer lift stations which have deteriorated concrete and require immediate rehabilitation. In order to stay in operation only one wet well rehabilitation can be completed at a time. Therefore, each wet well will be completed separately at different times as such each has separate mobilization costs thus creating two separate capital projects. The project includes pressure washing the existing wet well and installing 225 square feet of geopolymer coating to re-strengthen the concrete which will add an additional 20 years of useful life to the wet well lift stations at the plant. There has been no rehabilitation to the transfer wet well lift station since the plant was built.

There has been no additional contractor found that can complete the geopolymer coating on wastewater infrastructure. The Board of Public Utilities approved the recommended action on January 18, 2022.

Fiscal Impact: As of November 30, 2021, the Wastewater Asset Replacement fund has \$336,716 available, proposed capital improvement projects would reduce the fund by \$36,250. Am Sylvia Miledi

Recommended Action: Authorize Simon Sewer Maintenance to complete three (3) Manhole Geopolymer Rehabilitations in the amount of \$13,500, Wastewater Plant Transfer Well No. 1 Lift Station Geopolymer Rehabilitation in the amount of \$11,375 and Wastewater Plant Transfer Well No.2 Lift Station Geopolymer Rehabilitation in the amount of \$11,375 utilized Wastewater Asset Replacement Funds

Submitted By: Rainie Torrance, Assistant Utility Manager

#6



City of Needles, California
Request for Council Action

City Management Review: Rick

Date: 1/20/22

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u> 6 </u>

Simon Sewer Maintenance

A Division of SIMON FAMILY ENTERPRISES, INC.

Jay Simon



**P.O. BOX 616
FLORENCE, AZ.
85132 USA
CELL (520) 360-0383
PHONE (520) 868-0163
WEBSITE: www.SimonSewer.com
EMAIL: simonsozz@cybertrails.com**

January 10, 2022

CITY OF NEEDLES
817 THIRD STREET
NEEDLES, CALIFORNIA 92363 USA

ATTN: Rainey Torrance, NdlsAcct@Citlink.net

RE: **Proposal:** Needles, Lift Station #1 Geopolymer Rehabilitation Project

We are pleased to offer the following proposal to provide Geopolymer lining for 225 SF on one lift station. Our proposal is based upon correspondence with your team via email, on site visit, and phone. This proposal includes providing labor, material, supervision, and equipment necessary to complete the scope of work listed below.

Scope of work performed by Advanced Enviro Cure Services:

- Proposal based on an approximate of 225 square feet for lift station
- Provide pre-work submittal
- Mobilize equipment and personnel necessary to complete structure rehabilitation
- Typical surface preparation
- Spray application of Geopolymer

Item No.	Description	Qty	Unit	Rate	Total
1	Mobilization	1	EA	\$1,250	\$1,250
1	Geopolymer Lining - (1" Thickness) - 1 Lift Station	225	SF	\$45	\$10,125
TOTAL PROPOSAL				\$11,375	

Please note, this pricing does NOT INCLUDE the cost for the following items on the next page:

Please note, this pricing does **NOT INCLUDE** the cost for the following items below:

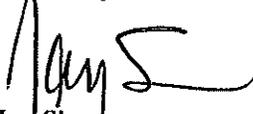
- Furnishing bid, performance, or payment bonds – add 1.5% if required
- Bypass Pumping
- Traffic Control
- Non-weather- related delays
- Pressure Grouting
- Well Point/Dewatering to lower water table
- Material Disposal
- Site clearing or excavation
- Site Restoration
- Permits or Fees

General Notes & Conditions:

- Customer to provide access and locations to the life stations and manholes
- Customer to provide access to potable water supply and hydrant
- We shall not be responsible for any surface damage to surrounding surfaces
- Pricing valid for 30 days
- Pricing based on 12hr workday/6-day work week
- Each additional mobilization shall be charged separately

Thank you for the opportunity to submit our quote for your project. Should you have any questions or require additional information, please do not hesitate to contact me. If all is acceptable please sign the quote and email a copy back to us.

Sincerely,



Jay Simon

Proposal Accepted by: _____
Title: _____
Date: _____

Simon Sewer Maintenance

A Division of SIMON FAMILY ENTERPRISES, INC.

Jay Simon



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WEBSITE: www.SimonSewer.com
EMAIL: simonsewz@cvbartale.com

January 10, 2022

CITY OF NEEDLES
817 THIRD STREET
NEEDLES, CALIFORNIA 92363 USA

ATTN: Rainey Torrance, NdlsAcct@Citlink.net

RE: **Proposal:** Needles, Lift Station #2 Geopolymer Rehabilitation Project

We are pleased to offer the following proposal to provide Geopolymer lining for 225 SF on one lift station. Our proposal is based upon correspondence with your team via email, on site visit, and phone. This proposal includes providing labor, material, supervision, and equipment necessary to complete the scope of work listed below.

Scope of work performed by Advanced Enviro Cure Services:

- Proposal based on an approximate of 225 square feet for lift station
- Provide pre-work submittal
- Mobilize equipment and personnel necessary to complete structure rehabilitation
- Typical surface preparation
- Spray application of Geopolymer

Item No.	Description	Qty	Unit	Rate	Total
1	Mobilization	1	EA	\$1,250	\$1,250
1	Geopolymer Lining - (1" Thickness) - 1 Lift Station	225	SF	\$45	\$10,125
TOTAL PROPOSAL				\$11,375	

Please note, this pricing does NOT INCLUDE the cost for the following items on the next page:

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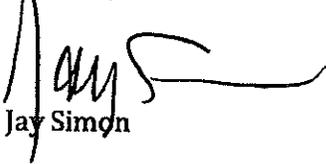
- Furnishing bid, performance, or payment bonds – add 1.5% if required
- Bypass Pumping
- Traffic Control
- Non-weather- related delays
- Pressure Grouting
- Well Point/Dewatering to lower water table
- Material Disposal
- Site clearing or excavation
- Site Restoration
- Permits or Fees

General Notes & Conditions:

- Customer to provide access and locations to the life stations and manholes
- Customer to provide access to potable water supply and hydrant
- We shall not be responsible for any surface damage to surrounding surfaces
- Pricing valid for 30 days
- Pricing based on 12hr workday/6-day work week
- Each additional mobilization shall be charged separately

Thank you for the opportunity to submit our quote for your project. Should you have any questions or require additional information, please do not hesitate to contact me. If all is acceptable, please sign the quote and email a copy back to us.

Sincerely,



Jay Simon

Proposal Accepted by: _____

Title: _____

Date: _____

Simon Sewer Maintenance

A Division of SIMON FAMILY ENTERPRISES, INC.

Jay Simon



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EMAIL: simonsews@worldnet.att.net

January 10, 2022

CITY OF NEEDLES
817 THIRD STREET
NEEDLES, CALIFORNIA 92363 USA

ATTN: Rainey Torrance, NdlsAcct@Citlink.net

RE: **Proposal:** Needles, Manhole Geopolymer Rehabilitation Project

We are pleased to offer the following proposal to provide Geopolymer lining for 30 VF on three manholes. Our proposal is based upon correspondence with your team via email, on site visit, and phone. This proposal includes providing labor, material, supervision, and equipment necessary to complete the scope of work listed below.

Scope of work performed by Advanced Enviro Cure Services:

- Proposal based on an approximate of 30 vertical feet for manholes
- Provide pre-work submittal
- Mobilize equipment and personnel necessary to complete structure rehabilitation
- Typical surface preparation
- Spray application of Geopolymer

Item No.	Description	Qty	Unit	Rate	Total
1	Geopolymer Lining - (1" Thickness) - 3 Manholes	30	VF	\$450	\$13,500
TOTAL PROPOSAL					\$13,500

Please note, this pricing does NOT INCLUDE the cost for the following items on the next page:

Please note, this pricing does **NOT INCLUDE** the cost for the following items below:

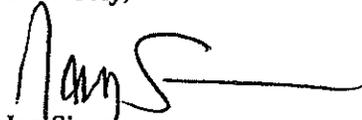
- Furnishing bid, performance, or payment bonds – add 1.5% if required
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- Permits or Fees

General Notes & Conditions:

- Customer to provide access and locations to the life stations and manholes
- Customer to provide access to potable water supply and hydrant
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- Pricing valid for 30 days
- Pricing based on 12hr workday/6-day work week
- Each additional mobilization shall be charged separately

Thank you for the opportunity to submit our quote for your project. Should you have any questions or require additional information, please do not hesitate to contact me. If all is acceptable, please sign the quote and email a copy back to us.

Sincerely,



Jay Simon

Proposal Accepted by: _____
Title: _____
Date: _____



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Title: City Council Resolution 2022-13
A Resolution of the City Council of the City of Needles Approving a Conditional Use Permit for a Cannabis Two -Phase Development of a Cultivation Facility Totaling 19,340 Sq. Ft. located at 315 Balboa Place, Needles, CA, also Known as APN 0660-081-21-0000, in the C-3 Highway Commercial Zone.

Background:

John Bistagne, Applicant for Route 66 Farms LLC, is proposing tenant improvements to an existing 4,520-square-foot building (Phase 1) and the construction of an additional 14,820 square feet of interior floor space to be added to the existing building (Phase 2) for the purpose of cannabis cultivation. The project site is located at 315 Balboa Place, also known as APN 0660-081-21-0000. The project is situated on a developed 0.80-acre parcel located at the intersection of River Drive and Balboa Place, approximately 350 feet east of the Interstate 40 freeway and located within the Highway Commercial (C-3) zoning designation. The existing building formally operated as a truck and automobile tire repair shop known as Tri-State Tire (see Attachment A, *Project Location*).

As shown in Attachment B-1, *Phase 1 Site Plan*, Phase 1 would involve interior tenant improvements to an existing 4,520-square-foot building consisting of interior wall partitioning for the creation of two (2) cultivation flowering rooms (Room 2 = 1,146 sq. ft.; Room 3 = 1,375 sq. ft.), a cultivation mature plant room (Room 1 = 579 sq. ft.), a dry room, a secure storage room, a secured entry room, and a bathroom (see Attachment C-1, *Phase 1 Floor Plan*).

As shown in Attachment B-2, *Phase 2 Site Plan*, Phase 2 would involve the construction of a two-story building to connect with the existing building and extend outward from the existing building footprint in a south and southeasterly direction on the property. Phase 2 expansion would create a total of approximately 14,820 additional square feet of interior floor space. Combined with the interior floor space of Phase 1 (4,520 square feet), the project upon completion of Phase 2 development would have an overall total of 19,340 square feet of interior floor space.

As shown in Attachment C-2A, *Phase 2 Floor Plan (1st Floor)*, the first floor would contain two (2) cultivation/flower rooms (Room 4 = 2,058 sq. ft.; Room 5 = 3,206 sq. ft.), a fertigation room, bathrooms, a janitorial room, a corridor and elevator lift, all totaling 7,512 square feet. As shown in Attachment C-2B, *Phase 2 Floor Plan (2nd Floor)*, the second floor would contain three (3) cultivation/flower rooms (Room 5 = 1,330 sq. ft.; Room 6 = 1,599 sq. ft.; Room 7 = 2,058 sq. ft.), a janitorial room, a secured cannabis waste storage room,

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elevator lift, a corridor and a fertigation room. All rooms and corridors combined would total 7,308 square feet of interior floor space.

As shown in Attachment D-1, *Phase 1 Elevation Plan*, Phase 1 tenant improvements would result in three roll-up doors, two sealed-off roll-up doors converted into pedestrian doors, a sealed off window and two additional pedestrian doors and with an overall height of 15'-10". As shown in Attachment D-2, *Phase 2 Elevation Plan*, the building envelope addition would have an overall height of approximately 32'-6" tall measured at the lower parapet and approximately 37'-6" measured at the upper parapet. As shown in Attachment D-3, *Phase 1 Conceptual Elevation Plan*, the original building would maintain its original exterior finish color for metal siding and roof trimming, however, as shown in Attachment D-4, *Phase 2 Conceptual Elevation Plan*, the project's 2-story addition would present more of a moderate to darker brown earth-tone color for metal siding and roof trimming.

Upon completion of Phase 1, the project would employ 3 staff personnel and upon completion of Phase 2 expansion, would employ a total of 12 staff personnel and would operate 24 hours per day 7 days per week with 7 parking stalls, including 1 ADA parking stall under Phase 1 development, and 17 parking stalls, including 1 ADA parking stall under Phase 2 development.

On May 26, 2020, the City Council adopted Ordinance No. 629- AC, allowing cannabis cultivation in zones C-1, C-2, C-3, M-1 and M-2 with the approval of a Conditional Use Permit and a Regulatory Permit.

The matter was heard before the Planning Commission at the December 16, 2021 meeting. There was no public comment on the matter. A condition was added to include a six (6) foot tall wrought iron fence be constructed to encompass all the property boundaries. There was discussion regarding the architectural enhancements to include pop out features that provide enhancement to the buildings.

At the December 16, 2021, Planning Commission Meeting, Planning Commissioners voted unanimously to approve the project.

Conditional Use Permit Findings.

In accordance with Section 94.07, the City Council must make the following findings for a Conditional Use Permit:

1. That the requested permit is within its jurisdiction according to the table of permissible uses.
2. The application is complete.
3. The use is consistent with the General Plan.
4. The use will be in harmony with the area in which it is to be located.
5. The use will not materially endanger the public health or safety.
6. The use will not substantially injure the value of adjoining or abutting property.
7. That the project overall is consistent with the preceding findings.

Public Notification:

A public hearing notice was published in the Needles Desert Star on January 12, 2022, posted in two conspicuous locations within the city and mailed to property owners within 300' of the project site.

Fiscal Impact:

1. The 10% of gross sales of medical marijuana business tax (voter approved (2012).
2. Valuation of new buildings – added to city tax rolls.
3. NPUA – electric/water/sewer usage revenue.
4. Recurring business license and permitting fees.
5. A 15% State tax – a portion of which will be passed to local government, as enacted by the approval of Proposition 64 in November 2016.
6. Statewide 10% sales tax, the city’s share is 1%.

Environmental:

This project is categorically exempt under the California Environmental Quality Act, CEQA Guidelines, Section 15332(a-e), Class 32. A project is considered exempt from CEQA under Class 32 if it is consistent with the applicable General Plan designation and policies, and applicable zoning; occurs within city limits on a project site of no more than five (5) acres in size; has no value as habitat for endangered, rare, or threatened species; does not result in significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services.

Recommendation: Approve Resolution 2022-13 Approving a Conditional Use Permit for a Two-Phase Development of a Cannabis Cultivation Facility Totaling 19,340 Sq. Ft. located at 315 Balboa Place, Needles, CA, also known as APN 0660-081-21-0000, in the C-3 Highway Commercial Zone.

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: Rick **Date:** 1/20/22

Agenda Item: 7

RESOLUTION 2022-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING A CONDITIONAL USE PERMIT FOR A TWO-PHASE DEVELOPMENT OF A CANNABIS CULTIVATION FACILITY TOTALING 19,340 SQ. FT. LOCATED AT 315 BALBOA PLACE, NEEDLES, CA, ALSO KNOWN AS APN 0660-081-21-0000, IN THE C-3 HIGHWAY COMMERCIAL ZONE.

WHEREAS, the City Council wishes to assist property owners in their efforts to build in the City in a reasonable manner that does not create a hazard to health, safety and welfare or degrade property values or create incompatibility with surrounding uses; and

WHEREAS, on May 26, 2020 City Council Ordinance No. 629-AC was approved allowing cannabis cultivation in zones C1, C2, C3, M1 and M2, with a Conditional Use Permit and Regulatory Permit; and

WHEREAS, the parcel being considered for cannabis cultivation is currently zoned C-3 “Highway Commercial” for APN 0660-081-21-0000; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on December 1, 2021, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing; and

WHEREAS, on December 16, 2021, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to RESOLUTION 12-16-2021 PC; and

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on Wednesday, January 12, 2022, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time, and location of the public hearing; and

WHEREAS, on January 25, 2021, the Needles City Council held a duly noticed and advertised public hearing for a conditional use permit for a two-phase development of a cannabis cultivation facility totaling 19,340 sq. ft. located at 315 balboa place, needles, ca, also known as apn 0660-081-21-0000, in the c-3 highway commercial zone, Resolution 2022-13; and

WHEREAS, Section 94.07(d) of the Needles City Code describes the findings required to approve a Conditional Use Permit; and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that this project is categorically exempt under the California Environmental Quality Act, CEQA Guidelines, Section 15332(a-e), Class 32. A project is considered exempt from CEQA under Class 32 if it is consistent with the applicable General Plan designation and policies, and applicable zoning; occurs within city limits on a project site of no more than five acres in size; has no value as habitat for endangered, rare, or threatened species; does not result in significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services.

SECTION 2. The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a Conditional Use Permit, according to the criteria specified in Section 94.07(d) of the Needles City Code:

A. *That the requested permit is within its jurisdiction according to the table of permissible uses.*

FINDING: The facility is located in a Highway Commercial (C-3) zoning designation, which under Ordinance No. 629 AC, permits cannabis cultivation operations to occur within the facility through approval of a Conditional Use Permit and a Regulatory Permit.

B. *The Application is Complete*

FINDING: The Applicant has submitted a complete application and has provided the required Site, Floor, Elevation, Rendering and Landscape Plans for the proposed development of tenant improvements to an existing 4,520 square foot building (Phase 1), and for the proposed building footprint envelope expansion (Phase 2) of approximately 14,280 additional square feet, totaling 19,340 square feet (at build-out) for the purpose of cannabis cultivation, which have been incorporated into this Staff Report

C. *The development is in general conformity with the Needles General Plan.*

FINDING: The proposed project, cultivation of cannabis, is consistent with uses identified in the General Plan Commercial Highway designation through the adoption of Ordinance No. 629- AC, which allows for cultivation facilities to operate within the Highway Commercial (C-3) designated zone, thereby providing consistency with the General Plan.

D. *The development is in harmony with the area in which it is located.*

FINDING: The project site is located on a developed 0.80-acre parcel that will involve tenant improvements and building footprint expansion for the purpose of cannabis cultivation. The conditions of approval require that only cultivation may be performed inside the building which would total 19,340 square feet at build-out. No manufacturing of products or sales will be permitted to occur within each building. Very little traffic is expected at the site, other than employees, material supply delivery and product shipment. The project, upon completion of Phase 1 development, is anticipated to generate 6 vehicle trips per working day and 24 vehicle trips per day upon completion of Phase 2 development. Therefore, this type of project is consistent with the uses occurring in the vicinity of the project site.

E. The development will not materially endanger the public health or safety.

FINDING: The project site is located in a commercially developed area of the City. Conditions of Approval have been placed on the project's proposed tenant improvements for the existing building (4,520 square feet) and the expanded building footprint at build out (19,340 square feet) to ensure that appropriate lighting, security systems, and ventilation systems are in place for health and safety purposes.

F. The development will not substantially injure the value of adjoining or abutting properties.

FINDING: The project site is zoned Highway Commercial (C-3). The area to the North is zoned Highway Commercial (C-3) and Commercial Residential Resort (CRR); to the South (beyond Interstate I-40 freeway) zoned General Commercial (C-2), to the East zoned Commercial Residential Resort (CRR); and to the West zoned Highway Commercial (C-3). The project has been conditioned (COA No. 66 and No.67) to install landscaping of desert efficient plant species, decorative rock, and pavers to enhance the project site's current nonexistent landscaping abutting Balboa Place. These requirements would assist in maintaining the value of adjoining or abutting properties.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **RESOLUTION 2022-13 PC**.

SECTION 4. The City Council HEREBY APPROVES Resolution **2022-13**, Approving a Conditional Use Permit for a Cannabis Cultivation Facility located within the parcel known as APN 0660-081-21-0000, in the C-3 Highway Commercial Zone.

1. Conditional Use Permit ("CUP") No. 12-16-2021 PC conditionally authorizes one Cannabis Cultivation Facility within an existing 4,520 square foot building under Phase 1 tenant improvements and within the entire building footprint totaling 19,340 square feet upon completion of Phase 2 construction. The project is located at 315 Balboa Place approximately 350 feet east of the Interstate 40 freeway also known as APN 0660-081-21-0000. This CUP does not authorize the use of a Distribution, Cooperative/Collective, Manufacturing, or

Testing Laboratory at this site within the 4,520 square foot building during Phase 1 operations, or under the entire building footprint (19,340 square feet) under Phase 2 operations. These Conditions of Approval shall apply to the cultivation of cannabis and the establishment of the Cultivation Facility only, whether it is classified as medical or, in the event it is legalized or otherwise provided immunity from prosecution within the State or by the Federal Government, recreational.

2. The Applicant/Owner/Operator, and his/her/its successor(s) in interest (“Applicant”) shall comply with all conditions of this CUP, including the Needles Municipal Code (“Municipal Code”) and Chapter 12A thereof, the City Zoning Code, including Article IV and Section 94 thereof, and all applicable laws, policies, rules and regulations of the City, County, and State; and shall comply with any requirements associated with this approval or with the issuance of any Cultivation Facility License as required by Chapter 12A of the Municipal Code.
3. This CUP is issued in accordance with the provisions of the Municipal Code, and all development subject to the CUP shall occur strictly in accordance with the CUP plans and applications approved by the City. Failure to implement and maintain all provisions of these conditions of CUP approval shall be deemed grounds for revocation.
4. The CUP is issued contingent upon the Applicant’s compliance with the provisions of Municipal Code Chapter 12A, and the issuance of all applicable permits and licenses in connection therewith, including, without limitation, a Cannabis Cultivation License, prior to the issuance of a Certificate of Occupancy pursuant to this CUP.
5. The approval for CUP No. 12-16-2021 PC is subject to the six (6) month expiration provisions of Section 94.13(a) of the City’s Zoning Code, and will expire on **06-06-22**.
6. The permit issuing authority may extend for a period of up to six (6) months, the date when the permit would otherwise expire pursuant to 94.13(a) if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application.
7. The Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul and/or seek monetary damages resulting from an approval of the City; or any agency or instrumentality thereof, advisory commission; appeal board or legislative body including actions approved by the voters of the City, concerning Applicant’s project. The City shall promptly notify the Applicant of any claim, action; or proceeding to which this condition is applicable and shall reasonably cooperate in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. As a condition of this approval, the Developer or its authorized representative shall:
 - (a) Execute an agreement to defend (with legal counsel of the City’s choice), indemnify and hold the City harmless from any and all claims, damages, legal or enforcement

actions, including, but not limited to, any actions or claims associated with violation(s) of federal law associated with the permitting, licensing, approval, and/or operation of the Cultivation Facility; and

- (b) Maintain insurance in the minimum amount of \$1 million per claim and \$2 million in the aggregate; and
 - (c) Name the City as an additional insured on all City required insurance policies; and
 - (d) Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Cultivation Facility.
8. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code and all applicable provisions of the adopted and applicable Building, Construction and Fire Codes, the Americans with Disabilities Act, and all City building, zoning, business, and health regulations. All new construction shall obtain appropriate building permits and comply with the requirements of the Planning, Building, and Fire Departments.
 9. With the exception for amendments and/or modifications that are consistent with Section 94.15 of the City's Zoning Code, anything not shown on the CUP application or the Site Plan, or which is not specifically approved herein, or which is not in compliance with the CUP, is not approved. Any application and/or plans which are defective as to, but not limited to, omissions, dimensions, scale, use, colors, materials, encroachments, easements, etc., shall render any entitlements granted hereunder null and void. Construction (if any) shall cease until all requirements of this CUP are complied with, and development entitlements may be withheld until any Code violations are abated.
 10. No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the City and Fire Department unless otherwise identified herein, and all offsite improvements have been completed and accepted by the City.
 11. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit a notarized affidavit acknowledging acceptance of the conditions of this CUP. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements shall be deemed to have lapsed if compliance with this condition has not been undertaken within the specified time limits.
 12. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
 13. The Applicant shall pay all established service, permit, impact, environmental, and other applicable fees required by the City as a condition of this CUP.
 14. The Applicant shall at all times comply with any applicable State law, including but not limited to: the Compassionate Use Act (Proposition 215), the Medical Cannabis Program Act

(Senate Bill 420), the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and any other State or California Constitutional provision, whether now or later adopted, including any location restrictions.

15. The Applicant shall apply for and obtain a Cannabis Cultivation License prior to operating the Cultivation Facility conditionally authorized by this CUP and shall at all times comply with the provisions of such license and applicable City Codes and regulations. The revocation or suspension of any required regulatory license shall operate to suspend all operations.
16. The Applicant must comply with the recommendations and conditions of the City Manager or his/her designee prior to issuance of any building permits. All development pursuant to this CUP must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
17. A Management, Operations, and Security Plan shall be reviewed, and approved by the City Manager (or Designee) and City Building Official prior to Building Permit Issuance. Installation of security measures, including those listed below (See Condition 42 a-e) must be completed, inspected, and approved by the City Manager (or Designee) and City Building Official prior to issuance of a Certificate of Occupancy.
18. Applicant shall provide adequate lighting above all entrances and exits to the proposed buildings, as well as all parking areas and walkways that are under the control of the Applicant.
19. All required lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare onto the premises only. Said lighting and glare shall be shielded to deflect lighting away from all adjoining properties.
20. Prior to the issuance of a Conditional Use Permit, the Applicant shall obtain an electric "Will-Serve" letter, as well as a "Will-Serve" letter for Domestic Water and Sanitary Sewer Service from the Needles Public Utility Authority ("NPUA").
21. If accidental discovery or recognition of any human remains occurs during grading or from trenching activities during Phase 1 or Phase 2 construction, development shall adhere to the following protocol contained in Public Resources Code (PRC) Section 5097.98. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:
 - There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify

the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or

- Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:
 - The Native American Heritage Commission (NAHC) is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
 - The descendant identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC.
22. During construction, the Applicant shall, at all times, maintain the project site free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days' notice by certified mail, the Applicant does not comply with a notice of violation issued during construction, the City may either cancel building or grading permits and/or implement nuisance abatement proceedings, including placing a lien on the property for costs of abatement.
23. Applicant shall locate outside trash bin(s) or trash cans in a secured, enclosed area; not to be seen by public view and shall be locked at all times.
24. The outdoor cultivation and/or sale of cannabis and/or cannabis products are prohibited on the project site. No activity including, but not limited to, seeding, growing, or processing shall be conducted outside of the enclosed Cultivation Facility. The only time in which the product of any type is allowed to be outside of the 4,520 square foot building (following completion of Phase 1 development) or outside of the 19,340 square foot building (following completion of Phase 2 development), would be for loading and/or transportation/logistic and/or disposal purposes, consistent with the approved Site Plans identified under Phase 1 and Phase 2 development. Indoor Cultivation is allowed only within a fully enclosed and secure structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, is secured against unauthorized entry, provides complete visual screening, is only accessible through doors, and is inaccessible to minors. Other types of activities or special events are prohibited on the project site unless the applicant has received an approved Temporary Use Permit subject to the provisions of the City Municipal Code.
25. All structures, building walls open to public view shall remain free of graffiti or other extraneous markings, drawing, or signage that was not approved by the City, unless directly related to the business being operated on the premises or otherwise providing pertinent

information about said premises. In the event graffiti or other extraneous markings occur, the Applicant shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surface.

26. Prior to occupancy, the Applicant shall prepare and file with the County Fire Department and Sheriff's Department a detailed evacuation plan in the event of an emergency that details how the buildings will be secured and how first responders will gain access to the project site and buildings.
27. Applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB), Colorado Region.
28. Prior to construction of the building facility, the applicant shall fill out the City's Industrial Wastewater Discharge checklist and provide the City with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation.

This shall involve and require the applicant to construct a sampling manhole onsite to connect to the facility's wastewater line that will tie-in to the nearby existing sewer line, and shall be constructed large enough in diameter for test tubes to be fitted down for water capture and testing. Said manhole shall be located between Buildings 1, 2 and 3 and the City's sewer main (on Columbus Street) with access for City Staff, and a composite sampling device to be installed in the manhole with a remote controller. The depth of the manhole will depend on the depth of the sewer.

The applicant shall also describe if:

- a) Reverse osmosis will be utilized, and if so, shall provide documentation to the City of how concentrated levels of Total Dissolved Solids (TDS) and brine solutions will be disposed and of the licensed entity that will be appointed in receiving TDS waste; or
- b) If Hydroponic Grow Methods will be utilized, the applicant shall notify the City prior to initial discharge of hydroponic water media. Testing shall be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been replaced/installed and re-tested by the wastewater testing firm until discharge levels of dissolved solids fall below the maximum allowable threshold. Failure to notify the City or detection of an unapproved discharge shall be considered "non-compliant" and is subject to sanctions up to and including discontinuance of service in accordance with Sections 9.5 and 10.7 of the City Code.

29. No nuisance water shall escape the Project Site onto public streets or adjacent properties.
30. If hazardous substances are used and/or stored in connection with the project, that exceed 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time in the course of a year, a Business Emergency/Contingency Plan shall be prepared prior to issuance of

Certificate of Occupancy and shall be in compliance with California Health & Safety Code (CHSC), Division 20, Chapter 6.95, Sections 25500 – 25520, California Code of Regulations (CCR), Title 19, Division 2, Chapter 4, Article 4, Sections 2729 - 2732, Title 40, Code of Federal Regulations (CFR), and Environmental Protection Agency (EPA) (SARA, Title III). A technical opinion and report may be required, identifying and developing methods of protection from the hazards presented by the hazardous materials. This report shall be prepared by a qualified and properly licensed person, firm, or corporation and submitted to the Fire Department. This report shall also explain the proposed Facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

31. Prior to Building Permit release for Phase 1 development, Applicant shall identify on Floor plans the location of the secure storage area/room

32. Indoor Cultivation of canopy coverage space under Phase 1 development shall not exceed the following as authorized pursuant to the CUP:
 - 320 square feet under Room 1 - Cultivation Mature Plant Room
 - 678 square feet under Room 2 - Cultivation/Flower Room
 - 849 square feet under Room 3 - Cultivation/Flower Room

Indoor Cultivation of canopy coverage space under Phase 2 development shall not exceed the following as authorized pursuant to the CUP:

- 1,300 square feet under Room 4 - Cultivation/Flower Room
- 2,280 square feet under Room 5 - Cultivation/Flower Room
- 1,330 square feet under Room 5 (upper floor) - Cultivation/Flower Room
- 1,330 square feet under Room 6 (upper floor) - Cultivation/Flower Room
- 1,625 square feet under Room 7 (upper floor) - Cultivation/Flower Room

In the event that State law further restricts or limits these requirements, the Cultivation Facility shall comply with all size requirements for such facilities imposed by State law and consistent with any State issued permit or license. A decrease in Indoor Cultivation below that which is authorized shall not require a new or amended CUP.

33. Indoor Cultivation shall not adversely affect the health or safety of the nearby residents, businesses or properties by creating offensive odors, dust, glare, heat, noise, smoke, traffic, vibration, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby properties or areas open to the public, and shall not be hazardous due to use or storage of materials, processes, products or wastes. The building, upon completion of Phase 1 and Phase 2 development, shall incorporate, operate and maintain sufficient odor absorbing ventilation through the use of charcoal lined filtration and exhaust systems.

34. The Cultivation Facility shall comply fully with all applicable restrictions and mandates set forth in State law, including without limitation, the Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued by the California Attorney General in August 2008, as may be amended from time to time. The Cultivation Facility shall not engage in any activities not allowed at Cultivation Facilities pursuant to State law and Chapter 12A of the Municipal Code. The Cultivation Facility shall comply with all horticultural, labeling, processing, and other standards required by State law and Chapter 12A of the Municipal Code.
35. All cannabis and cannabis products shall be stored in a secured manner within the Cultivation Facility during business and non-business hours.
36. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of the Cultivation Facility. The term "premises" includes the actual buildings, as well as any accessory structures and parking areas. The building entrances to the Cultivation Facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis on the premises or in the vicinity of the Facility is prohibited.
37. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Cultivation Facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Cultivation Facility.
38. With the exception of Emergency Medical Care provided in the event of an accident or injury, Physician services shall not be provided on the premises.
39. No physical change, alteration, or modification of the premises of the Cultivation Facility is allowed that materially or substantially alters the permitted use or the approved site plans. Material changes include, but are not limited to, an increase or decrease in the total square footage of the Cultivation Facility, or the addition, sealing of, or relocation of a wall, common entryway, doorway, or other means of ingress and/or egress to the Facility.
40. The Cultivation facility shall not distribute, sell, dispense, or administer cannabis out of its Facility to the public. A Cultivation facility shall not be operated as a Cooperative/Collective.
41. The Applicant shall identify the on-site manager(s) of the Facility to whom notice of operational issues may be provided. The Cultivation Facility shall make every good faith effort to encourage residents, businesses, or members of the public to call this Facility Manager as a first step to resolving operating problems, if any, before calls or complaints are lodged with the Sheriff's or Planning Department.
42. A security plan shall be clearly detailed on the Site Plan and installed at the Facility, including the following measures:

- (a) Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the City Manager or his/her designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and corners of the building, and any other areas as determined by the City Manager or his/her designee. Recordings shall be made available to the City Manager or his/her designee upon 24 hours' notice;
 - (b) The facility shall be alarmed with an alarm system that is operated and monitored by a properly licensed security company. Any security personnel, whether armed or unarmed, employed by the Cultivation Facility shall have and possess on their person a valid, State issued, licenses (commonly known as a "Guard Card");
 - (c) Entrance to the cultivation area and any storage areas shall be locked at all times, and under the control of staff of the Cultivation Facility;
 - (d) The entrance(s) shall be illuminated during evening hours. The Applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.
 - (e) Entry doors to building upon completion of Phase 1 and Phase 2 development shall be appropriately secured and all cannabis securely stored, and a reliable, commercial alarm system shall be installed and maintained.
43. Applicant shall enter into an agreement with the City that fully reimburses the City for all costs incurred by the City, resulting from the existence of the Facility, and provides the City with any applicable impact or other fees, imposed now or hereafter, to offset the potential impacts of the Cultivation Facility within the City.
44. The City Manager, or the City Manager's designee, shall have the right to enter the Cultivation Facility from time to time for the purpose of making reasonable inspections to observe and enforce compliance with these conditions of approval and all laws of the City and State of California.
45. If the Applicant utilizes an average of 125 percent or more of the permitted electricity or water amount based on the electric and water Will-Serve letters, in any one (1) year without prior written approval by the NPUA, all operations must cease immediately and the same shall be grounds for revocation of the CUP. Average electricity and water usage will be monitored on a quarterly basis by NPUA and City of Needles.
46. Operation of the Cultivation Facility in violation of any condition(s) of this CUP approval or requirements of Chapter 12A of the Municipal Code or other City regulation or ordinance shall constitute a violation of the CUP and shall be enforced pursuant to the provisions of thereof.

47. If any condition of approval of this CUP is held or declared to be invalid by a court of competent jurisdiction, the entire Project and CUP may be reviewed and substitute and/or additional conditions may be imposed.
48. Any violation of these conditions of approval shall constitute grounds for revocation of the CUP. The CUP may be revoked by the permit-issuing authority only in accordance with the requirements of Section 118.04 of the City's Zoning Code. Any such decision is appealable by the Applicant in accordance with Section 118.05 of the City's Zoning Code.
49. The project shall be built in conformance to the site plan drawing dated August 3, 2021. Any deviation from the approved plan shall require Planning Commission approval.
50. Applicant must use asphalt or concrete for driving and parking surfaces per City standards.
51. The project is required to be handicap accessible, with ADA compliant restrooms for the building under completion of Phase 1 and Phase 2 development.
52. Any exposed metal surfaces to the building shall be masked with architectural treatment. At all times the building shall be maintained with appropriate paint or exterior treatment.
53. Prior to Building Permit issuance the Applicant shall revise plans to include a statement confirming that the existing building shall comply with all 2019 California Building Code (CBC).
54. Prior to Phase 1 Certificate of Occupancy, the existing building shall have a fully operable fire sprinkler system installed. Prior to Phase 2 building permit release, the applicant shall submit plans to the City for review that fully demonstrates the expansion of the fire sprinkler system into the expanded building footprint, 2-story envelope under Phase 2 development.
55. Prior to Phase 1 building permit release, applicant shall submit to the City structural calculations for all new structural work, including tanks and vessels.
56. Prior to Phase 1 building permit release, the applicant shall provide a minimum of two (2) survey monuments to the City in order to verify the centerline of Balboa Place.
57. Prior to Phase 1 building permit release, the applicant shall dedicate to the City, a street right-of-way (ROW) of 30 feet from the east property line and shall submit a complete legal description of the property with an Exhibit A, for recordation. ROW dedication shall be in conformance with cross-street specifications identified in the Needles General Plan under Circulation and Transportation Local Streets.
58. Prior to Phase 1 building permit release, the applicant shall provide information to the Building Official in confirming the existing water service will be adequate for serving operational activities upon completion of Phase 1 development, and if not, to consult with the Building Official for guidance to obtain adequate water service capacity.

59. Prior to Phase 2 building permit release, the applicant shall submit plans to the City in demonstrating how the expanded building footprint will comply with 2019 CBCs.
60. Prior to Phase 2 building permit release, the applicant shall submit plans to the City in showing fire sprinkler installation for Phase 2 building footprint expansion.
61. Prior to Phase 2 building permit release, the applicant shall provide information to the Building Official in confirming the existing water service will be adequate for serving operational activities upon completion of Phase 2 development, and if not, to consult with the Building Official for guidance to obtain adequate water service capacity.
62. Prior to Phase 2 building permit release, the applicant shall provide sizing calculations to verify capacity of the existing septic system and for the design of the new septic tank. The applicant shall be required to design the system to accommodate and connect with the new sewer main in the ROW once it is installed.
63. Prior to Phase 2 building permit release, the applicant shall provide plans showing installation of new driveways, sidewalks, and verification showing locations of where existing curb and gutter will be repaired. Said street improvements shall be installed prior to Certificate of Occupancy into the Phase 2 Building addition.
64. Prior to Phase 2 construction, the applicant shall demonstrate completion of ROW improvement of grinding and paving of 2-inches thick for one-half the street width of Balboa Place and extending the entire length of the property.
65. Prior to Phase 2 building permit release, the applicant shall submit a Hydrology Study indicating the following:
 - Existing runoff peak and where runoff currently flows;
 - Post development runoff peak with detention basin sizing to prevent an increase in runoff from the site;
 - Show how runoff from roof drains is channeled into the detention basin; and,
 - Show how the runoff around the building and parking lot is channeled into the detention basins.
66. Landscape Plans shall identify and plant desert efficient species in accordance with the City's planting palette. Landscaping of desert efficient plant species, decorative rock, and pavers to enhance the project site's current nonexistent landscaping abutting Balboa Place.
67. Prior to issuance of Certificate of Occupancy for the Phase 1 building, the Applicant shall have all landscaping installed per the approved Landscape Plans dated August 3, 2021. The landowner shall be responsible in maintaining the vigor and life of planted landscape species during the life of the project.

68. All building structure walls that are visible from Interstate 40 freeway, River Road and Balboa Place shall incorporate 25 percent architectural enhancements. Said enhancements shall apply to Phase 2 Conceptual Elevation Plans, dated August 23, 2021. Areas not visible from Interstate 4 freeway, River Drive overpass are not required to apply an architectural enhancement.
69. Prior to issuance of Certificate of Occupancy for the Phase 1 building, the proposed six (6) foot tall wrought iron fence shall be constructed to encompass all property boundaries.
70. Prior to issuance of Certificate of Occupancy for Phase 1 tenant improvements, an electric meter and a main disconnect switch shall be installed to accommodate operational activities upon completion of Phase 1 and upon completion Phase 2 building footprint expansion.
71. Applicant must comply with the recommendations of the San Bernardino County Fire Department prior to issuance of any building permits. All development pursuant to this permit must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
72. The Applicant acknowledges that the Bureau of Reclamation (“BOR”) Policy entitled “Use of Reclamation Water or Facilities for Activities Prohibited by the Controlled Substances Act of 1970”, which may be amended and/or extended from time to time, prohibits the BOR from approving the use of Reclamation water or facilities to facilitate activities prohibited by the Controlled Substances Act, including the use of Reclamation facilities or water in the distribution of Cannabis, and in the event the BOR becomes aware that Reclamation facilities or the water they supply are being used to facilitate distribution of Cannabis, will report such action to the Department of Justice (“DOJ”). Applicant acknowledges and agrees that as a result of any determination by the BOR that water service constitutes Reclamation water or facilities or any action of the BOR or DOJ taken as a result of such determination, is beyond the reasonable control of the NPUA and/or the City, and the NPUA and the City and its employees shall be free from any liability to the Applicant, its successors in interest, or any other interested party as a result thereof. The Applicant is required to take any action necessary as a result of any BOR determination or action related thereto, including obtaining additional sources of water for the Project. Any actions must be done in accordance with all applicable City Code provisions and regulations.

SECTION 5. This action shall become final and effective fifteen (15) days after this decision by the CITY COUNCIL, unless within such period, a written appeal is filed with the City Clerk for consideration by the City Council as provided by the Needles City Code.

PASSED, APPROVED AND ADOPTED this 25th day of January, 2022 by the following roll call vote:

AYES:
NOES:

ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest:

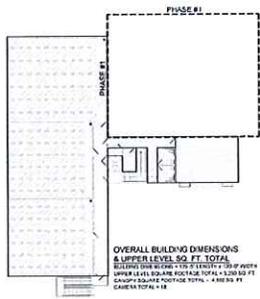
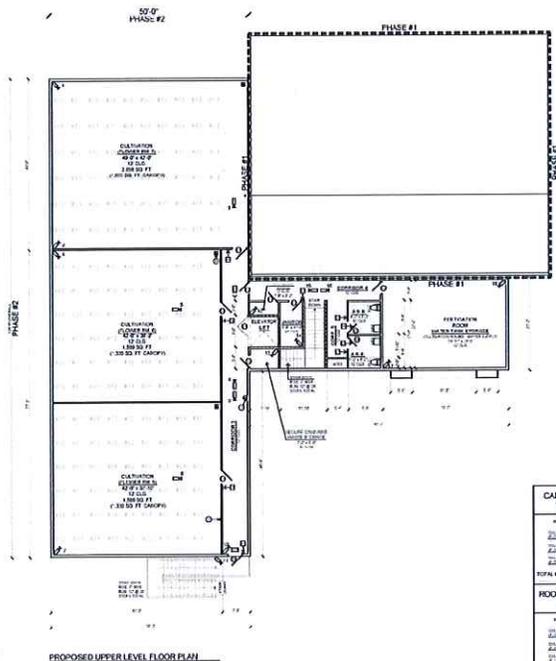
City Clerk

Approved as to form:

City Attorney



ATTACHMENT A: Project Location
APPLICANT: Route 66 Farms LLC
SITE ADDRESS: 315 Balboa Place



PROPOSED UPPER LEVEL OCCUPANCY PLAN

GROUP	TOTAL SQ. FOOTAGE	NOTICE TYPE
GROUP B	159 SQ. FT.	<input type="checkbox"/>
GROUP F-1	6274 SQ. FT.	<input type="checkbox"/>
GROUP B-1	841 SQ. FT.	<input type="checkbox"/>

GROUP	TOTAL SQ. FOOTAGE	NOTICE TYPE
GROUP B	159 SQ. FT.	<input type="checkbox"/>
GROUP F-1	6274 SQ. FT.	<input type="checkbox"/>
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GROUP F-1	6274 SQ. FT.	<input type="checkbox"/>
GROUP B-1	841 SQ. FT.	<input type="checkbox"/>

WALL LEGEND

SYMBOL	DESCRIPTION
[Symbol]	1/2" CONCRETE WALL
[Symbol]	1/2" CONCRETE WALL WITH FINISH
[Symbol]	1/2" CONCRETE WALL WITH FINISH AND INSULATION
[Symbol]	1/2" CONCRETE WALL WITH FINISH AND INSULATION AND EXTERIOR FINISH

ADA EXCHANGE INFORMATION

KEYED NOTES

ILLUMINATED EXTINGUISHERS

PREPARED BY
IMO+REI
 2185 CALIFORNIA STREET, SUITE 200
 SAN FRANCISCO, CA 94133
 TEL: 415.774.1100
 WWW.IMO+REI.COM

PROJECT SHEET NEEDLES TENANT IMPROVEMENT
CONTENT
PROPOSED UPPER LEVEL FLOOR PLAN & DOOR/WINDOW SCHEDULES - PHASE #2

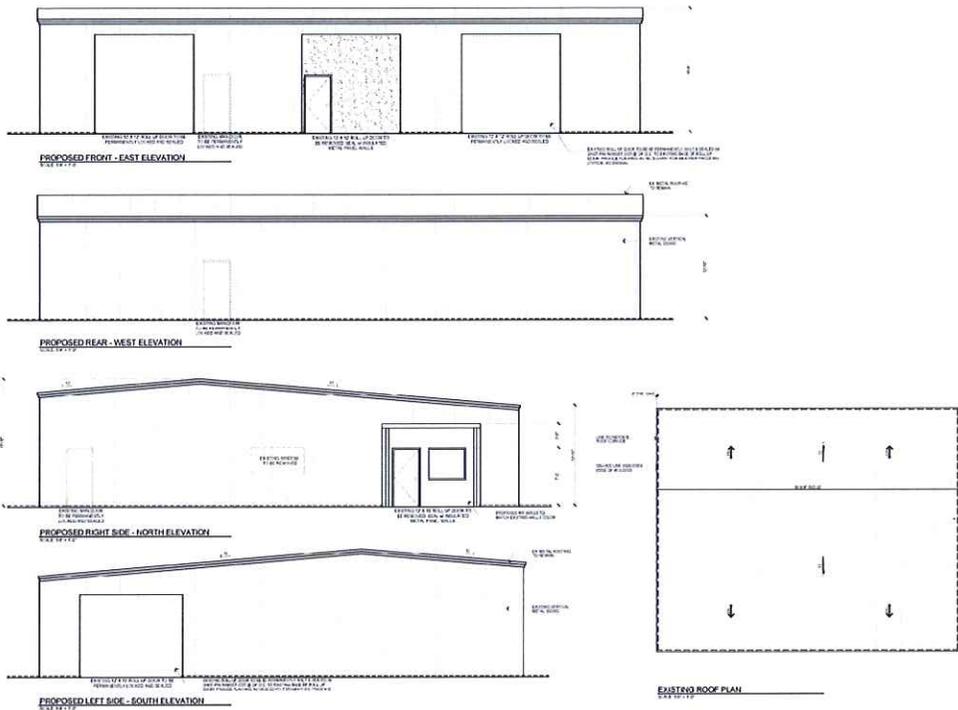
PROJECT NO. 18-0001
DATE 10/15/18
SCALE AS SHOWN
APP. NO. 18-0001-01-000

PROJECT NO. 18-0001
DATE 10/15/18
SCALE AS SHOWN
APP. NO. 18-0001-01-000

A-7



ATTACHMENT C-2B: Phase 2 Floor Plan (2nd Floor)
APPLICANT: Route 66 Farms LLC
SITE ADDRESS: 315 Balboa Place



PREPARED BY MO+REI <small>ARCHITECTS & ENGINEERS</small> <small>1000 W. 10TH AVENUE, SUITE 1000</small> <small>DENVER, CO 80202</small> <small>TEL: 303.733.1100</small> <small>WWW.MOREI.COM</small>	
PROJECT SEASKA MEDIA CENTER <small>1000 W. 10TH AVENUE, SUITE 1000</small> <small>DENVER, CO 80202</small>	
DATE <small>08/14/2018</small>	
SCALE <small>AS SHOWN</small>	
COVERING <small>THIS SET OF DRAWINGS IS THE PROPERTY OF MO+REI ARCHITECTS & ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS SET OF DRAWINGS WITHOUT THE WRITTEN CONSENT OF MO+REI ARCHITECTS & ENGINEERS IS STRICTLY PROHIBITED. THE USER OF THIS SET OF DRAWINGS AGREES TO HOLD MO+REI ARCHITECTS & ENGINEERS HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM SUCH REUSE OR MODIFICATION.</small>	
PROJECT: SHEET NEEDLES TENANT IMPROVEMENT PROPOSED EXTERIOR ELEVATIONS & ROOF PLAN	
A-2	



ATTACHMENT D-1: Phase 1 Elevation Plan
APPLICANT: Route 66 Farms LLC
SITE ADDRESS: 315 Balboa Place

PREPARED BY
IMO+RE
 ARCHITECTURAL FIRM
 1000 S. GARDEN AVENUE, SUITE 100
 ANAHEIM, CALIFORNIA 92805
 TEL: 714.771.1111 FAX: 714.771.1112
 WWW.IMO+RE.COM

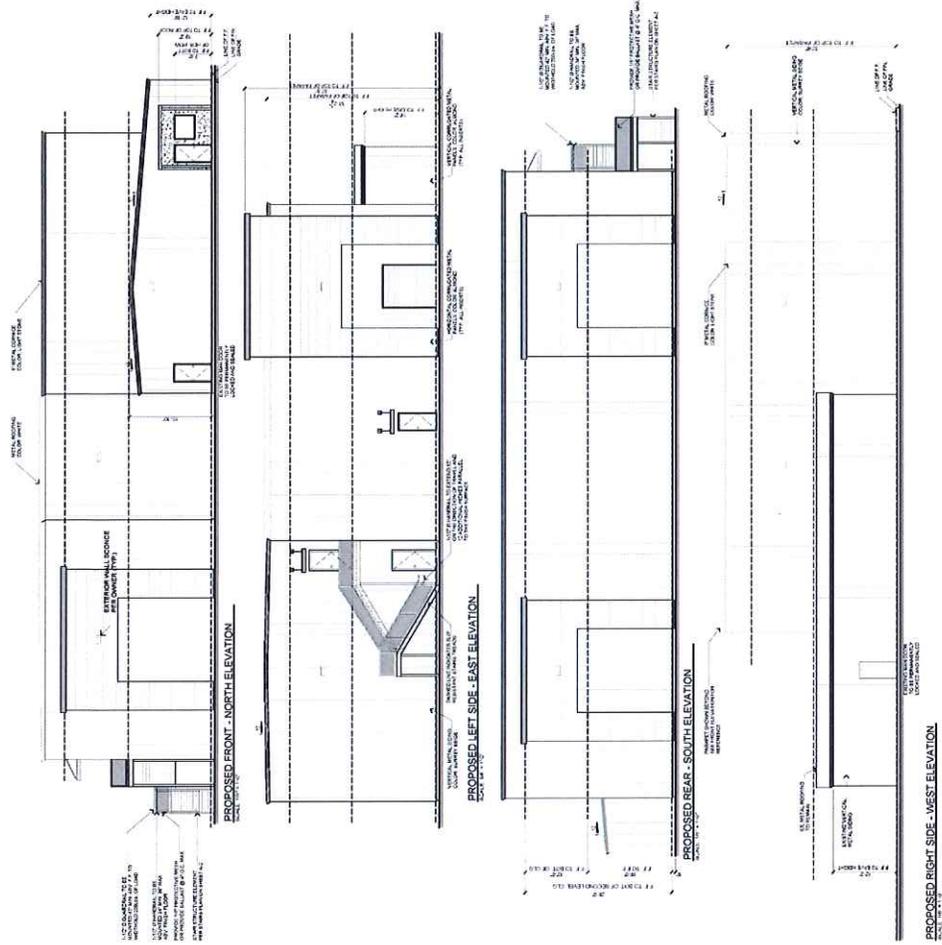
PROJECT NUMBER
 2018001-0000
PROJECT NAME
 RHETT NEEDLES TERNANT IMPROVEMENT
DATE
 08/08/2018

CONTRACTOR
 RHETT NEEDLES TERNANT
 1000 S. GARDEN AVENUE, SUITE 100
 ANAHEIM, CALIFORNIA 92805
 TEL: 714.771.1111 FAX: 714.771.1112
 WWW.IMO+RE.COM

PHASE #2
 PROPOSED EXTERIOR ELEVATIONS -
 CONCEPT

A-8

PROJECT NO.	2018001-0000
DATE	08/08/2018
SCALE	AS SHOWN
DATE	08/08/2018

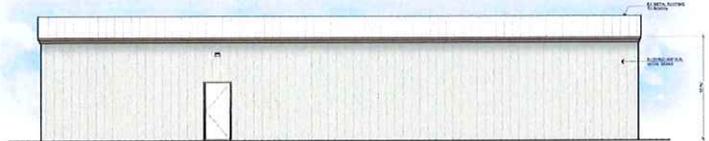


ATTACHMENT D-2: Phase 2 Elevation Plan
APPLICANT: Route 66 Farms LLC
SITE ADDRESS: 315 Balboa Place





PROPOSED FRONT - EAST ELEVATION
SCALE: 1/8" = 1'-0"



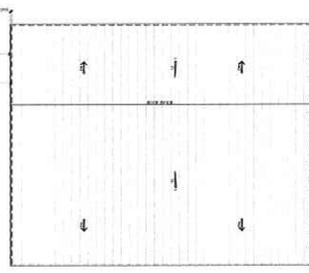
PROPOSED REAR - WEST ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED RIGHT SIDE - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED LEFT SIDE - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING ROOF PLAN
SCALE: 1/8" = 1'-0"

PREPARED BY	
IMO+REI	
1000 S. GARDEN STREET, SUITE 100 GARDEN GROVE, CA 92640 TEL: 714.942.1000 WWW.IMO+REI.COM	
PROJECT NUMBER	
1000 S. GARDEN STREET, SUITE 100	
DATE	
10/10/2017	
SCALE	
AS SHOWN	
GOVERNING	
ALL DRAWINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE CALIFORNIA MECHANICAL CODE (CMC) UNLESS OTHERWISE SPECIFIED.	
PROJECT: INHET NEEDLES TENANT IMPROVEMENT	
CONTENT: PROPOSED COLORED EXTERIOR ELEVATIONS - PHASE #1	
A-3	



ATTACHMENT D-3: Phase 1 Conceptual Elevation Plan
APPLICANT: Route 66 Farms LLC
SITE ADDRESS: 315 Balboa Place



**Main Vertical Metal Siding
Wall Material & Color**

COLOR: SURREY BEIGE
MATERIAL BY: TED
INSULATED METAL PANELS "IMP"



Metal Cornice Color

COLOR: WHITE
MATERIAL BY: TED



**Horizontal Corrugated Metal
Panels Material & Color**

COLOR: ALMOND
MATERIAL BY: TED
INSULATED METAL PANELS "IMP"



Metal Roofing Color

COLOR: WHITE
MATERIAL BY: TED



**Horizontal Corrugated Metal
Panels Material & Color**

COLOR: BROWN
MATERIAL BY: TED
INSULATED METAL PANELS "IMP"



Roll-Up Metal Door Color

MATERIAL: PREMANUFACTURED METAL ROLL-UP DOOR
COLOR: POWDER COATED - DARK BROWN

PROJECT: NEEDLES, CA - CULTIVATION FACILITY

RHETT NEEDLES TENANT IMPROVEMENT - COLOR BOARD

SITE A.P.N.:
0000-038-21-0003

NEEDLES, CA 92363

PROJECT CONTACT:
CHERYL MONTANEZ PH 760 715 3352

IMO+REI

DESIGN SOLUTIONS
1175 AMARIGOS AND STE. C
SILVERVILLE, CA 92382
WWW.VENDORNEEDLESDESIGNSOLUTIONS.COM
EMAIL: CONTACT@VENDORNEEDLESDESIGNSOLUTIONS.COM
TEL: (951) 855-9117

PAGE NO.
C-1

JOB NO.
2020-C135



ATTACHMENT E-1: Phase 1 Material Color Board

APPLICANT: Route 66 Farms LLC

SITE ADDRESS: 315 Balboa Place



**Main Vertical Metal Siding
Wall Material & Color**
MATERIAL: CF LIGHT MESA
MATERIAL BY: METL SPAN
COLOR: SANDSTONE - E 0 87 SRI 60



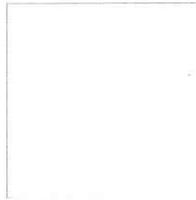
**Metal Roofing Material
& Color**
MATERIAL: CF LIGHT MESA
MATERIAL BY: METL SPAN
COLOR: POLAR WHITE - E 0 87 SRI 00



**Horizontal Corrugated Metal
Panels Material & Color**
MATERIAL: CF LIGHT MESA
MATERIAL BY: METL SPAN
COLOR: ALMOND - E 0 87 SRI 06



**Horizontal Corrugated Metal
Panels Material & Color**
MATERIAL: CF LIGHT MESA
MATERIAL BY: METL SPAN
COLOR: BROWNSTONE - E 0 87 SRI 48



Metal Cornice Color
MATERIAL: PRE-MANUFACTURED BOX CORNICE
COLOR: POWDER COATED - WHITE



Roll-Up Metal Door Color
MATERIAL: PRE-MANUFACTURED METAL ROLL UP DOOR
COLOR: POWDER COATED - DARK BROWN

C:\Users\jmorales\OneDrive\Documents\Needles\Needles Color Board.dwg

PROJECT: NEEDLES, CA - CULTIVATION FACILITY		
RHETT NEEDLES TENANT IMPROVEMENT - COLOR BOARD		
SITE A.P.N. 0603-0815-21-0000	NEEDLES, CA 92363	PROJECT CONTACT CHERYL MONTANEZ, PH. 760-715-3382

IMO+REI
DESIGN SOLUTIONS
14111 ANARGOS ROAD, STE C
MIRTALE, CA 92503
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EMAIL: CONTACT@IMOANDREI.COM
PH: (760) 639-8613

PAGE NO. C-1
JOB NO. 2020-C135



ATTACHMENT E-2: Phase 2 Material Color Board

APPLICANT: Route 66 Farms LLC

SITE ADDRESS: 315 Balboa Place



Facing North-northwest



Facing Northwest



Facing South



Facing Southeast



ATTACHMENT G: Project Site Existing Conditions

APPLICANT: Route 66 Farms LLC

SITE ADDRESS: 315 Balboa Place



City of Needles, California Request for City Council Action



CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Title: City Council Resolution 2022-09
A Resolution of the City Council of the City of Needles Approving a General Plan Amendment from a Residential Medium Density (RM) designation to an Industrial designation and A Resolution Approving a proposed Zone Change from Multi-Family Residential (R-3) to Light Manufacturing (M-1) for the parcel located at 109 L Street also Known as APN 0185-111-084-0000.

Background:

To permit the operation of the proposed cultivation and distribution facility, the processing of a General Plan Amendment and Zone Change for parcel APN 0185-111-084-0000 is required to provide consistency with the land use plan and zoning ordinance. Under the General Plan Amendment and the Zone Change, 0185-111-084-0000 would be redesignated from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation. The project site is currently vacant land, and is approximately 1.24 acres in size, located at 109 North "L" Street in the City of Needles.

On May 26, 2020 City Council Ordinance No. 629-AC , allowing marijuana cultivation in zones C-1, C-2, C-3, M-1 and M-2 with the approval of a Conditional Use Permit and a Regulatory Permit. The project site is located in the Multi-Family Residential (R-3) zone.

The matter was heard before the Planning Commission at the January 19, 2022 meeting, with written comments from community members opposed to the project and public testimony.

Written and Public Testimony to the project was in regards to the projects location not being suitable for a cannabis business in a residential neighborhood. There was also discussion regarding odors and noise being emitted from the project.

At the January 19, 2022 Planning Commission Meeting, Planning Commissioners voted 3-1 to Recommend Denial of the General Plan Amendment from a Residential Medium Density (RM) designation to an Industrial designation and recommended denial for a proposed Zone Change from Multi-Family Residential (R-3) to Light Manufacturing (M-1) for the parcel located at 109 L Street also Known as APN 0185-111-084-0000.

General Plan Amendment Findings (These were findings prior to planning commission)

The following Goals and Policies contained in the City's General Plan are applicable to the proposed GPA to redesignate the project site from Residential Medium Density (RM)

#8

designation to an Industrial for APN 0185-111-084-0000.

- A. *That the amendment or plan is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof;*

FINDING: The proposed General Plan Amendment from a Residential Medium Density (RM) designation to an Industrial designation would be consistent with the elements, goals and policies of the General Plan related to Industrial uses.

This because the subject parcel with a current RM designation would permit uses (i.e., residential development) that would otherwise not be consistent with the proposed project and the proposed Zone Change.

The subject parcel though currently cleared and vacant was previously developed with both residential and commercial uses. These uses included a metal building for storage, a nursery, and four cabins on the parcel at varying times.

The proposed cannabis cultivation and distribution facility with two separate metal buildings would be consistent with the previous uses on site. With the proposed General Plan Amendment, the project would be consistent with the Industrial General Plan land use designation. Moreover, land designated as Industrial is located approximately 0.15 miles west of the subject parcel. Therefore, the proposed General Plan Amendment would not be inconsistent with the intent of the goals and policies of the General Plan as a whole, or with individual elements.

- B. *That the amendment or plan is necessary to prescribe reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.*

FINDING: The proposed General Plan Amendment is necessary as the subject parcel's current designated land use (RM) would conflict with the proposed project and the proposed Zone Change.

The proposed General Plan Amendment would amend the land use designation of the subject parcel to Industrial in an area that includes Residential, General Commercial, Parks / Recreation, and Industrial designated lands. Industrial land is located approximately 0.15 miles west of the subject parcel. The proposed General Plan Amendment from Residential Medium Density (RM) designation to an Industrial designation for the subject parcel that is currently vacant and previously developed with both residential and commercial uses is necessary in order to prescribe reasonable controls and standards for its affected land use.

- C. *That the amendment or plan is necessary to provide reasonable property development rights while protecting environmentally sensitive land uses and species;*

FINDING: The proposed GPA, is necessary in order to provide reasonable property

development rights in an area with residential, commercial, and manufacturing zones. As discussed in Finding B, the subject parcel would be restricted to industrial development under its proposed M-1 zoning designation.

Zone Change Findings

The proposed Zone Change is necessary in order to be consistent with the City's zoning standards. M-1 Light Manufacturing would accommodate both cultivation and distribution operations and maintain consistency with the proposed General Plan Amendment to Industrial.

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. Though approval of the zoning change, would result in a slight “island” of M-

1–Light Manufacturing zone within a residentially zoned area. This could be interpreted as “spot zoning”. However, 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 manufacturing 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. The project site 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.

Public Notification: A public hearing notice was published in the Needles Desert Star on January 12, 2022. Notices were sent to property owners within 300 feet of the proposed project and posted in two conspicuous locations.

Critical Timeline: The applicant's anticipated timeline is to be in production as soon as possible.

Fiscal Impact: None.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

- 1) the project site was not considered to be infill due to its location;

- 2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment, and an Original Draft IS/MND (“Original MND”) was revised and a Recirculated IS/MND was prepared. A copy of the Final MND is provided.

The Original 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 (GPA) (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 City published a Notice of Intent (NOI) to Adopt the Original IS/MND. Pursuant to Sections 15072 and 15073 of CEQA Guidelines, the Original IS/MND and NOI was distributed for a 30-day public review period, which ended on April 19, 2019. The Original IS/MND was submitted to the State Clearinghouse and Planning Unit (State Clearinghouse); responsible and trustee agencies; organizations and interested parties; and all parties who requested notice for review and comment in accordance with CEQA.

Subsequent to the public review period but prior to the hearing for the Original 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 industrial. 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 Industrial, 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. As a result of the additions and changes made to the Project and the applications, the City revised the Original IS/MND to analyze the changes to the Project and address the four comment letters received regarding the Original Draft IS/MND (Recirculated MND).

The Recirculated IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City’s website and circulated to responsible agencies via the State Clearinghouse

(SCH #2019039101) and direct mail for a 30-day public review and comment period starting on August 20, 2021.

The public review period for comments on the proposed adoption of the Recirculated MND closed on September 20, 2021. Comments were received from the California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in the Final Recirculated MND in signified by strikeouts (strikeouts) where text is removed and by underlined font (underlined font) where text is added. These changes do not constitute new significant information that would require the revision and recirculation of the Recirculated MND.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

Pursuant to AB 52 and SB 18, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation; notification letters were sent to five tribes.

The 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested any cultural reports related to the project site. The cultural report was appended to the Recirculated IS/MND. The Fort Mojave Indian Tribe (FMIT) also provided a response with questions regarding water use, dust control, project lifetime, and permits. The Draft MND included mitigation requiring a Tribal monitor be present at the site ground-disturbance phases of the project (Condition 67). 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 was deemed complete.

As the Project requires an amendment to the General Plan, the City of Needles is required to consult with local tribes as the CEQA lead agency pursuant to both AB 52 and SB 18. The Project has been referred to the tribes in conformance with both AB 52 and SB 18.

Recommendation: Provide Council Direction

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: *[Signature]*

Date: 1/21/22

Agenda Item: 8

RESOLUTION 2022-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES
APPROVING A PROPOSED GENERAL PLAN AMENDMENT FROM A
RESIDENTIAL MEDIUM DENSITY (RM) DESIGNATION TO AN INDUSTRIAL
DESIGNATION AND A RESOLUTION APPROVING A PROPOSED ZONE CHANGE
FROM MULTI-FAMILY RESIDENTIAL (R-3) TO LIGHT MANUFACTURING (M-1)
FOR THE PARCEL LOCATED AT 109 L STREET ALSO KNOWN AS APN 0185-111-
084-0000**

WHEREAS, the City Council wishes to assist property owners in their efforts to build in the City in a reasonable manner that does not create a hazard to health, safety and welfare or degrade property values or create incompatibility with surrounding uses; and

WHEREAS, on May 26, 2020 City Council Ordinance No. 629-AC was approved was approved allowing cannabis cultivations in zones C1, C2, C3, M1 and M2, with a Conditional Use Permit and Regulatory Permit; and

WHEREAS, the parcel being considered for medical cannabis cultivation is currently designated Residential Medium Density and zoned Multi-Family Residential (R-3) for APN 0185-111-084-0000 (109 North "L" Street) in the City of Needles; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on January 5, 2022 and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing; and

WHEREAS, on January 19, 2022 the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to RESOLUTION No. 01-19-2022-1 PC and Resolution No. 01-19-2022-2 PC; and

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on Wednesday, January 12, 2022, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time, and location of the public hearing; and

WHEREAS, on January 25, 2021, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony for a general plan amendment from a residential medium density (RM) designation to an industrial designation and a resolution approving a proposed zone change from multi-family residential (R-3) to light manufacturing (M-1) for the parcel located at 109 l street also known as APN 0185-111-084-0000, Resolution 2022-09; and

WHEREAS, Section 94.07(d) of the Needles City Code describes the findings required to approve a Conditional Use Permit; and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

SECTION 1. Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

- 1) the project site was not considered to be infill due to its location;
- 2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment, and an Original Draft IS/MND (“Original MND”) was revised and a Recirculated IS/MND was prepared. A copy of the Final MND is provided.

The Original 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 (GPA) (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 City published a Notice of Intent (NOI) to Adopt a the Original IS/MND and. Pursuant to Sections 15072 and 15073 of (CEQA) Guidelines, the Original IS/MND and NOI was distributed for a 30-day public review period, which ended on April 19, 2019. The Original 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 for review and comment in accordance with CEQA.

Subsequent to the public review period but prior to the hearing for the Original 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 industrial. 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 GPA to change the land use designation from Medium Density Residential to Industrial, 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. As a result of the additions and changes made to the Project and the applications, the City revised the Original IS/MND to analyze the changes to the Project and address the four comment letters received on the Original IS/MND (Recirculated MND).

The City prepared a new Notice of Intent (NOI) to Adopt the Recirculated MND and posted on the City’s website and circulated to responsible agencies via the State Clearinghouse (SCH

#2019039101) and direct mail for a 30-day public review and comment period starting on August 20, 2021.

The public review period for comments on the proposed adoption of the Recirculated MND closed on September 20, 2021. Comments were received from the California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in the Final Recirculated MND in signified by strikeouts (strikeouts) where text is removed and by underlined font (underlined font) where text is added. These changes do not constitute new significant information that would require the revision and recirculation of the Recirculated MND.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

Pursuant to AB 52 and SB 18, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation; notification letters were sent to five tribes.

The 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested any cultural reports related to the project site. The cultural report was appended to the Recirculated IS/MND. The Fort Mojave Indian Tribe (FMIT) also provided a response with questions regarding water use, dust control, project lifetime, and permits. The Draft MND included mitigation requiring a Tribal monitor be present at the site ground-disturbance phases of the project (Condition 67). 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 was deemed complete.

As the Project requires an amendment to the General Plan, the City of Needles is required to consult with local tribes as the CEQA lead agency pursuant to both AB52 and SB 18. The Project has been noticed to the tribes in conformance with both AB 52 and SB 18.

SECTION 2. The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a Conditional Use Permit (CUP) for a Retail Cannabis Business, according to the criteria specified in Section 94.07(d) of the Needles City Code:

- 1. That the amendment or plan is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof;*

FINDING: The proposed General Plan Amendment from a Residential Medium Density (RM) designation to an Industrial designation would be consistent with the elements, goals and policies of the General Plan related to Industrial uses.

This because the subject parcel with a current RM designation would permit uses (i.e., residential development) that would otherwise not be consistent with the proposed project and the proposed Zone Change. The subject parcel though currently cleared and vacant was previously developed with both residential and commercial uses. These uses included a metal building for storage, a nursery, and four cabins on the parcel at varying times. The proposed cannabis cultivation and distribution facility with two separate metal buildings would be consistent with the previous uses on site.

With the proposed General Plan Amendment, the project would be consistent with the

Industrial General Plan land use designation. Moreover, land designated as Industrial is located approximately 0.15 miles west of the subject parcel.

Therefore, the proposed General Plan Amendment would not be inconsistent with the intent of the goals and policies of the General Plan as a whole, or with individual elements.

2. *That the amendment or plan is necessary to prescribe reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.*

FINDING: The proposed General Plan Amendment is necessary as the subject parcel's current designated land use (RM) would conflict with the proposed project and the proposed Zone Change. The proposed General Plan Amendment would amend the land use designation of the subject parcel to Industrial in an area that includes Residential, General Commercial, Parks / Recreation, and Industrial designated lands. Industrial land is located approximately 0.15 miles west of the subject parcel.

The proposed General Plan Amendment from Residential Medium Density (RM) designation to an Industrial designation for the subject parcel that is currently vacant and previously developed with both residential and commercial uses is necessary in order to prescribe reasonable controls and standards for its affected land use.

3. *That the amendment or plan is necessary to provide reasonable property development rights while protecting environmentally sensitive land uses and species;*

FINDING: The proposed GPA, is necessary in order to provide reasonable property development rights in an area with residential, commercial, and manufacturing zones. As discussed in Finding B, the subject parcel would be restricted to industrial development under its proposed M-1 zoning designation.

Zone Change Findings

The proposed Zone Change is necessary in order to be consistent with the City's zoning standards. M-1 Light Manufacturing would accommodate both cultivation and distribution operations and maintain consistency with the proposed General Plan Amendment to Industrial.

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. Though approval of the zoning change, would result in a slight “island” of M-1–Light Manufacturing zone within a residentially zoned area. This could be interpreted as “spot zoning”.

However, 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 manufacturing 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.

The project site 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.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **RESOLUTION 2022-09** Approving of a proposed General Plan Amendment from a Residential MediumDensity (RM) designation to an Industrial designation and proposed Zone Change from Multi-Family Residential (R-3) to Light Manufacturing (M-1) for the parcel located at 109 L Street also known as APN 0185-111-084-0000 in the City of Needles, California in the County of San Bernardino.

SECTION 4. This action shall become final and effective fifteen (15) days after this decision by the CITY COUNCIL, unless within such period, a written appeal is filed with the City Clerk for consideration by the City Council as provided by the Needles City Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Needles, California, recommends approval of a General Plan Amendment from a Residential Medium Density (RM) designation to an Industrial designation and Zone Change from Multi-Family Residential (R-3) to Light Manufacturing (M-1) for the parcel located at 109 L Street also Known as APN 0185-111-084-0000 in the City of Needles.

PASSED, APPROVED AND ADOPTED this 25th day of January, 2022 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest:

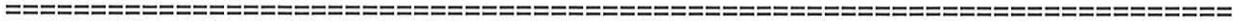
City Clerk

Approved as to form:

City Attorney



City of Needles, California Request for City Council Action



CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Title: City Council Resolution 2022-11
A Resolution of the City Council of the City of Needles Approving
a Conditional Use Permit for a 2 Phase Cannabis Cultivation Facility
located at 109 L Street also known as APN 0185-111-084-0000 and the
adoption of a Mitigated Negative Declaration and Mitigation Monitoring
and Reporting Program

Background:

Applicant, Mr. Lucas, is proposing the construction of a cannabis cultivation and distribution facility, comprised of two (2) separate steel buildings, Building A and B, constructed in two phases, with a total structure area of 21,500 square feet, each building with a dimension of 50’x215’. The project proposes up to 10,589 square feet of indoor cannabis cultivation (a total structure area of 21,500 square feet). The Project proposes to operate a 440 Sq. Ft. distribution facility out of one of the two buildings. The project site is currently vacant land, and is approximately 1.25 acres in size, located at 109 North “L” Street in the City of Needles, as shown in Figure 1: Project Area.

The site is located within the Industrial General Plan land use designation. The Site is zoned M-1 “Light Manufacturing”.

Figure 2: Site Plan shows the plans for the building locations and arrangement. The first phase includes the construction of one 10,750 sq. ft. building, Building “A”, and an identical building, Building B, would be constructed within 12 months of completion of the first building, as part of Phase 2. The metal buildings will have a maximum height of 15 feet.

The first building, building A will include three grow rooms and one veg room with a combined total 3,768 sq. ft; a 449 sq. ft cloning room, a 707 sq. ft. dry room, a 389 sq. ft. trim room, two 8-foot by 8-foot American with Disabilities Act (ADA) accessible bathroom, a 378-square-foot security room, a 247-square-foot office, 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 associated with both the cultivation and distribution operations.

The Phase 1 building would also contain a 440-square foot distribution facility (separate CUP), a 353-sqaure-foot secured storage room, and a 172-square-foot vault that exclusively supports 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

10

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 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. 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. Forty parking spaces will be provided, as well as a loading bay for each building. There is sufficient area on the east side of the parcel for these spaces. 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).

State-of-the-art Phresh Filter carbon filtration units will be utilized by the proposed project to remove cannabis odor from any air vented to the exterior (Condition 60). 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 the building that will be located within the security perimeter and within a trash enclosure.

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.

Noise generated from ongoing operational activities is limited to air conditioning units located on the exterior of the structures. 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). Up to ten A/C units will be running at any given time during summer months. Even 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 at the property line.

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 recycled rendering it useless and sent to a licensed disposal facility.

The distribution facility will be contained to three rooms (see attached drawing) 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.

Access to the proposed facility will be exclusively from L Street. For security purposes, no public access to the facility will be allowed (Condition 42f). Deliveries will be coordinated with on-site employees and only conducted when employees are present during normal business hours (Condition 76).

The parcel will be lined on the north and south sides with a 6-foot masonry block wall and will be landscaped. 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 (Condition 54).

Security cameras will be placed on each exterior corner of each building. Some cameras will be motion-activated and will turn on exterior lights if movement is detected (Condition 42a). Additional interior security system will be used in each of the main spaces. All exterior lighting will comply with the City of Needles lighting standards as outlined in Ordinance 594-AC, amended Chapter 12 of the Needles Municipal Code, and sections §8304(c) and §8304(g) of the California Code of Regulations. All installed lighting 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 (Condition 19).

The proposed facility will be served by water supplied by the City of Needles. The operational water needs are 5 to 7 acre-feet per year after the build-out of Phase 2. The Applicant (Mr. Lucas) will need to request a "Will Serve" letter from the City of Needles for the amount of water requested by the operation as part of the local permitting process (Condition 20). The groundwater well the City uses for the water source has sufficient capacity to meet the needs of the proposed project. Water and sanitation needs for the distribution operation consist of water and sewer for bathrooms.

The proposed facility will use City sewer lines for wastewater needs. 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 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 proposed project will use electrical power supplied by the City of 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.

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 on-site landscaping irrigation, among other uses.

After the completion of Phase 1, 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 be part of the distribution facility. 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. 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.

On May 26, 2020 City Council Ordinance No. 629-AC, allowing marijuana cultivation in zones C-1, C-2, C-3, M-1 and M-2 with the approval of a Conditional Use Permit and a Regulatory Permit. The parcel is zoned Multi-Family Residential (R-3) and designated Residential (Medium Density) under the General Plan land use designation. The application proposes a General Plan amendment to change the land use designation to Industrial and a Zoning Change to M-1 Light Manufacturing.

On May 26, 2020 City Council Ordinance No. 629-AC , allowing marijuana cultivation in zones C-1, C-2, C-3, M-1 and M-2 with the approval of a Conditional Use Permit and a Regulatory Permit. The project site is located in the Multi-Family Residential (R-3) zone.

The matter was heard before the Planning Commission at the January 19, 2022 meeting, with written comments from community members opposed to the project and public testimony.

Written and Public Testimony to the project was in regards to the projects location not being suitable for a cannabis business in a residential neighborhood. There was also discussion regarding odors and noise being emitted from the project.

At the January 19, 2022 Planning Commission Meeting, Planning Commissioners voted 3-1 to Recommend Denial of a Conditional Use Permit for a 2 Phase Cannabis Cultivation Facility located at 109 L Street also known as APN 0185-111-084-0000 and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Conditional Use Permit Findings. (These were findings prior to Planning Commission)

In accordance with Section 94.07, the City Council must make the following findings for a Conditional Use Permit:

1. That the requested permit is within its jurisdiction according to the table of permissible uses.
2. The application is complete.
3. The use is consistent with the General Plan.
4. The use will be in harmony with the area in which it is to be located.
5. The use will not materially endanger the public health or safety.
6. The use will not substantially injure the value of adjoining or abutting property.
7. That the project overall is consistent with the preceding findings.

Public Notification:

A public hearing notice was published in the Needles Desert Star on January 12, 2022, posted in two conspicuous locations within the city and mailed to property owners within 300' of the project site.

Fiscal Impact:

1. The 10% of gross sales of medical marijuana business tax (voter approved (2012).

2. Valuation of new buildings – added to city tax rolls.
3. NPUA – electric/water/sewer usage revenue.
4. Recurring business license and permitting fees.
5. A 15% State tax – a portion of which will be passed to local government, as enacted by the approval of Proposition 64 in November 2016.
6. Statewide 10% sales tax, the city's share is 1%.

Environmental:

Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project (Attachment 2).

An Initial Study was required for the following reasons:

- 1) the project site was not considered to be infill due to its location;
- 2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment, and a preliminary draft IS/MND (“Original MND”) was revised and a Recirculated IS/MND was prepared. A copy of the Final MND is provided.

The Original 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 (GPA) (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 City published a Notice of Intent (NOI) to Adopt the Original IS/MND. Pursuant to Sections 15072 and 15073 of CEQA Guidelines, the Original IS/MND and NOI was distributed for a 30-day public review period, which ended on April 19, 2019. The Original IS/MND was submitted to the State Clearinghouse and Planning Unit (State Clearinghouse); responsible and trustee agencies; organizations and interested parties; and all parties who requested notice for review and comment in accordance with CEQA.

Subsequent to the public review period but prior to the hearing for the Original 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 industrial. 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 facility 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 Industrial, 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. As a result of the additions and changes made to the Project and the applications, the City revised the Original IS/MND to analyze the changes to the Project and address the four comment letters received regarding the Original Draft IS/MND (Recirculated MND). The Recirculated IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies via the State Clearinghouse (SCH #2019039101) and direct mail for a 30-day public review and comment period starting on August 20, 2021.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

The public review period for comments on the proposed adoption of the Recirculated MND closed on September 20, 2021. Comments were received from the California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in the Final Recirculated MND in signified by strikeouts (strikeouts) where text is removed and by underlined font (underlined font) where text is added. These changes do not constitute new significant information that would require the revision and recirculation of the Recirculated MND.

Pursuant to AB 52 and SB 18, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation; notification letters were sent to five tribes.

The 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested any cultural reports related to the project site. The cultural report was appended to the Recirculated IS/MND. The Fort Mojave Indian Tribe (FMIT) also provided a response with questions regarding water use, dust control, project lifetime, and permits. The Draft MND included mitigation requiring a Tribal monitor be present at the site ground-disturbance phases of the project (Condition 67). 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 was deemed complete.

As the Project requires an amendment to the General Plan, the City of Needles is required to consult with local tribes as the CEQA lead agency pursuant to both AB 52 and SB 18. The Project has been referred to the tribes in conformance with both AB 52 and SB 18.

Recommendation: Provide Council Direction

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: PKK

Date: 1/20/22

Agenda Item: # 10

RESOLUTION 2022-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING A CONDITIONAL USE PERMIT FOR A 2 PHASE CANNABIS CULTIVATION FACILITY LOCATED AT 109 L STREET ALSOKNOWN AS APN 0185-111-084-0000; AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, the City Council wishes to assist property owners in their efforts to build in the City in a reasonable manner that does not create a hazard to health, safety and welfare or degrade property values or create incompatibility with surrounding uses; and

WHEREAS, on May 26, 2020 City Council Ordinance No. 629-AC was approved allowing cannabis cultivation in zones C1, C2, C3, M1 and M2, with a Conditional Use Permit and Regulatory Permit; and

WHEREAS the parcel being considered for cannabis cultivation is currently zoned M-1 “Light Manufacturing” for APN 0185-111-084-0000 and is currently vacant land, and is approximately 1.25 acres in size, located at 109 North “L” Street in the City of Needles; and

WHEREAS a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on January 5, 2022, at least 10 days prior to said meeting, posted in two conspicuous locations within the city, and mailed to property owners within 300’ of the project site; and

WHEREAS, on January 19, 2022 the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to RESOLUTION 01-19-2022-3 PC; and

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on Wednesday, January 12, 2022, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time, and location of the public hearing; and

WHEREAS, on January 25, 2021, the Needles City Council held a duly noticed and advertised public hearing for a conditional use permit for a 2 phase cannabis cultivation facility located at 109 l street also known as APN 0185-111-084-0000; and the adoption of a mitigated negative declaration and mitigation monitoring and reporting program, Resolution 2022-11; and

WHEREAS, Section 94.07(d) of the Needles City Code describes the findings required to approve a Conditional Use Permit; and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

SECTION 1. Pursuant to the California Environmental Quality Act (CEQA), the attached Recirculated Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

- 1) the project site was not considered to be infill due to its location;
- 2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment, and a preliminary draft IS/MND (“Original MND”) was revised and a Recirculated IS/MND was prepared.

The Original IS/MND was prepared in February 2019 for the Project and was posted to the City of Needles’ website for public review and consideration. The Project proposed to apply for a general plan amendment (GPA) (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 City published a Notice of Intent (NOI) to Adopt the Original IS/MND. Pursuant to Sections 15072 and 15073 of CEQA Guidelines, the Original IS/MND and NOI was distributed for a 30-day public review period, which ended on April 19, 2019. The Original IS/MND was submitted to the State Clearinghouse and Planning Unit (State Clearinghouse); responsible and trustee agencies; organizations and interested parties; and all parties who requested notice for review and comment in accordance with CEQA.

Subsequent to the public review period but prior to the hearing for the Original 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 industrial. 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 Industrial, 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. As a result of the additions and changes made to the Project and the applications, the City revised the Original IS/MND to analyze the changes to the Project and address the four comment letters received regarding the Original Draft IS/MND (Recirculated MND). The Recirculated IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies via the State Clearinghouse (SCH #2019039101) and direct mail for a 30-day public review and comment period starting on August 20, 2021.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

The public review period for comments on the proposed adoption of the Recirculated MND closed on September 20, 2021. Comments were received from the California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in the Final Recirculated MND in signified by strikeouts (strikeouts) where text is removed and by underlined font (underlined font) where text is added. These changes do not constitute new significant information that would require the revision and recirculation of the Recirculated MND.

Pursuant to AB 52 and SB 18, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation; notification letters were sent to five tribes.

The 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested any cultural reports related to the project site. The cultural report was appended to the Recirculated IS/MND. The Fort Mojave Indian Tribe (FMIT) also provided a response with questions regarding water use, dust control, project lifetime, and permits. The Draft MND included mitigation requiring a Tribal monitor be present at the site ground-disturbance phases of the project (Condition 67). 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 was deemed complete.

As the Project requires an amendment to the General Plan, the City of Needles is required to consult with local tribes as the CEQA lead agency pursuant to both AB 52 and SB 18. The Project has been referred to the tribes in conformance with both AB 52 and SB 18.

SECTION 2. The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a Conditional Use Permit (CUP) for a Retail Cannabis Business, according to the criteria specified in Section 94.07(d) of the Needles City Code:

A. That the requested permit is within its jurisdiction according to the table of permissible uses.

FINDING: The proposed project, which includes the cultivation of cannabis, is currently zoned M-1 Light Manufacturing, which permits cannabis cultivation with a Conditional Use Permit (CUP) and a Regulatory Permit in accordance with Ordinance No. 629-AC.

B. The Application is Complete

FINDING: The applicant has submitted a complete application and has provided the required Site, Floor, Elevation, Rendering and Landscape Plans for the proposed development for the construction of a two-phase, two building, Building A and B, with a total structure area of 21,500 square feet indoor cannabis cultivation facility, which have been incorporated into this Staff Report (Figures 2 and 3). The project proposes up to 10,589 square feet of indoor cannabis cultivation (a total structure area of 21,500 square feet).

C. The development is in general conformity with the Needles General Plan.

FINDING: The proposed project, which includes the cultivation of cannabis, is currently designated Industrial. The land use designation is consistent with uses identified in the General Plan Industrial designation through the adoption of Ordinance No. 629-AC, which allows for cultivation facilities to operate within the M-1 Light Manufacturing designated zone, thereby providing consistency with the General Plan.

D. The development is in harmony with the area in which it is located.

FINDING: The project site is located on a vacant, undeveloped 1.24 acre parcel that is proposed for development indoor cannabis cultivation facility in two structures built in two phases with a total structure area of 21,500 square feet, for the purpose of cannabis cultivation. No manufacturing of products or sales will be permitted to occur on-site. Traffic generated by the proposed project is expected to be minimal; the proposed project will be contributing up to 16 vehicle trips per day which assumes one trip per employee and manager, and a liberal estimate of one delivery or distribution vehicle per day.

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. A few of these residential uses 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 Railway right-of-way and I-40, yielding to the overall feeling of the parcel lying on the edge of a community. The project is also of small size (1.25 acres), and development of the parcel will not result in any lessening of interaction within the residential community or introduce any sort of divide.

Therefore, this type of project is consistent with the uses occurring in the vicinity of the project site.

E. The development will not materially endanger the public health or safety.

FINDING: The project site is located in a developed area of the City with residential structures (which are not designated historic buildings), sidewalks, streets, and power poles all immediately adjacent. Conditions of approval have been placed on the project to ensure

appropriate lighting, security systems, and ventilation systems are in place for health and safety purposes.

F. The development will not substantially injure the value of adjoining or abutting properties.

FINDING: The project site is located within City Planning zone, M-1 Light Manufacturing. 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 site is within 550 feet of Ed Parry Park, which is located to the southeast of the Project. As shown from current site photographs (Attachment 1), 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 proposed design will not substantially alter the adjoining or abutting properties.

The subject parcel though currently cleared and vacant was previously developed with both residential and commercial uses. These uses included a metal building for storage, a nursery, and four cabins on the parcel at varying times. The proposed cannabis facility with two separate metal buildings would be consistent with the previous uses on site.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **RESOLUTION 2022-11.**

SECTION 4. The City Council HEREBY APPROVES Resolutions 2022-11 Approving a Conditional Use Permit for a Cannabis Cultivation Facility located within the parcel known as APN 0185-111-084-0000, according to the criteria specified in Section 94.07(d) of the Needles City Code with the following Conditions of Approval:

1. Conditional Use Permit (“CUP”) No. 01-19-2022-3 PC conditionally authorizes a cannabis cultivation facility in two buildings, building a and b, in two phases, with an indoor cultivation area of 25,000 square feet of total indoor space at 109 L Street in the City of Needles also known as APN 0185-111-084-0000. This CUP does not authorize the use of a Cooperative/Collective, Manufacturing, or Testing Laboratory at this site within the buildings. These Conditions of Approval shall apply to the cultivation of cannabis and the establishment of the Cultivation Facility only.
2. The Applicant/Owner/Operator, and his/her/its successor(s) in interest (“Applicant”) shall comply with all conditions of this CUP, including the Needles Municipal Code (“Municipal Code”) and Chapter 12A thereof, the City Zoning Code, including Article IV and Section 94 thereof, and all applicable laws, policies, rules and regulations of the City, County, and State; and shall comply with any requirements associated with this approval or with the

issuance of any Cultivation Facility License as required by Chapter 12A of the Municipal Code.

3. This CUP is issued in accordance with the provisions of the Municipal Code, and all development subject to the CUP shall occur strictly in accordance with the CUP plans and applications approved by the City. Failure to implement and maintain all provisions of these conditions of CUP approval shall be deemed grounds for revocation.
4. The CUP is issued contingent upon the Applicant's compliance with the provisions of Municipal Code Chapter 12A, and the issuance of all applicable permits and licenses in connection therewith, including, without limitation, a Cannabis Cultivation License, prior to the issuance of a Certificate of Occupancy pursuant to this CUP.
5. The approval for CUP No. 01-19-2022-3 PC is subject to the six (6) month expiration provisions of Section 94.13(a) of the City's Zoning Code, and will expire on 01-19-2022-3 PC.
6. The permit issuing authority may extend for a period of up to six (6) months, the date when the permit would otherwise expire pursuant to 94.13(a) if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application.
7. The Applicant shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul and/or seek monetary damages resulting from an approval of the City; or any agency or instrumentality thereof, advisory commission; appeal board or legislative body including actions approved by the voters of the City, concerning Applicant's project. The City shall promptly notify the Applicant of any claim, action; or proceeding to which this condition is applicable and shall reasonably cooperate in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. As a condition of this approval, the Applicant or its authorized representative shall:
 - (a) Execute an agreement to defend (with legal counsel of the City's choice), indemnify and hold the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation(s) of federal law associated with the permitting, licensing, approval, and/or operation of the Cultivation Facility; and
 - (b) Maintain insurance in the minimum amount of \$1 million per claim and \$2 million in the aggregate; and
 - (c) Name the City as an additional insured on all City required insurance policies; and
 - (d) Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Cultivation Facility.

8. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code and all applicable provisions of the adopted and applicable Building, Construction and Fire Codes, the Americans with Disabilities Act, and all City building, zoning, business, and health regulations. All new construction shall obtain appropriate building permits and comply with the requirements of the Planning, Building, and Fire Departments.
9. With the exception for amendments and/or modifications that are consistent with Section 94.15 of the City's Zoning Code, anything not shown on the CUP application or the Site Plan, or which is not specifically approved herein, or which is not in compliance with the CUP, is not approved. Any application and/or plans which are defective as to, but not limited to, omissions, dimensions, scale, use, colors, materials, encroachments, easements, etc., shall render any entitlements granted hereunder null and void. Construction (if any) shall cease until all requirements of this CUP are complied with, and development entitlements may be withheld until any Code violations are abated.
10. No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the City and Fire Department unless otherwise identified herein, and all offsite improvements have been completed and accepted by the City.
11. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit a notarized affidavit acknowledging acceptance of the conditions of this CUP. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements shall be deemed to have lapsed if compliance with this condition has not been undertaken within the specified time limits.
12. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
13. The Applicant shall pay all established service, permit, impact, environmental, and other applicable fees required by the City as a condition of this CUP.
14. The Applicant shall at all times comply with any applicable State law, including but not limited to: the Compassionate Use Act (Proposition 215), the Medical Cannabis Program Act (Senate Bill 420), the Medical Cannabis Regulation and Safety Act (collectively Assembly Bill 266, Assembly Bill 243, and Senate Bill 643, signed into law by Governor Brown on October 9, 2015, as may be amended from time to time), and any other State or California Constitutional provision, whether now or later adopted, including any location restrictions.
15. The Applicant shall apply for and obtain a Cannabis Cultivation License prior to operating the Cultivation Facility conditionally authorized by this CUP, and shall at all times comply with the provisions of such license and applicable City Codes and regulations. The revocation or suspension of any required regulatory license shall operate to suspend all operations.

16. The Applicant must comply with the recommendations and conditions of the City Manager or his/her designee prior to issuance of any building permits. All development pursuant to this CUP must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
17. A Management, Operations, and Security Plan including the measures set forth in Municipal Code Chapter 12A-7(F) shall be reviewed, and approved by the City Manager (or Designee) and City Building Official prior to Building Permit Issuance. Installation of security measures, including those listed below (See Condition 42a-f) must be completed, inspected, and approved by the City Manager (or Designee) and City Building Official prior to issuance of a Certificate of Occupancy.
18. The Applicant shall provide adequate lighting above all entrances and exits to the proposed buildings, as well as all parking areas and walkways that are under the control of the Applicant.
19. All required lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare onto the premises only. Said lighting and glare shall be shielded to deflect lighting away from all adjoining properties and down-cast and shielded from sunset to sunrise to avoid nighttime glare.
20. Prior to the issuance of a Conditional Use Permit, the Applicant shall obtain an electric "Will-Serve" letter, as well as a "Will-Serve" letter for Domestic Water and Sanitary Sewer Service from the Needles Public Utility Authority ("NPUA").
21. The Applicant shall adhere to all mitigation measures listed in Mitigation Reporting and Monitoring Program (MMP) as applicable to Biological Resources, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources.
22. During grading activities and in the event of an accidental discovery or recognition of any human remains during project construction activities, Public Resources Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:
 - There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or

- Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
 - The descendant identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC.
23. During construction, the Applicant shall, at all times, maintain the project site free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days' notice by certified mail, the Applicant does not comply with a notice of violation issued during construction, the City may either cancel building or grading permits and/or implement nuisance abatement proceedings, including placing a lien on the property for costs of abatement.
 24. Applicant shall locate outside trash bin(s) or trash cans in a secured, enclosed area; not to be seen by public view and shall be locked at all times.
 25. The outdoor cultivation and/or sale of cannabis and/or cannabis products are prohibited on the project site. No activity including, but not limited to, seeding, growing, or processing shall be conducted outside of the enclosed Cultivation Facility. The only time in which the product of any type is allowed to be outside of the buildings is for loading and/or transportation/logistic and/or disposal purposes, consistent with the approved Site Plan. Indoor Cultivation is allowed only within a fully enclosed and secure structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, is secured against unauthorized entry, provides complete visual screening, is only accessible through doors, and is inaccessible to minors. Other types of activities or special events are prohibited on the project site unless the applicant has received an approved Temporary Use Permit subject to the provisions of the City Municipal Code.
 26. All structures, building walls open to public view shall remain free of graffiti or other extraneous markings, drawing, or signage that was not approved by the City, unless directly related to the business being operated on the premises or otherwise providing pertinent information about said premises. In the event graffiti or other extraneous markings occur, the Applicant shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surface.

27. Prior to occupancy, the Applicant shall prepare and file with the County Fire Department and Sheriff's Department a detailed evacuation plan in the event of an emergency that details how the buildings will be secured and how first responders will gain access to the project site and buildings.
28. The Applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB), Colorado Region.
29. Prior to construction of the first building (Phase 1), the Applicant shall fill out the City's Industrial Wastewater Discharge checklist and provide the City with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation.

This shall involve and require the Applicant to construct a sampling manhole onsite to connect to the facility's wastewater line that will tie-in to the nearby existing sewer line, and shall be constructed large enough in diameter for test tubes to be fitted down for water capture and testing. Said manhole shall be located between the building structure and the City's sewer main with access for City Staff, and a composite sampling device to be installed in the manhole with a remote controller. The depth of the manhole will depend on the depth of the sewer.

The Applicant shall also describe if:

- a) Reverse osmosis will be utilized, and if so, shall provide documentation to the City of how concentrated levels of Total Dissolved Solids (TDS) and brine solutions will be disposed and of the licensed entity that will be appointed in receiving TDS waste; or
 - b) If Hydroponic Grow Methods will be utilized, the applicant shall notify the City prior to initial discharge of hydroponic water media. Testing shall be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been replaced/installed and re-tested by the wastewater testing firm until discharge levels of dissolved solids fall below the maximum allowable threshold. Failure to notify the City or detection of an unapproved discharge shall be considered "non-compliant" and is subject to sanctions up to and including discontinuance of service in accordance with Sections 9.5 and 10.7 of the City Code.
30. No nuisance water shall escape the Project Site onto public streets or adjacent properties.
 31. If hazardous substances are used and/or stored in connection with the project, that exceed 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time in the course of a year, a Business Emergency/Contingency Plan shall be prepared prior to issuance of Certificate of Occupancy and shall be in compliance with California Health & Safety Code (CHSC), Division 20, Chapter 6.95, Sections 25500 – 25520, California Code of Regulations (CCR), Title 19, Division 2, Chapter 4, Article 4, Sections 2729 - 2732, Title 40, Code of Federal Regulations (CFR), and EPA (SARA, Title III). A technical opinion

and report may be required, identifying and developing methods of protection from the hazards presented by the hazardous materials. This report shall be prepared by a qualified and properly licensed person, firm, or corporation and submitted to the Fire Department. This report shall also explain the proposed Facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

32. The total Indoor Cultivation area (grow rooms and veg rooms) shall not exceed 10,589 sq. feet of total indoor space., as authorized pursuant to the CUP. In the event that State law further restricts or limits these requirements, the Cultivation Facility shall comply with all building size requirements for such facilities imposed by State law and consistent with any State issued permit or license. A decrease in Indoor Cultivation below that which is authorized shall not require a new or amended CUP.
33. Indoor Cultivation shall not adversely affect the health or safety of the nearby residents, businesses or properties by creating offensive odors, dust, glare, heat, noise, smoke, traffic, vibration, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby properties or areas open to the public, and shall not be hazardous due to use or storage of materials, processes, products or wastes. Each building shall incorporate, operate and maintain sufficient odor absorbing ventilation through the use of charcoal lined filtration and exhaust systems.
34. The Cultivation Facility shall comply fully with all applicable restrictions and mandates set forth in State law. The Cultivation Facility shall not engage in any activities not allowed at Cultivation Facilities pursuant to State law and Chapter 12A of the Municipal Code. The Cultivation Facility shall comply with all horticultural, labeling, processing, and other standards required by State law and Chapter 12A of the Municipal Code.
35. All cannabis and cannabis products shall be stored in a secured manner within the Cultivation Facility during business and non-business hours.
36. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of the Cultivation Facility. The term "premises" includes the actual buildings, as well as any accessory structures and parking areas. The building entrance to the Cultivation Facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis on the premises or in the vicinity of the Facility is prohibited.
37. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Cultivation Facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Cultivation Facility.
38. With the exception of Emergency Medical Care provided in the event of an accident or injury, Physician services shall not be provided on the premises.

39. No physical change, alteration, or modification of the premises of the Cultivation Facility is allowed that materially or substantially alters the permitted use or the approved site plans. Material changes include, but are not limited to, an increase or decrease in the total square footage of the Cultivation Facility, or the addition, sealing of, or relocation of a wall, common entryway, doorway, or other means of ingress and/or egress to the Facility.
40. The Cultivation facility shall not distribute, sell, dispense, or administer cannabis out of its Facility to the public. A Cultivation facility shall not be operated as a Cooperative/Collective.
41. The Applicant shall identify the on-site manager(s) of the Facility to whom notice of operational issues may be provided. The Cultivation Facility shall make every good faith effort to encourage residents, businesses, or members of the public to call this Facility Manager as a first step to resolving operating problems, if any, before calls or complaints are lodged with the Sheriff's or Planning Department.
42. A security plan shall be clearly detailed on the Site Plan and installed at the Facility, including the following measures:
 - (a) Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the City Manager or his/her designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and corners of the building, and any other areas as determined by the City Manager or his/her designee. These records shall be maintained for seven (7) years from the date created or longer if required by State or Federal law. Recordings shall be made available to the City Manager or his/her designee upon 24 hours' notice;
 - (b) The facility shall be alarmed with an alarm system that is operated and monitored by a properly licensed security company. Any security personnel, whether armed or unarmed, employed by the Cultivation Facility shall have and possess on their person a valid, State issued, licenses (commonly known as a "Guard Card");
 - (c) Entrance to the cultivation area and any storage areas shall be locked at all times, and under the control of staff of the Cultivation Facility;
 - (d) The entrance(s) shall be illuminated during evening hours. The Applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.
 - (e) Entry doors to all both buildings shall be appropriately secured and all cannabis securely stored, and a reliable, commercial alarm system shall be installed and maintained.
 - (f) No public access to the facility will be allowed.

43. The Applicant shall enter into an agreement with the City that fully reimburses the City for all costs incurred by the City, resulting from the existence of the Facility, and provides the City with any applicable impact or other fees, imposed now or hereafter, to offset the potential impacts of the Cultivation Facility within the City.
44. The City Manager, or the City Manager's designee, shall have the right to enter the Cultivation Facility from time to time upon 24 hours' notice for the purpose of making reasonable inspections to observe and enforce compliance with these conditions of approval and all laws of the City and State of California.
45. If the Applicant utilizes an average of 125 percent or more of the permitted electricity or water amount based on the electric and water Will-Serve letters, in any one (1) year without prior written approval by the NPUA, all operations must cease immediately and the same shall be grounds for revocation of the CUP. Average electricity and water usage will be monitored on a quarterly basis by NPUA and City of Needles.
46. Operation of the Cultivation Facility in violation of any condition(s) of this CUP approval or requirements of Chapter 12A of the Municipal Code or other City regulation or ordinance shall constitute a violation of the CUP and shall be enforced pursuant to the provisions of thereof.
47. If any condition of approval of this CUP is held or declared to be invalid by a court of competent jurisdiction, the entire Project and CUP may be reviewed and substitute and/or additional conditions may be imposed.
48. Any violation of these conditions of approval shall constitute grounds for revocation of the CUP. The CUP may be revoked by the permit-issuing authority only in accordance with the requirements of Section 118.04 of the City's Zoning Code. Any such decision is appealable by the Applicant in accordance with Section 118.05 of the City's Zoning Code.
49. The project shall be developed in conformance to the site plan drawing. Any deviation from the approved plan shall require Planning Commission approval.
50. The Applicant must use asphalt or concrete for driving and parking surfaces per City standards.
51. The project is required to be handicap accessible, with ADA compliant restrooms for both buildings.
52. Any exposed metal surfaces to the building shall be masked with a minimum 25 percent architectural enhancement treatment for building walls that face streets. At all times, the building shall be maintained with appropriate paint or exterior treatment.
53. Prior to issuance of a grading or construction permit, a Precise Grading Plan shall be submitted to the City for review and approval
54. Prior to issuance of Certificate of Occupancy for the Phase 1 building, the applicant shall line the north and south sides of the project site with a 6-foot masonry block wall. 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.

55. Prior to issuance of Certificate of Occupancy for the Phase 1 building, the Applicant shall have all landscaping approved and installed. The landowner shall be responsible in maintaining the vigor and life of planted landscape species during the life of the project.
56. Prior to issuance of Certificate of Occupancy for Phase 1 building and Phase 2 building, an electric meter and a main disconnect switch shall be installed on exterior of both buildings.
57. The Applicant must comply with the recommendations of the San Bernardino County Fire Department prior to issuance of any building permits. All development pursuant to this permit must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
58. The Applicant shall 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. The planting palette will prohibit the inclusion of invasive species that are listed on California Invasive Plant Council (CalIPC) and the California Department of Food and Agriculture (CDFA) California Noxious Weeds list.
59. During short-term construction activities, the applicant shall implement the follow dust control measures:
 - 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.
60. All cultivation and processing 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.

61. Prior to grading, the Applicant shall obtain a Regional Water Quality Control Board (RWQCB) Waste Discharge Requirement.
62. Prior to construction, a focused plant survey shall be conducted during the appropriate growing season to identify any special-status desert dwelling plants that have the potential for occurring on the proposed project site.
63. Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to commencing project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from a typically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).
64. Prior to construction, a qualified biologist shall survey for desert tortoise. In the event an individual is found, the qualified biologist shall capture and relocate to a designated area approved by USFWS and CDFW.
65. Prior to construction, a qualified biologist shall survey for burrowing owl. In the event burrowing owl or their sign is observed during pre-construction surveys, the applicant will consult with CDFW prior to clearing and grubbing activities.
66. A Tribal Monitor shall be on site during the ground-disturbance phases of the project. The applicant shall coordinate the services of a tribal monitor with the Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, Fort Mojave Indian Tribe, Colorado River Indian Tribes, and Torres Martinez Desert Cahuilla Indians.
67. During short-term construction activities, all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily for soil retention and dust suppression when construction activities are occurring on-site.
68. All equipment used for construction shall be compliant with Tier 4 Emissions Standards under the Environmental Protection Agency (EPA) rule.

69. A Material Safety Data Sheets (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.
70. Cleanouts shall 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.
71. The project shall comply with all sections of Titles 22 and 17 of the California Code of Regulations as applicable (“Regulations that Apply to Recycled Water”), including but not limited to type of backflow prevention required, proper installation of backflow prevention, testing and maintenance of backflow prevention, source specifications for recycled water, use area requirements for recycled water including signage, and restrictions on dual plumbed systems. In addition, the sewage disposal and recycled water systems are subject to all local codes, including securing and conforming with the terms of any permits required by the City of Needles, the County of San Bernardino County, or the Colorado River Water Quality Control Board.
72. The applicant shall acknowledge that the noise generated by operation of the proposed project must not exceed 60 dBA at the exterior side of any adjacent residences or result in an increase of more than 5 dBA in ambient noise if ambient noise is over 60 dBA Ldn. To ensure compliance, noise measurements will be taken post construction during facility operations and shall be submitted to the City of Needles.
73. The following shall apply to construction noise from tools and equipment:
- The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. The applicant is requesting work to be allowed between 8:00 a.m. and 6:00 p.m. on Saturdays.
 - No heavy equipment related construction activities shall be allowed on Sundays or holidays.
 - All stationary and construction equipment shall be maintained in good working order and fitted with factory- approved muffler systems.
75. The project shall 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 shall be security cameras on each exterior corner of each building. Some cameras shall be motion activated and will turn on exterior lights if movement is detected. There shall be interior security cameras in each of the main spaces.
76. Deliveries shall be coordinated with on-site employees and only conducted when employees are present during normal business hours.

77. The proposed block walls shall be constructed prior to operation of the facility to provide noise reduction to surrounding residences.
78. 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.
79. Emergency generators shall be located inside an enclosure to lessen any noise generated during their usage.
80. 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.
81. 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.
82. The Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from CDFA, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>) and learn more about cannabis cultivation permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. CDFW recommends the inclusion of the following mitigation measure prior to the City adopting the MND:

Prior to construction and issuance of any grading permit, written correspondence from CDFW shall be obtained stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or a Lake and Streambed Alteration Agreement shall be executed by CDFW, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

SECTION 5. This action shall become final and effective fifteen (15) days after this decision by the CITY COUNCIL, unless within such period, a written appeal is filed with the City Clerk for consideration by the City Council as provided by the Needles City Code.

PASSED, APPROVED AND ADOPTED this 25th day of January, 2022 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest:

City Clerk

Approved as to form:

City Attorney



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Title: City Council Resolution 2022-12
A Resolution of the City Council of the City of Needles Approving a Conditional Use Permit for a 440 Sq. Ft. Cannabis Distribution Facility located at 109 L Street also known as APN 0185-111-084-0000 and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Background:

Applicant, Mark Hannawi, is proposing the construction of a cannabis distribution facility, comprised of two (2) separate steel buildings, Building A and B, constructed in two phases, with a total structure area of 21,500 square feet, each building with a dimension of 50'x215'. The project proposes 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 facility in Building A. The project site is currently vacant land, and is approximately 1.25 acres in size, located at 109 N "L" Street in the City of Needles, as shown in Figure 1: Project Area.

The site is located within the Industrial General Plan land use designation. The Site is zoned M-1 "Light Manufacturing".

Figure 2: Site Plan shows the plans for the building locations and arrangement. The first phase includes the construction of one 10,750 sq. ft. building, Building "A", and an identical building, Building B, would be constructed within 12 months of completion of the first building, as part of Phase 2... The metal buildings will have a maximum height of 15 feet.

The first building, building A will include three grow rooms and one veg room with a combined total 3,768 sq. ft; a 449 sq. ft cloning room, a 707 sq. ft. dry room, a 389 sq. ft. trim room, two 8-foot by 8-foot American with Disabilities Act (ADA) accessible bathroom, a 378-square-foot security room, a 247-square-foot office, 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 associated with both the cultivation and distribution operations. The Phase 1 building would also contain a 440-square foot distribution facility, 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.

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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. 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. Forty parking spaces will be provided, as well as a loading bay for each building. There is sufficient area on the east side of the parcel for these spaces. Cannabis distribution 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).

State-of-the-art Phresh Filter carbon filtration units will be utilized by the proposed project to remove cannabis odor from any air vented to the exterior (Condition 60). 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 the building that will be located within the security perimeter and within a trash enclosure.

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.

Noise generated from ongoing operational activities is limited to air conditioning units located on the exterior of the structures. 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). Up to ten A/C units will be running at any given time during summer months. Even 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 at the property line.

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 recycled rendering it useless and sent to a licensed disposal facility.

The distribution facility 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.

Access to the proposed facility will be exclusively from L Street. For security purposes, no public access to the facility will be allowed (Condition 42f). Deliveries will be coordinated with on-site employees and only conducted when employees are present during normal business hours (Condition 76).

The parcel will be lined on the north and south sides with a 6-foot masonry block wall and will be landscaped. 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 (Condition 54).

Security cameras will be placed on each exterior corner of each building. Some cameras will be motion-activated and will turn on exterior lights if movement is detected (Condition 42a). Additional interior security system will be used in each of the main spaces. All exterior lighting will comply with the City of Needles lighting standards as outlined in Ordinance 594-AC, amended Chapter 12 of the Needles Municipal Code, and sections §8304(c) and §8304(g) of the California Code of Regulations. All installed lighting 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 (Condition 19).

The proposed facility will be served by water supplied by the City of Needles. The operational water needs are 5 to 7 acre-feet per year after the build-out of Phase 2. The Applicant (Mr. Hannawi) will need to request a "Will Serve" letter from the City of Needles for the amount of water requested by the operation as part of the local permitting process (Condition 20). The groundwater well the City uses for the water source has sufficient capacity to meet the needs of the proposed project. Water and sanitation needs for the distribution operation consist of water and sewer for bathrooms.

The proposed facility will use City sewer lines for wastewater needs. 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 proposed project will use electrical power supplied by the City of 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.

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 on-site landscaping irrigation, among other uses.

After the completion of Phase 1, 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.. 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.

On May 26, 2020, the City Council adopted Ordinance No. 629-AC, allowing cannabis distribution in zones C-1, C-2, C-3, M-1 and M-2 with the approval of a Conditional Use Permit and a Regulatory Permit. The parcel is zoned Multi-Family Residential (R-3) and designated Residential (Medium Density) under the General Plan land use designation. The application

proposes a General Plan amendment to change the land use designation to Industrial and a Zoning Change to M-1 Light Manufacturing.

The matter was heard before the Planning Commission at the January 19, 2022 meeting, with written comments from community members opposed to the project and public testimony.

Written and Public Testimony to the project was in regards to the projects location not being suitable for a cannabis business in a residential neighborhood. There was also discussion regarding odors and noise being emitted from the project.

At the January 19, 2022 Planning Commission Meeting, Planning Commissioners voted 3-1 to Recommend Denial of the General Plan Amendment from a Residential Medium Density (RM) designation to an Industrial designation and recommended denial for a proposed Zone Change from Multi-Family Residential (R-3) to Light Manufacturing (M-1) for the parcel located at 109 L Street also Known as APN 0185-111-084-0000.

The matter was heard before the Planning Commission at the January 19, 2022 meeting, with written comments from community members opposed to the project and public testimony.

Written and Public Testimony to the project was in regards to the projects location not being suitable for a cannabis business in a residential neighborhood. There was also discussion regarding odors and noise being emitted from the project.

At the January 19, 2022 Planning Commission Meeting, Planning Commissioners voted 3-1 to Recommend Denial of a Conditional Use Permit for a 440 Sq. Ft. Cannabis Distribution Facility located at 109 L Street also known as APN 0185-111-084-0000 and the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Conditional Use Permit Findings. (These were findings prior to Planning Commission)

In accordance with Section 94.07, the City Council must make the following findings for a Conditional Use Permit:

1. That the requested permit is within its jurisdiction according to the table of permissible uses.
2. The application is complete.
3. The use is consistent with the General Plan.
4. The use will be in harmony with the area in which it is to be located.
5. The use will not materially endanger the public health or safety.
6. The use will not substantially injure the value of adjoining or abutting property.
7. That the project overall is consistent with the preceding findings.

Public Notification:

A public hearing notice was published in the Needles Desert Star on January 12, 2022, posted in two conspicuous locations within the city and mailed to property owners within 300 feet of the project site.

Fiscal Impact:

1. The 10% of gross sales of medical marijuana business tax (voter approved (2012).
2. Valuation of new buildings – added to city tax rolls.
3. NPUA – electric/water/sewer usage revenue.
4. Recurring business license and permitting fees.
5. A 15% State tax – a portion of which will be passed to local government, as enacted by the approval of Proposition 64 in November 2016.
6. Statewide 10% sales tax, the city’s share is 1%.

Environmental:

Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project (Attachment 2).

An Initial Study was required for the following reasons:

- 1) the project site was not considered to be infill due to its location;
- 2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment, and a preliminary draft IS/MND (“Original MND”) was revised and a Recirculated IS/MND was prepared. A copy of the Final MND is provided.

The Original 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 (GPA) (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 City published a Notice of Intent (NOI) to Adopt the Original IS/MND. Pursuant to Sections 15072 and 15073 of CEQA Guidelines, the Original IS/MND and NOI was distributed for a 30-day public review period, which ended on April 19, 2019. The Original IS/MND was submitted to the State Clearinghouse and Planning Unit (State Clearinghouse); responsible and trustee agencies; organizations and interested parties; and all parties who requested notice for review and comment in accordance with CEQA.

Subsequent to the public review period but prior to the hearing for the Original 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 industrial. 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 Industrial, 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. As a result of the additions and changes made to the Project and the applications, the City revised the Original IS/MND to analyze the changes to the Project and address the four comment letters received regarding the Original Draft IS/MND (Recirculated MND). The Recirculated IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies via the State Clearinghouse (SCH #2019039101) and direct mail for a 30-day public review and comment period starting on August 20, 2021.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

The public review period for comments on the proposed adoption of the Recirculated MND closed on September 20, 2021. Comments were received from the California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in the Final Recirculated MND in signified by strikeouts (strikeouts) where text is removed and by underlined font (underlined font) where text is added. These changes do not constitute new significant information that would require the revision and recirculation of the Recirculated MND.

Pursuant to AB 52 and SB 18, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation; notification letters were sent to five tribes.

The 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested any cultural reports related to the project site. The cultural report was appended to the Recirculated IS/MND. The Fort Mojave Indian Tribe (FMIT) also provided a response with questions regarding water use, dust control, project lifetime, and permits. The Draft MND included mitigation requiring a Tribal monitor be present at the site ground-disturbance phases of the project (Condition 67). 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 was deemed complete.

As the Project requires an amendment to the General Plan, the City of Needles is required to consult with local tribes as the CEQA lead agency pursuant to both AB 52 and SB 18. The Project has been referred to the tribes in conformance with both AB 52 and SB 18.

Recommendation: Provide Council Direction

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: *[Signature]* **Date:** 1/20/22

Agenda Item: *# 11*

RESOLUTION 2022-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING A
CONDITIONAL USE PERMIT FOR A 440 SQ. FT. CANNABIS DISTRIBUTION
FACILITY LOCATED AT 109 L STREET ALSO KNOWN AS APN 0185-111-084-0000;
AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM.**

WHEREAS, the City Council wishes to assist property owners in their efforts to build in the City in a reasonable manner that does not create a hazard to health, safety and welfare or degrade property values or create incompatibility with surrounding uses; and

WHEREAS, on May 26, 2020 City Council Ordinance No. 629-AC was approved allowing cannabis distribution in zones C1, C2, C3, M1 and M2, with a Conditional Use Permit and Regulatory Permit; and

WHEREAS the parcel being considered for cannabis distribution is currently zoned M-1 "Light Manufacturing" for APN 0185-111-084-0000, currently vacant land and is approximately 1.25 acres in size, located at 109 North "L" Street in the City of Needles; and

WHEREAS a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on January 5, 2022, at least 10 days prior to said meeting, posted in two conspicuous locations within the city, and mailed to property owners within 300' of the project site; and

WHEREAS, on January 19, 2022, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to RESOLUTION 01-19-2022-4 PC; and

WHEREAS, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on Wednesday, January 12, 2022, at least 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time, and location of the public hearing; and

WHEREAS, on January 25, 2021, the Needles City Council held a duly noticed and advertised public hearing a conditional use permit for a 440 sq. ft. cannabis distribution facility located at 109 l street also known as APN 0185-111-084-0000; and the adoption of a mitigated negative declaration and mitigation monitoring and reporting program, Resolution 2022-12, and

WHEREAS, Section 94.07(d) of the Needles City Code describes the findings required to approve a Conditional Use Permit; and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

SECTION 1. Pursuant to the California Environmental Quality Act (CEQA), the attached Recirculated Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

- 1) the project site was not considered to be infill due to its location;
- 2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment, and a preliminary draft IS/MND (“Original MND”) was revised and a Recirculated IS/MND was prepared.

The Original 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 (GPA) (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 City published a Notice of Intent (NOI) to Adopt the Original IS/MND. Pursuant to Sections 15072 and 15073 of CEQA Guidelines, the Original IS/MND and NOI was distributed for a 30-day public review period, which ended on April 19, 2019. The Original IS/MND was submitted to the State Clearinghouse and Planning Unit (State Clearinghouse); responsible and trustee agencies; organizations and interested parties; and all parties who requested notice for review and comment in accordance with CEQA.

Subsequent to the public review period but prior to the hearing for the Original 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 industrial. 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 Industrial, 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. As a result of the additions and changes made to the Project and the applications, the City revised the Original IS/MND to analyze the changes to the Project and address the four comment letters received regarding the Original Draft IS/MND (Recirculated MND). The Recirculated IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies via the State Clearinghouse (SCH #2019039101) and direct mail for a 30-day public review and comment period starting on August 20, 2021.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

The public review period for comments on the proposed adoption of the Recirculated MND closed on September 20, 2021. Comments were received from the California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in the Final Recirculated MND in signified by strikeouts (strikeouts) where text is removed and by underlined font (underlined font) where text is added. These changes do not constitute new significant information that would require the revision and recirculation of the Recirculated MND.

Pursuant to AB 52 and SB 18, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation; notification letters were sent to five tribes.

The 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested any cultural reports related to the project site. The cultural report was appended to the Recirculated IS/MND. The Fort Mojave Indian Tribe (FMIT) also provided a response with questions regarding water use, dust control, project lifetime, and permits. The Draft MND included mitigation requiring a Tribal monitor be present at the site ground-disturbance phases of the project (Condition 67). 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 was deemed complete.

As the Project requires an amendment to the General Plan, the City of Needles is required to consult with local tribes as the CEQA lead agency pursuant to both AB 52 and SB 18. The Project has been referred to the tribes in conformance with both AB 52 and SB 18.

SECTION 2 The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a Conditional Use Permit (CUP) for a Retail Cannabis Business, according to the criteria specified in Section 94.07(d) of the Needles City Code:

A. That the requested permit is within its jurisdiction according to the table of permissible uses.

FINDING: The proposed project, which includes the distribution of cannabis, is currently zoned M-1 Light Manufacturing, which permits cannabis distribution with a Conditional Use Permit (CUP) and a Regulatory Permit in accordance with Ordinance No. 576 AC.

B. The Application is Complete

FINDING: The applicant has submitted a complete application and has provided the required Site, Floor, Elevation, Rendering and Landscape Plans for the proposed development for the construction of a two-phase, two building, Building A and B, with a total structure area of 21,500 square feet (Figures 2 and 3). The Project proposes to operate distribution facility in Building A. Building A will also have 10,589 square feet of indoor cannabis cultivation (a total structure area of 21,500 square feet).

C. The development is in general conformity with the Needles General Plan.

FINDING: The proposed project, which includes the distribution of cannabis, is currently designated Industrial. The land use designation is consistent with uses identified in the General Plan Industrial designation through the adoption of Ordinance No. 629 AC, which allows for distribution facilities to operate within the M-1 Light Manufacturing designated zone, thereby providing consistency with the General Plan.

D. The development is in harmony with the area in which it is located.

FINDING: The project site is located on a vacant, undeveloped 1.24 acre parcel that is proposed for development of indoor cannabis distribution facility in two structures built in two phases with a total structure area of 21,500 square feet, for the purpose of cannabis distribution. No manufacturing of products or sales will be permitted to occur on-site. Traffic generated by the proposed project is expected to be minimal; the proposed project will be contributing up to 16 vehicle trips per day which assumes one trip per employee and manager, and a liberal estimate of one delivery or distribution vehicle per day.

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. A few of these residential uses 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 Railway right-of-way and I-40, yielding to the overall feeling of the parcel lying on the edge of a community. The project is also of small size (1.25 acres), and development of the parcel will not result in any lessening of interaction within the residential community or introduce any sort of divide.

Therefore, this type of project is consistent with the uses occurring in the vicinity of the project site.

E. The development will not materially endanger the public health or safety.

FINDING: The project site is located in a developed area of the City with residential structures (which are not designated historic buildings), sidewalks, streets, and power poles all immediately adjacent. Conditions of approval have been placed on the project to ensure appropriate lighting, security systems, and ventilation systems are in place for health and safety purposes.

- F. *The development will not substantially injure the value of adjoining or abutting properties.*

FINDING: The project site is located within City Planning zone, M-1 Light Manufacturing. 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 site is within 550 feet of Ed Parry Park, which is located to the southeast of the Project. As shown from current site photographs (Attachment 1), 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 proposed design will not substantially alter the adjoining or abutting properties.

The subject parcel though currently cleared and vacant was previously developed with both residential and commercial uses. These uses included a metal building for storage, a nursery, and four cabins on the parcel at varying times. The proposed cannabis facility with two separate metal buildings would be consistent with the previous uses on site.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **RESOLUTION 2022-12.**

SECTION 4. The City Council HEREBY APPROVES Resolutions 2022-12, Approving a Conditional Use Permit for a Cannabis Distribution Facility located within the parcel known as APN 0185-111-084-0000, according to the criteria specified in Section 94.07(d) of the Needles City Code with the following Conditions of Approval:

1. Conditional Use Permit (“CUP”) No. 01-19-2022-4 PC conditionally authorizes one 440 Sq. Ft. cannabis distribution facility in Building A Phase I, within a 21,500 square feet structure located at 109 L Street in the City of Needles also known as APN 0185-111-084-0000. This CUP does not authorize the use of a Cooperative/Collective, Manufacturing, or Testing Laboratory at this site within the buildings. These Conditions of Approval shall apply to the distribution facility only.
2. The Applicant/Owner/Operator, and his/her/its successor(s) in interest (“Applicant”) shall comply with all conditions of this CUP, including the Needles Municipal Code (“Municipal Code”) and Chapter 12A thereof, the City Zoning Code, including Article IV and Section 94 thereof, and all applicable laws, policies, rules and regulations of the City, County, and

State; and shall comply with any requirements associated with this approval or with the issuance of any Cultivation Facility License as required by Chapter 12A of the Municipal Code.

3. This CUP is issued in accordance with the provisions of the Municipal Code, and all development subject to the CUP shall occur strictly in accordance with the CUP plans and applications approved by the City. Failure to implement and maintain all provisions of these conditions of CUP approval shall be deemed grounds for revocation.
4. The CUP is issued contingent upon the Applicant's compliance with the provisions of Municipal Code Chapter 12A, and the issuance of all applicable permits and licenses in connection therewith, including, without limitation, a Cannabis Cultivation License, prior to the issuance of a Certificate of Occupancy pursuant to this CUP.
5. The approval for CUP No. 01-19-2022-4 PC is subject to the six (6) month expiration provisions of Section 94.13(a) of the City's Zoning Code and will expire on 07-19-2022.
6. The permit issuing authority may extend for a period of up to six (6) months, the date when the permit would otherwise expire pursuant to 94.13(a) if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application.
7. The Applicant shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul and/or seek monetary damages resulting from an approval of the City; or any agency or instrumentality thereof, advisory commission; appeal board or legislative body including actions approved by the voters of the City, concerning Applicant's project. The City shall promptly notify the Applicant of any claim, action; or proceeding to which this condition is applicable and shall reasonably cooperate in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. As a condition of this approval, the Applicant or its authorized representative shall:
 - (a) Execute an agreement to defend (with legal counsel of the City's choice), indemnify and hold the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation(s) of federal law associated with the permitting, licensing, approval, and/or operation of the Cultivation Facility; and
 - (b) Maintain insurance in the minimum amount of \$1 million per claim and \$2 million in the aggregate; and
 - (c) Name the City as an additional insured on all City required insurance policies; and
 - (d) Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Cultivation Facility.

8. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code and all applicable provisions of the adopted and applicable Building, Construction and Fire Codes, the Americans with Disabilities Act, and all City building, zoning, business, and health regulations. All new construction shall obtain appropriate building permits and comply with the requirements of the Planning, Building, and Fire Departments.
9. With the exception for amendments and/or modifications that are consistent with Section 94.15 of the City's Zoning Code, anything not shown on the CUP application or the Site Plan, or which is not specifically approved herein, or which is not in compliance with the CUP, is not approved. Any application and/or plans which are defective as to, but not limited to, omissions, dimensions, scale, use, colors, materials, encroachments, easements, etc., shall render any entitlements granted hereunder null and void. Construction (if any) shall cease until all requirements of this CUP are complied with, and development entitlements may be withheld until any Code violations are abated.
10. No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the City and Fire Department unless otherwise identified herein, and all offsite improvements have been completed and accepted by the City.
11. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit a notarized affidavit acknowledging acceptance of the conditions of this CUP. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements shall be deemed to have lapsed if compliance with this condition has not been undertaken within the specified time limits.
12. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
13. The Applicant shall pay all established service, permit, impact, environmental, and other applicable fees required by the City as a condition of this CUP.
14. The Applicant shall at all times comply with any applicable State law, including but not limited to: the Compassionate Use Act (Proposition 215), the Medical Cannabis Program Act (Senate Bill 420), the Medical Cannabis Regulation and Safety Act (collectively Assembly Bill 266, Assembly Bill 243, and Senate Bill 643, signed into law by Governor Brown on October 9, 2015, as may be amended from time to time), and any other State or California Constitutional provision, whether now or later adopted, including any location restrictions.
15. The Applicant shall apply for and obtain a Cannabis Distribution License prior to operating the Distribution Facility conditionally authorized by this CUP, and shall at all times comply with the provisions of such license and applicable City Codes and regulations. The revocation or suspension of any required regulatory license shall operate to suspend all operations.

16. The Applicant must comply with the recommendations and conditions of the City Manager or his/her designee prior to issuance of any building permits. All development pursuant to this CUP must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
17. A Management, Operations, and Security Plan including the measures set forth in Municipal Code Chapter 12A-7(F) shall be reviewed, and approved by the City Manager (or Designee) and City Building Official prior to Building Permit Issuance. Installation of security measures, including those listed below (See Condition 42a-f) must be completed, inspected, and approved by the City Manager (or Designee) and City Building Official prior to issuance of a Certificate of Occupancy.
18. The Applicant shall provide adequate lighting above all entrances and exits to the proposed buildings, as well as all parking areas and walkways that are under the control of the Applicant.
19. All required lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare onto the premises only. Said lighting and glare shall be shielded to deflect lighting away from all adjoining properties and down-cast and shielded from sunset to sunrise to avoid nighttime glare.
20. Prior to the issuance of a Conditional Use Permit, the Applicant shall obtain an electric "Will-Serve" letter, as well as a "Will-Serve" letter for Domestic Water and Sanitary Sewer Service from the Needles Public Utility Authority ("NPUA").
21. The Applicant shall adhere to all mitigation measures listed in Mitigation Reporting and Monitoring Program (MMP) as applicable to Biological Resources, Cultural Resources, Noise, Transportation, and Tribal Cultural Resources.
22. During grading activities and in the event of an accidental discovery or recognition of any human remains during project construction activities, Public Resources Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:
 - There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or

- Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
 - The descendant identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC.
23. During construction, the Applicant shall, at all times, maintain the project site free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days' notice by certified mail, the Applicant does not comply with a notice of violation issued during construction, the City may either cancel building or grading permits and/or implement nuisance abatement proceedings, including placing a lien on the property for costs of abatement.
 24. Applicant shall locate outside trash bin(s) or trash cans in a secured, enclosed area; not to be seen by public view and shall be locked at all times.
 25. The outdoor cultivation and/or sale of cannabis and/or cannabis products are prohibited on the project site. No activity including, but not limited to, seeding, growing, or processing shall be conducted outside of the enclosed Cultivation Facility. The only time in which the product of any type is allowed to be outside of the buildings is for loading and/or transportation/logistic and/or disposal purposes, consistent with the approved Site Plan. Indoor Cultivation is allowed only within a fully enclosed and secure structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, is secured against unauthorized entry, provides complete visual screening, is only accessible through doors, and is inaccessible to minors. Other types of activities or special events are prohibited on the project site unless the applicant has received an approved Temporary Use Permit subject to the provisions of the City Municipal Code.
 26. All structures, building walls open to public view shall remain free of graffiti or other extraneous markings, drawing, or signage that was not approved by the City, unless directly related to the business being operated on the premises or otherwise providing pertinent information about said premises. In the event graffiti or other extraneous markings occur, the Applicant shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surface.
 27. Prior to occupancy, the Applicant shall prepare and file with the County Fire Department and Sheriff's Department a detailed evacuation plan in the event of an emergency that

details how the buildings will be secured and how first responders will gain access to the project site and buildings.

28. The Applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB), Colorado Region.
29. Prior to construction of the first building (Phase 1), the Applicant shall fill out the City's Industrial Wastewater Discharge checklist and provide the City with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation.

This shall involve and require the Applicant to construct a sampling manhole onsite to connect to the facility's wastewater line that will tie-in to the nearby existing sewer line, and shall be constructed large enough in diameter for test tubes to be fitted down for water capture and testing. Said manhole shall be located between the building structure and the City's sewer main with access for City Staff, and a composite sampling device to be installed in the manhole with a remote controller. The depth of the manhole will depend on the depth of the sewer.

The Applicant shall also describe if:

- a) Reverse osmosis will be utilized, and if so, shall provide documentation to the City of how concentrated levels of Total Dissolved Solids (TDS) and brine solutions will be disposed and of the licensed entity that will be appointed in receiving TDS waste; or
 - b) If Hydroponic Grow Methods will be utilized, the applicant shall notify the City prior to initial discharge of hydroponic water media. Testing shall be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been replaced/installed and re-tested by the wastewater testing firm until discharge levels of dissolved solids fall below the maximum allowable threshold. Failure to notify the City or detection of an unapproved discharge shall be considered "non-compliant" and is subject to sanctions up to and including discontinuance of service in accordance with Sections 9.5 and 10.7 of the City Code.
30. No nuisance water shall escape the Project Site onto public streets or adjacent properties.
 31. If hazardous substances are used and/or stored in connection with the project, that exceed 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time in the course of a year, a Business Emergency/Contingency Plan shall be prepared prior to issuance of Certificate of Occupancy and shall be in compliance with California Health & Safety Code (CHSC), Division 20, Chapter 6.95, Sections 25500 – 25520, California Code of Regulations (CCR), Title 19, Division 2, Chapter 4, Article 4, Sections 2729 - 2732, Title 40, Code of Federal Regulations (CFR), and EPA (SARA, Title III). A technical opinion and report may be required, identifying and developing methods of protection from the hazards presented by the hazardous materials. This report shall be prepared by a qualified

and properly licensed person, firm, or corporation and submitted to the Fire Department. This report shall also explain the proposed Facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

32. The total Indoor Distribution operations area shall not exceed 965 sq. feet of total indoor space., as authorized pursuant to the CUP. In the event that State law further restricts or limits these requirements, the Distribution Facility shall comply with all building size requirements for such facilities imposed by State law and consistent with any State issued permit or license. A decrease in Indoor Distribution below that which is authorized shall not require a new or amended CUP.
33. Indoor Distribution shall not adversely affect the health or safety of the nearby residents, businesses or properties by creating offensive odors, dust, glare, heat, noise, smoke, traffic, vibration, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby properties or areas open to the public, and shall not be hazardous due to use or storage of materials, processes, products or wastes. Each building shall incorporate, operate and maintain sufficient odor absorbing ventilation through the use of charcoal lined filtration and exhaust systems.
34. The Distribution Facility shall comply fully with all applicable restrictions and mandates set forth in State law. The Distribution Facility shall not engage in any activities not allowed at Distribution Facilities pursuant to State law and Chapter 12A of the Municipal Code. The Distribution Facility shall comply with all horticultural, labeling, processing, and other standards required by State law and Chapter 12A of the Municipal Code.
35. All cannabis and cannabis products shall be stored in a secured manner within the Distribution Facility during business and non-business hours.
36. On-site smoking, ingestion, or consumption of cannabis or alcohol shall be prohibited on the premises of the Distribution Facility. The term "premises" includes the actual buildings, as well as any accessory structures and parking areas. The building entrance to the Distribution Facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming cannabis on the premises or in the vicinity of the Facility is prohibited.
37. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Distribution Facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Distribution Facility.
38. With the exception of Emergency Medical Care provided in the event of an accident or injury, Physician services shall not be provided on the premises.
39. No physical change, alteration, or modification of the premises of the Distribution Facility is allowed that materially or substantially alters the permitted use or the approved site plans.

Material changes include, but are not limited to, an increase or decrease in the total square footage of the Distribution Facility, or the addition, sealing of, or relocation of a wall, common entryway, doorway, or other means of ingress and/or egress to the Facility.

40. The Distribution facility shall not distribute, sell, dispense, or administer cannabis out of its Facility to the public. A Distribution facility shall not be operated as a Cooperative/Collective.
41. The Applicant shall identify the on-site manager(s) of the Facility to whom notice of operational issues may be provided. The Distribution Facility shall make every good faith effort to encourage residents, businesses, or members of the public to call this Facility Manager as a first step to resolving operating problems, if any, before calls or complaints are lodged with the Sheriff's or Planning Department.
42. A security plan shall be clearly detailed on the Site Plan and installed at the Facility, including the following measures:
 - (a) Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the City Manager or his/her designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and corners of the building, and any other areas as determined by the City Manager or his/her designee. These records shall be maintained for seven (7) years from the date created or longer if required by State or Federal law. Recordings shall be made available to the City Manager or his/her designee upon 24 hours' notice;
 - (b) The facility shall be alarmed with an alarm system that is operated and monitored by a properly licensed security company. Any security personnel, whether armed or unarmed, employed by the Cultivation Facility shall have and possess on their person a valid, State issued, licenses (commonly known as a "Guard Card");
 - (c) Entrance to the cultivation area and any storage areas shall be locked at all times, and under the control of staff of the Cultivation Facility;
 - (d) The entrance(s) shall be illuminated during evening hours. The Applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.
 - (e) Entry doors to all both buildings shall be appropriately secured and all cannabis securely stored, and a reliable, commercial alarm system shall be installed and maintained.
 - (f) No public access to the facility will be allowed.
43. The Applicant shall enter into an agreement with the City that fully reimburses the City for all costs incurred by the City, resulting from the existence of the Facility, and provides the

City with any applicable impact or other fees, imposed now or hereafter, to offset the potential impacts of the Cultivation Facility within the City.

44. The City Manager, or the City Manager's designee, shall have the right to enter the Distribution Facility from time to time upon 24 hours' notice for the purpose of making reasonable inspections to observe and enforce compliance with these conditions of approval and all laws of the City and State of California.
45. If the Applicant utilizes an average of 125 percent or more of the permitted electricity or water amount based on the electric and water Will-Serve letters, in any one (1) year without prior written approval by the NPUA, all operations must cease immediately and the same shall be grounds for revocation of the CUP. Average electricity and water usage will be monitored on a quarterly basis by NPUA and City of Needles.
46. Operation of the Distribution Facility in violation of any condition(s) of this CUP approval or requirements of Chapter 12A of the Municipal Code or other City regulation or ordinance shall constitute a violation of the CUP and shall be enforced pursuant to the provisions of thereof.
47. If any condition of approval of this CUP is held or declared to be invalid by a court of competent jurisdiction, the entire Project and CUP may be reviewed and substitute and/or additional conditions may be imposed.
48. Any violation of these conditions of approval shall constitute grounds for revocation of the CUP. The CUP may be revoked by the permit-issuing authority only in accordance with the requirements of Section 118.04 of the City's Zoning Code. Any such decision is appealable by the Applicant in accordance with Section 118.05 of the City's Zoning Code.
49. The project shall be developed in conformance to the site plan drawing. Any deviation from the approved plan shall require Planning Commission approval.
50. The Applicant must use asphalt or concrete for driving and parking surfaces per City standards.
51. The project is required to be handicap accessible, with ADA compliant restrooms for both buildings.
52. Any exposed metal surfaces to the building shall be masked with a minimum 25 percent architectural enhancement treatment for building walls that face streets. At all times, the building shall be maintained with appropriate paint or exterior treatment.
53. Prior to issuance of a grading or construction permit, a Precise Grading Plan shall be submitted to the City for review and approval
54. Prior to issuance of Certificate of Occupancy for the Phase 1 building, the applicant shall line the north and south sides of the project site with a 6-foot masonry block wall. 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.

55. Prior to issuance of Certificate of Occupancy for the Phase 1 building, the Applicant shall have all landscaping approved and installed. The landowner shall be responsible in maintaining the vigor and life of planted landscape species during the life of the project.
56. Prior to issuance of Certificate of Occupancy for Phase 1 building and Phase 2 building, an electric meter and a main disconnect switch shall be installed on exterior of both buildings.
57. The Applicant must comply with the recommendations of the San Bernardino County Fire Department prior to issuance of any building permits. All development pursuant to this permit must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
58. The Applicant shall manage its lighting as prescribed in City of Needles Ordinance 629-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. The planting palette will prohibit the inclusion of invasive species that are listed on California Invasive Plant Council (CalIPC) and the California Department of Food and Agriculture (CDFA) California Noxious Weeds list.
59. During short-term construction activities, the applicant shall implement the follow dust control measures:
 - 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.
60. All cultivation and processing 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.
61. Prior to grading, the Applicant shall obtain a Regional Water Quality Control Board (RWQCB) Waste Discharge Requirement.

62. Prior to construction, a focused plant survey shall be conducted during the appropriate growing season to identify any special-status desert dwelling plants that have the potential for occurring on the proposed project site.
63. Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to commencing project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from a typically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).
64. Prior to construction, a qualified biologist shall survey for desert tortoise. In the event an individual is found, the qualified biologist shall capture and relocate to a designated area approved by USFWS and CDFW.
65. Prior to construction, a qualified biologist shall survey for burrowing owl. In the event burrowing owl or their sign is observed during pre-construction surveys, the applicant will consult with CDFW prior to clearing and grubbing activities.
66. A Tribal Monitor shall be on site during the ground-disturbance phases of the project. The applicant shall coordinate the services of a tribal monitor with the Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, Fort Mojave Indian Tribe, Colorado River Indian Tribes, and Torres Martinez Desert Cahuilla Indians.
67. During short-term construction activities, all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily for soil retention and dust suppression when construction activities are occurring on-site.
68. All equipment used for construction shall be compliant with Tier 4 Emissions Standards under the Environmental Protection Agency (EPA) rule.
69. A Material Safety Data Sheets (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.

70. Cleanouts shall 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.
71. The project shall comply with all sections of Titles 22 and 17 of the California Code of Regulations as applicable (“Regulations that Apply to Recycled Water”), including but not limited to type of backflow prevention required, proper installation of backflow prevention, testing and maintenance of backflow prevention, source specifications for recycled water, use area requirements for recycled water including signage, and restrictions on dual plumbed systems. In addition, the sewage disposal and recycled water systems are subject to all local codes, including securing and conforming with the terms of any permits required by the City of Needles, the County of San Bernardino County, or the Colorado River Water Quality Control Board.
72. The applicant shall acknowledge that the noise generated by operation of the proposed project must not exceed 60 dBA at the exterior side of any adjacent residences or result in an increase of more than 5 dBA in ambient noise if ambient noise is over 60 dBA Ldn. To ensure compliance, noise measurements will be taken post construction during facility operations and shall be submitted to the City of Needles.
73. The following shall apply to construction noise from tools and equipment:
- The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. The applicant is requesting work to be allowed between 8:00 a.m. and 6:00 p.m. on Saturdays.
 - No heavy equipment related construction activities shall be allowed on Sundays or holidays.
 - All stationary and construction equipment shall be maintained in good working order and fitted with factory- approved muffler systems.
75. The project shall 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 shall be security cameras on each exterior corner of each building. Some cameras shall be motion activated and will turn on exterior lights if movement is detected. There shall be interior security cameras in each of the main spaces.
76. Deliveries shall be coordinated with on-site employees and only conducted when employees are present during normal business hours.
77. The proposed block walls shall be constructed prior to operation of the facility to provide noise reduction to surrounding residences.
78. 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.

79. Emergency generators shall be located inside an enclosure to lessen any noise generated during their usage.
80. 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.
81. 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.
82. The Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from CDFW, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>) and learn more about cannabis cultivation permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. CDFW recommends the inclusion of the following mitigation measure prior to the City adopting the MND:

Prior to construction and issuance of any grading permit, written correspondence from CDFW shall be obtained stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or a Lake and Streambed Alteration Agreement shall be executed by CDFW, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project. (See Attached CDF Letter dated September 17, 2021).

SECTION 5. This action shall become final and effective fifteen (15) days after this decision by the CITY COUNCIL, unless within such period, a written appeal is filed with the City Clerk for consideration by the City Council as provided by the Needles City Code.

PASSED, APPROVED AND ADOPTED this 25th day of January, 2022 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest:

City Clerk

Approved as to form:

City Attorney

Final Mitigated Negative Declaration for the Proposed Grow Heights Conditional Use Permits, Zoning Change, and General Plan Amendment

1.0 OVERVIEW

Pursuant to the California Environmental Quality Act (CEQA), the Initial Study /Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2019039101) was prepared to analyze the potential environmental effects of the Proposed Grow Heights Conditional Use Permits, Zoning Change, and General Plan Amendment (proposed “Project” or “Grow Heights project”) (**Attachment 1**).

Pursuant to Section 15367 of the State CEQA Guidelines, the City of Needles (City) 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.

A 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.

An IS was required for the following reasons:

1. The project site was not considered to be infill due to its location;
2. The site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that IS, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the Project would have a significant effect on the environment, and the Original MND was revised and a Recirculated IS/MND was prepared.

2.0 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.

3.0 PROJECT HISTORY AND CEQA PROCESS

Overview of February 2019 IS/MND Process: A preliminary draft IS/MND (Original IS/MND) was prepared in February 2019 for the Project and was posted to the City'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 Original 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 Original IS/MND and NOI was distributed for a 30-day public review period, which ended on April 19, 2019. The Original 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; 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 but were considered in the Recirculated IS/MND. The comments Received on the Original IS/MND are attached as Appendix D to the Recirculated IS/MND (see **Attachment 1**).

Subsequent to the public review period but prior to the hearing for the Original 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 a distribution facility 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

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.

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).

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.

4.0 PUBLIC REVIEW

A NOI to Adopt a Recirculated IS/MND was mailed to the State Clearinghouse and affected responsible and trustee agencies and interested organizations and individuals on August 20, 2021. The public review period for comments on the proposed adoption of the Draft Recirculated Mitigated Negative Declaration closed on September 20, 2021.

The Recirculated IS/MND and NOI to Adopt a MND was posted with the San Bernardino County Clerk, and on the City’s website. A summary of the NOI was published in the Needles Desert Star newspaper to announce the public review period.

5.0 COMMENTS ON THE DRAFT RECIRCULATED IS/MND

One comment letter was received from the California Department of Fish and Wildlife (CDFW) (**Attachment 2**). Responses these comments are provided in **Attachment 2**.

6.0 REVISIONS AND CHANGES TO THE DRAFT RECIRCULATED IS/MND

Changes, including those that reflect changes due to the comments received, that were made to the Draft Recirculated Mitigated Negative Declaration are signified by strikeouts (strikeouts) where text is removed and by underlined font (underlined font) where text is added below. These changes do not constitute new significant information that would require the revision and recirculation of the Draft Recirculated Mitigated Negative Declaration.

Background – Page i

The general plan amendment was inadvertently mislabeled as “Manufacturing.” The correct general plan amendment land use designation is “Industrial.” The Project would conform to the Industrial land use designation. Further, the Industrial land use designation would be consistent with the proposed zone change to M-1: Light Manufacturing. The Recirculated IS/MND has been revised to correctly label the general plan amendment land use designation as follows:

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

Any mentions of the Manufacturing land use designation in the Recirculated IS/MND have been revised to the Industrial land use designation.

Other Agencies Whose Approval May Be Required - Page ix

~~California Department of Food and Agriculture~~

Department of Cannabis Control (DCC), Cannabis Cultivation License

DCC, Cannabis Distribution License

Section 4: Biological Resources - Page 15

Analysis

The Recirculated IS/MND Biological Resources discussion has been revised to reflect CDFW’s comments as follows:

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 to avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (February 1 – September 1). Additionally, if work must be completed during the nesting bird season (February 15–August 31), then a preconstruction surveys must be completed by a qualified avian 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 three seven days prior to when construction begins. If nests are discovered during the preconstruction nesting bird surveys, a Nesting Bird Plan shall be prepared and implemented by the, a qualified avian 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.~~

Section 4: Biological Resources - Page 15

Mitigation

Mitigation Measure 4.1: Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to the commencing project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from a typically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NSP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stages, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside of peak breeding season (February 1 through September 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.

Section 9: Hydrology and Water Quality – Page 28

Analysis

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. Nevertheless, in order to obtain a cultivation license with the DCC, a cannabis cultivator must have a Lake or Streambed Alteration Agreement with CDFW or written confirmation that one is not needed. As no rivers or streams are present and development of the project would not substantially alter drainage patterns, the applicant will obtain written confirmation that a Lake or Streambed Alteration Agreement is not needed from CDFW as required by DCC for a cultivation license.

7.0 AB 52 TRIBAL CONSULTATION

Pursuant to AB 52 and SB 18, the City completed the tribal consultation process for the proposed Project. Consultation consisted of sending out letters to tribes that had previously requested consultation; letters were sent to five tribes as part of the Original IS/MND process; only the Twenty-Nine Palms Band of Mission Indians (Tribe) and the Fort Mojave Indian Tribe (FMIT) provided responses (letter dated April 2, 2019, and May 13, 2019, respectively).

In their letter, the 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 cultural report was appended to the Recirculated IS/MND. In their letter, FMIT 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 FMIT's letter on November 23, 2020, stating that they were available to meet with FMIT to further discuss concerns and provide any additional information they believed applicable to the Project. FMIT did not provide a response, and, as a result, consultation was deemed complete. Comments provided by the tribes were incorporated into revisions made to the Recirculated IS/MND. The tribes were each provided a copy of the Recirculated IS/MND as part of the public review process; no further comments were received.

As the Project requires an amendment to the general plan, the City of Needles is required to consult with local tribes as the CEQA lead agency pursuant to both AB 52 and SB 18. The Project has been noticed to the tribes in conformance with both AB 52 and SB 18.

8.0 MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the Project (**Attachment 3**).

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

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 Needles' 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 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 within 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.

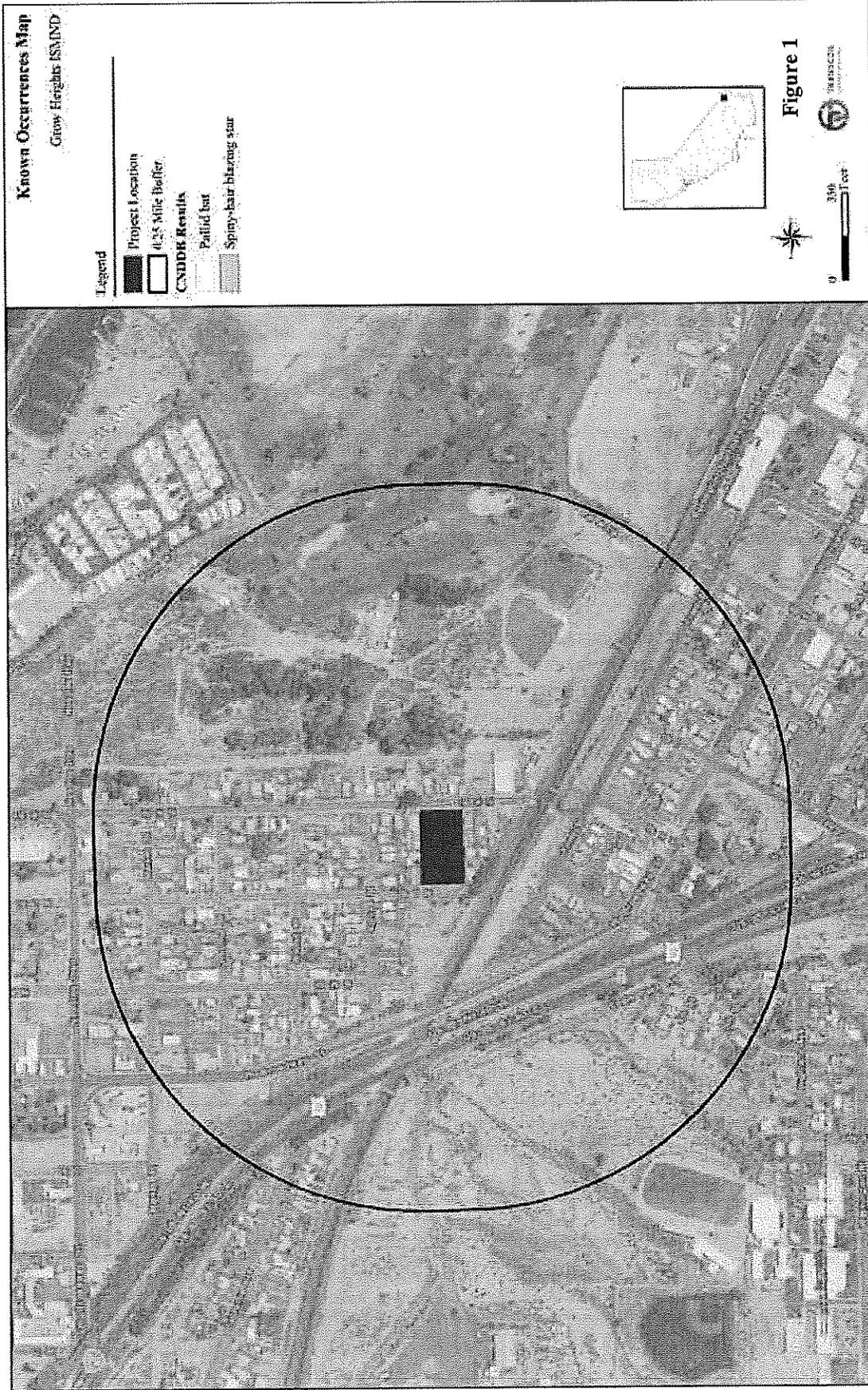
- f) Finding: The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Impacts will be Less than Significant.

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 Incorporated	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 Incorpor.	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

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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 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.

|

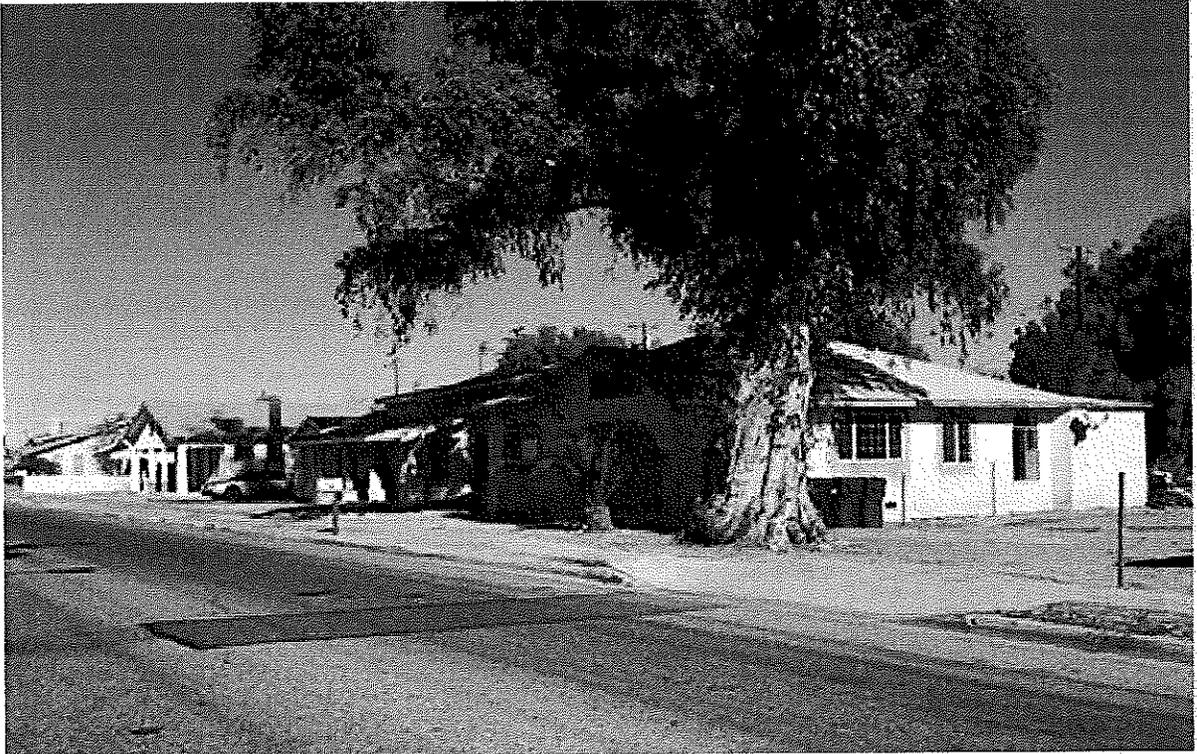
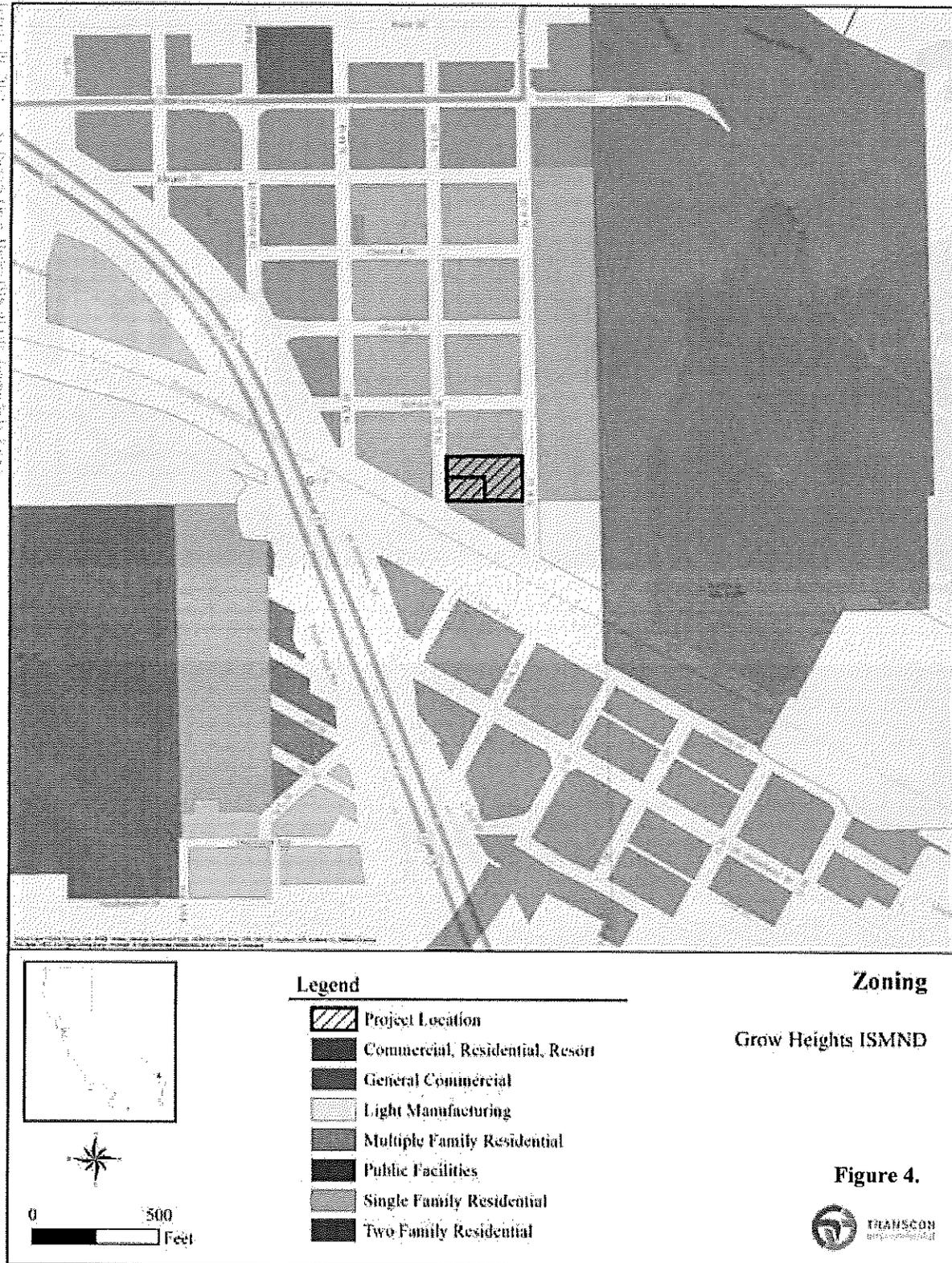


Figure 3. Character of nearby residences.



Figure 2. View across the parcel from K Street



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 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 Incorpor.	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 Incorpor.	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.

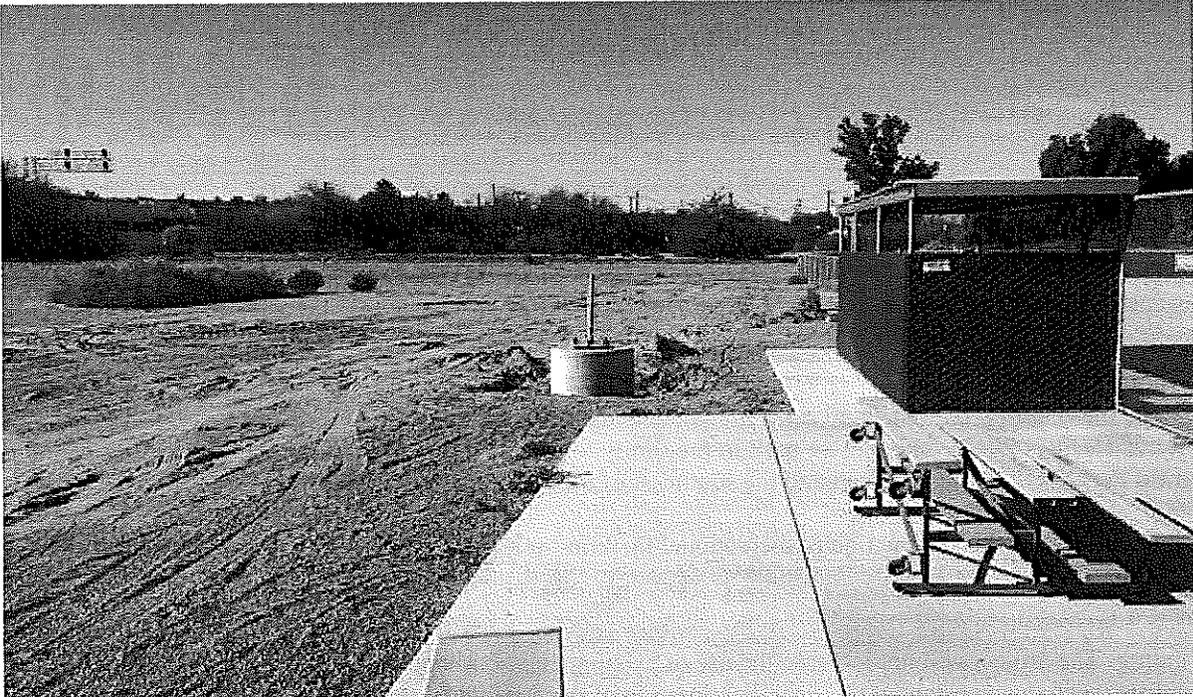


Figure 5. View toward project site from Ed Parry Park; site obscured by vegetation.

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 Unless 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:

- a) **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).

- 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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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.

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- U.S. Fish and Wildlife Service (USFWS). 2018. *National Wetlands Inventory Website*. www.fws.gov/wetlands/data/mapper.html. Accessed 01/18/18.

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.

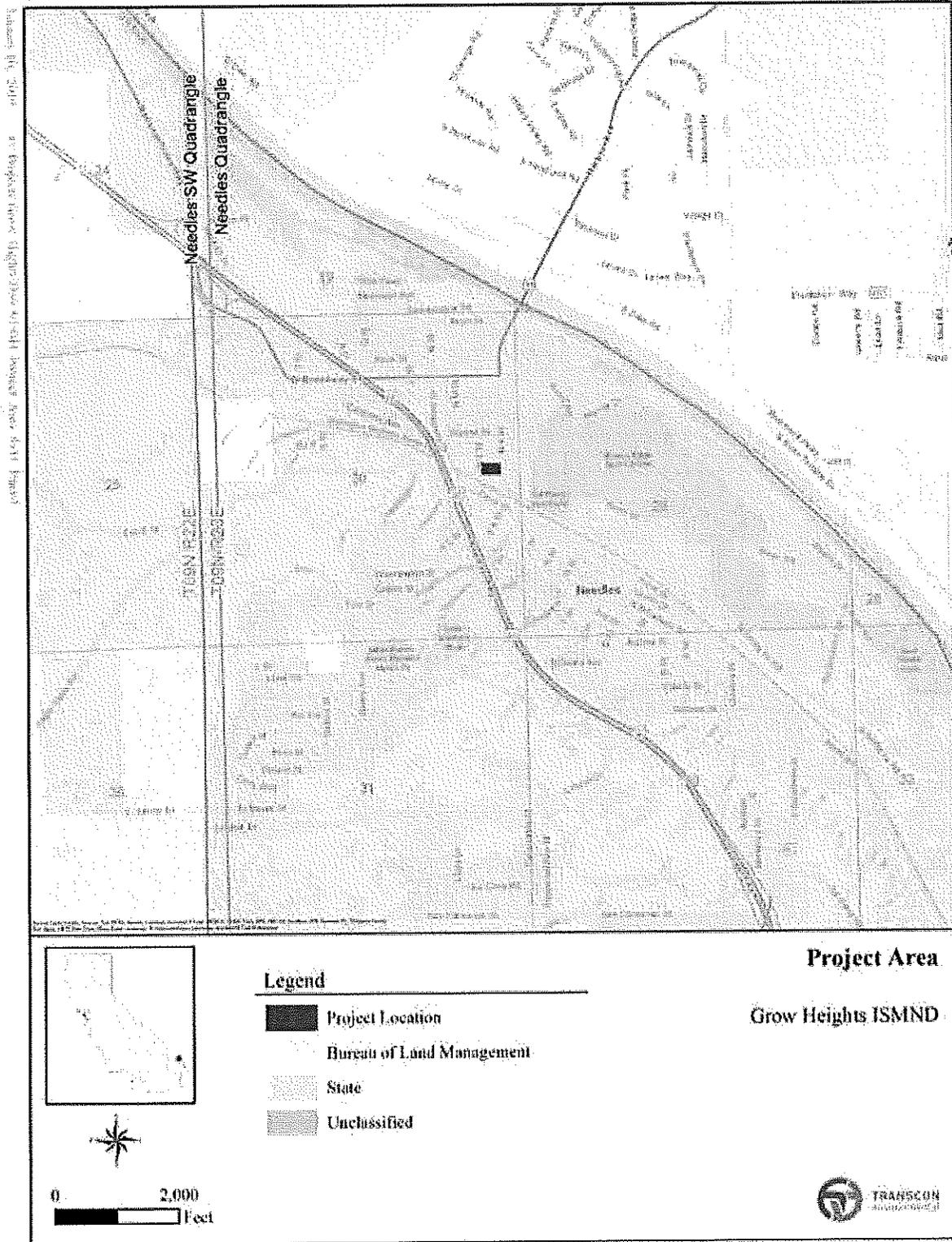
Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During continuous project operations	Continuous		City of Needles		

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.

*Final Mitigated Negative Declaration
Proposed Grow Heights Conditional Use Permits, Zoning Change, and General Plan Amendment*

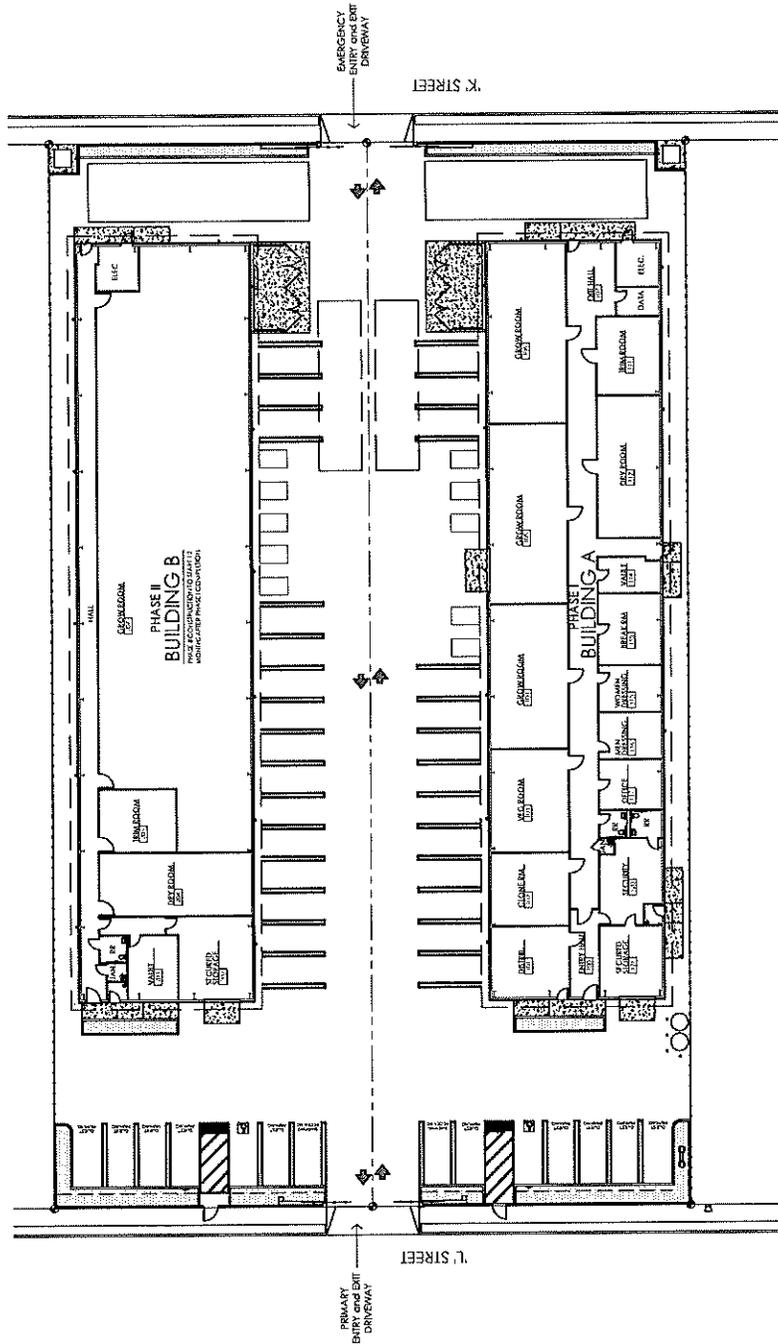
Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
During construction activity.	Continuously during construction		City of Needles		

APPENDIX A
PROJECT AREA MAP



APPENDIX B

Project Site Plans



- LANDSCAPE LEGEND**
- PLANTERS TO INCLUDE:
 - 3" LAYER OF 3/4" CALIFORNIA GOLD CRUSHED ROCK BY SQUIBBER BOLDER AND STONE @ APPROX 80.
 - 2" LAYER OF 1/2" CALIFORNIA GOLD CRUSHED ROCK BY SQUIBBER BOLDER AND STONE @ APPROX 80.
 - 2" LAYER OF 1/2" CALIFORNIA GOLD CRUSHED ROCK BY SQUIBBER BOLDER AND STONE @ APPROX 80.
 - SCULPTURAL STEEL CACTUS



GH F GROW HEIGHTS FARM
 109 NORTH L STREET,
 NEEDLES, CA 92363

MARK HANNAWI
 10420 S HARBOR DR.
 MOHAVE VALLEY, AZ 86440

ARCHITECTURE PLANNING INTERIORS
WILLIAM MASON ARCHITECT
 3374 DAKOTA AVENUE
 COSTA MESA, CALIFORNIA 92626
 714.427.0888 EMAIL: WMASON@WMAARCHITECT.COM
 19.03.06.00 11.04.2020

APPENDIX C

Cultural Resources Report

March 21, 2018

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



TRANSCON
environmental

RE: Cultural Resources Review for the Grow Heights 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 Heights 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 I

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 Hoka 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 long 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.

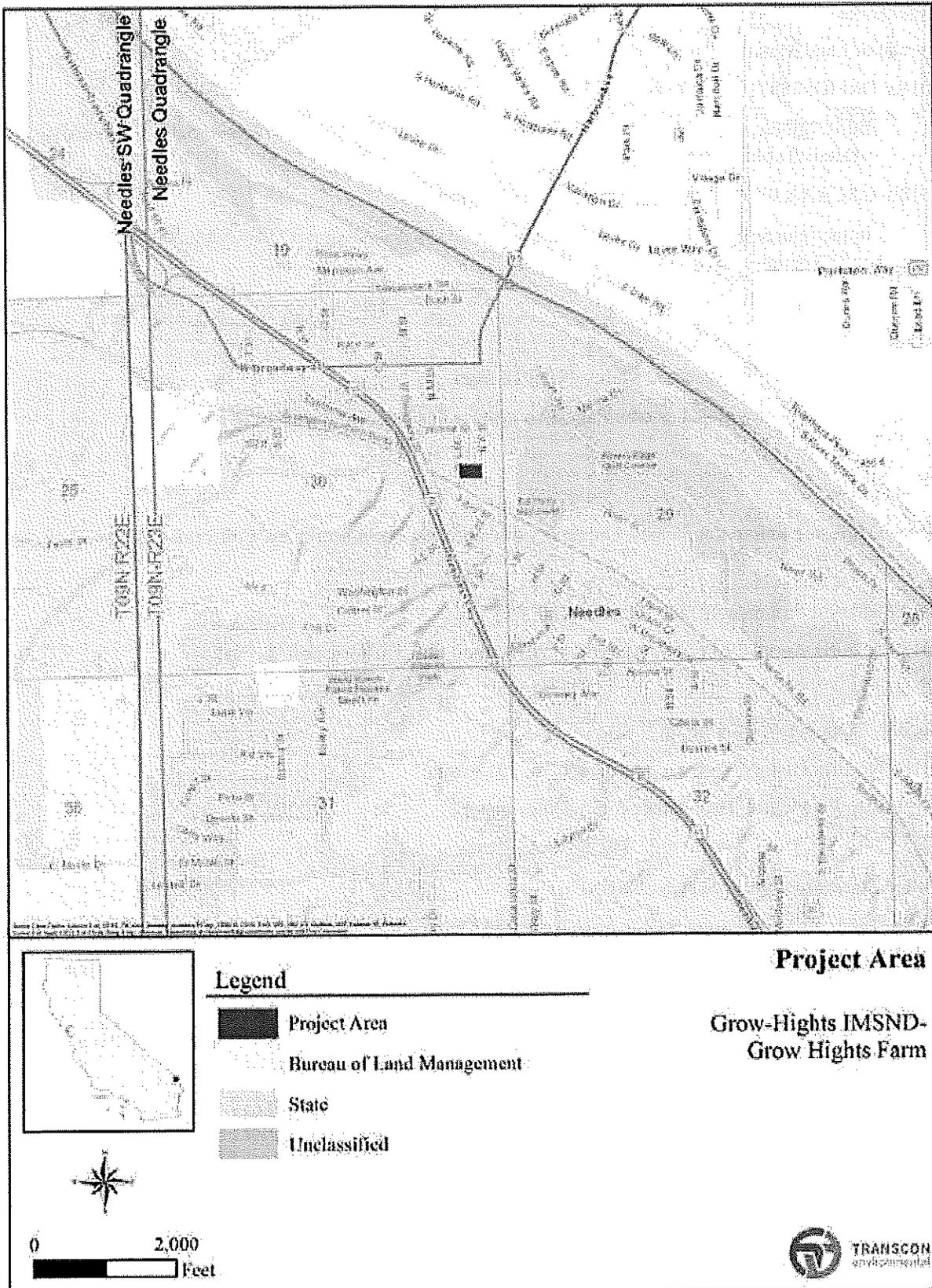
If you, the City or other review agencies have any questions concerning our survey findings or recommendations, please don't hesitate to contact me at your earliest convenience.

Sincerely,



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

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

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

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

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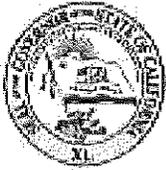
2018c 1956, 60-Minute topographic map. Accessed March 15, 2018 from:

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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

Final Mitigated Negative Declaration
Proposed Grow Heights Conditional Use Permits, Zoning Change, and General Plan Amendment
STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Kate Gerlach
Director

April 19, 2019

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

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

Dear Cindy Simone:

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://ceqa.net.ogr.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

Rec'd
4-22-2019

1100 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95819-3044
TEL 1-916-445-0613 state.clearinghouse@opr.ca.gov www.opr.ca.gov



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 regards 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

*Recd
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



TIMOTHY WILLIAMS - Chairman
SHAN LEWIS - Vice Chairman
COLLEEN GARCIA - Secretary
NICHOLE GARCIA - Council Member • NORVIN MCCORD SR - Council Member
JOHNNY HEMMERS - Council Member • CELLENA REYES - Council Member
500 Merriam 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 2019
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, AhaMukav 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.srnwlaw.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*

*Final Mitigated Negative Declaration
Proposed Grow Heights Conditional Use Permits, Zoning Change, and General Plan Amendment*

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.

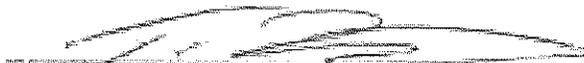
FMIT, due to cultural affiliations the Mojave have with ancestral cultural landscapes within the vicinity of the project area, is concerned about the projected area of potential effect (APE), indirect, direct and cumulative impacts of the project. FMIT may have additional comments and concerns after 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 AhaMakay Cultural Society, Fort Mojave Indian Tribe
Mr. James Ramos, Chairman, California Native American Heritage Commission

Attachment 2 – Comments Letters on The Recirculated IS/MND and Responses

CDFW received one comments letter on the Recirculated IS/MND. Responses to the comments are provided.



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
 3602 Inland Empire Blvd. Ste. C-220
 Ontario, CA 91762
 www.wildlife.ca.gov



September 17, 2021
 Sent via email

Cindy Semione
 Planner
 City of Needles Planning Department
 817 Third St.
 Needles, CA 92363

Grow Heights Cannabis Cultivation Facility (Project) Recirculated Initial Study/Mitigated Negative Declaration (IS/MND) SCH# 2019039101

Dear Ms. Semione:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Needles (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. CDFW appreciates the opportunity to respond to the Recirculated Draft IS/MND. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California’s Wildlife Since 1870

Cindy Semione, Planner
City of Needles
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authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Grow Heights Cannabis Cultivation Facility

Project Description: The Recirculated Draft IS/MND proposes to develop a 1.24-acre parcel in the City of Needles for the purpose of cannabis cultivation. Development will include the construction of two metal buildings with a total of 10,589 square feet (sq) of indoor cannabis cultivation space and distribution. The water needs for this Project will be supplied by the City of Needles municipal ground water. A parking lot with space for 40 vehicles as well as a dedicated shipping/receiving bay for each building will be installed. The parking lot will be accessible from North L St. Two driveways will be installed, one primary driveway on North L St. and a second emergency driveway on North K St. The site is currently vacant and free of vegetation. The Project is located in an urban area primarily occupied by single-family residences.

Location: The Project lies between North K St. and North L St, south of Spruce St., and north of the BNSF Railway right-of-way in the City of Needles, State of California; Assessor’s Parcel Number 0185-111-84-0000; Latitude 34.84434 N, Longitude -114.61098 W; in the Mohave Valley–Colorado River (HUC 12) subwatershed. To the east of the property lies Ed Parry Park and the Rivers Edge Golf Course.

Timeframe: The Recirculated Draft IS/MND gives no timeframe for the construction of the Project other than Phase II will begin within one year of installation of the first structure in Phase I.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Needles in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

In addition to the sections below, CDFW is concerned about the following:

- There is no timeframe provided for the construction of the Project. 1
- Outside of a cursory query of CNDDDB/BIOS there does not seem to have been a survey of biological resource at the Project site or of the surrounding area. Without a current survey of biological resources, CDFW may not be able fully assess the Project’s impacts. 2
- The Recirculated Draft IS/MND does not analyze cumulative impacts from the increasing concentration of cannabis projects in the City of Needles and the surrounding area. Cannabis cultivation requires large quantities of water, which can 3

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City of Needles
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impact groundwater-dependent species, ecosystems, and cities. CDFW recommends that the Recirculated IS/MND include an analysis of cumulative impacts of cannabis projects on the City of Needles' limited water resources.

- The Recirculated Draft IS/MND lists the California Department of Food and Agriculture (CDFA) as the licensing body for cannabis. Cannabis licensing now falls under the Department of Cannabis Control (DCC) and the CEQA document should reflect that.

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ASSESSMENT OF IMPACTS ON BIOLOGICAL RESOURCES

Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. The Recirculated Draft IS/MND proposes Mitigation Measure (MM) 4.1 (p. 15) requiring nesting bird surveys prior to vegetation clearing or ground disturbance activities. CDFW recommends that pre-construction surveys be completed no more than 3 days prior to vegetation clearing or ground disturbance activities; instances of nesting could be missed if surveys are conducted sooner. Please note that nesting bird surveys must be conducted regardless of the time of year to protect species that may nest outside the peak breeding season, such as raptors and hummingbirds. CDFW appreciates inclusion of Mitigation Measure 4.1 and provides the following revision:

MM BIO-1: Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to commencing project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from a typically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).

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Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-1. The draft MMRP with MM BIO-1 through MM BIO-4 is enclosed as Attachment 1 at the end of this letter.

Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. Even if used indoors, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals that are disposed of outside. Nonlethal doses of pesticides can negatively affect wildlife; for example, pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Pursuant to Fish and Game Code section 5650(a)(6), toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams. Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites (the passage of AB 1788, signed by the governor on September 29, 2020, banned the general use of second-generation anticoagulants in California). Best management practices may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs and walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided, as these pose a hazard to nontarget wildlife and result in a prolonged/inhumane death. The California Department of Pesticide Regulation (CDPR) stipulates that pesticides must meet certain criteria to be legal for use on cannabis. For details, visit <https://www.cdpr.ca.gov/docs/cannabis/questions.htm> and <https://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2015/2015atch/attach1502.pdf>.

Section 8 Hazards and Hazardous Materials (p. 23) of the Recirculated Draft IS/MND states that nutrients, pesticides, and fungicides may be used in the cannabis cultivation facilities, therefore CDFW recommends, the inclusion of the following mitigation measure prior to the City adopting the MND:

MM BIO-2: Prior to construction and issuance of any grading permit, a qualified biologist shall develop a plan, to be approved by the City of Needles, that includes measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should

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include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings, (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams, (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation, (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers", (5) Avoidance of sticky/glue traps, and (6) best management practices, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.

Artificial Light

Cannabis cultivation operations often use artificial lighting or "mixed-light" techniques in indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O'Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., birdsong; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon that results in attraction and movement toward light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

The Recirculated Draft IS/MND indicates that Project activities will involve new sources of artificial light for buildings and security (Section 1 Aesthetics, subsection (d), p 4). Because of the potential for artificial light to impact nocturnal wildlife species and migratory birds that fly at night, CDFW recommends the inclusion of the following mitigation measure prior to the City adopting the MND:

MM BIO-3: Light shall not be visible outside of any structure used for cannabis cultivation. Blackout curtains shall be installed where artificial light is used to prevent light escapement. Nonessential lighting shall be eliminated from cannabis sites and use of artificial light shall be avoided or limited during the hours of dawn and dusk, when many wildlife species are most active. Lighting for cultivation activities and security purposes shall be shielded, cast downward and toward developed areas, not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Only LED lighting with a correlated color temperature of 3,000 Kelvins or less shall be used. All hazardous waste shall be properly disposed of. Any lighting containing toxic compounds shall be recycled with a qualified recycler.

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Noise

Construction and operation of the Project may result in a substantial amount of noise through road use, equipment use, and other Project-related activities. Noise may adversely affect wildlife species in several ways and wildlife responses to noise can occur at exposure levels of only 55 to 60 decibels (Barber et al. 2009). (For reference, normal conversation is approximately 60 decibels, and natural ambient noise levels [e.g., forest habitat] are generally measured at less than 50 decibels.) Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2006). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

The Recirculated Draft IS/MND includes mitigation measures to address noise generated by Project activities (Mitigation Measures 12.1 through 12.5, p 39–40). CDFW also recommends restricting the use of equipment to hours least likely to disrupt wildlife and the surrounding neighborhood (e.g., not at night or in the early morning).

Role of Lake and Streambed Alteration (LSA) Program in Cannabis Licensing

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. CDFW's LSA Program should be notified of Project activities prior to construction so that impacts to streams and associated resources may be assessed, and, if appropriate, avoidance and minimization measures may be proposed.

The Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from CDFA, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>) and learn more about cannabis cultivation permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. CDFW recommends the inclusion of the following mitigation measure prior to the City adopting the MND:

MM BIO-4: Prior to construction and issuance of any grading permit, written correspondence from CDFW shall be obtained stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or a Lake and Streambed Alteration Agreement shall be executed by CDFW, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

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ASSESSMENT OF IMPACTS ON OTHER RESOURCES

Hydrology and Water Quality

The CDFW does not believe that the Recirculated Draft IS/MND fully addresses the Project's impacts to hydrological and water resources during construction and for the life of the Project. Impacts to these resources could directly or indirectly impact local wildlife species, ecosystem function, and City resources. Regarding impacts to surface or ground water quality (Section 9, Hydrology and Water Quality, subsection (b), p 27) the Recirculated Draft IS/MND states that Grow Heights will request a "will serve" letter from the City. Considering that Grow Heights estimates its yearly water usage to be between four and seven acre-feet (1.3 to 2.3 million gallons) per year, CDFW is concerned that the Project's water demands have not already been addressed with the City. Regarding site drainage impacts, the Recirculated Draft IS/MND (Section 9, Hydrology and Water Quality, subsection (c), p 28) states that the Project will be constructed on an area that is virtually flat and not in proximity to any streams. Please note that increasing the impermeable area of the site poses concerns for increased runoff and decreased drainage. Grow Heights should work with the appropriate entities to develop plans to avoid, minimize, and mitigate impacts to hydrological and water resources.

11

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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CONCLUSION

CDFW appreciates the opportunity to comment on the Recirculated Draft IS/MND for Grow Heights to assist the City of Needles in identifying and mitigating Project impacts on biological resources. CDFW has assessed the Recirculated Draft IS/MND and found that it

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does not adequately identify or mitigate for all of this Project's impacts on biological resources. CDFW recommends that prior to the adoption of the MND, the City of Needles revise the document to include a more complete assessment of impacts to biological resources on the Project parcel and adjacent parcels, as well as appropriate avoidance, minimization, and mitigation measures.

CDFW has Cannabis Unit staff who are available to provide guidance on identifying, minimizing, and mitigating impacts to biological resources and any CDFW permitting that will be associated with this Project. If you have questions or would like to set up a meeting with CDFW staff to discuss this letter, please contact Kevin Francis, Environmental Scientist, at kevin.francis@Wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec: Kevin Francis, Environmental Scientist, CDFW
kevin.francis@wildlife.ca.gov

HCPB CEQA Program, Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measure	Schedule	Responsible Party
<p>MM BIO-1: Nesting Birds Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to commencing project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from a typically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).</p>	<p>Within 3 days of beginning any vegetation clearing or ground disturbing activities.</p>	<p>City of Needles</p>
<p>MM BIO-2: Pesticides Prior to construction and issuance of any grading permit, a qualified biologist shall develop a plan, to be approved by the City of Needles, that includes measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>City of Needles</p>

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<p>disposal of pesticides, in accordance with manufacturers' directions and warnings, (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams, (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation, (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers", (5) Avoidance of sticky/glue traps, and (6) best management practices, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.</p>		
<p>MM BIO-3: Artificial Light Light shall not be visible outside of any structure used for cannabis cultivation. Blackout curtains shall be installed where artificial light is used to prevent light escapement. Nonessential lighting shall be eliminated from cannabis sites and use of artificial light shall be avoided or limited during the hours of dawn and dusk, when many wildlife species are most active. Lighting for cultivation activities and security purposes shall be shielded, cast downward and toward developed areas, not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). Only LED lighting with a correlated color temperature of 3,000 Kelvins or less shall be used. All hazardous waste shall be properly disposed of. Any lighting containing toxic compounds shall be recycled with a qualified recycler.</p>	<p>Ongoing throughout Project activities.</p>	<p>City of Needles</p>
<p>MM BIO-4: LSA Program Prior to construction and issuance of any grading permit, written correspondence from CDFW shall be obtained stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or a Lake and Streambed Alteration Agreement shall be executed by CDFW, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>City of Needles</p>

Comment No. 1

CDFW offers the comments and recommendations below to assist the City of Needles in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

In addition to the sections below, CDFW is concerned about the following:

There is no timeframe provided for the construction of the Project.

Response No. 1

This comment demonstrates understanding of the Project, and provides comments and recommendations related to fish and wildlife resources. The applicant's anticipated timeline is to be in production as soon as possible, with construction for Phase 1 being complete within approximately 3 to 4 months. The timeline proposed for beginning Phase 2 is within a year of installation of the first structure under Phase 1.

Comment No. 2

Outside of a cursory query of California Natural Diversity Database (CNDDDB)/ Biogeographic Information and Observation System (BIOS) there does not seem to have been a survey of biological resource at the Project site or of the surrounding area. Without a current survey of biological resources, CDFW may not be able fully assess the Project's impacts.

Response No. 2

The comment discusses the review of CDFW's CNDDDB that was performed and states the commenter may not be able to assess Project impacts without a biological resources survey. As discussed in Section 4: Biological Resources of the Recirculated IS/MND, a review of CDFW's CNDDDB was performed for both plant and animal species that may be present on the 1.24-acre Project site and that a 0.25-mile search radius was used give the ground clearing on the Project side and its developed, urban setting. The CNDDDB review identified two historical occurrences of the spiny-hair blazing star (*Mentzelia tricuspidis*) and one historical occurrence of a pallid bat (*Antrozous pallidus*) centered on the City of Needles. Typical habitat for the spiny-hair blazing star (*Mentzelia tricuspidis*) is sandy or gravelly slopes and washes while pallid bat (*Antrozous pallidus*) need roosts that protect them from high temperatures and are extremely sensitive to roost disturbance. Due to the fact that the occurrences were more than 75 years old with vague and non-specific locations and the Project site is a cleared, previously developed lot in an urbanized area, the Recirculated IS/MND concluded these species were assumed to not be present on the Project site.

As 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, a biological survey was not deemed necessary in this urban setting and Project impacts were fully assessed with this desktop CNDDDB review.

Comment No. 3

The Recirculated Draft IS/MND does not analyze cumulative impacts from the increasing concentration of cannabis projects in the City of Needles and the surrounding area. Cannabis cultivation requires large quantities of water, which can impact groundwater-dependent species, ecosystems, and cities. CDFW recommends that the Recirculated IS/MND include an analysis of cumulative impacts of cannabis projects on the City of Needles' limited water resources.

Response No. 3

The comment asserts cumulative impacts from the cannabis projects in the City of Needles and surrounding area were not analyzed. However, Response to Question b) in Section 19: Mandatory Findings of Significance of the Recirculated IS/MND analyzes the cumulative impacts of the Project in relation to the other cannabis cultivation and distribution projects within the City of Needles. The Recirculated IS/MND concluded that, based on the analysis and incorporation of appropriate mitigation measures, the Project will not result in any impacts that are individually limited but cumulatively considerable.

Comment No. 4

The Recirculated Draft IS/MND lists the California Department of Food and Agriculture (CDFA) as the licensing body for cannabis. Cannabis licensing now falls under the Department of Cannabis Control (DCC) and the CEQA document should reflect that.

Response No. 4

The DCC was created on July 1, 2021, by consolidating the three former state cannabis authorities: Bureau of Cannabis Control (Department of Consumer Affairs), CalCannabis Cultivation Licensing Division (California Department of Food and Agriculture), Manufactured Cannabis Safety Branch (California Department of Public Health). Page ix of the Recirculated IS/MND is revised as follows:

Other Public Agencies Whose Approval is Required

~~California Department of Food and Agriculture~~ Department of Cannabis Control (DCC),
Cannabis Cultivation License

~~California Department of Food and Agriculture~~ DCC, Cannabis Distribution License

No further response is required.

Comment No. 5

Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. The Recirculated Draft IS/MND proposes Mitigation Measure (MM) 4.1 (p. 15) requiring nesting bird surveys prior to vegetation clearing or ground disturbance activities.

CDFW recommends that pre-construction surveys be completed no more than 3 days prior to vegetation clearing or ground disturbance activities; instances of nesting could be missed if surveys are conducted sooner. Please note that nesting bird surveys must be conducted regardless of the time of year to protect species that may nest outside the peak breeding season, such as raptors and hummingbirds. CDFW appreciates inclusion of Mitigation Measure 4.1 and provides the following revision:

MM BIO-1: Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to commencing project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from a typically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside peak breeding season (February 1 through September 1).

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-1. The draft MMRP with MM BIO-1 through MM BIO-4 is enclosed as **Attachment 1** at the end of this letter.

Response No. 5

The comment suggests revisions to Mitigation Measure 4.1 in the Recirculated IS/MND. The Recirculated IS/MND Biological Resources discussion and the mitigation measure (MM 4.1) has been revised to reflect the CDFW suggestions.

Additionally, Mitigation Measure 4.1 on pages 15, 58, and 65 is revised to reflect the CDFW's suggestions.

Revisions to this mitigation measure does not change the biological resources impact determination to migratory birds or constitute new significant information that would require the revision and recirculation of the Draft Recirculated Mitigated Negative Declaration. Impacts would remain as less than significant with mitigation. No further response is required.

Comment No. 6

Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. Even if used indoors, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals that are disposed of outside. Nonlethal doses of pesticides can negatively affect wildlife; for example, pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Pursuant to Fish and Game Code section 5650(a)(6), toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams. Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites (the passage of AB 1788, signed by the governor on September 29, 2020, banned the general use of second-generation anticoagulants in California). Best management practices may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs and walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided, as these pose a hazard to nontarget wildlife and result in a prolonged/inhumane death. The California Department of Pesticide Regulation (CDPR) stipulates that pesticides must meet certain criteria to be legal for use on cannabis.

Response No. 6

As discussed on pages 10-11 of the Recirculated IS/MND, 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.

Furthermore, page 23 of the Recirculated IS/MND, states materials, including pesticides and fungicides, 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 on page 25 in the Recirculated IS/MND). Disposal of materials will be in accordance with the City of Needles Ordinance 594-AC as it relates to cultivation wastes. No further response is required.

Comment No. 7

Section 8 Hazards and Hazardous Materials (p. 23) of the Recirculated Draft IS/MND states that nutrients, pesticides, and fungicides may be used in the cannabis cultivation facilities, therefore CDFW recommends, the inclusion of the following mitigation measure prior to the City adopting the MND:

MM BIO-2: Prior to construction and issuance of any grading permit, a qualified biologist shall develop a plan, to be approved by the City of Needles, that includes measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings, (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams, (3) Avoidance of pesticides that cannot be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation, (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers", (5) Avoidance of sticky/glue traps, and (6) best management practices, such as sanitation (removing food sources such as pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.

Response No. 7

The comment discusses the use of nutrients, pesticides, and fungicides stated in the Recirculated IS/MND and proposes an additional mitigation measure. However, as discussed above in **Response No. 6**, page 23 of the Recirculated IS/MND also states the materials, including pesticides and fungicides, will be temporarily stored in barrels or other secure storage inside the cultivation facility before being used in cultivation and disposal of materials will be in accordance with the City of Needles Ordinance 594-AC as it relates to cultivation wastes. Moreover, as a precaution, the applicant proposes to provide MSDS to the City of Needles for all cultivation supplies used on the Project premises (see Operating Restriction HHM-1 on page 25 in the Recirculated IS/MND). As the Project would comply with the City of Needles Ordinance 594-AC and the Operating Restriction HHM-1, impacts would be less than significant and no mitigation measures are required.

Comment No. 8

Artificial Light

Cannabis cultivation operations often use artificial lighting or "mixed-light" techniques in indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant

environmental risks because they contain mercury and other toxins (O'Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to affect fish and wildlife significantly and adversely. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., birdsong; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon that results in attraction and movement toward light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

The Recirculated Draft IS/MND indicates that Project activities will involve new sources of artificial light for buildings and security (Section 1 Aesthetics, subsection (d), p 4). Because of the potential for artificial light to impact nocturnal wildlife species and migratory birds that fly at night, CDFW recommends the inclusion of the following mitigation measure prior to the City adopting the MND:

MM BIO-3: Light shall not be visible outside of any structure used for cannabis cultivation. Blackout curtains shall be installed where artificial light is used to prevent light escapement. Nonessential lighting shall be eliminated from cannabis sites and use of artificial light shall be avoided or limited during the hours of dawn and dusk, when many wildlife species are most active. Lighting for cultivation activities and security purposes shall be shielded, cast downward and toward developed areas, not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Only LED lighting with a correlated color temperature of 3,000 Kelvins or less shall be used. All hazardous waste shall be properly disposed of. Any lighting containing toxic compounds shall be recycled with a qualified recycler.

Response No. 8

The comment expresses concern regarding light pollution and disposal of lighting materials. As discussed on page viii of the Recirculated IS/MND, 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. Additionally, page 4 of the Recirculated IS/MND states 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. As such, the Project would not result in a potentially significant impact to nocturnal wildlife species or migratory birds related to light pollution. Furthermore, regarding lighting material disposal, page 52 of the Recirculated IS/MND discloses recyclable materials will be disposed of at the nearest recycling facility in operation during the life of the Project, and non-recyclable materials (including spent soil) will be disposed of at a licensed facility. Therefore, the disposal of lighting materials utilized for the Project would not significantly or adversely affect fish and wildlife. No further response or mitigation is required.

Comment No. 9

Noise

Construction and operation of the Project may result in a substantial amount of noise through road use, equipment use, and other Project-related activities. Noise may adversely affect wildlife species in several ways and wildlife responses to noise can occur at exposure levels of only 55 to 60 decibels (Barber et al. 2009). (For reference, normal conversation is approximately 60 decibels, and natural ambient noise levels [e.g., forest habitat] are generally measured at less than 50 decibels.) Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2006). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

The Recirculated Draft IS/MND includes mitigation measures to address noise generated by Project activities (Mitigation Measures 12.1 through 12.5, p 39–40). CDFW also recommends restricting the use of equipment to hours least likely to disrupt wildlife and the surrounding neighborhood (e.g., not at night or in the early morning).

Response No. 9

The comment recommends restricting the use of equipment to hours least likely to disrupt wildlife and the surrounding neighborhood to address noise generated by the Project in addition to the mitigation measures proposed in the Recirculated IS/MND. As stated on page iv of the Recirculated IS/MND, operating hours 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, not at night or in the early morning. No further response is required.

Comment No. 10

Role of Lake and Streambed Alteration (LSA) Program in Cannabis Licensing

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. CDFW's LSA Program should be notified of Project activities prior to construction so that impacts to streams and associated resources may be assessed, and, if appropriate, avoidance and minimization measures may be proposed.

The DCC requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To

qualify for an Annual License from CDFA, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS; <https://epims.wildlife.ca.gov>) and learn more about cannabis cultivation permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. CDFW recommends the inclusion of the following mitigation measure prior to the City adopting the MND:

MM BIO-4: Prior to construction and issuance of any grading permit, written correspondence from CDFW shall be obtained stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or a Lake and Streambed Alteration Agreement shall be executed by CDFW, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

Response No. 10

The comment recommends the inclusion of a mitigation measure regarding obtaining written correspondence from CDFW that notification under section 1602 of the Fish and Game Code is not required for the Project, or a Lake and Streambed Alteration Agreement shall be executed by CDFW. As stated on page 29 of the Recirculated IS/MND, the Project would not substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river. The groundwater well that the City utilizes as their municipal water source has sufficient capacity to meet the Project's needs. Additionally, 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. The bulk of cultivation wastewater from the Project will not be sent to city wastewater treatment but will instead be redirected for use in landscaping on the Project site. Wastewater from the reverse-osmosis pre-treatment system will also be redirected to landscaping. 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 (see page 52 of the Recirculated IS/MND). As such, a Lake and Streambed Alteration Agreement is not required for the Project.

However, as it is required for cannabis cultivators to obtain written correspondence from CDFW that notification under section 1602 of the Fish and Game Code is not required for the Project with the DCC, page 28 is revised as follows:

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. Nevertheless, in order to obtain a cultivation license with the DCC, a cannabis cultivator must have a Lake or Streambed Alteration Agreement with CDFW or written confirmation that one is not needed. As no rivers or streams are present and development of the project would not substantially alter drainage patterns, the applicant will obtain written confirmation that a Lake or Streambed Alteration Agreement is not needed from CDFW as required by DCC for a cultivation license.

The Conditions of Approval by the City will include this requirements for the cultivation facility.

Comment No. 11

Hydration and Water Quality

The CDFW does not believe that the Recirculated Draft IS/MND fully addresses the Project's impacts to hydrological and water resources during construction and for the life of the Project. Impacts to these resources could directly or indirectly impact local wildlife species, ecosystem function, and City resources. Regarding impacts to surface or ground water quality (Section 9, Hydrology and Water Quality, subsection (b), p 27) the Recirculated Draft IS/MND states that Grow Heights will request a "will serve" letter from the City. Considering that Grow Heights estimates its yearly water usage to be between four and seven acre-feet (1.3 to 2.3 million gallons) per year, CDFW is concerned that the Project's water demands have not already been addressed with the City. Regarding site drainage impacts, the Recirculated Draft IS/MND (Section 9, Hydrology and Water Quality, subsection (c), p 28) states that the Project will be constructed on an area that is virtually flat and not in proximity to any streams. Please note that increasing the impermeable area of the site poses concerns for increased runoff and decreased drainage. Grow Heights should work with the appropriate entities to develop plans to avoid, minimize, and mitigate impacts to hydrological and water resources.

Response No. 11

The comment expresses concern regarding the Project's water demand and potential site drainage impacts. As discussed on pages 28-29 of the Recirculated IS/MND, 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 groundwater well that the City utilizes as their municipal water source has sufficient capacity to meet the Project's needs.

Regarding site drainage, page 29 of the Recirculated IS/MND states, while the Project will cover this lot with largely impervious surfaces, the size of the project—1.25 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. Based on the analysis in the Recirculated IS/MND, impacts to hydrological and water resources were fully analyzed in the Recirculated IS/MND. No further response is required.

Comment No. 12

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during

Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739>.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

Response No. 12

Should any special status species or natural communities be detected during Project surveys, including nesting bird surveys in Mitigation Measure 4.1 (Biological Resources), they will be reported to the CNDDDB and a CNDDDB field survey form will be mailed.

Comment No. 13

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Response No. 13

The City of Needles, as the Lead Agency, will pay the required CDFW fees upon filing the Notice of Determination.

Comment No. 14

CDFW appreciates the opportunity to comment on the Recirculated Draft IS/MND for Grow Heights to assist the City of Needles in identifying and mitigating Project impacts on biological resources. CDFW has assessed the Recirculated Draft IS/MND and found that it does not adequately identify or mitigate for all of this Project's impacts on biological resources. CDFW recommends that prior to the adoption of the MND, the City of Needles revise the document to include a more complete assessment of impacts to biological resources on the Project parcel and adjacent parcels, as well as appropriate avoidance, minimization, and mitigation measures.

Response No. 14

The comment asserts the Recirculated IS/MND does not identify or mitigate all potential impacts on biological resources with implementation of the Project. The Recirculated IS/MND and the responses provided above show that the Recirculated IS/MND provided a complete assessment of impacts to biological resources and adequately identified and mitigated impacts on biological resources. While changes to the Recirculated IS/MND were made and shown above, these changes do not constitute new significant information that would require the revision and recirculation of the Draft Recirculated Mitigated Negative Declaration.

Attachment 3 – Mitigation Monitoring Plan (MMP)

When a public agency has made the findings required under paragraph (1) of subdivision (a) of Section 15091 relative to an EIR or adopted a mitigated negative declaration in conjunction with approving a project. In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the Project and the measures it has imposed to mitigate or avoid significant environmental effects.

The attached Mitigation Monitoring Program has been prepared for the Grow Heights Project.

Mitigation Measure	Responsibility	Timeframe for Implementation
<p>Biological Resources</p> <p>Mitigation Measure 4.1: A qualified avian biologist shall conduct nesting bird surveys no more than three (3) days prior to the commencing project activities in all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, during appropriate weather conditions. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from a typically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NSP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stages, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal shall occur outside of peak breeding season (February 1 through September 1).</p>	<p>City of Needles Planning Department/ Applicant</p>	<p>Prior to construction</p>

Cultural Resources	
<p>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.</p>	<p>City of Needles Building Department, or Designee</p> <p>During Construction</p>
Noise	
<p>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.</p>	<p>City of Needles Planning Department/ Applicant</p> <p>During Construction</p>
<p>Mitigation Measure 12.2: The proposed block walls shall be constructed prior to operation of the facility to provide noise reduction to surrounding residences.</p>	<p>Building Department/ Applicant</p> <p>During Construction</p>
<p>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.</p>	<p>City of Needles Building Department/ Applicant</p> <p>During Construction</p>
<p>Mitigation Measure 12.4: The following shall apply to construction noise from tools and equipment:</p> <ul style="list-style-type: none"> • Construction activities shall be limited to the period between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. 	<p>City of Needles Building Department/ Planning Department/ Applicant</p> <p>During Construction</p>

- No heavy equipment related construction activities shall be allowed on weekends or holidays.
- All stationery 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.

City of Needles
Building Department/ Applicant

During Construction

Traffic/Transportation

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.

City of Needles
Engineering Department/ Applicant

During Construction

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.

City of Needles
Engineering Department/ Applicant

During All Operations

Tribal Cultural Resources

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.

City of Needles Building Department/
Applicant

During Construction



FIGURE 1: Project Area
APPLICANT: Mark Hannawi
SITE ADDRESS: 109 L Street

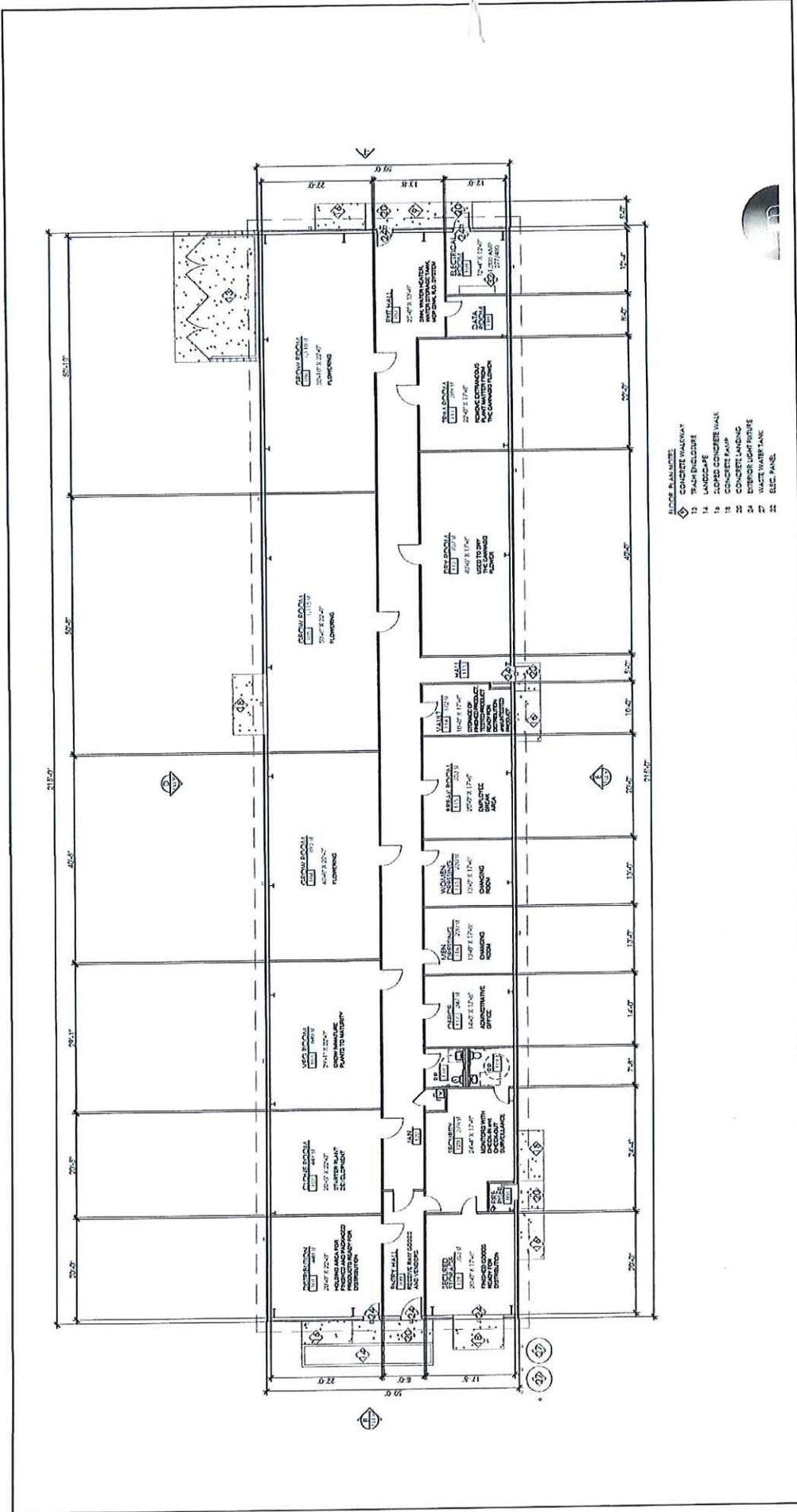


FIGURE 3-1: Phase 1 Building A Floor Plan
APPLICANT: Mark Hannawi
SITE ADDRESS: 109 L Street



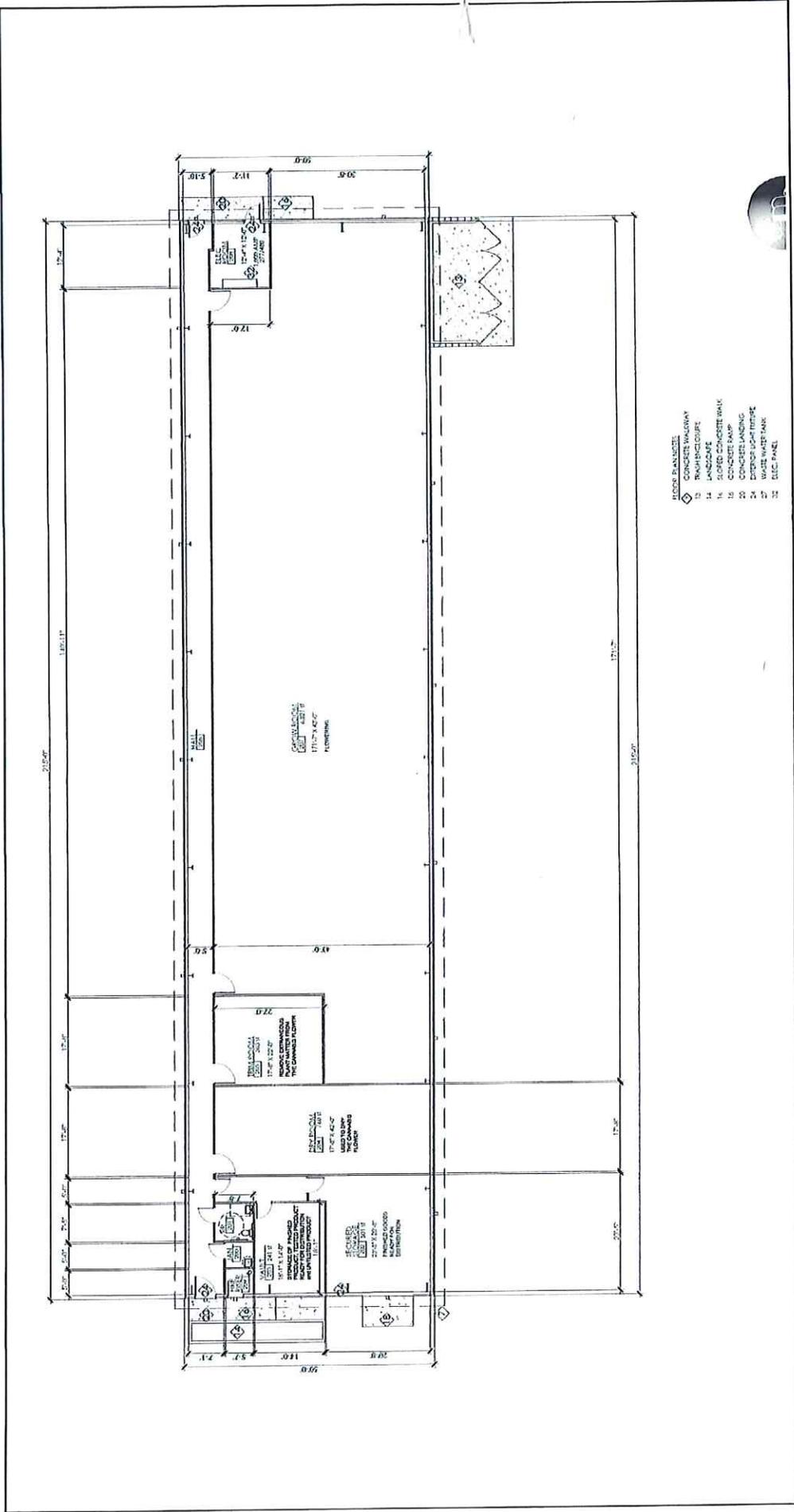


FIGURE 3-2: Phase 2 Building B Floor Plan
APPLICANT: Mark Hannawi
SITE ADDRESS: 109 L Street

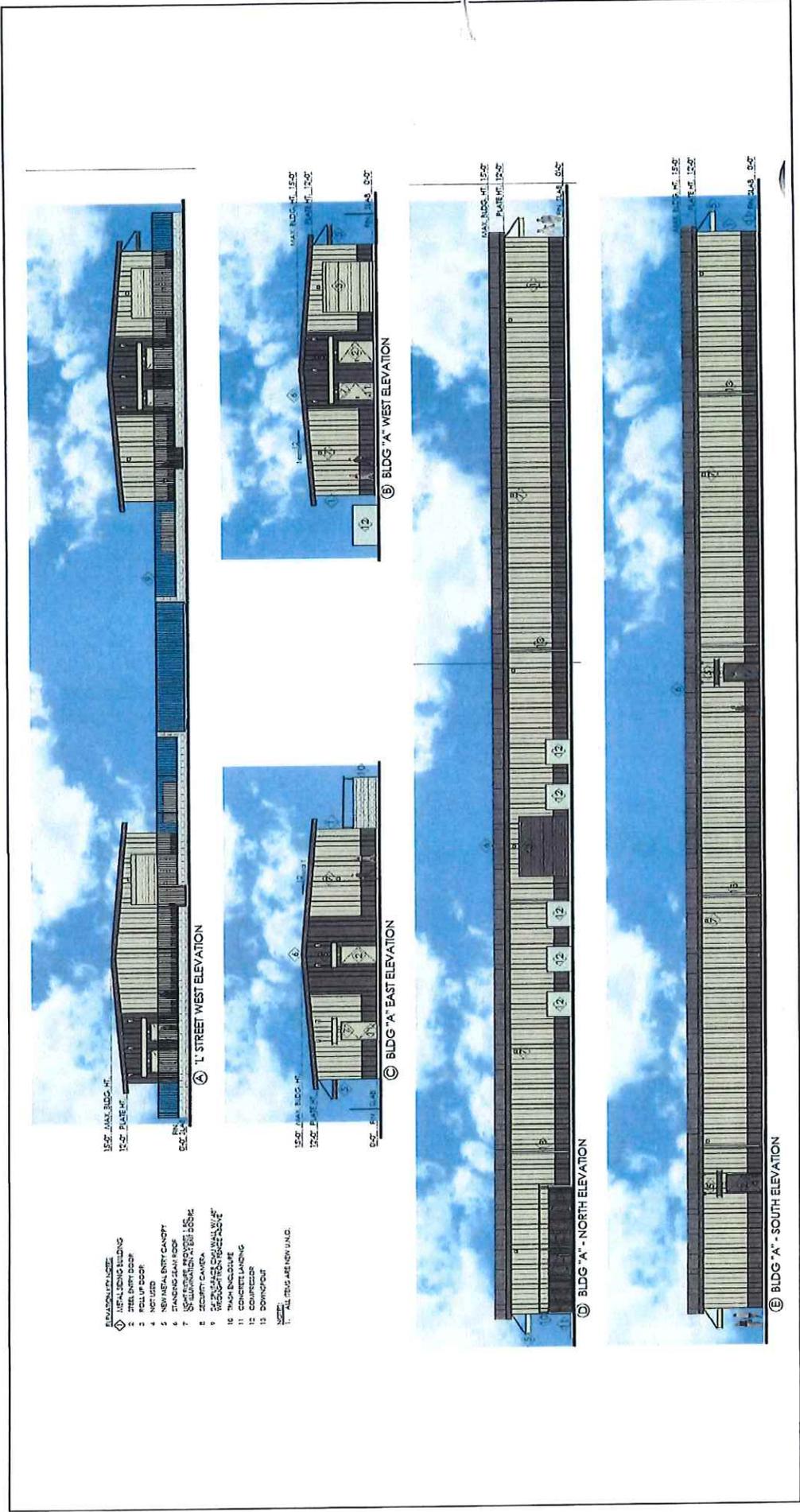


FIGURE 4-1: Elevation Plan: Building A
APPLICANT: Mark Hannawi
SITE ADDRESS: 109 L Street

ELEVATION KEY NOTES

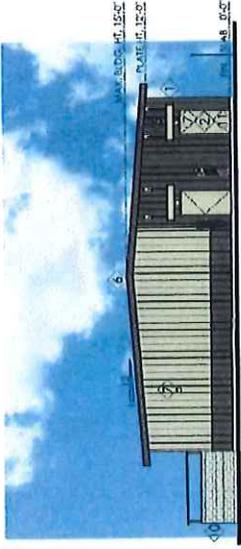
- 1 METAL SIDING BUILDING
- 2 STEEL ENTRY DOOR
- 3 ROLL UP DOOR
- 4 NOT USED
- 5 NEW METAL ENTRY CANOPY
- 6 STANDING SEAM ROOF
- 7 UP LIFTING DOOR
- 8 SECURITY CAMERA
- 9 WROUGHT IRON FENCE 4'x6'
- 10 TRASH ENCLOSURE
- 11 CONCRETE LANDING
- 12 COMPRESSOR
- 13 DOWNPOUT

NOTES

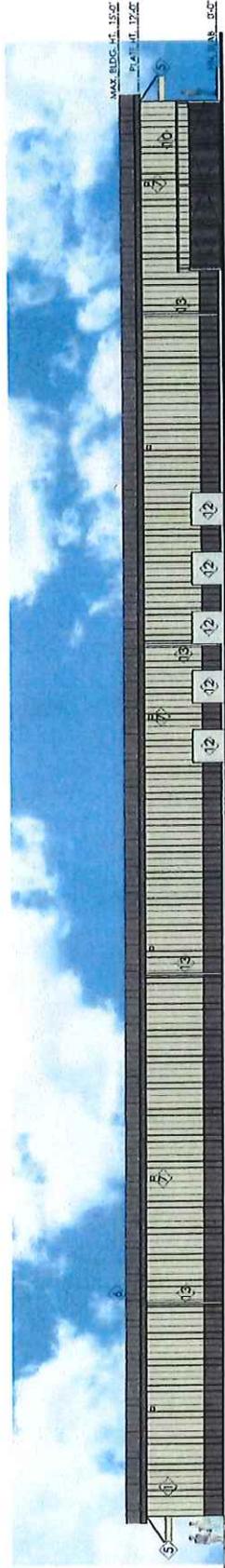
1. ALL ITEMS ARE NEW UNLESS NOTED OTHERWISE



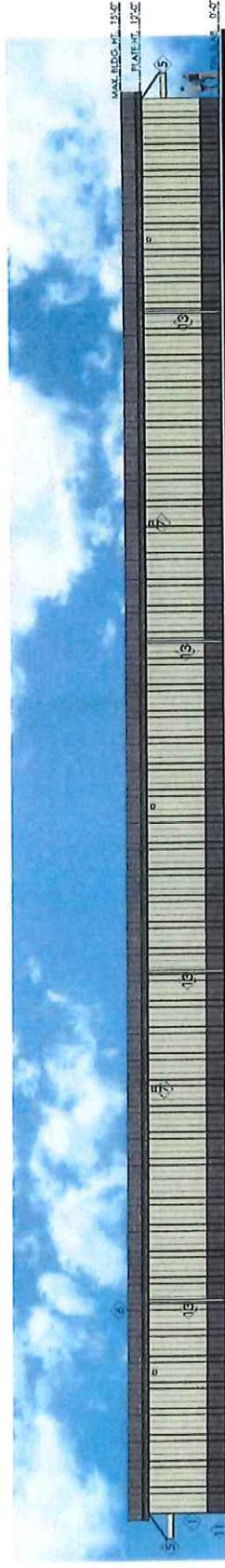
Ⓕ BLDG "B" - WEST ELEVATION



Ⓖ BLDG "B" - EAST ELEVATION



Ⓖ BLDG "B" - SOUTH ELEVATION



Ⓖ BLDG "B" - NORTH ELEVATION



FIGURE 4-2: Elevation Plan: Building B

APPLICANT: Mark Hannawi

SITE ADDRESS: 109 L Street

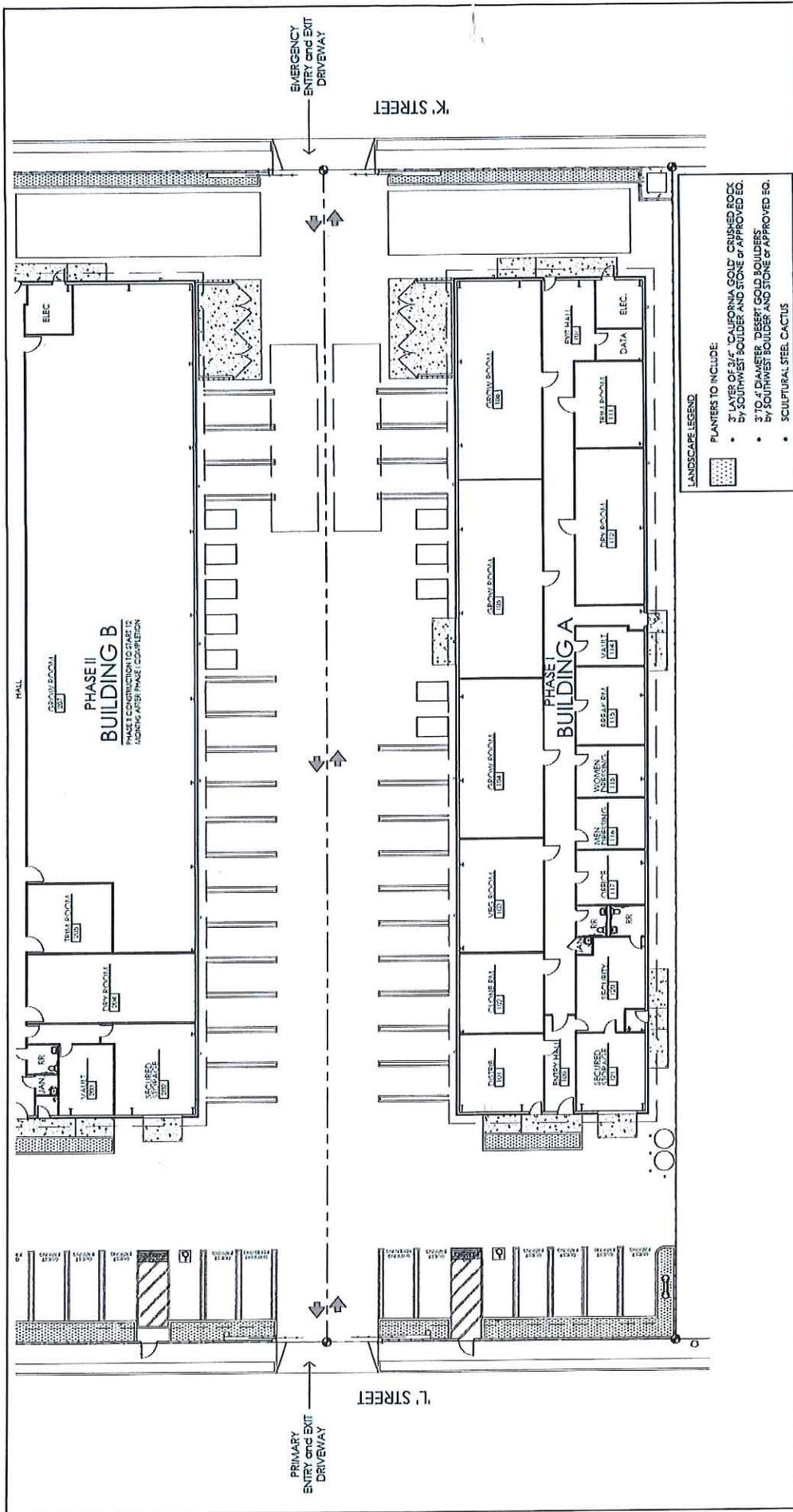


FIGURE: 5 Landscape Plan
APPLICANT: Mark Hannawi
SITE ADDRESS: 109 L Street



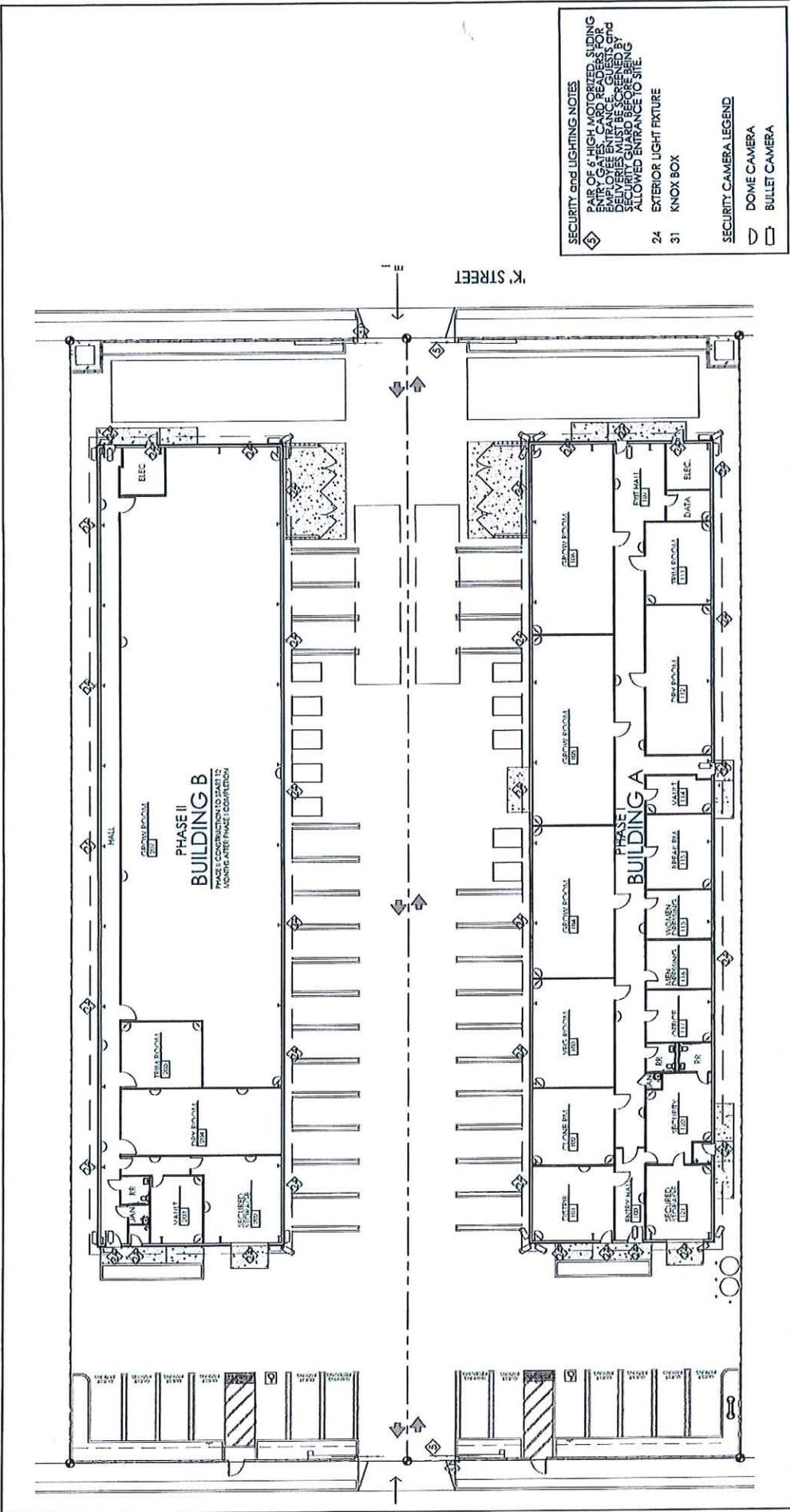


FIGURE 6: Lighting Plan
APPLICANT: Mark Hannawi
SITE ADDRESS: 109 L Street



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA SARDA Regular Special

Meeting Date: JANUARY 25, 2022

Title: Warrants

Background: n/a

Fiscal Impact: n/a

Recommended Action: APPROVE, the Warrants Register through JANUARY 25, 2022.

Submitted By: Sylvia Miledi, Director of Finance

City Management Review: *Fick*

Date: *1/20/22*

Approved:

Not Approved:

Tabled:

Other:

Agenda Item: *13*

**CITY OF NEEDLES CITY COUNCIL
WARRANT SUMMARY TOTALS FOR JANUARY 14, 2021**

FUND 101	GENERAL FUND	DEPT. AMT.	FUND AMT.	14-Jan	21-22 BUDGET
101.1015.412	CITY ATTORNEY	\$ 11,227.69		\$ 29,104.95	\$80,000
101.1020.413	CITY MANAGER	\$ 1,052.27		\$ 116,008.75	\$204,293
101.1025.415	FINANCE DEPT.	\$ 4,614.18		\$ 268,467.47	\$528,654
101.1030.414	CITY CLERK/COUNCIL/MAYOR	\$ 4,681.90		\$ 72,735.62	\$201,933
101.1035.416	PLANNING /ZONING	\$ 1,113.62		\$ 87,826.78	\$299,577
101.1040.417	ENGINEERING	\$ 1,123.57		\$ 102,914.85	\$247,804
101.1060.410	COMMUNITY PROMOTIONS	\$ -		\$ 29,263.54	\$69,770
101.1070.410	SENIOR CENTER	\$ -		\$ 23,269.38	\$55,404
101.2010.421	SHERIFF	\$ -		\$ 1,458,226.29	\$2,944,931
101.2020.423	ANIMAL SHELTER/CONTROL	\$ -		\$ 96,287.64	\$234,591
101.2025.424	BULDING & SAFETY	\$ 2,020.41		\$ 229,810.57	\$379,636
101.2030.423	CODE ENFORCEMENT	\$ 2,961.46		\$ 298,842.65	\$571,775
101.3010.431	PUBLIC WORKS	\$ 3,745.26		\$ 686,951.51	\$4,204,878
101.4730.472	SANITATION	\$ 197.40		\$ 79,529.12	\$155,620
101.5770.452.	AQUATICS	\$ -		\$ 81,869.70	\$180,845
101.5772.452	PARKS	\$ 5,875.71		\$ 260,170.78	\$466,589
101.5773.452	JACK SMITH PARK MARINA	\$ 1,467.95		\$ 71,496.28	\$135,838
101.5774.452	RECREATION	\$ 3,256.69		\$ 161,430.55	\$347,431
GENERAL FUND	TOTAL ALL GF DEPARTMENTS		\$ 43,338.11		\$11,309,569
FUND 205	CDBG		\$ -	\$ 31,789.10	\$27,174
FUND 206	CEMETERY		\$ 1,637.80	\$ 70,109.34	\$205,141
FUND 208	CALTRANS GRANTS		\$ -	\$ 865,885.08	\$982,125
FUND 209	NARCOTICS FORFEITURE		\$ -	\$ -	\$0
FUND 210	SPECIAL GAS TAX		\$ -	\$ 67,878.00	\$235,135
FUND 213	DEPT OF HOUSE. & COMM DEVL		\$ -	\$ 26,691.24	\$112,810
FUND 214	SANBAG NEW LOCAL MEAS I		\$ -	\$ 1,539.86	\$91,760
FUND 225	COPS-AB 3229 SUPPLEMENTAL		\$ -	\$ 87,718.18	\$283,431
FUND 235	INTERSTATE COMM/140 J ST.		\$ -	\$ -	\$0
FUND 239	CA.CONSERV RECYCLING GRANT		\$ -	\$ -	\$5,000
FUND 240	EL GARCES INTERMODAL		\$ -	\$ -	\$0
FUND 241	SAFE RTS TO SCHOOL (SR2S)		\$ -	\$ -	\$12,885
FUND 243	ACTIVE TRANSPORT PROGRAM		\$ -	\$ -	\$0
FUND 270	REDEVELOPMENT AGENCY		\$ -	\$ 159,879.52	\$204,500
FUND 470	RDA CAP PROJ.LOW & MOD.		\$ -	\$ 370.00	\$300,000
FUND 501	NPUA		\$ -	\$ 1,475,609.40	\$2,687,194
FUND 502	WATER DEPARTMENT		\$ 6,635.00	\$ 1,072,804.88	\$2,001,236
FUND 503	WASTEWATER DEPARTMENT		\$ 4,217.33	\$ 678,478.70	\$1,297,932
FUND 505	SANITATION		\$ 337.02	\$ 616,787.64	\$1,324,900
FUND 506	ALL AMERICAN CANAL PROJ.		\$ -	\$ 850,345.75	\$1,012,427
FUND 507	GOLF FUND	\$ 75.68			
FUND 507-5761-453	GOLF MAINTENANCE DEPARTMENT	\$ 1,685.08		\$ 356,723.43	\$731,730
FUND 507-5762-454	GOLF PRO SHOP DEPARTMENT	\$ -		\$ 169,259.77	\$368,468
FUND 507	GOLF FUND TOTAL		\$ 1,760.76		
FUND 508	CUST.SVC/UT BUSINESS OFFICE	\$ -	\$ 3,422.98	\$ 164,941.62	\$359,455
FUND 509	MIS		\$ -	\$ 94,242.09	\$252,370
FUND 510	ADMIN. FACILITY		\$ -	\$ 72,752.55	\$395,203
FUND 511	FLEET MANAGEMENT		\$ 1,638.18	\$ 93,564.72	\$270,933
FUND 512	VEHICLE REPLACEMENT		\$ -	\$ -	\$0
FUND 520	SR DIAL A RIDE		\$ -	\$ 136,743.07	\$229,711
FUND 521	DIAL-A-RIDE MEDICAL TRANS.		\$ -	\$ 10,689.07	\$40,458
FUND 525	NEEDLES AREA TRANSIT (NAT)		\$ -	\$ 188,095.57	\$494,264
FUND 580	ELECTRIC		\$ 17,263.04	\$ 6,922,657.78	\$8,351,073
FUND 581	NPUA CAPITAL ELECTRIC		\$ -	\$ 26,552.00	\$26,552
FUND 582	NPUA CAPITAL WATER		\$ -	\$ 602,816.65	\$2,142,785
FUND 583	NPUA CAPITAL WASTEWATER		\$ -	\$ 2,218.00	\$2,218
FUND 650	IMPACT FEES NORTH NEEDLES		\$ -	\$ 30.16	\$88
FUND 651	IMPACT FEES SOUTH AREAS		\$ -	\$ 22.62	\$24
TOTAL	ALL FUNDS & DEPARTMENTS		\$ 80,250.22	\$ 19,001,402.22	\$35,758,551

I certify that the expenditures/purchases to be paid by the warrants on this list have complied with the provisions of the City Charter, Chapter 8, Article II, Purchasing; and further, the funds to cover these purchases/expenditures, as City Audited, are included within the City

Rick 1/20/22

Sylvia Miledi 1/18/22

Rick Daniels
Rick Daniels, City Manager
Date 1/17/22

Kippy Foulson
Kippy Foulson, City Treasurer
Date

CHECK NUMBER	VENDOR NUMBER	SEQ#	VENDOR NAME	CHECK DATE	CHECK AMOUNT	DISCOUNTS/RETAINAGE TAKEN
14664	3399	00	COURT-ORDERED DEBT COLLECTIONS	01/14/2022	59.08	.00
14665	1305	00	GREAT WEST LIFE	01/14/2022	4,945.00	.00
14666	3634	00	GREAT-WEST LIFE & ANNUITY	01/14/2022	418.68	.00
14667	2879	00	JENNIFER VALENZUELA	01/14/2022	488.33	.00
14668	3502	00	KIPPY POULSON	01/14/2022	275.00	.00
14669	2813	00	NUEA	01/14/2022	300.00	.00
14670	1199	00	SBPEA TEAMSTERS LOCAL 1932	01/14/2022	849.40	.00
14671	3242	00	SDRMA	01/14/2022	72,914.73	.00
NUMBER OF CHECKS				8	80,250.22	
GRAND TOTAL						

ACCOUNTS PAYABLE CHECK REGISTER BY BANK NUMBER

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14664	3399	COURT-ORDERED DEBT COLLEC	004935		01/14/2022	101-0000-209.03-01	59.08 *	59.08
14665	1305	GREAT WEST LIFE & ANNUITY	004919		01/14/2022	101-0000-209.03-01	3,180.00	
			004920		01/14/2022	502-0000-209.03-01	175.00	
			004921		01/14/2022	580-0000-209.03-01	1,590.00	
							4,945.00 *	4,945.00
14666	3634	GREAT-WEST LIFE & ANNUITY	004922		01/14/2022	101-0000-209.01-00	38.13	
			004923		01/14/2022	101-0000-209.01-00	24.27	
			004924		01/14/2022	580-0000-209.01-00	174.52	
			004925		01/14/2022	580-0000-209.01-00	53.93	
			004926		01/14/2022	580-0000-209.01-00	127.83	
							418.68 *	418.68
14667	2879	JENNIFER VALENZUELA	004971		01/14/2022	101-5774-452.49-01	330.00	
			004972		01/14/2022	101-5774-452.60-24	158.33	
							488.33 *	488.33
14668	3502	KIPPY POULSON	004927		01/14/2022	101-1025-415.31-90	275.00	
							275.00 *	275.00
14669	2813	NUEA	004928		01/14/2022	101-0000-209.03-01	60.00	
			004929		01/14/2022	502-0000-209.03-01	10.00	
			004930		01/14/2022	507-0000-209.03-01	10.00	
			004931		01/14/2022	580-0000-209.03-01	20.00	
			004932		01/14/2022	101-0000-209.03-01	140.00	
			004933		01/14/2022	580-0000-209.03-01	40.00	
			004934		01/14/2022	502-0000-209.03-01	20.00	
							300.00 *	300.00
14670	1199	SEPEA TEAMSTERS LOCAL 193	004936		01/14/2022	101-0000-209.03-01	394.95	
			004937		01/14/2022	502-0000-209.03-01	118.63	
			004938		01/14/2022	503-0000-209.03-01	23.29	
			004939		01/14/2022	507-0000-209.03-01	65.68	
			004940		01/14/2022	508-0000-209.03-01	52.82	
			004941		01/14/2022	511-0000-209.03-01	31.38	
			004942		01/14/2022	580-0000-209.03-01	162.65	
							849.40 *	849.40
14671	3242	SPECIAL DISTRICT RISK	004943		01/14/2022	101-1020-413.24-10	1,052.27	
			004944		01/14/2022	101-1025-415.24-10	4,339.18	
			004945		01/14/2022	101-1030-414.24-10	4,681.90	
			004946		01/14/2022	101-1035-416.24-10	1,113.62	
			004947		01/14/2022	101-1040-417.24-10	1,123.57	
			004948		01/14/2022	101-2025-424.24-10	2,020.41	
			004949		01/14/2022	101-2030-423.24-10	2,961.46	
			004950		01/14/2022	101-3010-431.24-10	3,745.26	
			004951		01/14/2022	101-4730-472.24-10	197.40	
			004952		01/14/2022	101-5772-452.24-10	5,875.71	

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14571	3242	SPECIAL DISTRICT RISK	004953		01/14/2022	101-5773-452.24-10	1,467.95	
			004954		01/14/2022	101-5774-452.24-10	2,768.36	
			004955		01/14/2022	101-0000-209.03-01	7,331.26	
			004956		01/14/2022	206-5771-452.24-10	1,303.26	
			004957		01/14/2022	206-0000-209.03-01	334.54	
			004958		01/14/2022	502-4710-471.24-10	5,015.39	
			004959		01/14/2022	502-0000-209.03-01	1,295.98	
			004960		01/14/2022	503-4720-475.24-10	3,354.06	
			004961		01/14/2022	503-0000-209.03-01	839.98	
			004962		01/14/2022	506-4713-477.24-10	263.22	
			004963		01/14/2022	506-0000-209.03-01	73.80	
			004964		01/14/2022	507-5762-454.24-10	1,685.08	
			004965		01/14/2022	508-4810-478.24-10	2,632.16	
			004966		01/14/2022	508-0000-209.03-01	738.00	
			004967		01/14/2022	511-3020-432.24-10	1,270.78	
			004968		01/14/2022	511-0000-209.03-01	336.02	
			004969		01/14/2022	580-4750-473.24-10	12,049.17	
			004970		01/14/2022	580-0000-209.03-01	3,044.94	
							72,914.73 *	72,914.73

BANK/CHECK TOTAL

80,250.22

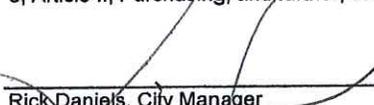
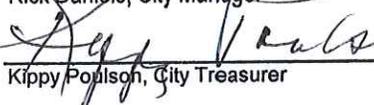
ALL BANKS/CHECKS TOTAL

80,250.22

**CITY OF NEEDLES CITY COUNCIL
WARRANT SUMMARY TOTALS FOR JANUARY 25, 2021**

FUND 101	GENERAL FUND	DEPT. AMT.	FUND AMT.	25-Jan	21-22 BUDGET
		\$ 19,576.41			
101.1015.412	CITY ATTORNEY	\$ -		\$ 29,104.95	\$80,000
101.1020.413	CITY MANAGER	\$ 127.06		\$ 114,956.48	\$204,293
101.1025.415	FINANCE DEPT.	\$ 1,524.80		\$ 263,853.29	\$528,654
101.1030.414	CITY CLERK/COUNCIL/MAYOR	\$ 59.00		\$ 68,053.72	\$201,933
101.1035.416	PLANNING /ZONING	\$ 189.22		\$ 86,713.16	\$299,577
101.1040.417	ENGINEERING	\$ 189.22		\$ 101,791.28	\$247,804
101.1060.410	COMMUNITY PROMOTIONS	\$ -		\$ 29,263.54	\$69,770
101.1070.410	SENIOR CENTER	\$ 321.62		\$ 23,269.38	\$55,404
101.2010.421	SHERIFF	\$ -		\$ 1,458,226.29	\$2,944,931
101.2020.423	ANIMAL SHELTER/CONTROL	\$ 686.22		\$ 96,287.64	\$234,591
101.2025.424	BUILDING & SAFETY	\$ 544.19		\$ 227,790.16	\$379,636
101.2030.423	CODE ENFORCEMENT	\$ 329.83		\$ 295,881.19	\$571,775
101.3010.431	PUBLIC WORKS	\$ 25,179.49		\$ 683,206.25	\$4,204,878
101.4730.472	SANITATION	\$ 1,585.69		\$ 79,331.72	\$155,620
101.5770.452	AQUATICS	\$ 2,753.36		\$ 81,869.70	\$180,845
101.5772.452	PARKS	\$ 3,324.65		\$ 254,295.07	\$466,589
101.5773.452	JACK SMITH PARK MARINA	\$ 207.57		\$ 70,028.33	\$135,838
101.5774.452	RECREATION	\$ 2,388.21		\$ 158,173.86	\$347,431
GENERAL FUND	TOTAL ALL GF DEPARTMENTS		\$ 58,986.54		\$11,309,569
FUND 205	CDBG		\$ -	\$ 31,789.10	\$27,174
FUND 206	CEMETERY		\$ 30.33	\$ 68,806.08	\$205,141
FUND 208	CALTRANS GRANTS		\$ -	\$ 865,885.08	\$982,125
FUND 209	NARCOTICS FORFEITURE		\$ -	\$ -	\$0
FUND 210	SPECIAL GAS TAX		\$ -	\$ 67,878.00	\$235,135
FUND 213	DEPT OF HOUSE. & COMM DEVL		\$ -	\$ 26,691.24	\$112,810
FUND 214	SANBAG NEW LOCAL MEAS I		\$ -	\$ 1,539.86	\$91,760
FUND 225	COPS-AB 3229 SUPPLEMENTAL		\$ -	\$ 87,718.18	\$283,431
FUND 235	INTERSTATE COMM/140 J ST.		\$ -	\$ -	\$0
FUND 239	CA.CONSERV RECYLING GRANT		\$ -	\$ -	\$5,000
FUND 240	EL GARCES INTERMODAL		\$ -	\$ -	\$0
FUND 241	SAFE RTS TO SCHOOL (SR2S)		\$ -	\$ -	\$12,885
FUND 243	ACTIVE TRANSPORT PROGRAM		\$ -	\$ -	\$0
FUND 270	REDEVELOPMENT AGENCY		\$ 5,620.83	\$ 159,879.52	\$204,500
FUND 470	RDA CAP PROJ.LOW & MOD.		\$ -	\$ 370.00	\$300,000
FUND 501	NPUA		\$ 667.31	\$ 1,475,609.40	\$2,687,194
FUND 502	WATER DEPARTMENT		\$ 29,998.43	\$ 1,067,789.49	\$2,001,236
FUND 503	WASTEWATER DEPARTMENT		\$ 19,938.70	\$ 675,122.64	\$1,297,932
FUND 505	SANITATION		\$ 3,775.09	\$ 616,787.64	\$1,324,900
FUND 506	ALL AMERICAN CANAL PROJ.		\$ 70.87	\$ 850,082.53	\$1,012,427
FUND 507	GOLF FUND				
FUND 507-5761-453	GOLF MAINTENANCE DEPARTMENT	\$ 20,604.53		\$ 356,723.43	\$731,730
FUND 507-5762-454	GOLF PRO SHOP DEPARTMENT	\$ 9,435.93		\$ 167,574.69	\$368,468
FUND 507	GOLF FUND TOTAL		\$ 30,040.46		
FUND 508	CUST.SVC/UT BUSINESS OFFICE	\$ -	\$ 164.70	\$ 162,309.46	\$359,455
FUND 509	MIS		\$ 8,625.00	\$ 94,242.09	\$252,370
FUND 510	ADMIN. FACILITY		\$ 5,999.40	\$ 72,252.95	\$395,203
FUND 511	FLEET MANAGEMENT		\$ 1,242.66	\$ 92,293.94	\$270,933
FUND 512	VEHICLE REPLACEMENT		\$ -	\$ -	\$0
FUND 520	SR DIAL A RIDE		\$ 104,553.44	\$ 136,743.07	\$229,711
FUND 521	DIAL-A-RIDE MEDICAL TRANS.		\$ 57.69	\$ 10,689.07	\$40,458
FUND 525	NEEDLES AREA TRANSIT (NAT)		\$ -	\$ 188,095.57	\$494,264
FUND 580	ELECTRIC		\$ 101,527.92	\$ 6,910,608.61	\$8,351,073
FUND 581	NPUA CAPITAL ELECTRIC		\$ -	\$ 26,552.00	\$26,552
FUND 582	NPUA CAPITAL WATER		\$ 393,634.80	\$ 587,496.65	\$2,142,785
FUND 583	NPUA CAPITAL WASTEWATER		\$ -	\$ 2,218.00	\$2,218
FUND 650	IMPACT FEES NORTH NEEDLES		\$ -	\$ 30.16	\$88
FUND 651	IMPACT FEES SOUTH AREAS		\$ -	\$ 22.62	\$24
TOTAL	ALL FUNDS & DEPARTMENTS		\$ 764,934.17	\$ 18,925,897.08	\$35,758,551

I certify that the expenditures/purchases to be paid by the warrants on this list have complied with the provisions of the City Charter, Article II, Purchasing; and further, the funds to cover these purchases/expenditures, as City Audited, are included within the City

 Rick Daniels, City Manager Date: 1/20/22
 Kippy Poplison, City Treasurer Date: 1/17/22
 Sylvia Miledi, Director of Finance Date: 1/17/22

CHECK NUMBER	VENDOR NUMBER	SEQ#	VENDOR NAME	CHECK DATE	CHECK AMOUNT	DISCOUNTS/RETAINAGE TAKEN
14575	3404	00	A-Z BUS SALES INC.	01/25/2022	104,495.75	-00
14576	18	00	ADDICTION MEDICINE CONSULTANTS	01/25/2022	51.00	-00
14577	3305	00	AGUA CALIENTE	01/25/2022	18,200.00	-00
14578	1924	00	AHA MACAY POWER SERVICE	01/25/2022	232.23	-00
14579	4009	00	ANDERSONORD APPAREL	01/25/2022	640.06	-00
14580	3471	00	ASCAP	01/25/2022	390.00	-00
14581	3803	00	BARON SECURITY SOLUTIONS	01/25/2022	356.00	-00
14582	178	00	BIG O TIRES & MAPA AUTO PARTS	01/25/2022	251.97	-00
14583	2646	00	BOARD OF EQUALIZATION	01/25/2022	5,327.00	-00
14584	3595	00	BOOT BARN	01/25/2022	130.04	-00
14585	3479	00	BBSW	01/25/2022	1,327.84	-00
14586	3922	00	BROOKS CONSULTING LLC	01/25/2022	9,154.96	-00
14587	4007	00	CALCIWA	01/25/2022	325.00	-00
14588	3856	00	CALIFORNIA CONSULTING, INC.	01/25/2022	950.00	-00
14589	3136	00	CITY OF NEEDLES	01/25/2022	60,635.41	-00
14590	2320	00	COUNTY OF SAN BERNARDINO	01/25/2022	3,775.09	-00
14591	2012	00	CRAIG PLUMBING CONTRACTORS, INC	01/25/2022	321.62	-00
14592	1	00	DEAN BROWN	01/25/2022	104.68	-00
14593	440	00	DECO FOODSERVICE INCORP.	01/25/2022	186.65	-00
14594	3580	00	DIAMOND PURE WATER	01/25/2022	30.00	-00
14595	3561	00	DIVISION OF THE STATE ARCHITECT	01/25/2022	17.20	-00
14596	3937	00	DOS LAGOS GOLF COURSE	01/25/2022	1,399.20	-00
14597	3876	00	ENVIRONMENTAL WATER SOLUTIONS	01/25/2022	231.28	-00
14598	1296	00	FRONTIER	01/25/2022	230.54	-00
14599	324	00	GRAINGER PART OPERATIONS INC.	01/25/2022	27.09	-00
14600	3451	00	GREENS ELECTRIC, LLC	01/25/2022	114.03	-00
14601	1	00	GUTTIE, DIXIE	01/25/2022	667.31	-00
14602	2612	00	HARDWARE EXPRESS INCORP.	01/25/2022	VOID	-00
14603	2612	00	HARDWARE EXPRESS INCORP.	01/25/2022	1,276.98	-00
14604	3719	00	HEALTH TECHNOLOGY PROF. PRODUCTS	01/25/2022	101.08	-00
14605	2489	00	HOME DEPOT CREDIT SERVICES	01/25/2022	258.14	-00
14606	3864	00	HORIZON TECHNOLOGIES INC.	01/25/2022	980.00	-00
14607	3572	00	LILY MESA, DVM	01/25/2022	257.00	-00
14608	3783	00	MARK MARINATI	01/25/2022	70.00	-00
14609	125	00	MCCORMICK CONSTRUCTION CO.	01/25/2022	2,499.90	-00
14610	3998	00	MICHAEL BAKER INTERNATIONAL, INC	01/25/2022	4,178.75	-00
14611	2189	00	MOHAVE ENVIRONMENTAL LAB	01/25/2022	140.00	-00
14612	207	00	NEEDLES SENIOR CITIZENS	01/25/2022	115.38	-00
14613	1786	00	NPVA	01/25/2022	VOID	-00
14614	1786	00	NPVA	01/25/2022	34,336.59	-00
14615	3324	00	OFFICE EXPRESS	01/25/2022	70.76	-00
14616	3315	00	ONLINE INFORMATION SERVICE	01/25/2022	75.90	-00
14617	740	00	OUR TOWN MAGAZINE	01/25/2022	306.00	-00
14618	3767	00	PATRICK MARTINEZ	01/25/2022	432.49	-00
14619	239	00	PHILLIPS EXCAVATING INC.	01/25/2022	415,743.80	-00
14620	240	00	PITNEY BOWES GLOBAL FIN. SVS. LLC	01/25/2022	2,632.36	-00
14621	3648	00	PRINTING PLUS INC.	01/25/2022	828.10	-00
14622	15	00	QUILL CORP.	01/25/2022	3,314.90	-00
14623	818	00	R & R PRODUCTS INC.	01/25/2022	185.68	-00
14624	2861	00	REINKE A/C CORP.	01/25/2022	6,527.05	-00
14625	3558	00	RICK DANIELS	01/25/2022	127.06	-00

CHECK NUMBER	VENDOR NUMBER	SEQ#	VENDOR NAME	CHECK DATE	CHECK AMOUNT	DISCOUNTS/RETAINAGE TAKEN
14626	2468	00	RON'S TIRE & AUTO	01/25/2022	1,145.40	.00
14627	3796	00	ROUTE 66 BROADBAND LLC	01/25/2022	624.49	.00
14628	3969	00	S. B. COUNTY ATC	01/25/2022	272.00	.00
14629	2687	00	S.B. COUNTY FIRE DEPARTMENT	01/25/2022	1,585.69	.00
14630	4001	00	SIMPLIF TURF & HORTICULTURE	01/25/2022	6,683.88	.00
14631	281	00	SMART & FINAL	01/25/2022	651.48	.00
14632	284	00	SOUTHWEST GAS CORP.	01/25/2022	71.07	.00
14633	2292	00	SPS VAR, LLC	01/25/2022	4,600.00	.00
14634	3875	00	STANTEC CONSULTING SERVICES INC.	01/25/2022	497.92	.00
14635	3929	00	STAR NURSERY, INC	01/25/2022	77.45	.00
14636	3483	00	SWRCB	01/25/2022	11,778.22	.00
14637	3432	00	SYLVIA MILEDI	01/25/2022	424.70	.00
14638	3950	00	TRK ENGINEERING INC	01/25/2022	928.50	.00
14639	3917	00	TOUCHSTONE GOLF LLC	01/25/2022	5,339.61	.00
14640	3014	00	TRI STATE FIRE SYSTEMS, INC.	01/25/2022	287.50	.00
14641	3266	00	TRI STATE TOOL REPAIR	01/25/2022	21.64	.00
14642	2526	00	U.S. BANK ST. PAUL	01/25/2022	5,620.83	.00
14643	2798	00	U.S. DEPARTMENT OF ENERGY	01/25/2022	27,184.46	.00
14644	3825	00	ULTRA PEST CONTROL, LLC	01/25/2022	45.00	.00
14645	315	00	UNDERGROUND SERVICE ALERT OF SO CAL	01/25/2022	93.27	.00
14646	3830	00	UNIFIRST CORPORATION	01/25/2022	417.96	.00
14647	1741	00	V & I LASER LLC	01/25/2022	59.00	.00
14648	3651	00	WELLS FARGO	01/25/2022	1,290.90	.00
14649	326	00	WESTERN ALARM SERVICE INC.	01/25/2022	60.00	.00
14650	3528	00	WESTERN ENVIRONMENTAL TESTING LAB.	01/25/2022	1,783.00	.00
14651	3967	00	WILDAN ENGINEERING	01/25/2022	5,192.32	.00
14652	3842	00	XIO, INC.	01/25/2022	143.00	.00
14653	3828	00	3D-NETWORKS L.L.C.	01/25/2022	4,025.00	.00
NUMBER OF CHECKS	79		GRAND TOTAL		764,934.17	

PROGRAM: GM346L CITY OF NEEDLES BANK 04 WELLS FARGO BANK - CITY GENERAL CHECKING ACCOUNTING PERIOD 2022/07 REPORT NUMBER 68

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14575	3404	A-2 BUS SALES INC.	PI0136	022061	01/25/2022	520-4740-462.72-15	104,495.75	104,495.75
14576	18	ADDICTION MEDICINE CONSUL	004829		01/25/2022	101-3010-431.31-20	51.00	51.00
14577	3305	AGUA CALIENTE	004827		01/25/2022	580-4750-473.63-10	18,200.00	18,200.00
14578	1924	AHA MACAV POWER SERVICE	004651		01/25/2022	580-4750-473.61-21	232.23	232.23
14579	4009	ANDERSONORD APPAREL	004762		01/25/2022	507-5762-454.44-10	640.06	640.06
14580	3471	ASCAP	004872 004873 004874		01/25/2022 01/25/2022 01/25/2022	101-5774-452.60-24 101-5770-452.60-24 510-4410-405.61-01	130.00 130.00 390.00	390.00
14581	3803	BARON SECURITY SOLUTIONS	004655 004656 004657 004658 004659		01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022	101-3010-431.43-40 507-5761-453.43-40 503-4720-475.43-40 510-4410-405.43-40 101-5772-452.43-40	43.00 34.00 43.00 192.00 44.00	356.00
14582	178	BIG O TIRES & MAPA AUTO P	004652 004653 004766 004831		01/25/2022 01/25/2022 01/25/2022 01/25/2022	503-4720-475.43-14 503-4720-475.43-04 503-4720-475.43-04 511-3021-432.43-25	15.06 180.12 41.45 15.34	251.97
14583	2646	BOARD OF EQUALIZATION	PI0141	022064	01/25/2022	580-4750-473.63-41	5,327.00	5,327.00
14584	3595	BOOT BARN	004763		01/25/2022	101-5772-452.60-28	130.04	130.04
14585	3479	BRAUN BLAISING SMITH WYNN	004654		01/25/2022	580-4750-473.31-50	1,327.84	1,327.84
14586	3922	BROOKS CONSULTING LLC	004665 004666		01/25/2022 01/25/2022	101-0000-204.03-01 101-0000-204.03-01	5,754.96 3,400.00	9,154.96
14587	4007	CALCIWA	004660 004661 004662 004823		01/25/2022 01/25/2022 01/25/2022 01/25/2022	101-1035-416.31-40 101-1040-417.31-40 101-2025-424.31-40 101-2030-423.31-40	81.25 81.25 81.25 81.25	325.00

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14587	4007	CALCIMA					325.00 *	325.00
14588	3856	CALIFORNIA CONSULTING, IN	004912		01/25/2022	101-5770-452.31-90	316.67	
			004913		01/25/2022	101-5772-452.31-90	633.33	
							950.00 *	950.00
14589	3136	CITY OF NEEDLES					7,757.83	
			004908		01/25/2022	503-4720-475.80-43	12,084.75	
			004909		01/25/2022	502-4710-471.80-43	40,792.83	
			004910		01/25/2022	580-4750-473.80-43	60,635.41 *	60,635.41
14590	2320	COUNTY OF SAN BERNARDINO	004907		01/25/2022	505-4730-472.74-40	3,775.09	
							3,775.09 *	3,775.09
14591	2012	CRAIG PLUMBING CONTRACTOR	004668		01/25/2022	101-1070-410.43-01	321.62	
							321.62 *	321.62
14592	1	DEAN BROWN	004893		01/25/2022	101-0000-204.03-01	104.68	
							104.68 *	104.68
14593	440	DECO FOODSERVICE INCORP.	004663		01/25/2022	507-5762-454.61-06	28.55	
			004830		01/25/2022	101-5774-452.65-10	158.10	
							186.65 *	186.65
14594	3580	DIAMOND PURE WATER	004664		01/25/2022	510-4410-405.61-01	25.00	
			004764		01/25/2022	511-3020-432.43-29	5.00	
							30.00 *	30.00
14595	3561	DIVISION OF THE STATE ARC	004768		01/25/2022	101-0000-321.04-00	17.20	
							17.20 *	17.20
14596	3937	DOS LAGOS GOLF COURSE	004765		01/25/2022	507-5762-454.60-50	1,399.20	
							1,399.20 *	1,399.20
14597	3876	ENVIRONMENTAL WATER SOLUT	004769		01/25/2022	503-4720-475.43-14	231.28	
							231.28 *	231.28
14598	1296	FRONTIER	004902		01/25/2022	510-4410-405.43-31	95.03	
			004903		01/25/2022	101-5772-452.52-10	135.51	
							230.54 *	230.54
14599	324	GRAINGER PART OPERATIONS	004667		01/25/2022	503-4720-475.43-04	27.09	
							27.09 *	27.09
14600	3451	GREENS ELECTRIC, LLC	004767		01/25/2022	503-4720-475.43-04	114.03	
							114.03 *	114.03
14601	1	GUTHRIE, DIXIE	UT		01/25/2022	501-0000-211.00-00	667.31	
							667.31 *	667.31
14602	2612	HARDWARE EXPRESS INCORP.						VOIDED

PROGRAM: GM346L
CITY OF NEEDLES
BANK 04 WELLS FARGO BANK - CITY GENERAL CHECKING

CHECK NO. VENDOR NO. VENDOR NAME. YOUCHER NO. P.O. NO. DATE. ACCOUNT. REMITTANCE AMOUNT (NET OF DISC/RETAIN). CHECK TOTAL.

CHECK NO	VENDOR NO	VENDOR NAME	YOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14603	2612	HARDWARE EXPRESS INCORP.	004669		01/25/2022	503-4720-475.61.33	1.03	
			004670		01/25/2022	503-4720-475.43.02	2.45	
			004671		01/25/2022	507-5761-453.43.04	89.70	
			004672		01/25/2022	580-4750-473.43.57	11.04	
			004770		01/25/2022	101-3010-431.61.21	17.57	
			004771		01/25/2022	511-3021-432.43.26	7.16	
			004772		01/25/2022	580-4750-473.43.57	5.91	
			004773		01/25/2022	580-4750-473.43.57	65.50	
			004774		01/25/2022	580-4750-473.43.57	6.07	
			004775		01/25/2022	580-4750-473.60.55	4.08	
			004776		01/25/2022	580-4750-473.60.55	63.44	
			004777		01/25/2022	580-4750-473.43.57	4.26	
			004778		01/25/2022	503-4720-475.43.02	9.40	
			004779		01/25/2022	502-4710-471.43.57	22.51	
			004780		01/25/2022	502-4710-471.43.57	2.51	
			004781		01/25/2022	206-5771-452.43.18	5.83	
			004782		01/25/2022	507-5761-453.43.08	30.33	
			004783		01/25/2022	507-5761-453.43.08	12.45	
			004784		01/25/2022	507-5761-453.61.12	7.77	
			004785		01/25/2022	101-3010-431.61.21	136.55	
			004786		01/25/2022	101-3010-431.60.12	9.21	
			004787		01/25/2022	101-3010-431.60.12	11.55	
			004788		01/25/2022	101-3010-431.60.12	14.10	
			004789		01/25/2022	101-3010-431.43.08	12.28	
			004790		01/25/2022	511-3020-432.43.57	28.86	
			004791		01/25/2022	511-3020-432.61.28	14.32	
			004792		01/25/2022	101-5772-452.43.04	10.19	
			004793		01/25/2022	101-5772-452.43.04	16.71	
			004794		01/25/2022	507-5761-453.43.04	61.88	
			004795		01/25/2022	507-5761-453.43.04	50.41	
			004796		01/25/2022	507-5761-453.43.04	26.99	
			004797		01/25/2022	507-5761-453.43.04	61.41	
			004798		01/25/2022	507-5761-453.43.17	30.65	
			004799		01/25/2022	507-5761-453.43.04	58.46	
			004800		01/25/2022	507-5761-453.43.17	39.89	
			004801		01/25/2022	511-3020-432.43.29	195.42	
			004802		01/25/2022	503-4720-475.43.02	26.58	
			004803		01/25/2022	502-4710-471.43.57	8.44	
			004804		01/25/2022	580-4750-473.43.57	8.44	
			004832		01/25/2022	101-5774-452.60.24	8.45	
			004833		01/25/2022	101-5770-452.43.02	29.68	
			004834		01/25/2022	502-4710-471.60.55	19.12	
			004915		01/25/2022	101-5770-452.43.02	5.95	
							24.94	
							1,276.98	
14604	3719	HEALTH TECHNOLOGY PROF. P	004918		01/25/2022	101-2020-423.43.42	101.08	
							101.08	
14605	2489	HOME DEPOT CREDIT SERVICE	004722		01/25/2022	101-2020-423.43.29	258.14	
							258.14	
							1,276.98	

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14606	3864	HORIZON TECHNOLOGIES INC.	004673		01/25/2022	101-2020-423.52-10	70.00	980.00
			004674		01/25/2022	101-2030-423.52-10	70.00	
			004675		01/25/2022	508-4810-478.52-10	70.00	
			004676		01/25/2022	503-4720-475.52-10	140.00	
			004677		01/25/2022	502-4710-471.52-10	280.00	
			004678		01/25/2022	580-4750-473.52-10	175.00	
			004679		01/25/2022	101-3010-431.52-10	175.00	
							980.00	
14607	3572	LILLY MESA, DVM	004680		01/25/2022	101-2020-423.58-00	257.00	257.00
14608	3783	MARK MARNAFI	004682		01/25/2022	101-2030-423.31-90	70.00	70.00
14609	125	MCCORMICK CONSTRUCTION CO	004805		01/25/2022	101-3010-431.60-11	2,499.90	2,499.90
							2,499.90	
14610	3998	MICHAEL BAKER INTERNATIONAL	004806		01/25/2022	101-0000-204.43-00	1,121.25	1,121.25
			004807		01/25/2022	101-0000-204.78-00	500.00	
			004809		01/25/2022	101-0000-204.39-00	1,343.75	
			004810		01/25/2022	101-0000-204.49-00	437.50	
			004811		01/25/2022	101-0000-204.47-00	620.00	
			004914		01/25/2022	101-0000-204.45-00	156.25	
							4,178.75	4,178.75
14611	2189	MOHAVE ENVIRONMENTAL LAB	004835		01/25/2022	101-5774-452.31-42	140.00	140.00
14612	207	NEEDLES SENIOR CITIZENS	004696		01/25/2022	520-4740-462.52-12	57.69	
			004697		01/25/2022	521-4740-462.52-12	57.69	
							115.38	115.38
14613	1786	NPUA	004725		01/25/2022	580-4750-473.41-20	93.18	VOIDED
			004726		01/25/2022	580-4750-473.41-11	56.33	
			004727		01/25/2022	580-4750-473.41-11	36.68	
			004728		01/25/2022	580-4750-473.41-11	32.39	
			004729		01/25/2022	503-4720-475.41-10	32.39	
			004730		01/25/2022	503-4720-475.41-20	201.53	
			004731		01/25/2022	503-4720-475.41-10	369.52	
			004732		01/25/2022	503-4720-475.41-20	45.25	
			004733		01/25/2022	503-4720-475.41-10	245.45	
			004734		01/25/2022	503-4720-475.41-20	37.93	
			004735		01/25/2022	503-4720-475.41-10	43.86	
			004736		01/25/2022	503-4720-475.41-10	32.60	
			004737		01/25/2022	503-4720-475.41-10	46.83	
			004738		01/25/2022	503-4720-475.41-20	43.69	
			004739		01/25/2022	580-4750-473.41-11	37.86	

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14614	1786	NPWA	004741		01/25/2022	580-4750-473.41-11	59.09	
			004742		01/25/2022	580-4750-473.41-11	54.71	
			004743		01/25/2022	101-5774-452.41-10	42.96	
			004744		01/25/2022	101-5774-452.41-20	69.46	
			004745		01/25/2022	101-5770-452.41-10	1,548.64	
			004746		01/25/2022	101-5770-452.41-20	636.01	
			004747		01/25/2022	101-5770-452.41-30	77.98	
			004748		01/25/2022	101-5774-452.41-10	639.22	
			004749		01/25/2022	101-5774-452.41-20	205.35	
			004750		01/25/2022	101-5774-452.41-30	155.96	
			004751		01/25/2022	502-4710-471.41-10	32.39	
			004752		01/25/2022	502-4710-471.41-10	4,947.51	
			004753		01/25/2022	507-5761-453.41-10	188.52	
			004754		01/25/2022	507-5761-453.41-20	12,333.48	
			004755		01/25/2022	507-5761-453.41-20	48.22	
			004756		01/25/2022	507-5761-453.41-20	45.08	
			004757		01/25/2022	507-5762-454.41-10	115.14	
			004758		01/25/2022	507-5762-454.41-10	570.80	
			004759		01/25/2022	507-5762-454.41-10	258.65	
			004760		01/25/2022	507-5762-454.41-20	128.89	
			004761		01/25/2022	507-5762-454.41-30	233.94	
			004836		01/25/2022	502-4710-471.41-10	33.20	
			004837		01/25/2022	101-5773-452.41-10	37.57	
			004838		01/25/2022	101-5772-452.41-10	514.09	
			004839		01/25/2022	101-5772-452.41-20	1,167.85	
			004840		01/25/2022	101-5772-452.41-30	77.98	
			004871		01/25/2022	507-5762-454.41-10	308.09	
							34,336.59	34,336.59
14615	3324	OFFICE EXPRESS	004683		01/25/2022	502-4710-471.61-01	6.65	
			004911		01/25/2022	502-4710-471.61-01	64.11	
							70.76	70.76
14616	3315	ONLINE INFORMATION SERVIC	004812		01/25/2022	508-4810-478.31-46	75.90	
							75.90	75.90
14617	740	OUR TOWN MAGAZINE	004813		01/25/2022	507-5762-454.53-00	306.00	
							306.00	306.00
14618	3767	PATRICK MARTINEZ	004889		01/25/2022	101-1040-417.55-00	102.06	
			004890		01/25/2022	101-1035-416.55-00	102.06	
			004891		01/25/2022	101-2025-424.55-00	102.06	
			004892		01/25/2022	101-2030-423.55-00	102.66	
			004895		01/25/2022	101-1035-416.61-02	5.91	
			004896		01/25/2022	101-1040-417.61-02	5.91	
			004897		01/25/2022	101-2025-424.61-02	5.91	
			004898		01/25/2022	101-2030-423.61-02	5.92	
							432.49	432.49
14619	239	PHILLIPS EXCAVATING INC.	PI0137		022062 01/25/2022	101-3010-431.70-06	22,109.00	
							22,109.00	22,109.00

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14619	239	PHILLIPS EXCAVATING INC.	PI0140	022063	01/25/2022	582-4710-471.71-07	393,634.80	415,743.80
							415,743.80	
14620	240	PITNEY BOWES GLOBAL FIN.	004841		01/25/2022	510-4410-405.70-03	2,632.36	2,632.36
14621	3648	PRINTING PLUS INC.	004684		01/25/2022	101-1025-415.61-01	828.10	828.10
14622	15	QUILL CORP.	004687		01/25/2022	506-4713-477.61-01	55.88	
			004814		01/25/2022	101-2025-424.61-01	101.27	
			004815		01/25/2022	101-2025-424.61-01	96.96	
			004816		01/25/2022	101-2025-424.61-01	20.99	
			004817		01/25/2022	101-2025-424.61-01	135.75	
			004818		01/25/2022	510-4410-405.61-01	277.97	
			004819		01/25/2022	510-4410-405.61-01	353.34	
			004820		01/25/2022	510-4410-405.61-01	8.93	
			004821		01/25/2022	510-4410-405.61-01	176.70	
			004842		01/25/2022	510-4410-405.61-01	2,087.11	
							3,314.90	3,314.90
14623	818	R & R PRODUCTS INC.	004846		01/25/2022	507-5761-453.43-04	185.68	185.68
14624	2861	REINKE A/C CORP.	004691		01/25/2022	580-4750-473.54-62	6,527.06	6,527.06
14625	3558	RICK DANIELS	004916		01/25/2022	101-1020-413.55-00	127.06	127.06
14626	2468	RON'S TIRE & AUTO	004843		01/25/2022	511-3021-432.43-38	1,145.40	1,145.40
14627	3796	ROUTE 66 BROADBAND LLC	004688		01/25/2022	507-5761-453.52-10	100.00	
			004689		01/25/2022	503-4720-475.52-10	85.00	
			004690		01/25/2022	507-5762-454.52-10	100.00	
			004822		01/25/2022	101-5772-452.43-18	144.49	
			004844		01/25/2022	101-5774-452.52-10	85.00	
			004845		01/25/2022	101-5773-452.52-10	110.00	
							624.49	624.49
14628	3969	S. B. COUNTY ATC CONTROL	004917		01/25/2022	101-1025-415.31-49	272.00	272.00
14629	2687	S.B. COUNTY FIRE DEPARTMENT	004894		01/25/2022	101-4730-472.49-16	1,585.69	1,585.69
14630	4001	SIMPLIFILE TURF & HORTICULTURE	004692		01/25/2022	507-5761-453.61-11	3,325.59	
			004853		01/25/2022	507-5761-453.61-08	82.69	
			004854		01/25/2022	507-5761-453.61-08	3,275.60	

PROGRAM: GM346L
CITY OF NEEDLES
BANK 04 WELLS FARGO BANK - CITY GENERAL CHECKING

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14630	4001	SIMPLOT TURF & HORTICULTU					6,683.88	6,683.88
14631	281	SMART & FINAL CORP.	004847		01/25/2022	101-5774-452.65-10	332.72	
			004848		01/25/2022	101-5774-452.61-06	98.87	
			004849		01/25/2022	101-5774-452.60-24	71.45	
			004850		01/25/2022	101-5774-452.65-10	148.44	
							651.48	651.48
14632	284	SOUTHWEST GAS CORP.	004904		01/25/2022	101-3010-431.41-60	33.11	
			004905		01/25/2022	507-5761-453.41-50	17.00	
			004906		01/25/2022	510-4410-405.41-60	20.96	
							71.07	71.07
14633	2292	SPS VAR, LLC	004877		01/25/2022	509-4910-479.43-05	4,600.00	4,600.00
14634	3875	STANTEC CONSULTING SERVIC	PI0139	022015	01/25/2022	580-4750-473.31-10	497.92	497.92
14635	3929	STAR NURSERY, INC	004852		01/25/2022	101-5772-452.61-12	77.45	77.45
14636	3483	SWRCB ACCOUNTING OFFICE	004851		01/25/2022	502-4710-471.69-03	11,778.22	11,778.22
14637	3432	SYLVIA MILEDI	004681		01/25/2022	101-1025-415.55-00	424.70	424.70
14638	3950	TRK ENGINEERING INC	004858		01/25/2022	101-0000-204.03-01	928.50	928.50
14639	3917	TOUCHSTONE GOLF LLC	004694		01/25/2022	507-5762-454.55-00	181.14	
			004695		01/25/2022	507-5762-454.55-00	158.47	
			PI0138	022011	01/25/2022	507-5762-454.31-89	5,000.00	
							5,339.61	5,339.61
14640	3014	TRI STATE FIRE SYSTEMS, I	004857		01/25/2022	101-5772-452.43-18	287.50	287.50
14641	3266	TRI STATE TOOL REPAIR	004855		01/25/2022	101-3010-431.43-57	21.64	21.64
14642	2526	U.S. BANK ST. PAUL	004901		01/25/2022	270-4631-463.74-60	5,620.83	5,620.83
14643	2798	U.S. DEPARTMENT OF ENERGY	004824		01/25/2022	580-4750-473.63-10	16,298.27	
			004825		01/25/2022	580-4750-473.63-10	3,442.50	
			004826		01/25/2022	580-4750-473.63-10	7,268.40	
			004828		01/25/2022	580-4750-473.63-10	175.29	
							27,184.46	27,184.46

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14644	3825	ULTRA PEST CONTROL, LLC	004859		01/25/2022	101-5774-452.43-18	45.00 *	45.00
14645	315	UNDERGROUND SERVICE ALERT	004698		01/25/2022	503-4720-475.49-14	18.83	
			004699		01/25/2022	502-4710-471.43-04	18.83	
			004700		01/25/2022	580-4750-473.49-14	16.89	
			004701		01/25/2022	503-4720-475.49-14	12.91	
			004702		01/25/2022	502-4710-471.43-04	12.91	
			004703		01/25/2022	580-4750-473.49-14	12.90	
							93.27 *	93.27
14646	3830	UNIFIRST CORPORATION	004709		01/25/2022	101-5774-452.61-06	8.00	
			004710		01/25/2022	101-5774-452.61-01	4.00	
			004711		01/25/2022	503-4720-475.61-04	16.65	
			004712		01/25/2022	503-4720-475.61-04	16.65	
			004723		01/25/2022	508-4810-478.61-04	9.19	
			004724		01/25/2022	101-5774-452.61-01	8.00	
			004860		01/25/2022	101-3010-431.61-04	91.66	
			004861		01/25/2022	101-5772-452.61-04	44.01	
			004862		01/25/2022	101-5774-452.61-06	8.00	
			004863		01/25/2022	502-4710-471.61-04	38.33	
			004864		01/25/2022	101-5774-452.61-06	8.00	
			004865		01/25/2022	101-5772-452.61-04	41.50	
			004866		01/25/2022	101-3010-431.61-04	90.47	
			004867		01/25/2022	507-5762-454.61-06	7.00	
			004875		01/25/2022	508-4810-478.61-04	9.61	
			004876		01/25/2022	503-4720-475.61-04	16.89	
							417.96 *	417.96
14647	1741	V & L LASER LLC	004704		01/25/2022	101-1030-414.61-01	59.00	
							59.00 *	59.00
14648	3651	WELLS FARGO	004713		01/25/2022	506-4713-477.61-01	14.99	
			004714		01/25/2022	502-4710-471.31-90	60.00	
			004715		01/25/2022	503-4720-475.31-40	150.03	
			004716		01/25/2022	507-5761-453.43-34	197.09	
			004717		01/25/2022	580-4750-473.61-21	69.80	
			004718		01/25/2022	503-4720-475.61-21	69.80	
			004719		01/25/2022	502-4710-471.61-21	69.80	
			004720		01/25/2022	580-4750-473.63-08	625.00	
			004721		01/25/2022	503-4720-475.61-33	34.39	
							1,290.90 *	1,290.90
14649	326	WESTERN ALARM SERVICE INC	004868		01/25/2022	101-5773-452.43-40	60.00	
							60.00 *	60.00
14650	3528	WESTERN ENVIRONMENTAL TES	004706		01/25/2022	503-4720-475.59-75	195.00	
			004707		01/25/2022	503-4720-475.59-75	195.00	
			004708		01/25/2022	503-4720-475.59-75	395.00	
			004869		01/25/2022	502-4710-471.59-75	386.00	

PROGRAM: GM346L CITY OF NEEDLES BANK 04 WELLS FARGO BANK - CITY GENERAL CHECKING ACCOUNTING PERIOD 2022/07 REPORT NUMBER 68

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14650	3528	WESTERN ENVIRONMENTAL TEST	004899 004900		01/25/2022 01/25/2022	503-4720-475.59-75 503-4720-475.59-75	442.00 170.00	1,783.00
14651	3967	WILLDAN ENGINEERING	004705		01/25/2022	101-0000-204.03-01	5,192.32	5,192.32
14652	3842	XIO, INC.	004870		01/25/2022	502-4710-471.31-90	143.00	143.00
14653	3828	3D-NETWORKS LLC	004693 004856		01/25/2022 01/25/2022	509-4910-479.31-90 509-4910-479.31-90	1,900.00 2,125.00 4,025.00	4,025.00
BANK/CHECK TOTAL							764,934.17	764,934.17
ALL BANKS/CHECKS TOTAL							764,934.17	764,934.17

**CITY OF NEEDLES CITY COUNCIL
WARRANT SUMMARY TOTALS FOR JANUARY 25, 2021**

FUND 101	GENERAL FUND	DEPT. AMT.	FUND AMT.	25, JAN (2)	21-22 BUDGET
101.1015.412	CITY ATTORNEY	\$ -		\$ 29,104.95	\$80,000
101.1020.413	CITY MANAGER	\$ 23.64		\$ 114,980.12	\$204,293
101.1025.415	FINANCE DEPT.	\$ 100.83		\$ 263,954.12	\$528,654
101.1030.414	CITY CLERK/COUNCIL/MAYOR	\$ 82.79		\$ 68,136.51	\$201,933
101.1035.416	PLANNING /ZONING	\$ 38.58		\$ 86,751.74	\$299,577
101.1040.417	ENGINEERING	\$ 73.27		\$ 101,864.55	\$247,804
101.1060.410	COMMUNITY PROMOTIONS	\$ -		\$ 29,263.54	\$69,770
101.1070.410	SENIOR CENTER	\$ -		\$ 23,269.38	\$55,404
101.2010.421	SHERIFF	\$ -		\$ 1,458,226.29	\$2,944,931
101.2020.423	ANIMAL SHELTER/CONTROL	\$ 89.12		\$ 96,376.76	\$234,591
101.2025.424	BULDING & SAFETY	\$ 95.40		\$ 227,885.56	\$379,636
101.2030.423	CODE ENFORCEMENT	\$ 65.00		\$ 295,946.19	\$571,775
101.3010.431	PUBLIC WORKS	\$ -		\$ 683,206.25	\$4,204,878
101.4730.472	SANITATION	\$ -		\$ 79,331.72	\$155,620
101.5770.452	AQUATICS	\$ 10.00		\$ 81,869.70	\$180,845
101.5772.452	PARKS	\$ 98.54		\$ 254,393.61	\$466,589
101.5773.452	JACK SMITH PARK MARINA	\$ -		\$ 70,028.33	\$135,838
101.5774.452	RECREATION	\$ -		\$ 158,173.86	\$347,431
GENERAL FUND	TOTAL ALL GF DEPARTMENTS		\$ 677.17		\$11,309,569
FUND 205	CDBG		\$ -	\$ 31,789.10	\$27,174
FUND 206	CEMETERY		\$ 11.03	\$ 68,097.11	\$205,141
FUND 208	CALTRANS GRANTS		\$ -	\$ 865,885.08	\$982,125
FUND 209	NARCOTICS FORFEITURE		\$ -	\$ -	\$0
FUND 210	SPECIAL GAS TAX		\$ -	\$ 67,878.00	\$235,135
FUND 213	DEPT OF HOUSE. & COMM DEVL		\$ -	\$ 26,691.24	\$112,810
FUND 214	SANBAG NEW LOCAL MEAS I		\$ -	\$ 1,539.86	\$91,760
FUND 225	COPS-AB 3229 SUPPLEMENTAL		\$ -	\$ 87,718.18	\$283,431
FUND 235	INTERSTATE COMM/140 J ST.		\$ -	\$ -	\$0
FUND 239	CA.CONSERV RECYCLING GRANT		\$ -	\$ -	\$5,000
FUND 240	EL GARCES INTERMODAL		\$ -	\$ -	\$0
FUND 241	SAFE RTS TO SCHOOL (SR2S)		\$ -	\$ -	\$12,885
FUND 243	ACTIVE TRANSPORT PROGRAM		\$ -	\$ -	\$0
FUND 270	REDEVELOPMENT AGENCY		\$ -	\$ 159,879.52	\$204,500
FUND 470	RDA CAP PROJ.LOW & MOD.		\$ -	\$ 370.00	\$300,000
FUND 501	NPUA		\$ -	\$ 1,475,609.40	\$2,687,194
FUND 502	WATER DEPARTMENT		\$ -	\$ 1,067,789.49	\$2,001,236
FUND 503	WASTEWATER DEPARTMENT		\$ -	\$ 675,122.64	\$1,297,932
FUND 505	SANITATION		\$ -	\$ 616,787.64	\$1,324,900
FUND 506	ALL AMERICAN CANAL PROJ.		\$ -	\$ 850,082.53	\$1,012,427
FUND 507	GOLF FUND	\$ 433.98			
FUND 507-5761-453	GOLF MAINTENANCE DEPARTMENT	\$ 3,457.05		\$ 356,723.43	\$731,730
FUND 507-5762-454	GOLF PRO SHOP DEPARTMENT	\$ -		\$ 167,574.69	\$368,468
FUND 507	GOLF FUND TOTAL		\$ 3,891.03		
FUND 508	CUST.SVC/UT BUSINESS OFFICE	\$ -	\$ 90.86	\$ 162,309.46	\$359,455
FUND 509	MIS		\$ -	\$ 94,242.09	\$252,370
FUND 510	ADMIN. FACILITY		\$ 499.60	\$ 72,752.55	\$395,203
FUND 511	FLEET MANAGEMENT		\$ -	\$ 92,293.94	\$270,933
FUND 512	VEHICLE REPLACEMENT		\$ -	\$ -	\$0
FUND 520	SR DIAL A RIDE		\$ -	\$ 136,743.07	\$229,711
FUND 521	DIAL-A-RIDE MEDICAL TRANS.		\$ -	\$ 10,689.07	\$40,458
FUND 525	NEEDLES AREA TRANSIT (NAT)		\$ -	\$ 188,095.57	\$494,264
FUND 580	ELECTRIC		\$ -	\$ 6,910,608.61	\$8,351,073
FUND 581	NPUA CAPITAL ELECTRIC		\$ -	\$ 26,552.00	\$26,552
FUND 582	NPUA CAPITAL WATER		\$ 15,320.00	\$ 602,816.65	\$2,142,785
FUND 583	NPUA CAPITAL WASTEWATER		\$ -	\$ 2,218.00	\$2,218
FUND 650	IMPACT FEES NORTH NEEDLES		\$ -	\$ 30.16	\$88
FUND 651	IMPACT FEES SOUTH AREAS		\$ -	\$ 22.62	\$24
TOTAL	ALL FUNDS & DEPARTMENTS		\$ 20,489.69	\$ 18,941,674.88	\$35,758,551

I certify that the expenditures/purchases to be paid by the warrants on this list have complied with the provisions of Article II, Section 8, Article II, Purchasing; and further, the funds to cover these purchases/expenditures, as City Audited, are included within the City


Rick Daniels, City Manager
Date 1/21/22


Kippy Foulson, City Treasurer
Date 1/17/22


Sylvia Miledi, Director of Finance
Date 1/17/22

CHECK NUMBER	VENDOR NUMBER	SEQ#	VENDOR NAME	CHECK DATE	CHECK AMOUNT	DISCOUNTS/TAKEN	RETAINAGE
14654	4006	00	AMERICAN BATTERY SUPPLY	01/25/2022	2,787.78		.00
14655	3974	00	CUTTER & BUCK	01/25/2022	662.27		.00
14656	3580	00	DIAMOND PURE WATER	01/25/2022	25.00		.00
14657	3682	00	EPIC ENGINEERING	01/25/2022	15,320.00		.00
14658	2612	00	HARDWARE EXPRESS INCORP.	01/25/2022	19.16		.00
14659	4000	00	JARROD DELEON	01/25/2022	433.98		.00
14660	3324	00	OFFICE EXPRESS	01/25/2022	1,065.96		.00
14661	3796	00	ROUTE 66 BROADBAND LLC	01/25/2022	85.00		.00
14662	3830	00	UNIFIRST CORPORATION	01/25/2022	7.00		.00
14663	1023	00	XEROX	01/25/2022	83.54		.00

NUMBER OF CHECKS 10 GRAND TOTAL 20,489.69

PROGRAM: GM346L
CITY OF NEEDLES
BANK 04 WELLS FARGO BANK - CITY GENERAL CHECKING

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14654	4006	AMERICAN BATTERY SUPPLY	004547		01/25/2022	507-5762-454.60-16	2,787.78 *	2,787.78
14655	3974	CUTTER & BUCK INC	004559 004560		01/25/2022 01/25/2022	507-5762-454.44-10 507-5762-454.44-10	372.67 289.60 662.27 *	662.27
14656	3580	DIAMOND PURE WATER	004563 004564 004565		01/25/2022 01/25/2022 01/25/2022	101-5774-452.61-01 101-5774-452.61-01 101-5770-452.61-01	10.00 5.00 10.00 25.00 *	25.00
14657	3682	EPIC ENGINEERING	PI0142	022050	01/25/2022	582-4710-471.32-10	15,320.00 15,320.00 *	15,320.00
14658	2612	HARDWARE EXPRESS INCORP.	004566 004567		01/25/2022 01/25/2022	101-2020-423.43-29 510-4410-405.43-01	4.12 15.04 19.16 *	19.16
14659	4000	JARROD DELEON	004548		01/25/2022	507-5761-453.43-04	433.98 433.98 *	433.98
14660	3324	OFFICE EXPRESS	004537 004549 004550 004551 004552 004553 004554 004555 004556 004557 004558		01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022 01/25/2022	510-4410-405.61-06 101-1020-413.61-01 101-1025-415.61-01 101-1030-414.61-01 101-1035-416.61-01 101-1040-417.61-01 101-2025-424.61-01 101-2030-423.61-01 206-5771-452.61-01 508-4810-478.61-01 510-4410-405.61-01	450.15 23.64 100.83 82.79 38.58 73.27 95.40 65.00 11.03 90.86 34.41 1,065.96 *	1,065.96
14661	3796	ROUTE 66 BROADBAND LLC	004568		01/25/2022	101-2020-423.52-10	85.00 85.00 *	85.00
14662	3830	UNIFIRST CORPORATION	004561		01/25/2022	507-5762-454.61-06	7.00 7.00 *	7.00
14663	1023	XEROX	004562		01/25/2022	101-5774-452.74-20	83.54 83.54 *	83.54
BANK/CHECK TOTAL							20,489.69	20,489.69
ALL BANKS/CHECKS TOTAL							20,489.69	20,489.69

**CITY OF NEEDLES CITY COUNCIL
WARRANT SUMMARY TOTALS FOR DECEMBER 29, 2021**

FUND 101	GENERAL FUND	DEPT. AMT.	FUND AMT.	29-Dec	21-22 BUDGET
101.1015.412	CITY ATTORNEY	\$ -		\$ 29,104.95	\$80,000
101.1020.413	CITY MANAGER	\$ 1,695.59		\$ 100,808.51	\$204,293
101.1025.415	FINANCE DEPT.	\$ 434.53		\$ 237,597.78	\$528,654
101.1030.414	CITY CLERK/COUNCIL/MAYOR	\$ 43.82		\$ 58,074.59	\$201,933
101.1035.416	PLANNING /ZONING	\$ 133.44		\$ 72,652.33	\$299,577
101.1040.417	ENGINEERING	\$ 217.43		\$ 84,168.88	\$247,804
101.1060.410	COMMUNITY PROMOTIONS	\$ -		\$ 29,263.54	\$69,770
101.1070.410	SENIOR CENTER	\$ -		\$ 20,578.16	\$55,404
101.2010.421	SHERIFF	\$ -		\$ 1,458,556.29	\$2,944,931
101.2020.423	ANIMAL SHELTER/CONTROL	\$ 180.71		\$ 80,386.04	\$234,591
101.2025.424	BULDING & SAFETY	\$ 379.13		\$ 203,666.14	\$379,636
101.2030.423	CODE ENFORCEMENT	\$ 482.98		\$ 264,477.20	\$571,775
101.3010.431	PUBLIC WORKS	\$ 496.48		\$ 620,058.48	\$4,204,878
101.4730.472	SANITATION	\$ 47.84		\$ 68,263.99	\$155,620
101.5770.452.	AQUATICS	\$ -		\$ 76,956.77	\$180,845
101.5772.452	PARKS	\$ 500.13		\$ 229,281.04	\$466,589
101.5773.452	JACK SMITH PARK MARINA	\$ 158.78		\$ 61,995.02	\$135,838
101.5774.452	RECREATION	\$ 113.17		\$ 134,179.93	\$347,431
GENERAL FUND	TOTAL ALL GF DEPARTMENTS		\$ 7,256.36		\$11,309,569
FUND 205	CDBG		\$ -	\$ 31,131.10	\$27,174
FUND 206	CEMETERY		\$ 159.48	\$ 63,046.61	\$205,141
FUND 208	CALTRANS GRANTS		\$ -	\$ 865,885.08	\$982,125
FUND 209	NARCOTICS FORFEITURE		\$ -	\$ -	\$0
FUND 210	SPECIAL GAS TAX		\$ -	\$ 67,878.00	\$235,135
FUND 213	DEPT OF HOUSE. & COMM DEVL		\$ -	\$ 26,691.24	\$112,810
FUND 214	SANBAG NEW LOCAL MEAS I		\$ -	\$ 1,539.86	\$91,760
FUND 225	COPS-AB 3229 SUPPLEMENTAL		\$ -	\$ 87,718.18	\$283,431
FUND 235	INTERSTATE COMM/140 J ST.		\$ -	\$ -	\$0
FUND 239	CA.CONSERV RECYCLING GRANT		\$ -	\$ -	\$5,000
FUND 240	EL GARCES INTERMODAL		\$ -	\$ -	\$0
FUND 241	SAFE RTS TO SCHOOL (SR2S)		\$ -	\$ -	\$12,885
FUND 243	ACTIVE TRANSPORT PROGRAM		\$ -	\$ -	\$0
FUND 270	REDEVELOPMENT AGENCY		\$ -	\$ 154,258.69	\$204,500
FUND 470	RDA CAP PROJ.LOW & MOD.		\$ -	\$ 370.00	\$300,000
FUND 501	NPUA		\$ -	\$ 1,388,583.12	\$2,687,194
FUND 502	WATER DEPARTMENT		\$ 1,373.59	\$ 939,420.75	\$2,001,236
FUND 503	WASTEWATER DEPARTMENT		\$ 426.71	\$ 619,448.13	\$1,297,932
FUND 505	SANITATION		\$ -	\$ 593,012.55	\$1,324,900
FUND 506	ALL AMERICAN CANAL PROJ.		\$ 60.52	\$ 843,662.65	\$1,012,427
FUND 507	GOLF FUND	\$ 65.68			
FUND 507-5761-453	GOLF MAINTENANCE DEPARTMENT	\$ -		\$ 308,101.36	\$731,730
FUND 507-5762-454	GOLF PRO SHOP DEPARTMENT	\$ -		\$ 140,959.77	\$368,468
FUND 507	GOLF FUND TOTAL		\$ 65.68		
FUND 508	CUST.SVC/UT BUSINESS OFFICE	\$ -	\$ 394.58	\$ 135,789.84	\$359,455
FUND 509	MIS		\$ -	\$ 85,617.09	\$252,370
FUND 510	ADMIN. FACILITY		\$ -	\$ 66,253.55	\$395,203
FUND 511	FLEET MANAGEMENT		\$ 290.21	\$ 79,562.39	\$270,933
FUND 512	VEHICLE REPLACEMENT		\$ -	\$ -	\$0
FUND 520	SR DIAL A RIDE		\$ -	\$ 31,537.63	\$125,215
FUND 521	DIAL-A-RIDE MEDICAL TRANS.		\$ -	\$ 10,326.38	\$40,458
FUND 525	NEEDLES AREA TRANSIT (NAT)		\$ -	\$ 187,208.57	\$494,264
FUND 580	ELECTRIC		\$ 3,062.89	\$ 6,657,799.78	\$8,351,073
FUND 581	NPUA CAPITAL ELECTRIC		\$ -	\$ 26,552.00	\$26,552
FUND 582	NPUA CAPITAL WATER		\$ -	\$ 193,861.85	\$2,142,785
FUND 583	NPUA CAPITAL WASTEWATER		\$ -	\$ 2,218.00	\$2,218
FUND 650	IMPACT FEES NORTH NEEDLES		\$ -	\$ 30.16	\$88
FUND 651	IMPACT FEES SOUTH AREAS		\$ -	\$ 22.62	\$24
TOTAL	ALL FUNDS & DEPARTMENTS		\$ 13,090.02	\$ 17,438,556.59	\$35,654,055

I certify that the expenditures/purchases to be paid by the warrants on this list have complied with the provisions of the City Charter, Chapter 8, Article II, Purchasing; and further, the funds to cover these purchases/expenditures, as City Audited, are included within the City

Rick Daniels
Rick Daniels, City Manager
Date 1/17/22

Kippy Poulson
Kippy Poulson, City Treasurer
Date 1/17/22

Sylvia Miledi
Sylvia Miledi, Director of Finance
Date 1/7/22

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14566	3897	BENEBLOC, LLC	004592		12/29/2021	101-0000-209.03-01	266.82	
			004593		12/29/2021	502-0000-209.03-01	71.44	
			004594		12/29/2021	511-0000-209.03-01	86.92	
			004595		12/29/2021	580-0000-209.03-01	93.18	
							518.36 *	518.36
14567	2450	CALPERS	004635		12/29/2021	101-1020-413.25-00	1,550.16	
							1,550.16 *	1,550.16
14568	3399	COURT-ORDERED DEBT COLLEC	904591		12/29/2021	101-0000-209.03-01	118.16	
							118.16 *	118.16
14569	1305	GREAT WEST LIFE & ANNUITY	004643		12/29/2021	101-0000-209.03-01	1,530.00	
			004644		12/29/2021	502-0000-209.03-01	175.00	
			004645		12/29/2021	580-0000-209.03-01	890.00	
							2,595.00 *	2,595.00
14570	3634	GREAT-WEST LIFE & ANNUITY	004646		12/29/2021	101-0000-209.01-00	38.13	
			004647		12/29/2021	101-0000-209.01-00	24.27	
			004648		12/29/2021	580-0000-209.01-00	174.52	
			004649		12/29/2021	580-0000-209.01-00	53.93	
			004650		12/29/2021	580-0000-209.01-00	127.83	
							418.68 *	418.68
14571	3458	MUTUAL OF OMAHA	004571		12/29/2021	101-1020-413.24-10	71.26	
			004572		12/29/2021	101-1025-415.24-10	196.73	
			004573		12/29/2021	101-1030-414.24-10	21.02	
			004574		12/29/2021	101-1035-416.24-10	72.49	
			004575		12/29/2021	101-1040-417.24-10	121.12	
			004576		12/29/2021	101-2020-423.24-10	92.91	
			004577		12/29/2021	101-2025-424.24-10	190.69	
			004578		12/29/2021	101-2030-423.24-10	206.38	
			004579		12/29/2021	101-3010-431.24-10	242.43	
			004580		12/29/2021	101-4730-472.24-10	23.67	
			004581		12/29/2021	101-5772-452.24-10	143.46	
			004582		12/29/2021	101-5773-452.24-10	52.35	
			004583		12/29/2021	101-5774-452.24-10	82.50	
			004584		12/29/2021	206-5771-452.24-10	44.57	
			004585		12/29/2021	502-4710-471.24-10	545.75	
			004586		12/29/2021	503-4720-475.24-10	171.20	
			004587		12/29/2021	506-4713-477.24-10	43.89	
			004588		12/29/2021	508-4810-478.24-10	164.60	
			004589		12/29/2021	511-3020-432.24-10	91.36	
			004590		12/29/2021	580-4750-473.24-10	725.34	
							3,303.72 *	3,303.72
14572	3248	PREFERRED BENEFIT INSURAN	004615		12/29/2021	101-1020-413.24-10	58.83	
			004616		12/29/2021	101-1025-415.24-10	183.50	
			004617		12/29/2021	101-1030-414.24-10	19.32	
			004618		12/29/2021	101-1035-416.24-10	43.66	

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
14572	3248	PREFERRED BENEFIT INSURAN	004619		12/29/2021	101-1040-417.24-10	79.02	
			004620		12/29/2021	101-2020-423.24-10	87.80	
			004621		12/29/2021	101-2025-424.24-10	162.43	
			004622		12/29/2021	101-2030-423.24-10	232.62	
			004623		12/29/2021	101-3010-431.24-10	201.13	
			004624		12/29/2021	101-4730-472.24-10	20.90	
			004625		12/29/2021	101-5772-452.24-10	300.81	
			004626		12/29/2021	101-5773-452.24-10	87.80	
			004627		12/29/2021	101-5774-452.24-10	4.39	
			004628		12/29/2021	206-5771-452.24-10	96.96	
			004629		12/29/2021	502-4710-471.24-10	389.68	
			004630		12/29/2021	503-4720-475.24-10	180.15	
			004631		12/29/2021	506-4713-477.24-10	13.36	
			004632		12/29/2021	508-4810-478.24-10	133.60	
			004633		12/29/2021	511-3020-432.24-10	64.13	
			004634		12/29/2021	580-4750-473.24-10	653.71	
							3,013.80 *	3,013.80
14573	1199	SBPEA TEAMSTERS LOCAL 193	004636		12/29/2021	101-0000-209.03-01	394.95	
			004637		12/29/2021	502-0000-209.03-01	118.63	
			004638		12/29/2021	503-0000-209.03-01	23.29	
			004639		12/29/2021	507-0000-209.03-01	65.68	
			004640		12/29/2021	508-0000-209.03-01	52.82	
			004641		12/29/2021	511-0000-209.03-01	31.38	
			004642		12/29/2021	580-0000-209.03-01	162.65	
							849.40 *	849.40
14574	1217	VISION SERVICE PLAN	004596		12/29/2021	101-1020-413.24-10	15.34	
			004597		12/29/2021	101-1025-415.24-10	54.30	
			004598		12/29/2021	101-1030-414.24-10	3.48	
			004599		12/29/2021	101-1035-416.24-10	17.29	
			004600		12/29/2021	101-1040-417.24-10	17.29	
			004601		12/29/2021	101-2025-424.24-10	26.01	
			004602		12/29/2021	101-2030-423.24-10	43.98	
			004603		12/29/2021	101-3010-431.24-10	52.92	
			004604		12/29/2021	101-4730-472.24-10	3.27	
			004605		12/29/2021	101-5772-452.24-10	55.86	
			004606		12/29/2021	101-5773-452.24-10	18.63	
			004607		12/29/2021	101-5774-452.24-10	26.28	
			004608		12/29/2021	206-5771-452.24-10	17.95	
			004609		12/29/2021	502-4710-471.24-10	73.09	
			004610		12/29/2021	503-4720-475.24-10	52.07	
			004611		12/29/2021	506-4713-477.24-10	3.27	
			004612		12/29/2021	508-4810-478.24-10	43.56	
			004613		12/29/2021	511-3020-432.24-10	16.42	
			004614		12/29/2021	580-4750-473.24-10	181.73	
							722.74 *	722.74

BANK/CHECK TOTAL 13,090.02

13,090.02

CHECK NO	VENDOR NO	VENDOR NAME	VOUCHER NO	P.O. NO	DATE	ACCOUNT	REMITTANCE AMOUNT (NET OF DISC/RETAIN)	CHECK TOTAL
ALL BANKS/CHECKS TOTAL								
							13,090.02	13,090.02



City of Needles, California Request for Council Action

CITY COUNCIL NPUA BOARD OF PUBLIC UTILITIES
 Regular Special

Meeting Date: January 25, 2022

Title: Authorize the City Manager to execute an Independent Contractor Consulting Agreement with Registered Nurse (RN) Patricia Scott to administer Employee Covid Rapid Tests not to exceed \$100/hour

Background: On March 25, 2020 City Council adopted Resolution No. 2020-14 Declaring the Existence of a Local Emergency to COVID-19. The City received 1,500 free rapid testing kits from San Bernardino County. Rapid testing kits were provided to Set Free Church, Fire House Ministries and St. Vincent De Paul to give to the community for free. The City will be utilizing a portion of the kits received to administer to staff via the RN Ms. Scott. This will result in staff being able to return to work faster than waiting 2-5 days for a result from an accredited facility.

Fiscal Impact: To be funded by each department being tested and reimbursed by the City's second allocation of Cares Act Funding expected in June 2022.

_____ Sylvia Miledi

Recommended Action: Authorize the City Manager to execute an Independent Contractor Consulting Agreement with Registered Nurse (RN) Patricia Scott to administer Employee Covid Rapid Tests not to exceed \$100/hour

Submitted By: Rainie Torrance, Assistant Utility Manager

City Management Review: Rick

Date: 1/20/22

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u>14</u>

INDEPENDENT CONTRACTOR CONSULTING AGREEMENT

This Independent Contractor Agreement (hereinafter "Agreement") is made as of __[date]__, between __[contractor's name]__, an independent contractor ("Contractor"), and the City of Needles, a California Charter City ("City").

City and Contractor mutually agree to the following terms and conditions:

I. GENERAL CONDITIONS

A. *Term of Agreement.* Unless sooner terminated in accordance with this Agreement, the term of this Agreement shall be from __[date]__, to __[date]__. This Agreement is terminable on 30 days' written notice by either Contractor or City.

B. *Governing Law.* This Agreement shall be construed under the laws of the State of California.

II. CONTRACTOR'S SCOPE OF WORK

A. *Specific Services.* Contractor shall be responsible for administering rapid tests for COVID-19 to employees of the City, as needed and upon request of the City. By executing this Agreement, Contractor represents that Contractor has been issued a business license and any professional licenses necessary to perform the specified services. This Agreement may be modified to allow for additional specific projects, the scope of which shall be in writing and evidenced in accordance with Paragraph VI.B. below.

B. *Time of Work.* Contractor shall provide such services as Contractor deems necessary and reasonable to complete the specific services described above but is not required to perform services at any particular time. City shall not have first right to Contractor's time.

C. *Performing Services for Others.* It is understood by the parties that Contractor is free to perform similar services for others and may do so concurrently to performing services for City.

D. *Contractor's Status.* It is the express intention of the parties that Contractor is an independent contractor and not an employee, agent, joint venturer, or partner of City. Nothing in this Agreement shall be interpreted or construed as creating or establishing a relationship of employer and employee between City and Contractor or any employee or agent of Contractor. Both parties acknowledge that Contractor may retain the services of others to assist him or her but that such persons as Contractor's employees are not City employees for any purpose. Contractor further agrees that it shall be exclusively responsible for payment of compensation and benefits to any employee it retains and shall be liable for all taxes required to be reported and remitted to appropriate tax authorities. Contractor shall execute and provide to City before commencement of services a valid IRS Form W-9. City shall not withhold any taxes from any payments made to Contractor, except as provided by law, and shall issue Contractor an IRS Form 1099-MISC for all fees remitted in connection with this Agreement. Contractor also agrees to indemnify, defend, and hold City and its officers, directors, and affiliates harmless from any obligation or liability to tax or other authorities for any deductions, taxes, or other obligations

arising from Contractor's provision of services to City. Contractor agrees that it shall timely file all tax returns, tax schedules, and tax declarations and shall timely pay all taxes required with respect to any payment made under this Agreement. Contractor shall provide a tax affidavit to City on request demonstrating that it filed and reported all payments under this Agreement and paid taxes on such payments.

E. *Method of Performing Services.* Contractor will determine the method, details, and means of performing the above-described services by Contractor or any of Contractor's employees. City shall have no right to, and shall not, control the manner or determine the method of accomplishing Contractor's services.

F. *Place of Work.* The parties agree that the nature of the services to be provided by Contractor necessitates that the services be performed on City premises. City therefore agrees to furnish space on its premises, as well as rapid testing kids, for use by Contractor while performing these services.

G. *Workers' Compensation.* To the extent Contractor decides to hire any employees to perform the services described above, Contractor agrees to provide workers' compensation insurance for Contractor's own employees and agents and agrees to indemnify, defend, and hold harmless City and its officers, directors, and affiliates from and against any and all claims arising out of any injury, disability, or death of any of Contractor's employees or agents. Contractor will arrange for its workers' compensation insurer to waive its rights to subrogate against City. A certificate of insurance evidencing this insurance shall be provided to City before commencement of Contractor's services.

H. *Indemnification of Liability.* Contractor shall indemnify, defend, and hold harmless City and its officers, directors, and affiliates from and against any and all liability imposed or claimed, including attorney fees and other legal expenses, arising directly or indirectly from any act or failure of Contractor or Contractor's assistants, employees, or agents, including claims relating to the injury or death of any person or damage to any property.

III. COMPENSATION

A. *Rate of Pay.* In consideration for the services to be performed by Contractor, City agrees to pay Contractor a fee of \$100.00 per hour.

B. *Invoices.* Contractor shall submit invoices for all services rendered.

C. *Due Date for Payment of Compensation.* Payment will be made by City to Contractor within __ [e.g., 15 days] __ of receipt of invoice from Contractor.

D. *Expenses.* City shall have no responsibility for any expenses incurred by Contractor in connection with this Agreement unless Contractor secures written approval for such expenses before incurring them. Any pre-approved expenses shall be invoiced and paid in accordance with Paragraphs B and C above.

IV. TERMINATION

This Agreement and the relationship created hereby shall be terminable on 30 days' written notice at the will of either party, with or without cause. Any implied covenants are expressly disclaimed to the extent that such covenants are inconsistent with or limit these termination rights.

V. THIRD PARTY LITIGATION AND DISPUTE RESOLUTION.

In the event that Contractor is involved in a dispute with any other person or entity as a result of performing his or her obligations under the Agreement, Contractor agrees to cooperate fully with City for resolution of such dispute in a manner satisfactory to City. City reserves the exclusive right to determine the terms and conditions of any compromise or settlement and whether or not legal or other expenses, if any, will be incurred. Contractor will have no authority to institute any legal action in connection with the performance of its obligations hereunder, without the express written consent of City. If Contractor must defend any legal action relating in any way to this Agreement, Contractor will immediately notify City of such legal action and will cooperate fully with City in defending such action to protect City's interests, including but not limited to City's reputation and good name. Notwithstanding the above, City does not waive or agree to reduce any claim it may have against Contractor. In addition to the above, if a dispute arises between Contractor and any other person, whether or not employed by City, arising from Contractor's services under this Agreement, City shall have the right, but not the obligation, to direct Contractor's resolution of the dispute or to resolve it directly, and such resolution shall be binding on Contractor. If City, in its sole discretion, elects to incur expenses for the purpose of resolving any dispute resulting from Contractor's performance of obligations under this Agreement, Contractor shall pay its share of the costs and expenses of any judgment assessed against, or any settlement made by, City (including but not limited to reasonable attorney fees).

VI. MISCELLANEOUS

A. *Entire Agreement.* This Agreement embodies the entire agreement and understanding between City and Contractor on the subjects addressed herein and supersedes all prior discussions, agreements, or understandings between City and Contractor, whether express or implied. Both parties agree that no promise or representation regarding the subjects addressed herein have been made by either party other than those expressly set forth herein.

B. *Modification and Waiver.* This Agreement may not be modified or amended except (1) by an instrument in writing signed by both parties, or (2) as set forth herein. This Agreement may be unilaterally amended by City on giving 30 days' written notice to Contractor of the amendment. If Contractor does not respond to the notice of amendment within 15 days after receipt thereof, such failure to respond shall be deemed as acceptance by Contractor of such amendment. If Contractor agrees to such amendment, or if Contractor is deemed to have accepted such amendment in accordance with the preceding sentence, the Agreement as amended shall govern the future relationship between Contractor and City. If Contractor does not agree to such amendment, Contractor may then exercise Contractor's right to terminate this Agreement. No term or condition of this Agreement shall be deemed to have been waived, nor shall there be any estoppel against the enforcement of any provision of this Agreement, except by written

instrument of the party charged with such waiver or estoppel. No such written waiver shall be deemed a continuing waiver unless specifically stated therein, and each such waiver shall operate for the future only as to the specific term or condition.

C. *Severability.* If, for any reason, any provision or partial provision of this Agreement is held invalid, such invalidity shall not affect the remainder of such provision or any other provision of this Agreement not so held invalid, and each other provision, or portion thereof, shall, to the full extent consistent with law, continue in full force and effect.

D. *Binding Effect.* This Agreement shall not be binding on City or Contractor until it is executed by both City and Contractor in the signature block below.

E. *Headings.* The headings of the paragraphs of this Agreement are inserted for convenience of reference only and are not intended to be a part of, or to affect the meaning or interpretation of, this Agreement.

F. *Construction.* This Agreement shall be construed and interpreted fairly in accordance with the plain meaning of its terms, and there shall be no presumption or inference against the party drafting this Agreement in construing or interpreting the provisions hereof. Each of the parties further acknowledges and agrees that they have had the opportunity to consult with, or have consulted with, attorneys of their own choice regarding each term and condition of this Agreement, that they each understand the meaning and effect of each provision contained in this Agreement, and that they have voluntarily and knowingly entered into this Agreement.

Date: _____

__ *[Typed name of Contractor]* __

Date: _____

City of Needles, a California Charter City

By: __ *[Typed name]* __

Its: __ *[Title]* __

RESOLUTION NO. 2020-14
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES
OF A DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY
(COVID-19)

WHEREAS, the Needles City Charter Article V, Section 514 empowers the City Council to declare an emergency measure for preserving the public peace, health or safety; and

WHEREAS, the City Council of the City of Needles, does hereby find that:

1. Threatened existence of conditions of possible peril to the health and safety of persons in Needles are present as a result of the increasing spread of novel coronavirus (COVID-19) across the state; and
2. The federal Centers for Disease Control and Prevention has confirmed multiple cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and
3. The World Health Organization declared COVID-19 a pandemic; and
4. On March 4, 2020 California Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and
5. The increase of reported cases and deaths associated with COVID-19 has also prompted the County of San Bernardino on March 11, 2020 to proclaim a local and public health emergency; and
6. On March 17, 2020 the County of San Bernardino ordered the cancellation of all gatherings of any size; and
7. On March 19, 2020 the Governor of California issued an Executive Order ordering all residents to stay at home except as needed to maintain continuity of operations of federal critical infrastructure sectors; and
8. A proclamation of a local emergency will assist in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the citizens of the City.

NOW, THEREFORE, IT IS HEREBY DECLARED, that a local emergency now exists throughout the City; and

IT IS FURTHER DECLARED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions of the City of Needles; and

The local emergency shall remain in effect until such time that the Council determines that the emergency conditions have been abated; and

IT IS FURTHER DECLARED AND ORDERED that, without limiting the nature of the foregoing, the City Manager or his designee pursuant to this declaration and order, applicable state and federal laws and regulations as well as Article VI, Section 605 of the Needles Municipal Code, is empowered:

(A) To make and issue rules and regulations on matters reasonably related to the protection of life, health, safety and property as affected by such emergency;

(B) To obtain vital supplies, services, equipment and property needed for the protection of life, health, safety and property, and to bind the City for the fair value thereof;

(C) To require emergency services of any City officer or employee and, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;

(D) To requisition necessary personnel or material to any City department or agency; and

(E) To execute all of his ordinary power as City Manager, all of the special powers conferred upon him by Article VI, Section 600 of the Needles City Charter or by resolution or emergency plan pursuant thereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

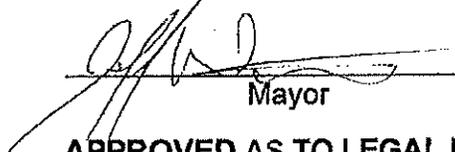
PASSED, APPROVED AND ADOPTED at a special meeting of the City Council of the City of Needles, California, held on the 25th day of March 2020, by the following roll call vote:

AYES: Council Members Gudmundson, Terral, Paget, Belt and Longacre

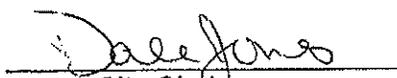
NOES: None

ABSENT: Councilmember Evans

ABSTAIN: None



Mayor



City Clerk

APPROVED AS TO LEGAL FORM:



John O. Pinkney, City Attorney



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Title: Holiday Fun Fair 2021

Background: The Women's Club held a Holiday Fun Fair in December 2021 and have submitted an invoice payable to Daniell's Septic for the event.

Fiscal Impact: Funds available in account 101-1030-414-61.45

Recommendation: I MOVE to authorize payment to Daniell's Septic in the amount of \$425 for the Holiday Fun Fair 2021 event

Submitted By: City Clerk

City Management Review: Rick

Date: 1/21/22

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u>15</u>

Daniell's Septic

P.O. Box 1483 | Bullhead City AZ 86430

City Of Needles
817 Third Street
Needles, CA 92363

Invoice

Date
12/3/2021

Invoice
21-5245

X's Serviced

Route

Driver

Billing Cycle

Address Serviced

PO #

Agent/Address

Holiday Fun Fair 2021

Description	Qty	Rate	Amount
Portable Toilet Rental - Napa Parking Lot	1	95.00	95.00
Portable Sink - Napa Parking Lot	1	70.00	70.00
Portable Toilet Rental - Frontier Parking Lot	2	95.00	190.00
Portable Sink - Frontier Parking Lot	1	70.00	70.00
Tina McGee 760-985-4050			

3.5% card fee applied to all credit/debit transactions. Customer will be charged a 2% fee on all invoices past 30 days, plus any collection fees. Customer is responsible for lost or damaged portable toilets. DO NOT MOVE PORTABLES. We are not responsible for damage to lids when pumping tanks. We appreciate your business.

Total \$425.00
Payments/Credits \$0.00
Balance Due \$425.00

Phone 928-754-3483 | Fax 928-754-5115 | office@daniellsseptic.com



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Title: City Council Resolution 2022-14
A Resolution of the City Council of the City of Needles Approving an Agreement for Professional Services, Hearing Officer, Mark A. Marnati For an Amount Not to Exceed \$10,000 out of the General Fund
Authorize staff to enter into an agreement on behalf of the City of Needles.

Background: In 2017 the City of Needles entered into an agreement with Mark Marnati for hearing officer professional services for \$70.00 per hour and not to exceed \$10,000 annually. He has requested that we increase his contract to \$85.00. Since 2017 the City has held numerous Administrative Hearings that have resulted in the abatement of public nuisances throughout the City. He conducts 3-4 hearings a year.

The Needles City Code requires that a hearing officer be utilized for matters related to property public nuisances, and administrative citations. Mr. Marnati is also a Judge Pro Temp for the City of Lake Havasu Municipal Court and Judge Pro Temp for Mohave County where he does arraignments, small claim hearings, civil and criminal hearings, and civil traffic hearings.

Fiscal Impact: City Agrees to pay Consultant the amount of \$85.00 per hour. Amount not to exceed \$10,000 out of the General Fund with reimbursement from fines and lines.

Environmental: N/A

Recommendation: Approve Resolution 2022-14, Awarding a Professional Services Agreement to Mark A. Marnati as the City of Needles Hearing Officer for an Amount Not to Exceed \$10,000 out of the General Fund and Authorize staff to enter into an agreement on behalf of the City of Needles.

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: Rick **Date:** 1/20/22

Agenda Item: 16

RESOLUTION NO. 2022-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES,
APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES, HEARING
OFFICER, MARK MARNATI**

WHEREAS, the Needles City Code requires that a hearing officer be utilized for matters related to property public nuisances, and administrative citations; and

WHEREAS, the Hearing Officer should be an independent contractor, and has contracted with Mr. Marnati since 2017; and

WHEREAS, Mr. Marnati is also a Judge Pro Temp for the City of Lake Havasu Municipal Court and Judge Pro Temp for Mohave County where he does arraignments, small claim hearings, civil and criminal hearings, and civil traffic hearings; and

WHEREAS, Mr. Marnati is willing and able to continue the duties and responsibilities of the hearing officer for the City of Needles.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, herby approves an Agreement for Professional Services for a Hearing Officer to Mark A. Marnati in an amount not to Exceed \$10,000 out of the General Fund, and authorized the City Staff to enter into an agreement on behalf of the City of Needles.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 25th day of January, 2022, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

(Seal)

Attest:

City Clerk

City Attorney

**+CITY OF NEEDLES
PROFESSIONAL SERVICES AGREEMENT**

HEARING OFFICER SERVICES

1. PARTIES AND DATE.

This Agreement is made and entered into this 25 day of January 2022, between the CITY OF NEEDLES, a California Charter City, (hereinafter referred to as the "City") and Mark A. Marnati (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. RECITALS.

- 2.1 Services. The City desires to retain Consultant as a Hearing Officer to perform the Services set forth in Exhibit "A" attached hereto ("Services"). Consultant shall act on behalf of the City for violations of City Codes relating to property public nuisances, administrative citations, and animal public nuisances. City shall provide office personnel to attend hearings and record proceedings, prepare minutes, draft findings and decisions, and other clerical support as determined by the City Manager.
- 2.2 Consultant. Consultant will perform and assume responsibility for the provision of such Services required by the City on the terms and conditions set forth in this Agreement. Consultant represents and warrants to City that Consultant possesses the necessary skills, licenses, certifications, qualifications, personnel and equipment to provide such services. Consultant will handle administrative hearings in accordance with established City Codes and procedures in a professional and workmanlike manner and, shall meet with the City Manager as appropriate to provide the disposition, or findings, of said hearings.

3. TERMS.

3.1 Scope of Services and Term.

- 3.1.1 Professional Services. Consultant agrees to perform the Services for the duration of this Agreement. Consultant shall not permit any other person, employee or subconsultant to perform the Services without the prior written consent of the City.
- 3.1.2 Term. This Agreement shall become effective when executed and shall remain in effect until terminated as provided herein. Notwithstanding anything to the contrary in this Agreement, this Agreement shall automatically terminate after one (1) year unless extended in writing by the Parties with the approval of the City Council of the City.

3.2 Responsibilities of Consultant.

- 3.2.1 Standard of Care. Consultant shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant shall perform, at its

own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Consultant's failure to comply with the applicable standard of care.

- 3.2.2 Laws and Regulations. Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of Services. Consultant shall defend, indemnify and hold the City, its officials, directors, officers, employees and agents harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

4. CITY REPRESENTATIVE.

The City designates the City Manager or his designee as City representative ("City Representative") with respect to the work to be performed under this Agreement. The City Representative shall have complete authority to transmit instructions, receive information, and interpret and define the City's policy and decisions with respect to the Services covered by this Agreement.

5. FEES AND PAYMENTS.

- 5.1 Compensation. City agrees to pay Consultant the amount of \$85.00 per hour. (one hour minimum per case) Consultant shall not increase any rate without the prior written consent of the City. Notwithstanding anything in this Section 5, total fees and charges paid by City under this Agreement shall not exceed ten thousand dollars \$10,000 during the initial one year term without approval by the City Council of City.
- 5.2 Invoices. Consultant shall submit to the City a monthly itemized statement which clearly and specifically indicates work completed the name of the matter or case and the hours of Services rendered by Consultant during that month broken down in tenths of an hour. The statement shall describe the amount of Services provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. Invoices for services shall be submitted within no later than sixty (60) days of the date of the service. Invoices for services rendered more than sixty (60) days prior to City's receipt of the invoice shall be deemed invalid and unenforceable. City shall have the right to review and audit all invoices prior to or after payment to Consultant.
- 5.3 Reimbursement for Expenses. Consultant shall not be reimbursed for any expenses unless authorized in writing by the City Manager.
- 5.4 Additional Services. Consultant expressly waives any right to be compensated for services and materials not covered by the scope of this Agreement or authorized by the City in writing.
- 5.5 Accounting Records. Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of the City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

6. General Provisions.

- 6.1 Termination of Agreement. The City or Consultant may, by written notice to the other party, terminate this Agreement at any time and without cause by giving written notice to the other party of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those Services which have been actually and adequately rendered to the City, and Consultant shall be entitled to no further compensation.
- 6.2 Ownership of Materials and Confidentiality.
- 6.2.1 City Ownership. All documents and data ("Documents & Data"), including data on electric, digital or magnetic media, prepared by Consultant under this Agreement shall be the property of the City, except that Consultant shall have the right to retain copies of all Documents & Data for its records. The City shall not be limited in any way in its use of the Documents & Data at any time. Should Consultant, either during or following termination of this Agreement, desire to use any Documents & Data prepared in connection with this Agreement, Consultant shall first obtain the written approval of the City Manager.
- 6.2.2 Confidentiality. All information, ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents and Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of the City, be used by Consultant for any purposes other than the performance of the Services. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Services or the Project. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential.
- 6.3 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.
- 6.4 Entire Agreement. This Agreement contains the entire Agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both Parties.
- 6.5 Governing Law. This Agreement is entered into and shall be performed in Needles, California and shall be governed by the laws of the State of California. Any claims arising under this Agreement shall be brought in the state or federal courts located in San Bernardino County.
- 6.6 City's Right to Employ Other Consultants. The City reserves the right to employ other consultants at any time for any purpose.
- 6.7 Assignment; Sublease; Transfer. Consultant shall not assign, sublease, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior signed written consent of the City Manager. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

- 6.8 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.
- 6.9 Improper Payment. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right to rescind this Agreement without liability.
- 6.10 Conflict of Interest. For the term of this Agreement, no member, officer, or employee of the City, during the term of his or her service with the City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom. Consultant has read and is aware of the provisions of Section 1090 et seq. and Section 87100 et seq. of the Government Code relating to conflicts of interest of public officers and employees. Consultant agrees that they are unaware of any financial or economic interest of any public officer or employee of the City relating to this Agreement. It is further understood and agreed that if such a financial interest does exist at the inception of this Agreement, the City may immediately terminate this Agreement by giving notice thereof. Consultant shall comply with the requirements of Government Code section 87100 et seq. and section 1090 in the performance of and during the term of this Agreement.
- 6.11 Attorney Fees. If any legal action or proceeding, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs, in addition to any other relief to which that party may be entitled.
- 6.12 Indemnity. City agrees that Consultant shall be treated as if an employee of City for the purpose of the application of Government Code Sections 825, 995, 995.2, and 995.4. City agrees to defend and indemnify Consultant to the same extent provided for those sections as though Consultant was a full-time employee of City.
- 6.13 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

(Signature Page Follows) IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date and year set forth above.

CITY: (City of Needles)

BY:	
TITLE:	
DATE:	

ATTEST:

BY:	
TITLE:	
DATE:	

CONSULTANT:

BY:	
TITLE:	
DATE:	

Mark A. Maroti MARK A. MAROTI

ADMINISTRATIVE HEARING OFFICER

1-7-22

7

EXHIBIT A

Scope of Services

1. Hear and consider any written or oral evidence or testimony relating to administrative citations; and to propose a reduction, waiver or conditional reduction, where appropriate, in the fines stated in the citation or any late fees assessed, or to impose conditions and deadlines by which to correct the violation or pay any outstanding fine, in accordance with provisions of the City Code.

2. Review relevant written information and hear oral testimony to determine whether an animal is vicious, and to determine whether an animal is being kept or maintained in such a manner as to be a public nuisance and direct the owner or custodian of such animal to abate the danger to the public or abate the animal public nuisance, in accordance with the provisions of the City Code.

7



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: November 14, 2017

Title: City Council Resolution No. 2017-76
A Resolution of the City Council of the City of Needles,
California, Approving an Agreement for Professional
Services, Hearing Officer, Mark A. Marnati

Background: Mr. Carl A. Russell (TC) has been the Hearing Officer for the City of Needles since June 2016. Mr. Russell recently resigned from the position. Staff issued an RFP for Hearings Officer Services. One qualified person responded. After review, staff believes Mr. Mark Marnati possesses the necessary qualifications for the hearing officer position and can best meet the needs of the City.

Fiscal Impact: Budgeted for fiscal year 2017/2018

Environmental Impact: N/A

Recommended Action: Approve Resolution No. 2017-76, awarding a professional services agreement to Mr. Mark A. Marnati as the City of Needles Hearing Officer and direct the Mayor to execute the same.

Submitted By: City Manager

City Management Review: Rich

Date: 11/9/17

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
Agenda Item: <u>10</u>			

MARK A. MARNATI

Experience

Retired Sheriff's Captain • January 3, 1983 – April 1, 2016
San Bernardino County Sheriff's Department • 655 E. 3rd Street, San Bernardino, CA 92415

Last assignment: Captain, Narcotics/IRNET Division – February 23, 2012-April 1, 2016

I managed the daily operation of nine drug enforcement teams assigned to the Narcotics Division which provides a cooperative effort with local, state and federal law enforcement agencies in enforcing controlled substances and regulations as it pertains to manufacture, distribution, and dispensing of controlled substances. The teams focus on preventive measures to combating drug trafficking involving local and multi-state criminal organizations. The teams are divided into: East and West Valley Regional Investigative Teams conducting street level narcotics enforcement in the San Bernardino County; CALMET and RMTF teams which focus on mid-level to major narcotic organizations that manufacture methamphetamines; HIGHWAY INTERDICTION TEAM which primary mission is to investigate mid-level to large scale drug trafficking activities within local interstates, highways and streets; Inland Regional Narcotic Enforcement Team (IRNET) which is a multi-agency task force involving local, state and federal law enforcement personnel with the basic purpose to share intelligence, technology, equipment and manpower in investigations related to major narcotic organizations; San Bernardino County Auto Theft Task Force (SANCATT) devoting its efforts to fighting organized vehicle theft, auto theft rings, and chop shops that dispose of vehicle parts; and Parcel Interdiction Team dedicated to combating the problem of drug trafficking as it pertains to the private parcel businesses located within the county.

Previous Management Assignments:

Captain, Central Detention Center	03/12/11 -02/22/12
Captain, Colorado River Station	02/28/09 -03/11/11
Lieutenant, Yucaipa Patrol Station	11/24/07-02/27/09
Lieutenant, Court Services	07/09/05-11/24/07

Previous Sergeant Positions:

Morongo Station
Glen Helen Rehabilitation Center
Yucaipa Station
Internal Affairs Division

Previous Detective Positions:

Gang/Narcotics Division
Needles Station

Previous Patrol Positions:

Needles Station
Yucaipa Station
Glen Helen Rehabilitation Center

Education

Graduated Bloomington High School June 1978

Attended San Bernardino Valley College

California Commission on Peace Officer Standards and Training

POST Certificates:

Sherman Block Leadership Institute (SLI) 010699

Supervisor Certificate 051099

Management Certificate 042806

Executive Certificate 110510

RESOLUTION NO. 2017-76

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEEDLES, CALIFORNIA, APPROVING AN
AGREEMENT FOR PROFESSIONAL SERVICES, HEARING
OFFICER, MARK A MARNATI**

WHEREAS, the Needles City Code requires that a hearing officer be utilized for matters related to property public nuisances, and administrative citations; and

WHEREAS, the Hearings Officer should be an independent contractor, the City sought proposals from individuals and firms.

WHEREAS, the best proposal came from Mr. Mark A. Marnati who has a background in law enforcement, thus providing him with knowledge and experience relating to local and state laws; and

WHEREAS, Mr. Marnati is willing and able to assume the duties and responsibilities of the hearing officer for the City of Needles.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Needles, California, hereby approves an Agreement for Professional Services for a Hearing Officer to Mark A. Marnati, and authorizes the Mayor and City Clerk to sign same for and on behalf of the City of Needles.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California held on the 14th day of November, 2017 by the following roll call vote:

AYES:

NOES
ABSENT
ABSTAIN

Mayor

Attest:

City Clerk

(Seal)

Approved as to form:

City Attorney

**CITY OF NEEDLES
PROFESSIONAL SERVICES AGREEMENT**

HEARING OFFICER SERVICES

1. PARTIES AND DATE.

This Agreement is made and entered into this 14th day of November 2017, between the CITY OF NEEDLES, a California Charter City, (hereinafter referred to as the "City") and Mark A. Marnati (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties."

2. RECITALS.

- 2.1 Services. The City desires to retain Consultant as a Hearing Officer to perform the Services set forth in Exhibit "A" attached hereto ("Services"). Consultant shall act on behalf of the City for violations of City Codes relating to property public nuisances, administrative citations, and animal public nuisances. City shall provide office personnel to attend hearings and record proceedings, prepare minutes, draft findings and decisions, and other clerical support as determined by the City Manager.
- 2.2 Consultant. Consultant will perform and assume responsibility for the provision of such Services required by the City on the terms and conditions set forth in this Agreement. Consultant represents and warrants to City that Consultant possesses the necessary skills, licenses, certifications, qualifications, personnel and equipment to provide such services. Consultant will handle administrative hearings in accordance with established City Codes and procedures in a professional and workmanlike manner and, shall meet with the City Manager as appropriate to provide the disposition, or findings, of said hearings.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 Professional Services. Consultant agrees to perform the Services for the duration of this Agreement. Consultant shall not permit any other person, employee or subconsultant to perform the Services without the prior written consent of the City.

3.1.2 Term. This Agreement shall become effective when executed and shall remain in effect until terminated as provided herein. Notwithstanding

anything to the contrary in this Agreement, this Agreement shall automatically terminate after one (1) year unless extended in writing by the Parties with the approval of the City Council of the City.

3.2 Responsibilities of Consultant.

3.2.1 Standard of Care. Consultant shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Consultant shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Consultant's failure to comply with the applicable standard of care.

3.2.2 Laws and Regulations. Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of Services. Consultant shall defend, indemnify and hold the City, its officials, directors, officers, employees and agents harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

4. CITY REPRESENTATIVE.

The City designates the City Manager or his designee as City representative ("City Representative") with respect to the work to be performed under this Agreement. The City Representative shall have complete authority to transmit instructions, receive information, and interpret and define the City's policy and decisions with respect to the Services covered by this Agreement.

5. FEES AND PAYMENTS.

5.1 Compensation. City agrees to pay Consultant the amount of \$70:00 per hour. Consultant shall not increase any rate without the prior written consent of the City. Notwithstanding anything in this Section 5, total fees and charges paid by City under this Agreement shall not exceed \$10,000 without approval by the City Council of City.

5.2 Invoices. Consultant shall submit to the City a monthly itemized statement which indicates work completed and hours of Services rendered by Consultant. The statement shall describe the amount of Services provided since the initial commencement date, or since the start of the subsequent billing periods, as

appropriate, through the date of the statement. City shall have the right to review and audit all invoices prior to or after payment to Consultant.

- 5.3 Reimbursement for Expenses. Consultant shall not be reimbursed for any expenses unless authorized in writing by the City Manager.
- 5.4 Additional Services. Consultant expressly waives any right to be compensated for services and materials not covered by the scope of this Agreement or authorized by the City in writing.
- 5.5 Accounting Records. Consultant shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Consultant shall allow a representative of the City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Consultant shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

6. General Provisions.

6.1 Termination of Agreement. The City or Consultant may, by written notice to the other party, terminate this Agreement at any time and without cause by giving written notice to the other party of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those Services which have been actually and adequately rendered to the City, and Consultant shall be entitled to no further compensation.

6.2 Ownership of Materials and Confidentiality.

6.2.1 City Ownership. All documents and data ("Documents & Data"), including data on electric, digital or magnetic media, prepared by Consultant under this Agreement shall be the property of the City, except that Consultant shall have the right to retain copies of all Documents & Data for its records. The City shall not be limited in any way in its use of the Documents & Data at any time. Should Consultant, either during or following termination of this Agreement, desire to use any Documents & Data prepared in connection with this Agreement, Consultant shall first obtain the written approval of the City Manager.

- 6.2.2 Confidentiality. All information, ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents and Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of the City, be used by Consultant for any purposes other than the performance of the Services. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Services or the Project. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential.
- 6.3 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.
- 6.4 Entire Agreement. This Agreement contains the entire Agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both Parties.
- 6.5 Governing Law. This Agreement is entered into and shall be performed in Needles, California and shall be governed by the laws of the State of California. Any claims arising under this Agreement shall be brought in the state or federal courts located in San Bernardino County.
- 6.6 City's Right to Employ Other Consultants. The City reserves the right to employ other consultants at any time for any purpose.
- 6.7 Assignment; Sublease; Transfer. Consultant shall not assign, sublease, hypothecate, or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior signed written consent of the City Manager. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.
- 6.8 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

- 6.9 Improper Payment. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right to rescind this Agreement without liability.
- 6.10 Conflict of Interest. For the term of this Agreement, no member, officer, or employee of the City, during the term of his or her service with the City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom. Consultant has read and is aware of the provisions of Section 1090 et seq. and Section 87100 et seq. of the Government Code relating to conflicts of interest of public officers and employees. Consultant agrees that they are unaware of any financial or economic interest of any public officer or employee of the City relating to this Agreement. It is further understood and agreed that if such a financial interest does exist at the inception of this Agreement, the City may immediately terminate this Agreement by giving notice thereof. Consultant shall comply with the requirements of Government Code section 87100 et seq. and section 1090 in the performance of and during the term of this Agreement.
- 6.11 Attorney Fees. If any legal action or proceeding, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs, in addition to any other relief to which that party may be entitled.
- 6.12 Indemnity. City agrees that Consultant shall be treated as if an employee of City for the purpose of the application of Government Code Sections 825, 995, 995.2, and 995.4. City agrees to defend and indemnify Consultant to the same extent provided for those sections as though Consultant was a full-time employee of City.
- 6.13 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

(Signature Page Follows)

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date and year set forth above.

CITY: (City of Needles)

BY: _____

TITLE: _____

DATE: _____

ATTEST:

BY: _____

TITLE: _____

DATE: _____

CONSULTANT:

BY: Mark A. Mantz

TITLE: _____

DATE: 11-1-17

EXHIBIT A

Scope of Services

1. Hear and consider any written or oral evidence or testimony relating to administrative citations; and to propose a reduction, waiver or conditional reduction, where appropriate, in the fines stated in the citation or any late fees assessed, or to impose conditions and deadlines by which to correct the violation or pay any outstanding fine, in accordance with provisions of the City Code.

2. Review relevant written information and hear oral testimony to determine whether an animal is vicious, and to determine whether an animal is being kept or maintained in such a manner as to be a public nuisance and direct the owner or custodian of such animal to abate the danger to the public or abate the animal public nuisance, in accordance with the provisions of the City Code.



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Subject: City Council Ordinance No. 645-AC
Amending Chapter 4, Animal Control of the Needles Municipal Code Related to Un-Spayed and Un-Neutered Cats

Background: Un-spayed and un-neutered cats propagate far beyond the capacity of local shelters including in the City of Needles. Shelters are often forced to euthanize young and healthy animals to make room for more animals. The financial cost to taxpayers and the emotional toll suffered by shelter employees and the communities who take care of these animals are extremely high.

City Staff has worked with the City Attorney to develop an Ordinance that proposes an amendment to the Animal Control Ordinance requiring spaying and neutering of cats over four (4) months of age and has included exemptions such as (1) a high likelihood the animal will suffer serious bodily harm or death if spayed or neutered due to age or infirmity, and (2) the animal is registered with a recognized national registry.

Owners with unaltered cats may only be cited if they are in violation of another state or local law that concerns possession of a cat. Examples of such state law or local violations include, but are not limited to, the following; cat at large; cattery permit violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject cat in violation of the Penal Code; rabies quarantine violations for the subject cat; operating a business without a license and/or lack of State Tax ID Number; cats left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.

Penalties issued for failure to spay or neuter a cat shall be enforced as set forth below:

- (1) A fine not to exceed \$300 for a first violation.
- (2) A fine not to exceed \$400 for a second violation within one year.
- (3) A fine not to exceed \$500 for each additional violation within the same year.

At the January 11, 2022 the City Council requested that City Staff look into assistance for the spaying and neutering of cats. The following program is currently being works on:

- Angel’s Touch mobile Vet Services will partner with our current Veterinarian Hesperia Vet Services to come Needles to spay and neuter resident animals bi-annually.
 - o The cost of the spay and neuter clinics will be \$3,000 each.
 - o Each Clinic 20-30 animals can be spayed or neutered each clinic.
 - o \$65 Neuter and \$75.
- Our secondary plan is to give vouchers to a third-party veterinary service in Kingman at the low-cost clinic. If animal is adopted at Needles Animal Shelter. Depending on Spayed and Neuter funds.
- The City has submitted and application for the 2022 Pet Lovers License Plate Program from the Department of Food and Agriculture to administer spade and neuter clinics in the City. The announcement will be made in the spring of 2022.

Fiscal Impact: Staff time for of sheltering and adopting animals and cost of drugs to euthanize animals.

	Per Vial	ML/Vial	Cost/ML	Cat
Euthosal	\$200.00	100	\$2.00	\$ 8.00
Total				\$8.00

17

Recommendation: Approve Ordinance No. 645-AC Amending Chapter 4, Animal Control of the Needles
Municipal Code Related to Un-Spayed and Un-Neutered Cats

City Management Review: Rick **Date:** 1/21/22

Submitted By: Tony Rubalcaba, Senior Animal Control Officer
Patrick Martinez, Assistant City Manager/Development Services

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u> 17 </u>

ORDINANCE NUMBER 645-AC

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF NEEDLES, CALIFORNIA, AMENDING CHAPTER 4,
ANIMAL CONTROL, OF THE NEEDLES MUNICIPAL CODE RELATED TO UN-SPAYED
AND UN-NEUTERED CATS**

WHEREAS, un-spayed and un-neutered cats propagate far beyond the capacity of local shelters including in the City of Needles, California; and

WHEREAS, shelters are often forced to euthanize young and healthy cats to make room for more animals; and

WHEREAS, the financial cost to taxpayers and the emotional toll suffered by shelter employees and the communities who take care of these animals are extremely high; and

WHEREAS, staff proposes an amendment to the Animal Control Ordinance requiring spaying and neutering of cats over four (4) months of age and has included exemptions such as (1) a high likelihood the animal will suffer serious bodily harm or death if spayed or neutered due to age or infirmity, and (2) the animal is registered with a recognized national registry.

WHEREAS, a public hearing notice was published in the Needles Desert Star on December 1, 2021.

NOW, THEREFORE, the City Council of the City of Needles does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by the and through this Ordinance.

SECTION 2. CEQA. Pursuant to section 15060(c)(2) of the California CEQA Guidelines, adoption of the subject Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to CEQA. Additionally, pursuant to section 15060(c)(3) the activity is not a "project" as defined in section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code ("Needles Code").

SECTION 4. The City Council HEREBY APPROVES Ordinance 645-AC amending the Needles Code as follows:

Chapter 4 of the Needles Code is hereby amended to add section 4-60 as follows:

4-60 Mandatory spaying and neutering—Cats

- (a) Requirement. No person may own, keep, or harbor an unaltered un-neutered or un-spayed cat over the age of four (4) months in violation of this section. An owner or custodian of an unaltered cat must have the cat spayed or neutered, or provide

a certificate of sterility, or obtain an unaltered cat license in accordance with this chapter.

(b) Exemptions. This section shall not apply to any of the following:

- (1) A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California licensed veterinarian. If the cat is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered cat license.
- (2) Any cat medically qualified by a California licensed veterinarian which is unable to be spayed or neutered due to the likelihood of the animal suffering serious bodily injury or death due to age or infirmity.

(c) Denial or Revocation of Unaltered Cat License and Reapplication. City's Animal Control Department ("City's Animal Control Department" or "Department") may deny or revoke an unaltered cat license for one or more of the following reasons:

- (1) The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;
- (2) The Department has received at least three (3) complaints, verified by the Department, that the owner, custodian, applicant, or licensee has allowed a cat to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;
- (3) The owner, custodian, applicant, or licensee has been previously cited for violating a state law, local ordinance or other municipal provision relating to the care and control of animals;
- (4) The unaltered cat has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the Needles Municipal Code or under state law;
- (5) Any unaltered cat license held by the applicant has been revoked;
- (6) The license application is discovered to contain a material misrepresentation or omission of fact.

(d) Re-Application for Unaltered Cat License.

- (1) When an unaltered cat license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this chapter have been met. The Department shall refund one-half of the license fee when the application is denied. The applicant shall pay the full fee upon re-application.

- (2) When an unaltered cat license is revoked, the owner or custodian of the cat may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this chapter have been met. No part of an unaltered cat license fee is refundable when a license is revoked, and the applicant shall pay the full fee upon re-application.
- (e) Appeal of Denial or Revocation of Altered Cat License—Request for Hearing.
- (1) Notice of Intent to Deny or Revoke. The Department shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered cat which includes the reason(s) for the denial or revocation. The owner, custodian, licensee, or applicant may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.
 - (2) Hearing Officer. The hearing shall be conducted by an administrative hearing officer as defined in this chapter.
 - (3) Notice and Conduct of Hearing. The Department shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than thirty (30) days after the Department's receipt of the request for a hearing. The hearing will be informal, and the rules of evidence will be strictly observed. The Department shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the hearing officer shall be the final administrative decision.
 - (4) Change in Location of Cat. If the cat is moved after the Department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner, custodian, licensee, or applicant must provide the Department with information as to the cat's whereabouts, including the current owner or custodian's name, address, and telephone number.
- (f) Transfer, Sale, and Breeding of Unaltered Cat. An owner or custodian who offers any unaltered cat for sale, trade, or adoption must include a valid unaltered cat license number with the offer of sale, trade, or adoption, or otherwise state and establish compliance with this section. The unaltered license must appear on a document transferring the animal to the new owner.
- (g) Penalties. Penalties issued for failure to spay or neuter a cat shall be enforced as set forth below:
- (1) An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under state or local law pertaining to the obligations of a person owning or possessing a cat. Examples of such state law or local ordinance violations include, but are not limited to, the following: cat at large; failure

to license a cat; cattery permit violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject cat in violation of the Penal Code; rabies quarantine violations for the subject cat; operating a business without a license and/or lack of State Tax Identification Number; animals left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.

- (2) Should the owner or custodian of an unaltered cat be found in violation of a state or local law, as stated above, in subsection 4-60(g)(1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section.

(h) Impoundment. When an unaltered cat is impounded pursuant to state and/or local law, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:

- (1) Provide written proof of the cat's prior sterilization, if conditions cannot or do not make this assessment obvious to the Department's personnel;
- (2) Have the cat spayed or neutered by a veterinarian under contract with the Department at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required;
- (3) Have the cat spayed or neutered by another California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to spay or neuter the animal and shall pay a spay/neuter deposit to the Department. The veterinarian shall complete and return to the Department within ten (10) days, a statement confirming that the cat has been spayed or neutered or is, in fact, incapable of breeding and shall release the cat to the owner or custodian only after the spay or neuter procedure is complete;
- (4) At the discretion of the Department's manager, the cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the cat will be spayed or neutered and that he or she will submit a statement within ten (10) days of the release, signed by the veterinarian, confirming that the cat has been spayed or neutered or is incapable of breeding; or
- (5) If the owner or custodian demonstrates compliance with this section.

(i) Costs of Impoundment. The owner or custodian of the unaltered cat shall be responsible for the costs of impoundment, which shall include daily board costs, vaccination/medication, and any other diagnostic or therapeutic applications as provided in this chapter.

- (1) The costs of impoundment shall be a lien on the cat, and the unaltered animal shall not be returned to its owner or custodian until the costs are paid. If the owner or custodian of an impounded unaltered animal does not

pay the lien against it in full within fourteen (14) days, the animal shall be deemed abandoned to the Department in accordance with this chapter.

- (j) Application of Fees and Fines Collected. All costs and fines collected under this chapter and the fees collected under this section shall be paid to the Department for the purpose of defraying the cost of the implementation and enforcement of this program.
- (k) No person shall be permitted to adopt any cat, which has not been neutered, unless and until a spay/neuter deposit shall have been paid to the City. The spay/neuter deposit shall be as established from time to time by resolution of the City Council in accordance with California Food and Agriculture Code section 30503.
- (l) Upon presentation to City's Animal Control Department of a written statement or receipt from a veterinarian that such adopted cat has been altered within six months, the alter deposit shall be refunded to the person who paid the deposit.
- (m) All adopted cats, if not already spayed or neutered, shall be altered within sixty (60) days; or the alter deposit, if any, shall be deemed unclaimed and nonrefundable.

SECTION 5. Effective Date. This action shall become final and effective thirty (30) days after this decision by the City Council as provided by the Needles Code.

SECTION 6. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 7. Certification. The City Clerk shall certify to the adoption of this Ordinance.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 11 day of January, 2022, by the following roll call vote:

AYES:
NOES
ABSENT
ABSTAIN

Jeff Williams, Mayor

Attest:

Dale Jones, City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 25 day of January, 2022.

AYES:
NOES:
ABSENT:
ABSTAIN:

Jeff Williams, Mayor

(Seal)

Attest:

Dale Jones, City Clerk

Approved as to form:

John O. Pinkney, City Attorney



City of Needles, California Request for Council Action

CITY COUNCIL NPUA BOARD OF PUBLIC UTILITIES
 Regular Special

Meeting Date: January 25, 2022

Title: Adopt Resolution No. 2022-08 Authorizing the California Department of Water Resources Grant Application, Acceptance, and Execution for the City of Needles Golf Course Irrigation Efficiency Project Phase 1 and 2

Background: In November 2021, staff submitted a proposal to California Department of Water Resources under Underrepresented Communities (URCs) and Native American Tribes (Tribes) for drought relief projects under the Urban and Multibenefit Drought Relief Grant Program to improve the River's Edge Golf Course Irrigation System.

The City was notified in late November of an award of the URC set-aside of \$715,538 for Phase 1 of the project of procuring 600 new water-efficient sprinklers heads and corresponding sprinklers to replace the 1060's sprinklers that the City currently has in use. Phase 1 will also include the design and the potential procurement of an automatic irrigation system.

On January 14, 2022 the City submitted a competitive solicitation for the 2021 Drought Grant for \$1,184,462 Phase 2 of the project which will include the addition of soil moisture sensors, storage tanks, booster pump, and xeriscape.

Fiscal Impact: Grant funding of \$715,538 in set-aside URC funding for Phase 1. Phase 2 competitive application if awarded will be \$1,184,462 for a total project cost of \$1,900,000.

_____ Sylvia Miledi

Recommended Action: Adopt Resolution No. 2022-08 Authorizing the California Department of Water Resources Grant Application, Acceptance, and Execution for the City of Needles Golf Course Irrigation Efficiency Project Phase 1 and 2

Submitted By: Rainie Torrance, Assistant Utility Manager

City Management Review: Rick

Date: 1/20/22

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u>18</u>

RESOLUTION NO. 2022 – 08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES AUTHORIZING THE GRANT APPLICATION, ACCEPTANCE, AND EXECUTION FOR THE CITY OF NEEDLES GOLF COURSE IRRIGATION EFFICIENCY PROJECT – PHASE 1 AND 2

WHEREAS, the City of Needles proposes to implement the City of Needles Golf Course Irrigation Efficiency Project Phase 1 and 2;

WHEREAS, the City of Needles has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, the City of Needles intends to apply for grant funding from the California Department of Water Resources for the City of Needles Golf Course Irrigation Efficiency Project Phase 1 and 2;

THEREFORE, BE IT RESOLVED by the City Council of the City of Needles as follows:

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, ch. 240, § 80), the City of Needles City Manager, or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources, and take such other actions necessary or appropriate to obtain grant funding.
2. The City of Needles City Manager, or designee is hereby authorized and directed to execute the funding agreement with the Department of Water Resources and any amendments thereto.
3. The City of Needles City Manager, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 25th day of January, 2022, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

APPROVED AS TO FORM:

(SEAL)

City Attorney

ATTEST: _____

City Clerk

PROJECT INFORMATION FORM

Please complete a unique Project Information Form for each project in the application. There are no character limits on specific questions but the Project Information Form as a whole may not exceed 10 pages.

1. Project Name: Golf Course Irrigation Efficiency Project – Phase 1
2. Local Project Sponsor (if different than grantee): City of Needles
3. Please provide the latitude and longitude of the project site. For linear projects or those covering a large area, report the coordinates for a central point. If this information is confidential, it must be clearly labeled “confidential.” You can find the latitude and longitude easily using google maps. You can find instructions at the following link:
<https://support.google.com/maps/answer/18539?hl=en&co=GENIE.Platform%3DDesktop>.

Latitude: 34°50'47.58" N

Longitude: 114°36'13.87" W

4. Please briefly describe the proposed project.

The City of Needles water system has 1,706 services connections and its entire service area is primarily a severely disadvantaged community (SDAC) and an economically distressed area (EDA). The City of Needles owns and operates an 18-hole golf course called Rivers Edge, located on the banks of the Colorado River (See map in Attachment 11A). Currently, the irrigation system is supplied water from Well #12, an existing 2,000 gallon per minute (gpm) well at a fixed pumping rate that is located on the course (See map in Attachment 11B). A staff member is responsible for manually installing every in-pack sprinkler head throughout the golf course in a rotating motion to irrigate the golf course. The existing in-pack sprinkler heads date back to the mid 1960's and spray 65 gallons per minute (gpm). The course has approximately 660 in-pack sprinklers heads which each need to be manually set up to irrigate the 125-acre golf course. With the current method, a staff member will install 55 sprinklers spaced six (6) heads apart and move forward every hour to fully irrigate the front and back half of the golf course. The watering route is shown in Attachment 11B and requires the staff member to complete an approximately seven (7) mile route to water the golf course. The current method results in over-irrigation of the course because each sprinkler head needs to be set up manually and removed manually to stop the flow of water.

The entirety of the proposed irrigation efficiency project is not able to be funded by the available grant amount provided by the Colorado River Funding Area (CRFA) Underrepresented Community (URC) Set-Aside of the 2021 Urban and Multibenefit Drought Relief Grant Program (“Drought Grant”). Therefore, the project has been split into two phases. Phase 1 will be funded by the URC Set-Aside and the City is applying for funds through the competitive solicitation for the 2021 Drought Grant in the hopes of funding Phase 2 of the project.

Phase 1 will consist of procuring approximately 660 new water-efficient sprinkler heads and corresponding sprinklers to replace the inefficient 1960's sprinklers that

the City currently has in use. The City will also design and install an automatic irrigation system that will control the new sprinklers. Phase 2 will include the addition of soil moisture sensors to the automatic watering system as well as a 250,000 gallon tank, a new booster pump, and xeriscape. In Phase 1 alone, this project will provide 50 acre feet per year (AFY) of water savings and 44 megawatt hours per year (Mwh-yr) of energy savings through the installation of new water efficient heads and sprinklers and an automatic watering system.

5. Does this project respond to an existing emergency to humans and/or wildlife? If so, please describe the emergency and how this project is addressing it.

The City of Needles is geographically isolated from other cities in San Bernardino County and is considered a SDAC with a median household income of \$38,715 and per capita income of \$21,148 (CA Profile-Facts/Data, 7/1/21). The City currently has active four wells to meet their potable and non-potable demands. Of the four wells, only one well (#15) can be utilized for delivering potable water to its 1,706 services connections that services a population of 4,302. This well runs 23 hours a day, making the system vulnerable to failing, especially during peak season. Currently, the City uses Well #12 as a backup supply to the City's water system. This requires a larger horsepower pump to provide pressure to the water system, as Well #12 is located in the low zone and the water system includes a high and a low zone. The City is currently in the process of installing another well (Well #16) that can serve as a backup to the system. After the irrigation system is connected for automatic operation, the State Water Resource Control Board – Division of Drinking Water (DDW) has asked that Well #12 be removed from serving as a backup to the City's potable water system in order to prevent backflow of non-potable water into the distribution system. After Well #12 is disconnected from the City's potable water system, a smaller horsepower pump with improved efficiency can be used for watering the golf course, as lower discharge pressure to either the adjacent course or the adjacent tank can be provided compared to the potable distribution system.

The City's pumps rely solely on groundwater from an aquifer that is located adjacent to and is influenced by the Colorado River. The proposed improvements will save both water and energy and will allow the additional water saved to remain in the aquifer for use by City residents to meet their potable needs.

6. Each project must meet one of the following purposes as it relates to drought. Please select the appropriate purpose for your project.
- Address immediate impacts on human health and safety, including providing or improving availability of food, water, or shelter.
 - Address immediate impacts on fish and wildlife resources.
 - Provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies.
7. Each project must enhance regional drought resilience and align with the goals and objectives of the relevant approved Integrated Regional Water Management Plan. You can find the relevant IRWM Region by using the map at the following link:
<https://gis.water.ca.gov/app/dacs/>

The IRWM Plans can be found at the following link: <https://water.ca.gov/Work-With-Us/Grants-And-Loans/IRWM-Grant-Programs/Plan-Review-Process>. If you have any

questions about the IRWM region the contact list can be found at the following link:
<https://water.ca.gov/Work-With-Us/Grants-And-Loans/IRWM-Grant-Programs>. Applicants are encouraged to contact and coordinate with the applicable RWMG for the IRWM region in which the project is located

Please identify the IRWM objective your project addresses.
This project is not located in an IRWM Region and is not covered by an IRWM plan. This question is not applicable.

8. Describe the Primary Benefit of the project.

Quantified benefit: 50

Units (Drop down):Acre feet per year If other please enter:

Benefit Type: Water Conservation If other please enter:

9. Describe the Secondary Benefit of the project:

Quantified benefit: 44

Units (Drop down):Other If other please enter:MWh-yr

Benefit Type: Improve operational efficiency If other please enter:

10. Please briefly describe how the project will achieve the claimed benefits.

In 2016, the City of Needles entered into a System Conservation Implementation Agreement (SCIA) between the United States Bureau of Reclamation (USBR) and the City to implement a pilot system conservation program. The grant provided funding in the amount of \$505,000 which reduced the turf acres at the golf course by 40% from 125-acres to 70-acres for the period of 2016 through 2025. In the agreement, USBR estimated that if the City were to implement an efficient irrigation system, including automatic watering and use of moisture sensors, that the City could save additional water.

In 2025, the City will begin watering the entirety of the 125-acre course again. Therefore, the water saving has been calculated based on 125-acres instead of the current irrigated area of 70 acres. The California Department of Food and Agriculture's (CDFA) State Water Efficiency and Enhancement Program (SWEET) Irrigation Water Savings Assessment Tool was used to estimate water savings. Changing from hand moved sprinkler irrigation to a solid set sprinkler system will result in an annual water usage savings of 13%. The Assessment Tool was used to calculate the water savings for this project, assuming turf grass as the crop and sand as the soil. The estimated water usage by hand moved sprinklers is 54.8 acre-inches per acre or 571 acre feet per year (AFY) for the approximately 125-acre course. Installing new solid set sprinklers results in an estimated water usage of 50 acre-inches per acre or 421 AFY. This results in a water savings of 9% or 50 AFY. If only the current irrigated area of 70 acres is considered, the water savings is reduced to 28 AFY.

An automatic sprinkler system will also reduce the amount of time the well needs to run in order to water the golf course. Currently, the 225 horsepower (hp) well runs for 8 hours a night, every day of the year. With an assumed 75% pump efficiency, this assumes 490 megawatt hours per year (Mwh-yr) to run the well. It is assumed that an automatic system will cut the sprinkler run time in half, conserving 245 Mwh-yr. Assuming the 9% reduction in water usage, also results in a 9% operational run time, the energy usage will be reduced to 446 MWh-year for a savings of 44 MWh-year.

11. Briefly describe how the community/area benefiting from this project is being impacted by the current drought.

In October 19, 2021, Governor Newsom expanded the drought emergency statewide, which included the County of San Bernardino (the County). According to the U.S. Drought Monitor, almost all of the County is experiencing extreme drought conditions, including the City of Needles. The rest of the County is experiencing severe drought. The City of Needles is entirely reliant on the Needles Valley groundwater basin (DWR Basin No. 7-044), which per USGS, has the Colorado River as its main source of recharge. (Source: USGS Groundwater Quality in the Colorado River Basins, California: <https://pubs.usgs.gov/fs/2012/3034/pdf/fs20123034.pdf>). In August 2021, The U.S. Bureau of Reclamation declared the first-ever Colorado River water shortage. Reductions in Colorado River flows will also reduce recharge into the Needles Valley groundwater basin. The City has an annual water demand of approximately 781 million gallons per year (2.1 million gallons per day or 2396 AFY). Phase 1 of the golf course efficiency project will save 50 AFY or 2% of the City's annual demand.

12. How will this project alleviate the impacts described in your answer to Question 11?

This project will directly reduce the amount of the Needles Valley groundwater and related Colorado River aquifer recharge that will be extracted by the City to water the golf course. This preserves the available groundwater supply for the City's potable use and emergency supply such as for fire protection.

13. Please complete the following budget table for the project. (Identify funding sources in Question 15)

	BUDGET CATEGORY	Grant Amount	All Other Cost	Total Cost
(a)	Project Administration	0	0	0
(b)	Land Purchase / Easement	0	0	0
(c)	Planning / Design / Engineering / Environmental Documentation	25,000	0	25,000
(d)	Construction / Implementation	690,538	1,184,462	1,875,000
	TOTAL COSTS	715,538	1,184,462	1,900,000

14. Please describe why state funding is needed for this project. If state funding is not secured, what will happen to the project?

The City has been planning on completing this project since early 2000's. The project was engineered in 2001; however, there has been no funding to complete the construction of the project. As noted, the City of Needles qualifies as a SDAC. The City of Needles is faced with

less financial resources to afford to complete this project, which is why it has not been completed in the past 20 years despite its high priority status. Without state funding or financial assistance for this project, it will not be completed.

15. Will the applicant provide cost share (encouraged but not required) and/or will this project require any additional funding from sources other than this solicitation? If so, please describe the funding source and indicate if the funding has been secured. If the funding has not been secured, please describe the plan to secure the necessary funding.

The current grant of \$715,538 will cover Phase 1 of the project. The City will apply for General Funds available through the 2021 Drought Grant for remaining project costs in Phase 2 of the project (\$1,184,462). If no grant funding is received for Phase 2 through General Funds, this project will be scaled back to only include Phase 1 sprinkler replacement and automatic irrigation.

This project was identified as a high priority project by the City of Needles in 2001. Due to the lack of available funding, it has not been completed, and the golf course has been inefficiently over-irrigated for the past 20 years. The implementation of this project will increase the efficiency of the irrigation system and reduce the amount of water lost due to over-irrigation.

16. Is land acquisition or landowner permission required for this project? If so, please briefly describe the status of the acquisition or agreement with the landowner. If the acquisition is not complete or permission not secured at the time of application, please describe the plan to complete it.

Land acquisition is not required for this project as the City of Needles currently owns the land.

17. Has planning and design for this project been completed? If not, please describe the status of planning and design.

Preliminary design was completed in 2001, but will be updated for the purpose of this project. The update will be completed in the summer of 2022.

18. Are the CEQA (and NEPA if applicable) and permitting processes for this project complete? If not, please briefly describe the permits and CEQA (or NEPA) documents to be completed and projected schedule for completion.

Phase 1 of this project is CEQA exempt and permits are not required to replace sprinkler heads or install automatic irrigation.

19. Please briefly describe the necessary construction/implementation for this project.

The City will purchase the equipment from vendors after requesting quotes and/or bids and will hire a licensed contractor to install the new irrigation system following the City's adopted procurement policy and procedures.

Phase 1 of the project will install water efficient sprinklers, valves, and controls for the automatic irrigation system. The golf course is shut down during the summer each year (July 15th through September 15th) and the City plans to complete construction during this time. If the grant award and design are completed by August 1, 2022, the City will complete the construction by September 15, 2022. If not, the City will start construction in July 2023 and complete construction by September 15, 2023.

20. Please complete the schedule below for the project. Projects must be complete by March 31, 2026, to allow time for final invoice processing and retention payment before the State funds expire on June 30, 2026. Project administration should end at least three months after construction.

	Categories	Start Date	End Date
(a)	Project Administration	3/1/2022	12/31/2023
(b)	Land Purchase / Easement		
(c)	Planning/ Design / Engineering / Environmental Documentation	3/1/2022	8/30/2022
(d)	Construction/ Implementation	9/1/2022	9/30/2023

PROJECT INFORMATION FORM

Please complete a unique Project Information Form for each project in the application. There are no character limits on specific questions but the Project Information Form as a whole may not exceed 10 pages.

1. Project Name: City of Needles Golf Course Irrigation Efficiency Project – Phase 2
2. Local Project Sponsor (if different than grantee): City of Needles is the Grantee
3. Please provide the latitude and longitude of the project site. For linear projects or those covering a large area, report the coordinates for a central point. If this information is confidential, it must be clearly labeled “confidential.” You can find the latitude and longitude easily using google maps. You can find instructions at the following link:
<https://support.google.com/maps/answer/18539?hl=en&co=GENIE.Platform%3DDesktop>.

Latitude: 34°50'47.58" N

Longitude: 114°36'13.87" W

4. Please briefly describe the proposed project.

The City of Needles water system has 1,706 services connections and its entire service area is primarily a severely disadvantaged community (SDAC) and an economically distressed area (EDA). The City of Needles owns and operates an 18-hole golf course called Rivers Edge, located on the banks of the Colorado River (See map in Attachment A). The entirety of the proposed irrigation efficiency project is not able to be funded by the available grant amount provided by the Colorado River Funding Area (CRFA) Underrepresented Community (URC) Set-Aside of the 2021 Urban and Multibenefit Drought Relief Grant Program (“Drought Grant”). Therefore, the project has been split into two phases. Phase 1 will be funded by the URC Set-Aside and the City is applying for funds through the competitive solicitation for the 2021 Drought Grant in the hopes of funding Phase 2 of the project.

Currently, the irrigation system is supplied water from Well #12, an existing 2,000 gallon per minute (gpm) well at a fixed pumping rate that is located on the course (See map in Attachment B). A staff member is responsible for manually installing every in-pack sprinkler head throughout the golf course in a rotating motion to irrigate the golf course. The existing in-pack sprinkler heads date back to the mid 1960's and spray 65 gallons per minute (gpm). The course has approximately 660 in-pack sprinklers heads which each need to be manually set up to irrigate the 125-acre golf course (See map in Attachment B). With the current method, a staff member will install 55 sprinklers spaced six (6) heads apart and move forward every hour to fully irrigate the front and back half of the golf course. The watering route requires the staff member to complete an approximately seven (7) mile route to water the golf course. The current method results in over-irrigation of the course because each sprinkler head needs to be set up manually and removed manually to stop the flow of water.

Phase 1, funded through the URC Drought Grant Set-Aside will consist of procuring approximately 660 new water-efficient sprinkler heads and corresponding

sprinklers to replace the inefficient 1960's sprinklers that the City currently has in use. The City will also design and install an automatic irrigation system that will control the new sprinklers. Phase 2, submitted for funding through this application, includes updating the irrigation system design completed in 2001 and potentially installing a new 250,000 gallon tank, and a new booster pump. The project will also add controls to the automatic irrigation system including soil moisture sensors and retrofit portions of the golf course with xeriscape. The xeriscape will include adding decomposed granite (DG) and native plants to non-irrigated areas between golf holes and turf and DG to the driving range. Native plants will be planted including trees to provide shade in addition to other low-water use plants. The benefits of the xeriscape are described in more detail below. The existing well will feed either a new storage tank or will fill the onsite ponds at the course. From the tank or ponds, the booster pump will feed the irrigation system. The use of storage will reduce the operation time of the well as the well will only operate as needed to fill the tank or pond. The new booster pump will be tied into the automatic irrigation system. The moisture sensors installed throughout the course will sense the moisture content in the root zone before a scheduled irrigation cycle and will bypass the irrigation cycle for that portion of the course if the moisture is above a set threshold. This will reduce overwatering of the course as water will only be applied as needed to meet soil moisture requirements.

Currently, due to an agreement with USBR, the area between holes on the golf course is non-irrigated, dead turf grass or dirt. This agreement expires in 2025 and the City intends to begin reirrigating this area, a total of 55 acres. While leaving these areas not irrigated provides water conservation benefits, the lack of vegetation results in a potential increase in stormwater runoff from these areas and results in lowered access to green spaces and their associated physical and mental health benefits. From the 2017 book titled "Effects of Urban Green Space on Environmental Health, Equity and Resilience", green space is linked to health benefits including "(1) improved relaxation and restoration, (2) improved functioning of the immune system, and (3) enhanced physical activity and (4) improved social capital" (e.g. promoting social interaction and fostering sense of community), in addition to benefits related to reduction of air pollution, noise and excessive heat. The book also notes that "low-income communities often [have] less green space or [are] exposed to poorly maintained, vandalized or unsafe green areas" and that "socioeconomic inequalities in access to green space and resulting health benefits may therefore contribute to inequalities in health." Many desert DACs are choosing to provide xeriscape, including desert shade trees, in disturbed, unlandscaped areas to provide a reduction in heat island effects, reduce stormwater runoff, reduce dust and air quality effects and provide increased access to green space. (Examples of xeriscape that provide multiple benefits in a desert community are shown in the 2021 Heat Planning Action Guide for Neighborhoods of Greater Phoenix, available online at: <https://www.nature.org/content/dam/tnc/nature/en/documents/Phoenix-Arizona-Heat-Action-Plan.pdf>). This project will install native plants and DG between existing golf course holes providing additional green space in a DAC while at the same time reducing water usage.

Phase 2 of the project will provide 152 AFY of additional water savings beyond the 50 AFY that will be saved in Phase 1. It will also provide an additional 156 megawatt-hours per year (MWh-year) of additional energy savings beyond the savings of 44

MWh-year in Phase 1 of this project. The City of Needles is a SDAC with limited access to funding and would benefit greatly through increased drought resilience.

5. Does this project respond to an existing emergency to humans and/or wildlife? If so, please describe the emergency and how this project is addressing it.

The City of Needles is geographically isolated from other cities in San Bernardino County and is considered a SDAC with a median household income of \$38,715 and per capita income of \$21,148 (CA Profile-Facts/Data, 7/1/21). The City currently has four active wells to meet their potable and non-potable demands. Of the four wells, only one well (#15) can be utilized for delivering potable water to its 1,706 services connections that services a population of 4,302. This well runs 23 hours a day, making the system vulnerable to failing, especially during peak season. Currently, the City uses Well #12 as the backup supply to the City's water system. This requires a larger horsepower pump to provide pressure to the water system, as Well #12 is located in the low zone and the water system includes a high and a low zone. The City is currently in the process of installing another well (Well #16) that can serve as a backup to the system. After the irrigation system is connected for automatic operation, the State Water Resource Control Board - Division of Drinking Water (DDW) has asked that Well #12 be removed from serving as a backup to the City's potable water system in order to prevent backflow of non-potable water into the distribution system. After Well #12 is disconnected from the City's potable water system, a smaller horsepower pump with improved efficiency can be used for watering the golf course at lower discharge pressure to the newly constructed tank adjacent to the well. With the construction of this project, Well #12 will only operate as needed to fill the storage tank and a new booster pump will be connected to the automatic irrigation system.

The City's pumps rely solely on groundwater from an aquifer that is located adjacent to and is influenced by the Colorado River. The proposed improvements will save both water and energy and will allow the additional water saved to remain in the aquifer for use by City residents to meet their potable needs.

6. Each project must meet one of the following purposes as it relates to drought. Please select the appropriate purpose for your project.
- a. Address immediate impacts on human health and safety, including providing or improving availability of food, water, or shelter.
 - b. Address immediate impacts on fish and wildlife resources.
 - c. Provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies.
7. Each project must enhance regional drought resilience and align with the goals and objectives of the relevant approved Integrated Regional Water Management Plan. You can find the relevant IRWM Region by using the map at the following link:
<https://gis.water.ca.gov/app/dacs/>

The IRWM Plans can be found at the following link: <https://water.ca.gov/Work-With-Us/Grants-And-Loans/IRWM-Grant-Programs/Plan-Review-Process>. If you have any questions about the IRWM region the contact list can be found at the following link: <https://water.ca.gov/Work-With-Us/Grants-And-Loans/IRWM-Grant-Programs>. Applicants are encouraged to contact and coordinate with the applicable RWMG for the IRWM region

in which the project is located

Please identify the IRWM objective your project addresses.

This project is not located in an IRWM Region and is not covered by an IRWM plan. This question is not applicable.

8. Describe the Primary Benefit of the project.

Quantified benefit: 152

Units (Drop down):Acre feet per year If other please enter:

Benefit Type: Water Conservation If other please enter:

9. Describe the Secondary Benefit of the project:

Quantified benefit: 156

Units (Drop down):Other If other please enter:Mwh-yr

Benefit Type: Improve operational efficiency If other please enter:

10. Please briefly describe how the project will achieve the claimed benefits.

In 2016, the City of Needles entered into a System Conservation Implementation Agreement (SCIA) between the United States Bureau of Reclamation (USBR) and the City to implement a pilot system conservation program. The grant provided funding in the amount of \$505,000 which reduced the turf acres at the golf course by 40% from 125-acres to 70-acres for the period of 2016 through 2025. In the agreement, USBR estimated that if the City were to implement an efficient irrigation system, including automatic watering and use of moisture sensors, that the City could save additional water.

In 2025, the City will begin watering the entirety of the 125-acre course again. Therefore, the water saving has been calculated based on 125-acres instead of the current irrigated area of 70 acres. The California Department of Food and Agriculture's (CDFA) State Water Efficiency and Enhancement Program (SWEET) Irrigation Water Savings Assessment Tool was used to estimate water savings. The Assessment Tool was used to calculate the water savings for this project, assuming turf grass as the crop and sand as the soil. The Phase 1 project will change from hand moved sprinkler irrigation to a solid set sprinkler system resulting in an annual water usage savings of 13% or 50 acre-feet per year (AFY). The projected 50 acre-inches per acre irrigation usage under Phase 1 will be reduced to 47.5 acre-inches per acre under Phase 2 by the addition of moisture sensors. Therefore, completing the Phase 2 project which includes the addition of moisture sensors will save an additional 5% or 15 AFY for the 70-acres of turf on the golf course or 26 AFY if the entire 125-acres was returned to turfgrass.

In the 55-acres of unirrigated area on the golf course, the City will provide approximately 10 acres of turf to bring the driving range back into use. The remaining 45-acres will be of unirrigated area will be landscaped with approximately 50% xeriscape and 50% decomposed granite (DG). The 22.5-acres are covered with DG will have a water demand of 0 AFY. The water usage in the proposed xeriscape portion of the course is estimated based on the 2005 Xeriscape Conversion Study completed by Southern Nevada Water Authority. Table 17 of the study reported that xeriscape survey respondents on average used 17.2 gallons per square foot per year or 2.3 AFY per acre. Therefore, the water usage in the 22.5-acre xeriscape area is approximately 52 AFY. The total water usage in the 45-acre area is 52 AFY or 1.15 AFY per acre. If this 45 acres was returned to turfgrass irrigation after the

Phase 1 project, it would use approximately 4.2 AFY per acre or 189 AFY. The total savings with the Phase 2 improvements when comparing returning the 125 acres to turfgrass is 152 AFY despite the 10-acre increase in turf.

An automatic sprinkler system will also reduce the amount of time the well needs to run in order to water the golf course. If Phase 2 of the project is constructed due to the receipt of grant funds from the Drought Grant, the amount of time the well needs to run in order to water the golf course will be further reduced as the well will pump to a storage tank or pond, rather than the irrigation system. The Phase 2 booster pump that will pump from storage to the golf course irrigation will have an estimated horsepower (hp) of 75 hp, which is more energy efficient than operating the 225-hp well pump. The project scope will replace the existing well pump to decrease the pressure of water being discharged into the booster pump and result in an energy savings and improve the irrigation system.

However, even if these replacements are not considered, the Phase 2 reduction in water usage of 31% would still result in electrical savings from reduced operating time of the existing well pump. Currently, the 225 horsepower (hp) well runs for 8 hours a night, every day of the year. With an assumed 75% pump efficiency, this assumes 490 megawatt hours per year (MWh-yr) to run the well. It is assumed the Phase 1 reduction will reduce the water usage and well operation by 9%, which would reduce the 490 MWh-year to 446 MWh-year. Assuming the 31% reduction in water usage from Phase 2 also results in a 31% operational run time, the energy usage will be reduced to 290 MWh-year for a savings of 156 MWh-year.

11. Briefly describe how the community/area benefiting from this project is being impacted by the current drought.

In October 19, 2021, Governor Newsom expanded the drought emergency statewide, which included the County of San Bernardino (the County). According to the U.S. Drought Monitor, almost all of the County is experiencing extreme drought conditions, including the City of Needles. The rest of the County is experiencing severe drought. The City of Needles is entirely reliant on the Needles Valley groundwater basin (DWR Basin No. 7-044), which per USGS, has the Colorado River as its main source of recharge. (Source: USGS Groundwater Quality in the Colorado River Basins, California: <https://pubs.usgs.gov/fs/2012/3034/pdf/fs20123034.pdf>). In August 2021, The U.S. Bureau of Reclamation declared the first-ever Colorado River water shortage. Reductions in Colorado River flows will also reduce recharge into the Needles Valley groundwater basin. The City has an annual water demand of approximately 781 million gallons per year (2.1 million gallons per day or 2396 AFY). Phase 1 of the golf course efficiency project will save 50 AFY or 2% of the City's annual demand, while the addition of Phase 2 of the golf course efficiency project will save 152 AFY, or 6% of the City's annual demand.

12. How will this project alleviate the impacts described in your answer to Question 11?

This project will directly reduce the amount of the Needles Valley groundwater and related Colorado River aquifer recharge that will be extracted by the City to water the golf course. This preserves the available groundwater supply for the City's potable use and emergency supply such as for fire protection.

13. Please complete the following budget table for the project. (Identify funding sources in Question 15)

	BUDGET CATEGORY	Grant Amount	All Other Cost	Total Cost
(a)	Project Administration	0	0	0
(b)	Land Purchase / Easement	0	0	0
(c)	Planning / Design / Engineering / Environmental Documentation	0	25,000	25,000
(d)	Construction / Implementation	1,184,462	690,538	1,875,000
	TOTAL COSTS	1,184,462	715,538	1,900,000

14. Please describe why state funding is needed for this project. If state funding is not secured, what will happen to the project?

The City has been planning on completing this project since early 2000's. The project was engineered in 2001; however, there has been no funding to complete the construction of the project. As noted, the City of Needles qualifies as a SDAC. The City of Needles is faced with less financial resources to afford to complete this project, which is why it has not been completed in the past 20 years despite its high priority status. Without state funding or financial assistance for this project, it will not be completed.

15. Will the applicant provide cost share (encouraged but not required) and/or will this project require any additional funding from sources other than this solicitation? If so, please describe the funding source and indicate if the funding has been secured. If the funding has not been secured, please describe the plan to secure the necessary funding.

The grant of \$715,538 received through the Drought Grant URC Set-Aside will cover Phase 1 of the project. This application is intended for remaining project costs in Phase 2 of the project (\$1,184,462). If no grant funding is received for Phase 2 through Drought Grant General Funds, this project will be scaled back to only include Phase 1 sprinkler replacement and automatic irrigation, and will not include the storage tank, booster pump, soil moisture sensors, and xeriscape.

This project was identified as a high priority project by the City of Needles in 2001. Due to the lack of available funding, it has not been completed, and the golf course has been inefficiently over-irrigated for the past 20 years. The implementation of this project will increase the efficiency of the irrigation system and reduce the amount of water lost due to over-irrigation. The City of Needles is a geographically isolated area where summer temperatures reach 120 degrees. Any water savings directly contribute to reduced groundwater usage and provide additional water for both potable use and emergency supply, increasing water supply reliability and drought resilience of this isolated community.

16. Is land acquisition or landowner permission required for this project? If so, please briefly describe the status of the acquisition or agreement with the landowner. If the acquisition is not

complete or permission not secured at the time of application, please describe the plan to complete it.

Land acquisition is not required for this project as the City of Needles currently owns the land.

17. Has planning and design for this project been completed? If not, please describe the status of planning and design.

Preliminary design was completed in 2001, but will be updated for the purpose of this project. Due to the outdated nature of these plans, the plans will be re-reviewed to determine if the use of the existing ponds or the installation of a tank is the most cost effective option. Associated water conservation savings will also be calculated. The two ponds have an approximate volume of 3.7 million gallons assuming the water is five foot in depth. While the use of the existing ponds may be cheaper than installing a storage tank, the evaporation from the ponds during summer months is higher than the use of a storage tank and their use would also require installation of filters to screen out algae and other particles before pumping to the irrigation system. A budget of \$25,000 has been included for the design update.

18. Are the CEQA (and NEPA if applicable) and permitting processes for this project complete? If not, please briefly describe the permits and CEQA (or NEPA) documents to be completed and projected schedule for completion.

The automatic water system and soil moisture sensors will be categorically exempt from CEQA. It is anticipated that the new booster pump station and use of the existing ponds for storage will also fall under a categorical exemption. However, if the design includes the addition of a 250,000 gallon storage tank, a Negative Declaration will likely be required. A budget of \$10,000 has been included in the Planning / Design / Engineering / Environmental Documentation task to cover the CEQA needs of the project. CEQA is estimated to take no more than three months including preparation, noticing and filing.

19. Please briefly describe the necessary construction/implementation for this project.

The City will purchase the equipment from vendors after requesting quotes and/or bids and will hire a licensed contractor to install the new irrigation system following the City's adopted procurement policy and procedures.

Phase 2 of the project will install a booster pump, add controls to the automatic irrigation system including soil moisture sensors, and retrofit portions of the golf course with xeriscape. The project will also either install a storage tank or modify the existing ponds to provide storage. The type of storage will be decided during the design update. The golf course is shut down during the summer each year (July 15th through September 15th) and the City plans to complete construction during this time. If the grant award and design are completed by August 1, 2022, the City will add soil moisture sensors by September 15, 2022. If not, the City will add soil moisture sensors alongside the start of construction in July 2023 for the booster pump and tank and complete construction by September 15, 2023. Xeriscape will be installed during the winter of 2022-2023 during planting season.

If a storage tank is installed, it will be located along with the booster pump next to Well #12. If the existing ponds are used, the booster pump will be located either near Well #12 (which is adjacent to one of the ponds) or adjacent to the other nearby pond. If a storage tank is installed, construction would involve ground disturbance, including excavation to a depth of up to 5 feet for construction of the new tank. Example dimensions for a 250,000 gallon

tank are 30-feet diameter and 48-feet in height. The 2001 irrigation design that used the ponds for storage included a 400 feet of 30-inch polyvinyl chloride (PVC) pipe to connect the two ponds. The 2001 design also included approximately 50 feet of 30-inch pipe to connect the pond to the pump station and approximately 100-feet of 12 and 14-inch pipe to connect the pump station to the irrigation system. Installation of this pipe would be completed by open trench at an approximate depth of five feet and an approximate width of four feet. If the storage tank option is selected, the pipe length would be reduced to approximately 150 feet due to the reduced distance between the well, tank, booster pump and connection to the irrigation system. The disturbed areas around the tank and booster pump would be resurfaced and either DG or xeriscape would be installed.

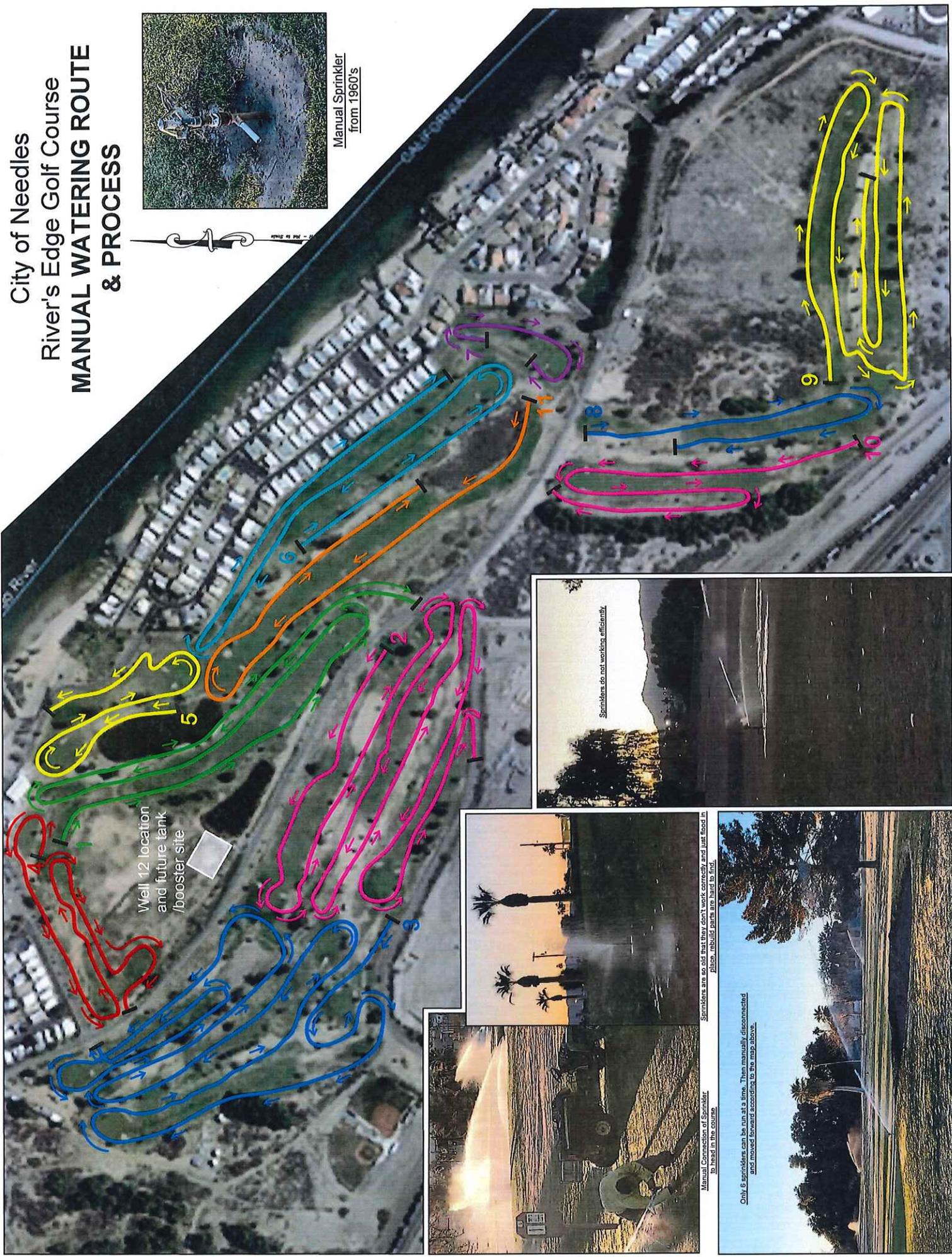
20. Please complete the schedule below for the project. Projects must be complete by March 31, 2026, to allow time for final invoice processing and retention payment before the State funds expire on June 30, 2026. Project administration should end at least three months after construction.

	Categories	Start Date	End Date
(a)	Project Administration	3/1/2022	12/31/2024
(b)	Land Purchase / Easement		
(c)	Planning/ Design / Engineering / Environmental Documentation	3/1/2022	8/30/2022
(d)	Construction/ Implementation	9/1/2022	9/30/2024

City of Needles River's Edge Golf Course MANUAL WATERING ROUTE & PROCESS



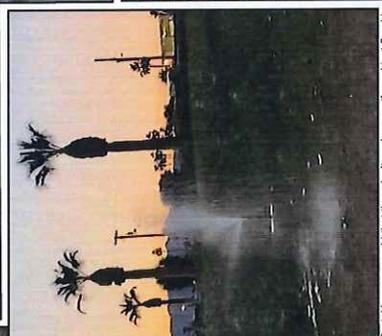
Manual Sprinkler
from 1960's



Well 12 location
and future tank
/booster site



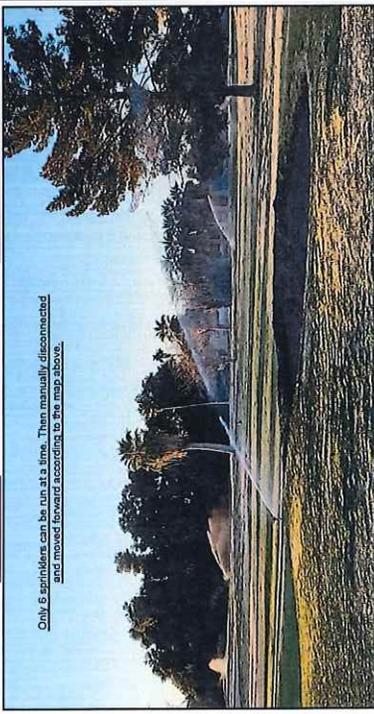
Manual Connection of Sprinkler
to head in the course



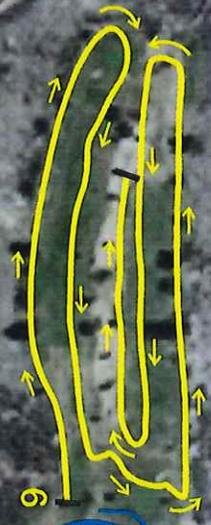
Sprinklers are so old that they don't work exactly and just flood in
places. Inside parts are hard to see.



Sprinklers do not work very efficiently.



Only 6 sprinklers can be run at a time. Then manually disconnected
and moved forward according to the map above.





City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: January 25, 2022

Title: First Beach Park Design

Background: On April 27, 2021 the City Council gave direction to commence a design to develop a park at First Beach. City Staff has worked with TKE Engineering to develop a preliminary design (Attached).

The design includes:

- 12,650 SF Grassy Knoll
- Restroom building
- Parking lot expansion (24 Spaces + 2 ADA)
- Concrete and decomposed granite walkways
- Shaded picnic tables with umbrella
- Bench seating
- Ramp to First Beach
- Stairs to First beach
- Covered play area
- Solar pathway lighting along the trail, parking and grass area.
- Educational Stones along path and in the grassy area

Fiscal Impact: Project is estimated to cost \$1.8 Million. City Staff has been working directly with the California Department of Transportation (CALTRANS) to apply for the funding for the First Beach Design through the Clean California Local Grant Program.

Recommended Action: Provide Direction to Staff

Submitted By: Patrick Martinez, Director of Development Services

City Management Review: *Reck*

Date: *1/21/22*

Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>	Tabled: <input type="checkbox"/>	Other: <input type="checkbox"/>
			Agenda Item: <u><i>19</i></u>

Community Works Design Group



Preliminary Cost Estimate

Project: Needles Marina Park

Date: 01/18/2022

Take off by: Luke Morris/ Allison Rush

Item Description	Qty.	U.M.	Unit Cost	Total Cost
<u>Division 01</u>				
<i>Project Start:</i>				
Mobilization (5% subtotal)	1	LS	\$ 80,000.00	\$ 80,000.00
Construction Stabilized Entrance	1	EA	\$ 3,500.00	\$ 3,500.00
Temporary Construction Fencing	2700	LF	\$ 12.33	\$ 33,300.00
Construction Signage	2	EA	\$ 2,000.00	\$ 4,000.00
Erosion Control/SWPPP	104000	SF	\$ 0.60	\$ 62,400.00
<u>Division 02</u>				
<i>Demolition:</i>				
Clear and Grub	104000	SF	\$ 0.35	\$ 36,400.00
Turf	25662	SF	\$ 0.25	\$ 6,415.50
40 Yard Dumpster	2	EA	\$ 2,000.00	\$ 4,000.00
<u>Division 05</u>				
<i>Metals</i>				
Handrails	60	LF	\$ 225.00	\$ 13,500.00
<u>Division 11</u>				
<i>Play Equipment:</i>				
Child Play Equipment	1	LS	\$ 100,000.00	\$ 100,000.00
Fabric Shade Sails	1	LS	\$ 80,000.00	\$ 80,000.00
<u>Division 12</u>				
<i>Site Furnishing:</i>				
Benches (Metal)	5	EA	\$ 850.00	\$ 4,250.00
Tables (6' Metal) w/ Umbrella	6	EA	\$ 4,500.00	\$ 27,000.00
Tables (ADA 8' Metal) w/ Umbrella	3	EA	\$ 5,000.00	\$ 15,000.00
Trash Cans Metal	6	EA	\$ 1,250.00	\$ 7,500.00
Recycling Cans	6	EA	\$ 1,250.00	\$ 7,500.00
Educational Stones	7	EA	\$ 1,500.00	\$ 10,500.00
Prefabricated Restroom	1	EA	\$ 350,000.00	\$ 350,000.00

Division 26

Electrical:

Solar Lights	15 EA	\$	4,000.00	\$	60,000.00
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Division 31

Earthwork:

Grading	34000 SF	\$	4.40	\$	149,600.00
Fine Grading	66200 SF	\$	0.59	\$	39,108.92

Division 32

*Exterior Improvements **Hardscape** :*

6" Curb Type A1-6	700 LF	\$	27.20	\$	19,040.00
Asphalt paving 3" over 4" base	13420 SF	\$	5.00	\$	67,100.00
Striping	500 LF	\$	1.50	\$	750.00
Concrete Broom Finish 4"	14240 SF	\$	7.92	\$	112,709.60
Concrete Stairs	160 LF	\$	100.00	\$	16,000.00
ADA Ramp	3 EA	\$	3,500.00	\$	10,500.00
6" Concrete Mow Curb	1775 LF	\$	19.20	\$	34,081.97
Crushed Stone Paving (DG) 3"	4950 SF	\$	1.85	\$	9,157.50
12" Deep Play Area Concrete Curb	145 LF	\$	30.00	\$	4,350.00
Rubber Surfacing	1320 SF	\$	19.00	\$	25,080.00

*Exterior Improvements **Irrigation**:*

Drip Point Source	7500 SF	\$	2.50	\$	18,750.00
Rotary Spray	12650 SF	\$	2.00	\$	25,300.00
Irrigation Master Valve 2"	1 EA	\$	1,200.00	\$	1,200.00
Irrigation Flow Sensor 1-1/2"	1 EA	\$	1,150.00	\$	1,150.00
Irrigation Non Drip Zone Valve	4 EA	\$	320.00	\$	1,280.00
Irrigation Drip Zone Valve	6 EA	\$	295.00	\$	1,770.00
Irrigation Controller Mid Size	1 EA	\$	3,500.00	\$	3,500.00

*Exterior Improvements **Planting**:*

Weed Abatement	20150 SF	\$	0.25	\$	4,968.41
90 day Maintenance Period	20150 SF	\$	0.15	\$	3,098.06
Soil Prep/Amendment	20150 SF	\$	5.00	\$	100,750.00
Landscape Area	7500 SF	\$	2.00	\$	15,000.00
Trees (24" Box)	14 EA	\$	339.00	\$	4,746.00
Rip Rap (12"-18")	2760 SF	\$	24.00	\$	66,240.00
Mulch (Forest Floor)	7500 SF	\$	0.75	\$	5,625.00
Root barrier (Per Tree)	14 EA	\$	200.00	\$	2,800.00
Turf (Hydroseed)	12650 SF	\$	0.75	\$	9,487.50

Subtotal \$1,658,408.47

Contingency (10% of subtotal) \$165,840.85

GRAND TOTAL **\$1,824,249.32**



LEGEND:

- ① GRASSY KNOLL (12,650 SF)
- ② RESTROOM BUILDING
- ③ PARKING LOT EXPANSION (24 SPACES + 2 ADA)
- ④ CONCRETE WALKWAY
- ⑤ PICNIC TABLE WITH UMBRELLA ON CONCRETE PAD
- ⑥ BENCH SEATING
- ⑦ DECOMPOSED GRANITE WALKWAY
- ⑧ RAMP TO BEACH
- ⑨ STAIRS TO BEACH
- ⑩ COVERED PLAY AREA
- ⑪ 12"-18" RIP-RAP (LOCALLY SOURCED)
- ⑫ CURB RAMP
- ⑬ SOLAR LIGHTING (TYR)
- ⑭ EDUCATIONAL STONES (TYR)

PRELIMINARY LANDSCAPE PLAN

MARINA PARK - FIRST BEACH

CITY OF NEEDLES

