



City of Needles, California Staff Report

☒ PLANNING COMMISSION

☒ Regular ☐ Special

Meeting Date: October 4, 2023

Title: Planning Commission Resolution No. 10-04-2023-2 PC.
A Resolution of the Planning Commission of the City of Needles
Recommending to the City Council Approval of an Amendment to
Conditional Use Permit 10-19-2022-1 PC Adding Cannabis Consumption
to the existing 2,399 Sq. Ft. Retail Cannabis Business to be located at 2701
Columbus Drive also known as APN 0660-081-40-0000 in the C-2 General
Commercial Zone.

Background: Applicant, Jesse Dean Brown, representative for Needles Flower Refinery is proposing to construct a 2,399 square foot retail cannabis business. On September 1, 2021, the Needles Planning Commission approved Conditional Use Permit Resolution No. 09-01-2021-2 PC recommending approval of a 24,242 Sq. Ft. cannabis cultivation building. The applicant amended Resolution 09-01-2021-2 to reduce the cultivation area by 2,511 sq. ft. (Attachment A, *Project Location*) and construct a 2,399 Sq. Ft. cannabis retail business located at 2701 Columbus Drive through CUP 10-19-2022-1 as shown in Attachment B-1. On July 14th, 2023, the Planning Department received new site and interior drawings required by the conditions of approval to be submitted prior to receiving a building permit for tenant improvement on the existing approved dispensary use to add a cannabis consumption lounge to the approved retail cannabis business. The project site is currently developed with two existing cannabis cultivation facilities (Building 1 and Building 2). This cannabis retail project will be Phase 1 of the third building, with the 21,731 future cultivation facility being built within 12 months. As shown in Attachment B-2, *Proposed Site Plan*, the proposed 2,399 square foot retail cannabis business would be constructed adjacent to the proposed 21,731 future cultivation facility and include a consumption lounge as an ancillary additional use to the retail space.

The applicant has demolished and removed the previously existing 2,810 square foot building (formally owned and operated by the Taco Bell franchise). The two properties have been merged into one parcel APN 0660-081-40-0000 which will contain Buildings 1, 2, and 3. The project is located within the General Plan Commercial land use designation and within the General Commercial (C-2) zoning designation.

As shown in Attachment C-1 and C-2, *Floor Plans*, the proposed retail cannabis business would be the first phase of the third building and be built before the cultivation facility and be completely partitioned off. As shown in Attachment D1, the previously approved floorplan is being amended to include a consumption lounge. As such, the additional cannabis use within the existing cannabis business will not require additional services for sewer and water. The retail business would contain a Customer Check-In Room (50 sq. ft.), a Retail Floor (155 sq. ft.), a Customer Seating Area (225 sq. ft.), a Vault Room (228 sq. ft.), an Office (75 sq. ft.), a foyer (160 sq. ft.), and a Break Room (63 sq. ft.) and bathrooms. Access to the site is unchanged

and is provided via Columbus Drive and would provide a total of 31 onsite parking spaces including one (1) Americans with Disability Act (ADA) parking space.

Hours of operation for the consumption cannabis business would be from 10 am to 7 pm, seven days a week and would employ a total of 6 employees under three shifts. Traffic from this Retail and Consumption Lounge Cannabis Business is expected to generate 10-20 vehicle trips per day.

Conditional Use Permit Findings.

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

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

FINDING: The project site is zoned General Commercial (C-2) and a consumption lounge is permitted in the C-2 Zone with a Conditional Use Permit (CUP) and a Regulatory License in accordance with City Code Section 12A.

- 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 construction of a two-story 2,399 cannabis consumption business within the permitted cannabis business.

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

FINDING: The proposed project, a cannabis consumption business, is consistent with uses identified in the General Plan Commercial designation through the adoption of Ordinance No. 629-AC, which allows for cannabis consumption businesses to operate within the General Commercial (C-2) designated zone, thereby providing consistency with the General Plan. The project site is in a developed area of the city. The conditions of approval require the cannabis consumption within the proposed 2,399 square foot cannabis business. The proposed cannabis consumption business is in addition to the previously approved cannabis retail and cultivation businesses.

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

FINDING: The project site is located in a developed portion of the city. The project site is located on a developed 2.17-acre parcel. The project has involved the demolition and removal of the previously existing 2,810 square foot building for the proposed construction of a two-phase project. Phase I includes the construction of a proposed 2,399-cannabis consumption business within an already approved cannabis retail business within Building 3. The Project site was previously entitled through CUP 10-19-2022-1 PC for a 2,399 sq. ft. cannabis retail business and is adding cannabis consumption to Phase I. Phase II includes the development of a 21,731 Sq. Ft. Cannabis Cultivation Facility. The project

is located in a partially developed area with open desert to West (beyond Buildings 1 and 2) a fast-food restaurant to the South, and Interstate 40 to the North and East.

Traffic from this cannabis consumption business will include 5 additional parking spaces for the cannabis consumption business to the already approved 3 parking spaces for the cannabis business. On-site parking will include 30 onsite parking spaces through the completion of the entire project. The proposed exterior design and color tone of building three (3) business will include architectural enhancements to match and complement the existing exterior design and color tone of the existing two buildings (Buildings 1 and 2).

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

FINDING: The project is located in a developed area of the City. Conditions of approval have been placed on the project to ensure appropriate lighting and security systems for the 2,399 square foot cannabis consumption business 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 General Commercial (C-2). The area to the North across Interstate 40 freeway is zoned Highway Commercial (C-3), to the South zoned General Commercial (C-2), to the East, across Interstate 40 freeway zoned General Commercial (C-2), Two-Family Residential (R-2), and Commercial Residential Resort (CRR) and to the West zoned Open Space (O) and General Commercial (C-2). The project has been conditioned to install landscaping with plant species in accordance with the City's adopted planting palette. These requirements would assist in maintaining the value of adjoining and/or abutting properties. The Project will add a cannabis consumption business to the already permitted cannabis business.

Public Notification: A public hearing notice was published in the Needles Desert Star on Wednesday, September 20, 2023. Notices were also sent to property owners within 300 feet of the proposed project and posted in two conspicuous locations.

Fiscal Impact:

1. The 10% of gross sales of medical cannabis 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 25% 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 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 of relating to traffic, noise, air quality or

water quality and can be adequately served by all required utilities and public services. This project is also categorically exempt under Section 15301, Class 1(l). A project is considered exempt from CEQA under Class 1(l) if it involves the demolition and removal of individual small structures listed in this subdivision where the project contains either a store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use. Section 15301 exempts the conversion of existing facilities involving negligible or no expansion of use beyond that of the existing use. Section 15302 exempts replacement or reconstruction where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. The project adds a new use, consumption lounge, which only requires tenant improvements within the existing and approved site plan building footprint.

Recommendation Approve Resolution No. 10-04-2023-2 PC, Recommending to the City Council Approval of an Amendment to Conditional Use Permit 10-19-2022-1 PC Adding a Cannabis Consumption Business to the existing 2,399 Sq. Ft. Retail Cannabis Business to be located at 2701 Columbus Drive also known as APN 0660-081-40-0000 in the C-2 General Commercial Zone.

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

City Management Review: _____ **Date:** _____

Agenda Item: _____

PC RESOLUTION 10-04-2023-2 PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEEDLES RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO CONDITIONAL USE PERMIT 10-19-2022-1 PC ADDING CANNABIS CONSUMPTION TO THE PERMITTED 2,399 SQ. FT. RETAIL CANNABIS BUSINESS TO BE LOCATED AT 2701 COLUMBUS DRIVE ALSO KNOWN AS APN 0660-081-40-0000 IN THE C-2 GENERAL COMMERCIAL ZONE.

WHEREAS, the Planning Commission 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 November 22, 2022, City Council Ordinance No. 656-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-2 “General Commercial” for APN 0660-081-40-0000; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on September 20, 2023, 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 October 4, 2023, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the Conditional Use Permit **RESOLUTION 10-04-2023-2 PC**; and

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

WHEREAS, Conditional Use Permit 10-19-2022-1 has been amended to include conditional uses specific to the consumption lounge additional use; and

WHEREAS, the Needles Planning Commission 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 Planning Commission of the City of Needles as follows:

SECTION 1. The Planning Commission HEREBY FINDS AND DETERMINES that this project is categorically exempt under the California Environmental Quality Act, CEQA Guidelines, Section 15332(a-e) - Class 32, Sections 15301 – Existing Facilities, and Section 15302 – Replacement or Reconstruction. 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 of relating to traffic, noise, air quality or water quality and can be adequately served by all required utilities and public services. This project is also categorically exempt under Section 15301, Class 1(l). A project is considered exempt from CEQA under Class 1(l) if it involves the demolition and removal of individual small structures listed in this subdivision where the project contains either a store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use. Section 15301 exempts the conversion of existing facilities involving negligible or no expansion of use beyond that of the existing use. Section 15302 exempts replacement or reconstruction where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. The project adds a new use, consumption lounge, which only requires tenant improvements within the existing and approved site plan building footprint.

SECTION 2. The Planning Commission 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 project site is zoned General Commercial (C-2) and a consumption lounge is permitted in the C-2 Zone with a Conditional Use Permit (CUP) and a Regulatory License in accordance with City Code Section 12A.

Additionally, the retail and cultivation of cannabis as uses have already been approved, Conditional Use Permit 10-19-2022-1. The addition of the consumption lounge does not not create a hazard to health, safety, and welfare or degrade property values or create incompatibility with surrounding uses.

- 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 construction of a two-story 2,399 cannabis retail and consumption business within the permitted cannabis business of its corresponding zone.

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

FINDING: The proposed project, a cannabis consumption business, is consistent with uses identified in the General Plan Commercial designation through the adoption of Ordinance No. 629-AC, which allows for cannabis consumption businesses to operate within the General Commercial (C-2) designated zone, thereby providing

consistency with the General Plan. The project site is in a developed area of the city. The conditions of approval require the cannabis consumption within the proposed 2,399 square foot cannabis business. The proposed cannabis consumption business is in addition to the previously approved cannabis retail and cultivation businesses.

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

FINDING: The project site is located in a developed portion of the city. The project site is located on a developed 2.17-acre parcel. The project has involved the demolition and removal of the previously existing 2,810 square foot building for the proposed construction of a two-phase project. Phase I includes the construction of a proposed 2,399-cannabis consumption business within an already approved cannabis retail business within Building 3. The Project site was previously entitled through CUP 10-19-2022-1 PC for a 2,399 sq. ft. cannabis retail business and is adding cannabis consumption to Phase I. Phase II includes the development of a 21,731 Sq. Ft. Cannabis Cultivation Facility. The project is located in a partially developed area with open desert to West (beyond Buildings 1 and 2) a fast-food restaurant to the South, and Interstate 40 to the North and East.

Traffic from this cannabis consumption business will include 5 additional parking spaces for the cannabis consumption business to the already approved 3 parking spaces for the cannabis business. On-site parking will include 30 onsite parking spaces through the completion of the entire project. The proposed exterior design and color tone of building three (3) business will include architectural enhancements to match and complement the existing exterior design and color tone of the existing two buildings (Buildings 1 and 2).

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

FINDING: The project is located in a developed area of the City. Conditions of approval have been placed on the project to ensure appropriate lighting and security systems for the 2,399 square foot cannabis retail and consumption business 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 General Commercial (C-2). The area to the North across Interstate 40 freeway is zoned Highway Commercial (C-3), to the South zoned General Commercial (C-2), to the East, across Interstate 40 freeway zoned General Commercial (C-2), Two-Family Residential (R-2), and Commercial Residential Resort (CRR) and to the West zoned Open Space (O) and General Commercial (C-2). The project has been conditioned to install landscaping with plant species in accordance with the City's adopted planting palette. These requirements would assist in maintaining the value of adjoining and/or abutting properties. The

Project will add a cannabis consumption business to the already permitted cannabis business.

SECTION 3. The Planning Commission HEREBY FINDS AND DETERMINES that facts do exist to approve **RESOLUTION NO. 10-04-2023-2 PC**

SECTION 4. The Planning Commission HEREBY APPROVES Resolution **10-04-2023-2 PC** , Recommending Approval of a Conditional Use Permit for a cannabis consumption business within Building 3 envelope, located at 2701 Columbus Drive also known as APN 0660-081-40-000, in the C-2 General Commercial Zone.

1. Conditional Use Permit (“CUP”) No. 10-04-2023-2 PC conditionally authorizes one 2,399 square foot cannabis consumption business within building 3 located at 2701 Columbus. This CUP does not authorize the use of a Cooperative/Collective, Manufacturing, Distribution, Cultivation Facility or Testing Laboratory at this site. These Conditions of Approval shall apply to the consumption of cannabis and the establishment of the cannabis consumption business 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 Consumption 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 Consumption Regulatory License, prior to the issuance of a Certificate of Occupancy pursuant to this CUP.
5. The approval for CUP No. 10-04-2023-2 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 **04-04-24**.
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, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully 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 Dispensary; 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 Dispensary.
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 Retail License prior to operating the cannabis consumption business 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. 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 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. 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 descendant 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 descendant or the most likely descendant 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.
19. No nuisance water shall escape the Project Site onto public streets or adjacent properties.
20. Building 3 shall not exceed 2,399 square feet, as authorized pursuant to the CUP. In the event that State law further restricts or limits these requirements, the cannabis business shall comply with all requirements imposed by State law and consistent with any State issued permit or license.
21. Consumption operations 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. All facilities shall operate and maintain sufficient odor absorbing ventilation and exhaust systems.
22. All cannabis and cannabis products shall be stored in a secured manner within the cannabis business during business and non-business hours.

23. The Project site (Building 3) shall be painted with earthen tones for the building's siding.
24. 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.
25. Electric meter and main disconnect to be installed on exterior of building.
26. Water and wastewater capacity fees will be paid prior to Certificate of Occupancy.
27. City of Needles Development Impact Fees will need to be paid prior to Certificate of Occupancy.
28. At any time building permits are applied for at this site, whether for external or internal changes, new site and interior drawings are required to be submitted prior to receiving a building permit.
29. A Final Water Quality Management Plans shall be submitted to the Engineering Department for review and approval prior to issuance of any grading permit.
30. A final Hydrology Study shall be submitted to the Engineering Department for review and approval prior to the issuance of any grading permit. Hydrology study shall include all calculations required for any proposed retention facility.
31. A grading plan shall be prepared and submitted to the Engineering Department for review and approval prior to any disturbance of soil within the project boundaries. The grading plan shall include all details needed to provide any retention facilities identified as necessary for the project by either the Hydrology Study or Water Quality Management Plan.
32. No construction shall occur within public Right-of-Way prior to issuance of an Encroachment Permit from the Engineering Department.
33. The Cannabis Consumption Lounge shall develop a security plan including the following measures:
 - a. The Cannabis Consumption Lounge shall prevent individuals from remaining on the premises of the Cannabis Consumption Lounge if they are loitering or otherwise not engaging in activity expressly related to the operations of the Cannabis Consumption Lounge;
 - b. The Cannabis Consumption Lounge shall establish limited access areas accessible only to authorized personnel;

- c. Digital 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 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, storage areas, all doors and windows, all areas where Cannabis Consumption Lounge staff and volunteers will interact or engage in transactions with members, all exterior parking areas and any other areas as determined by the City Manager or Designee.

Recordings made by the security cameras shall be made available to the City Manager or Designee upon request.

Nothing in this section shall compel a Cannabis Consumption Lounge or require the City to voluntarily disclose or deliver said recording to any Federal government entity or agency absent a court order or subpoena;

- d. Cannabis Consumption Lounge premises shall be alarmed with an alarm system that is operated and monitored by a properly licensed security company. Any security personnel, armed personnel and armed security personnel of the Cannabis Consumption Lounge shall have and possess on their person any required federal, State and local permits and licenses.
- e. The entrance to the Cannabis Consumption Lounge and any storage areas shall be secured at all times, and under the control of Cannabis Consumption Lounge staff.
- f. The business entrance(s) and all window areas shall be illuminated during evening hours. The Cannabis Consumption Lounge 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;
- g. All windows on the building that house the Cannabis Consumption Lounge shall be appropriately secured and tinted to ensure cannabis smoking, ingestion and consumption is not visible from any place where persons under the age of 21 are permitted.

34. The Cannabis Consumption Lounge shall comply with the U.S. Department of Justice guidelines/priorities, including those prohibiting:

- a. Distribution of Cannabis to minors;
- b. Providing revenue from the sale of Cannabis to criminal enterprises, gangs and/or cartels
- c. Diverting Cannabis from a state where it is legal under state law to a state where it is illegal;

- d. Using Cannabis activity as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - e. Using or engaging in violence or use of firearms in the cultivation and/or distribution of Cannabis;
 - f. Contributing to drugged driving and/or the exacerbation of other adverse public health consequences associated with Cannabis use;
 - g. Growing Cannabis on public lands and the attendant public safety and environmental dangers posed by Cannabis production on public lands; and/or
 - h. Possessing or use of Cannabis on federal property;
35. There shall be no on-site sales of alcohol or tobacco, and no on-site consumption of alcohol or tobacco products by patrons or employees. The ingestion of food items infused with Cannabis is permitted.
36. Cannabis consumption areas shall notify patrons of the following verbally and through posting of a sign in a conspicuous location readily visible to persons entering the premises:
37. Entry into the premises by persons under the age of twenty-one is prohibited.
38. Cannabis consumption areas shall only provide Cannabis to an individual in an amount reasonable for on-site consumption and consistent with personal possession and use limits allowed by the States.
39. Only Cannabis consumables purchased directly from the Retail Cannabis Business are allowed in the Cannabis consumption lounge.
40. Cannabis consumables purchased directly from the Retail Cannabis Business and brought into the Cannabis consumption lounge must be consumed on site and not removed from the premises.
41. Cannabis consumption areas shall have a responsible person on the premises to act as manager and supervise employees at all times during business hours.
42. An odor absorbing ventilation and exhaust system must be installed so that odor generated inside the business is not detected outside the property or lease area boundaries, or anywhere on adjacent property or public right-of-way, or within any other not located within the same building as the Cannabis use.
43. Cannabis consumption areas shall be well-ventilated private areas that are partitioned off from access to all other areas of the retail establishment and are designed to prevent the flow of smoke to any other area of the establishment.

44. The Cannabis consumption area shall do the following to encourage appropriate patron conduct:

- a. Make an announcement at closing requesting patrons to respect the residents of the adjacent residential neighborhoods by being quiet when leaving.
- b. Post signs at locations clearly visible within the consumption area and at both on and off-site parking areas, requesting patrons to respect residents of adjacent residential neighborhoods by being quiet when leaving:
- c. Initiate a last call process prior to closing and identify the disposal process for unused cannabis.
- d. Cut off services to impaired patrons and provide information on car services.

45. Employee training and Customer education:

- a. The business shall train their employees about the various products the Retail Cannabis Business sells, including potency of the products, absorption time, and effects of the products
- b. Employees shall educate all customers as to the items mentioned in the above subsection (a) in an effort to ensure responsible consumption

46. The structure housing the consumption area shall be adequately soundproofed so that interior and exterior noise is not audible beyond the property line.

47. The management of the consumption area shall:

- a. Place and properly maintain solid waste receptacles and recycling bins, in sufficient numbers and locations to service the needs of the proposed use at peak business periods
- b. Ensure that the consumption area property and all areas within at least one hundred feet of the consumption area are free of any waste or litter generated by the use, by 7:00 a.m. following each night of operations.

48. The Cannabis Consumption Lounge shall only be open between the hours of 6:00 a.m. and 10:00 p.m.

49. There will be no after-hour gatherings such as social functions before opening or after the close of business. Exceptions would include sanctioned employee meetings, performing inventory operations, or pre-approved tours or inspections.

50. Permittee must install “No loitering or soliciting” signs delineating state penal codes and city ordinances in and around the premises, including parking lots
51. All doors within the business must be self-closing and not propped open during business hours
52. In the event of a power outage, Permittee shall temporarily close the business until all systems, including security cameras, and point of sale registers, are back on-line.
53. Security guards must be in uniform and readily identifiable. No security guard must be operating in an “undercover” capacity without prior notification to law enforcement. All security personnel shall be in possession of a state-mandated guard card and relevant endorsements.
54. Pursuant to Bureau of Cannabis Control regulation 5042, Permittee must maintain a record of all authorized individuals who are not employees of the licensee who enter the Limited-access Areas. The record shall include the name of the individual, the company the individual works for, the reason the individual entered the Limited-access Area, the date, and the times the individual entered and exited the Limited-access Area. These records shall be made available to the City Manager or designee immediately upon request.
55. Permittee must ensure all on-site personnel will wear visible identification cards on their persons while on the property. The City of Needles Code Enforcement Department will issue badges to each employee. The identification card will include a photo, the employee’s name, and hire date. The identification card will be presented to law enforcement or any City official upon request.
56. Permittee must ensure literature is available to all customers/clients explaining the dangers of driving under the influence of Cannabis.
57. Permittee must ensure literature will be available regarding the dangers of not properly storing and making Cannabis accessible to small children and pets.
58. Prior to occupancy, Permittee must install fire extinguishers in accordance with the Fire Code. The placement of extinguishers shall be subject to review and approval by the San Bernardino County Fire Dept.
59. Prior to occupancy, Permittee must install exit signs, which shall be readily visible from any location. A backup power source must be provided.
60. Main entrance doors may have a key locking device only and be labeled “Doors to remain unlocked during business hours”. All other exit doors shall be provided with hardware that does not require any special use or knowledge.
61. Cannabis shall be kept in a secured manner during business and nonbusiness hours;

62. All Cannabis shall be properly labeled and kept in a tamper-evident package in accordance with State law, as may be amended from time to time;
63. Signage for the Cannabis Consumption Lounge shall comply with the City sign ordinance and any amendments thereto;
64. Alcoholic beverages shall not be provided, sold, stored, kept, located, dispensed, distributed, or consumed on the Premises. The Cannabis Consumption Lounge 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;
65. Access to the Premises of a Cannabis Consumption Lounge engaged in adult-use shall be limited to individuals who are at least 21 years of age.
66. The Premises and building in which the Cannabis Consumption Lounge is located, as well as the operations conducted therein, shall fully comply with all applicable building codes, all applicable State and Federal environmental laws, the Americans with Disabilities Act, the Act, Program and Guidelines; the Medical and Adult Use Cannabis Regulation and Safety Act, as may be amended from time to time;
67. The Cannabis Consumption Lounge shall not be operated within: a residence; within six hundred (600) feet of a school, recreation center or youth center; or within two hundred (200) feet of a public playground, park (meaning a children's park where there is playground equipment or other youth athletic or sports facilities, but not including a "way-side" park or rest stop), child care or day care facility, or church. All distances shall be the horizontal distance measured in a straight line, without regard to intervening structures or topography, from the property line of the uses described in this Subsection to the closest property line of the lot on which the Cannabis Consumption Lounge is located;
68. Operations of the Cannabis Consumption Lounge shall not cease for more than ninety (90) calendar days;
69. The Cannabis Consumption Lounge shall provide the City, or allow the City inspection of, the security recordings, the activity logs, sales and revenue records, documents and any other required reports, and financial and sales data requested by the City;
70. The Applicant shall provide adequate lighting above all entrances and exits to the proposed building entrances and exits, as well as all parking areas and walkways that are under the control of the Applicant.
71. All required lighting shall be of enough 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.

72. 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.
73. 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.
74. 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.
75. 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.
76. 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.
77. No physical change, alteration, or modification of the premises of the Cannabis Consumption Lounge 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 Cannabis consumption lounge, or the addition, sealing of, or relocation of a wall, common entryway, doorway, or other means of ingress and/or egress to the Cannabis Consumption Lounge.
78. The Applicant shall identify the on-site manager(s) of the Cannabis Consumption Lounge to whom notice of operational issues may be provided. The Cannabis Consumption Lounge shall make every good faith effort to encourage residents, businesses, or members of the public to call the Cannabis Consumption Lounge Manager as a first step to resolving operating problems, if any, before calls or complaints are lodged with the Sheriff's or Planning Department.
79. The Applicant shall enter into an agreement with the City that fully reimburses the City for all costs incurred by the City, resulting from a legal challenge (or federal or state enforcement action) related to the City's approval or regulation of the Cannabis Consumption Lounge and/or operation thereof.

80. The City Manager, or the City Manager's designee, shall have the right to enter the Cannabis Consumption Lounge 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.
81. Operation of the Cannabis Consumption Lounge 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.
82. 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 substituted and/or additional conditions may be imposed.
83. Any violation of these conditions of approval shall constitute grounds for revocation of the CUP.
84. The project shall be developed in conformance to the site plan drawing dated 03-07-2023. Any deviation from the approved plan shall require Planning Commission approval.
85. The project is required to be handicap accessible, with ADA compliant restrooms.
86. 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.
87. The Cannabis Consumption Lounge 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 Cannabis Consumption Lounge are not a nuisance.
88. The site will include 8 parking spaces. The facility is located within 100 ft. from a transit pickup point.
89. A temporary 6' wrought iron fence will be installed along Columbus until Phase II of the project. Phase II will utilize the second proposed building as the barrier between public and private activities. At that point, A 6' block wrought iron fence wall is proposed along the south and west sides of the building as well as at the northwest corner of the parcel.
90. On the fifth day of each month, the Cannabis Consumption Lounge shall provide the City Manager with a written report containing the following information:
 - a. The total gross revenue received from prior month's sales collected from entertainment, recreation; etc. that occurred in the cannabis consumption lounge

- b. A copy of any sales tax reports provided to the State Board of Equalization and any other taxing agencies
- 132. 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 cultivation of Cannabis, and in the event the BOR becomes aware that Reclamation facilities or the water they supply are being used to facilitate cultivation 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 Planning Commission, 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 4th day of October, 2023 by the members of the Planning Commission.

Patrick Martinez
Assistant City Manager/
Development Services

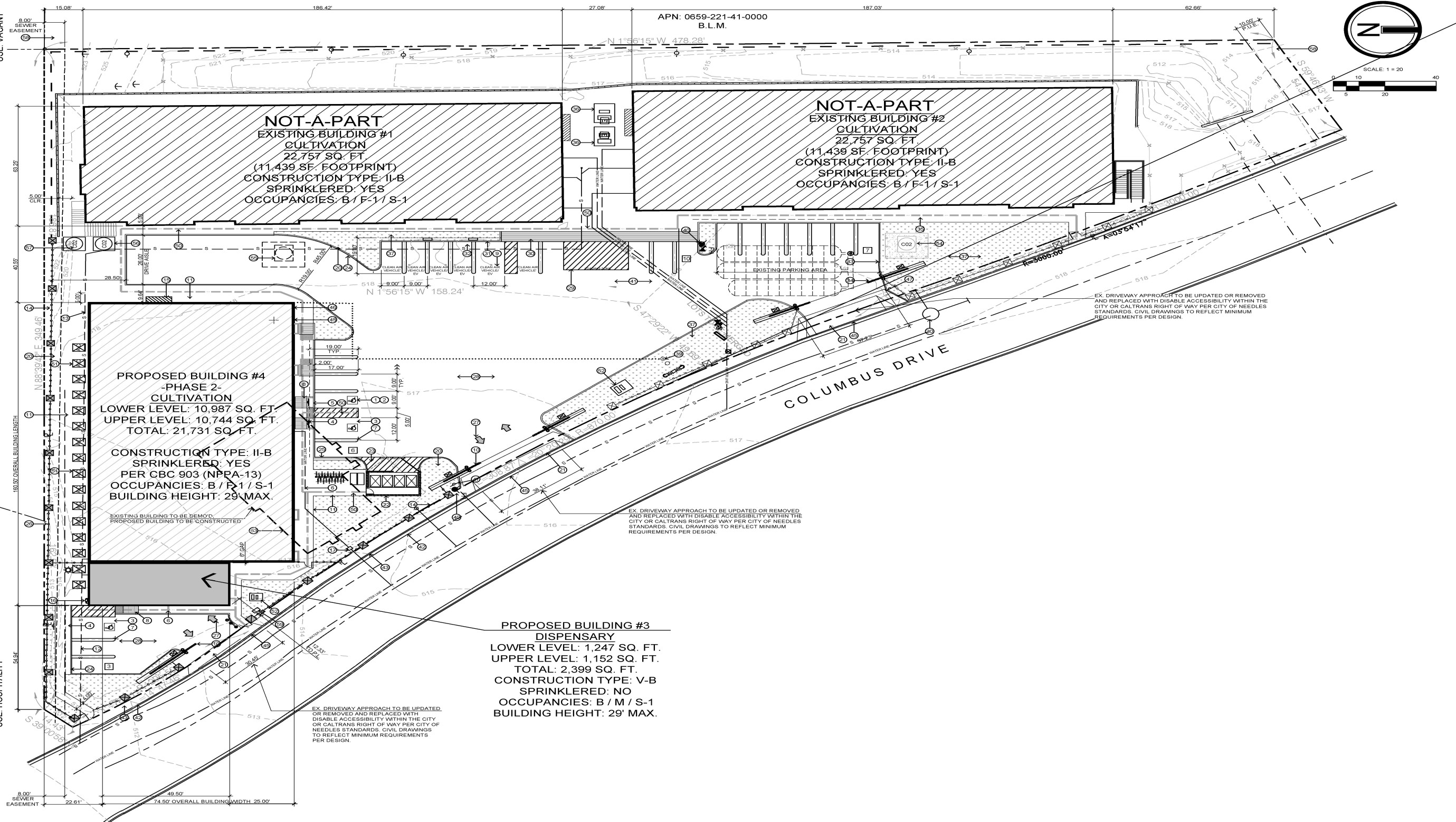
Linda Kidd, CHAIRPERSON



ATTACHMENT A: Project Location
APPLICANT: Jesse Dean Brown
SITE ADDRESS: 2701 Columbus

APN: 0650-081-31-0000
OWNER: DDO CAL INC
ZONING: C-2
USE: VACANT

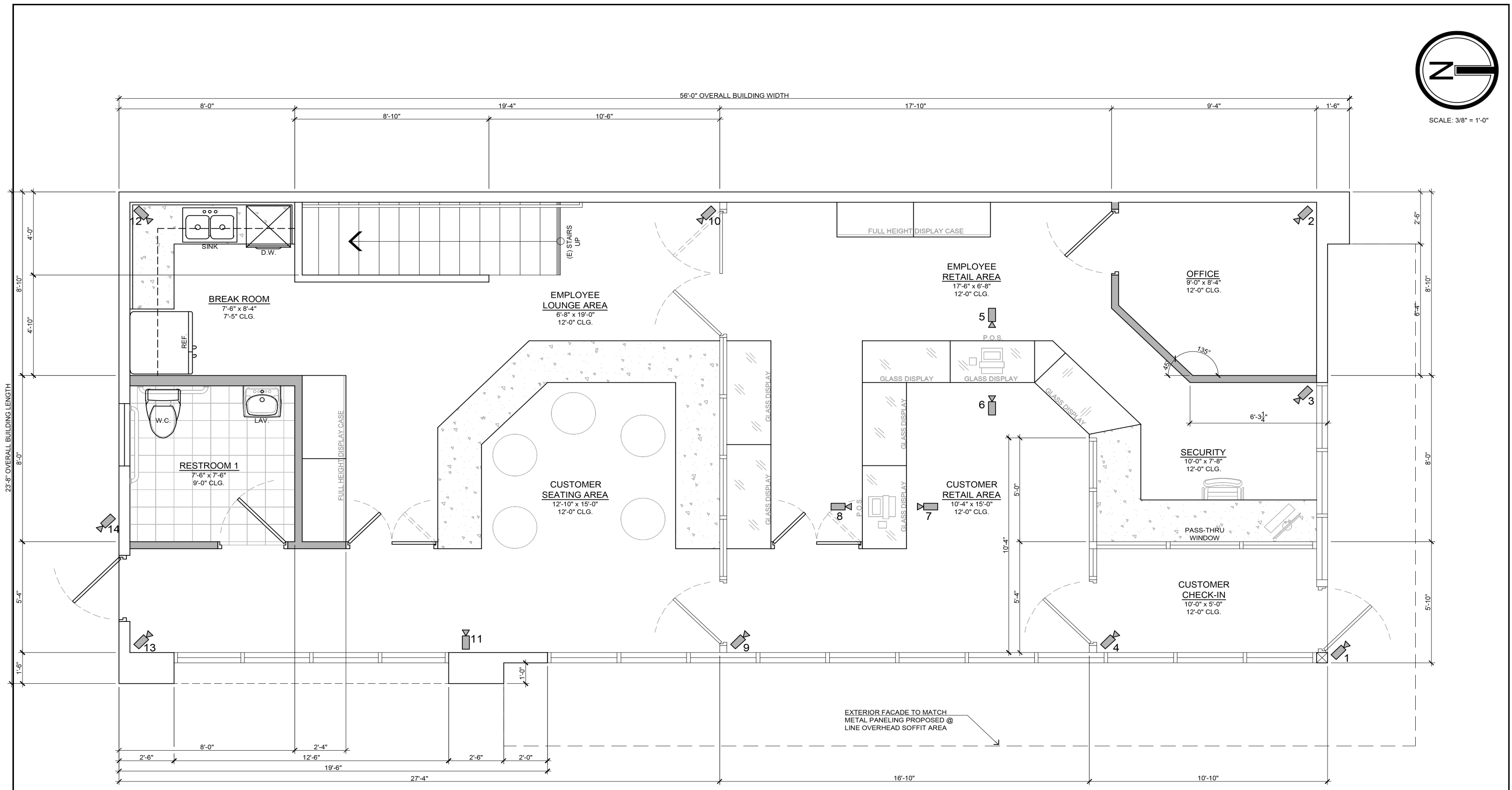
APN: 0185-011-12-0000
OWNER: MR. & MRS. KIRELUK
ZONING: C-2
USE: HOSPITALITY



ATTACHMENT B-1: Existing Site Plan

APPLICANT: Jesse Dean Brown

SITE ADDRESS: 2701 Columbus



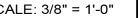
PROPOSED LOWER LEVEL FLOOR PLAN
SCALE: 3/8" = 1'-0"



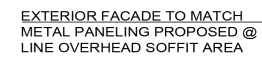
ATTACHMENT C-1: First Floor Plan

APPLICANT: Jesse Dean Brown

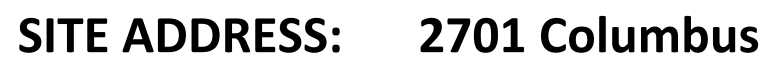
SITE ADDRESS: 2701 Columbus

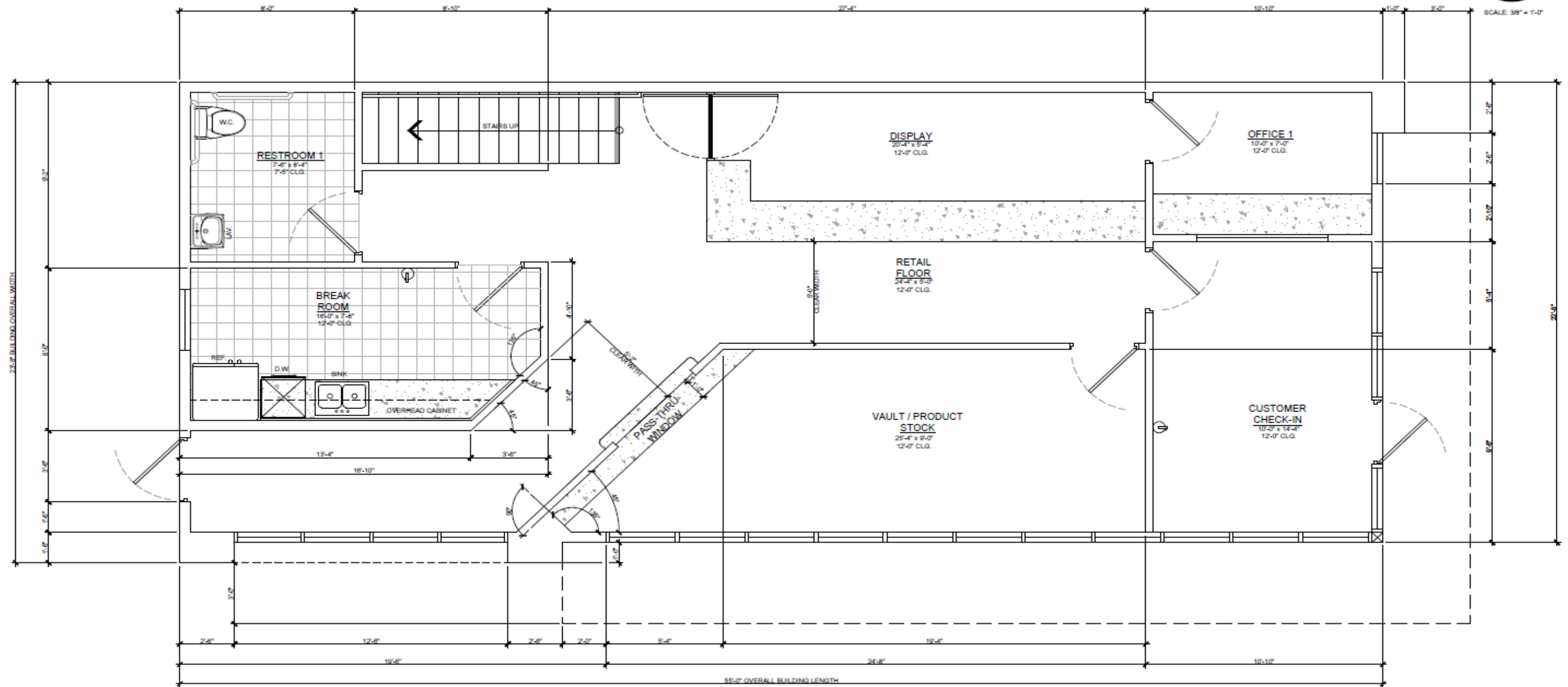


56'-0" OVERALL BUILDING LENGTH



SCALE: 3/8" = 1'-0"





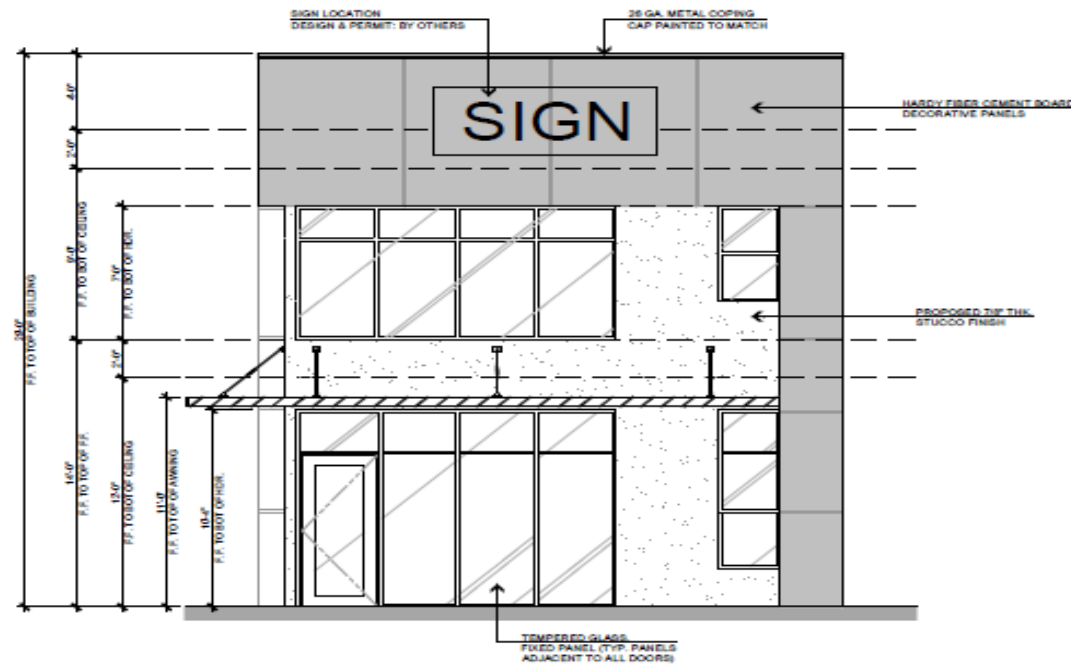
EXISTING LOWER LEVEL FLOOR PLAN
SCALE: 3/8" = 1'-0"



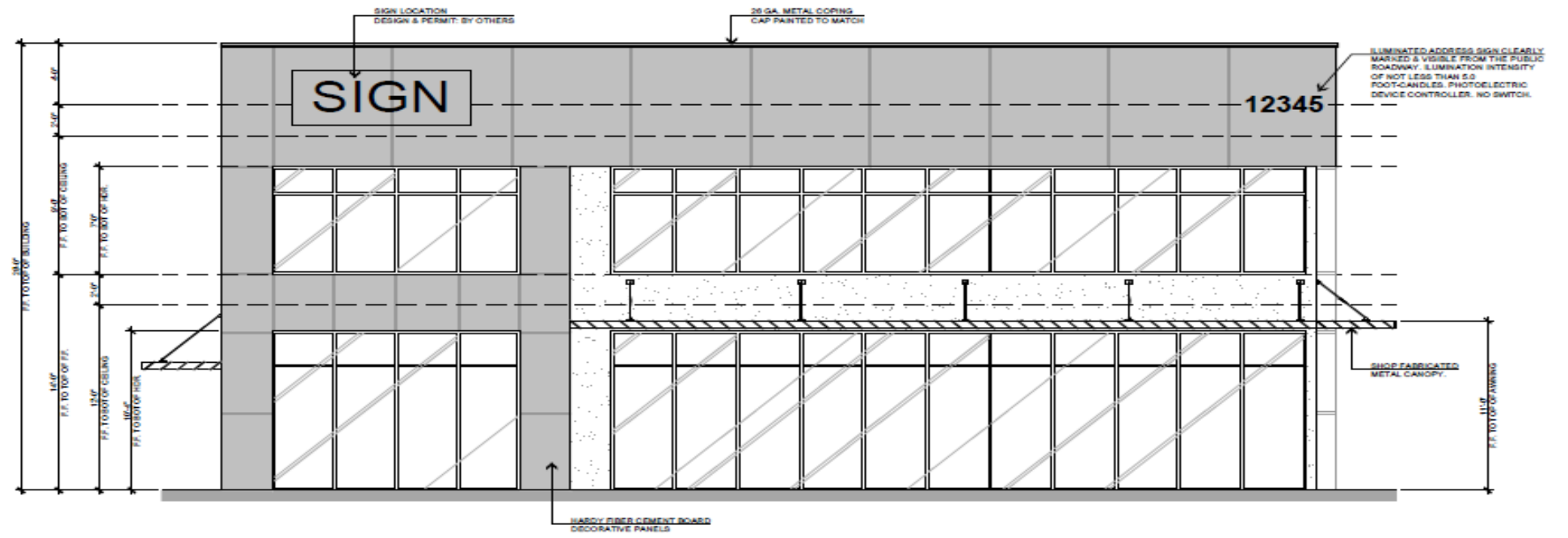
ATTACHMENT E-1: Previously Approved Floor Plan

APPLICANT: Jesse Dean Brown

SITE ADDRESS: 2701 Columbus

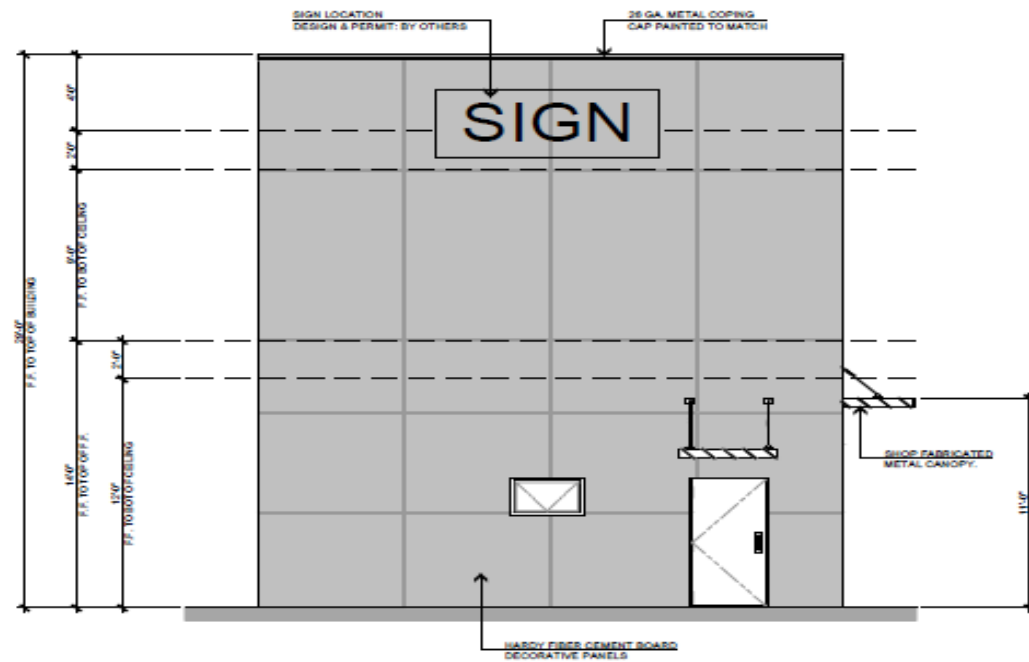


EXISTING FRONT ELEVATION - NORTH
SCALE: 1/4" = 1'-0"

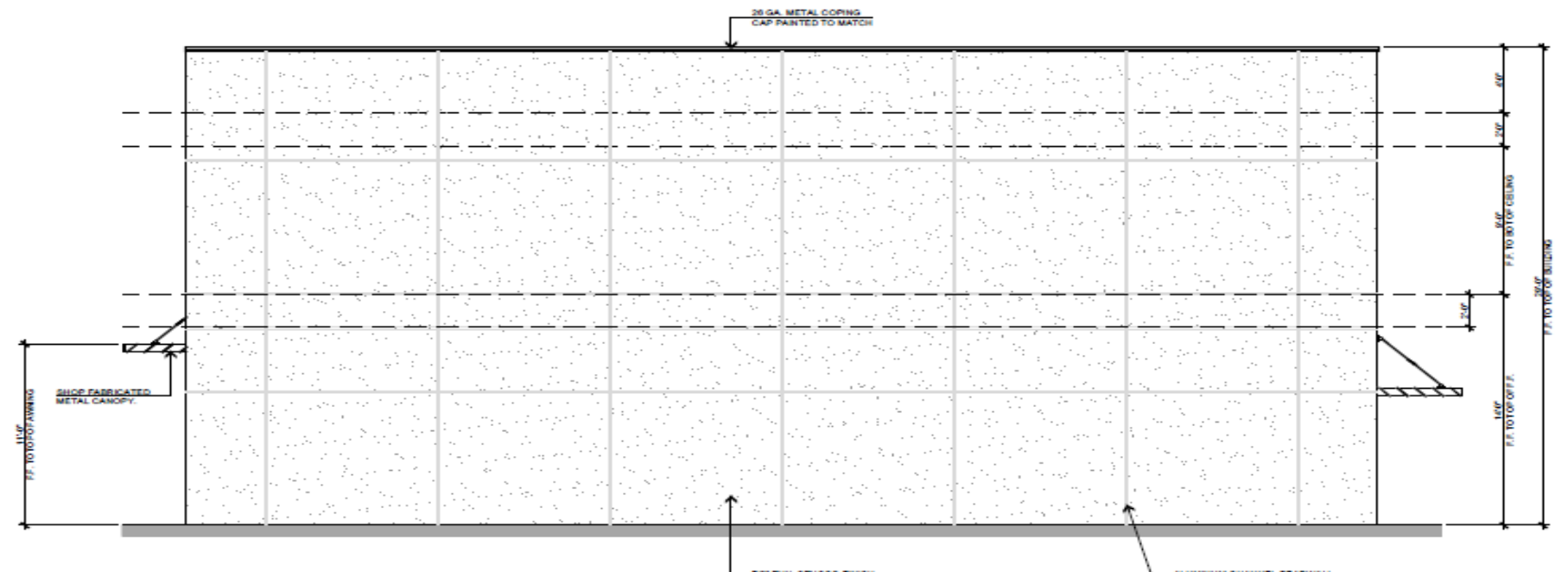


EXISTING LEFT ELEVATION - EAST
SCALE: 1/4" = 1'-0"

EXISTING EXTERIOR ELEVATIONS TO REMAIN UNCHANGED.



EXISTING REAR ELEVATION - SOUTH
SCALE: 1/4" = 1'-0"



EXISTING RIGHT ELEVATION - WEST
SCALE: 1/4" = 1'-0"



ATTACHMENT E-1: Elevation Plan

APPLICANT: Jesse Dean Brown

SITE ADDRESS: 2701 Columbus



DISPENSARY
2701 COLUMBUS DR. - NEEDLES, CA.



ATTACHMENT G: Rendering
APPLICANT: Jesse Dean Brown
SITE ADDRESS: 2701 Columbus

CITY OF NEEDLES
APPLICATION FOR CONDITIONAL USE PERMIT
CANNABIS FACILITY
DISPENSARY AND/OR CONSUMPTION LOUNGE

Form #1 (5-2020)

Community Development Department
 817 Third Street; Needles, CA 92363
 760-326-3805

FILING PROCEDURES:

The application and attachments for a Use Permit must be completed as prescribed before it can be accepted for consideration.

Documents included:

1. Application for Use Permit
2. Checklist of required documents/drawings
3. California Environmental Quality Act (CEQA) Checklist
4. Templates for Water Will Serve and Electric Will Serve Letters
5. Concurrence Document for Payment of Electric Line Upgrades and Substations
6. San Bernardino County Fire Dept. CUP Application and Fee

Required Fees

- 7a. Land Use Entitlement Deposit - \$35,000 excluding CEQA Fees – vacant land
- Or
- 7b. Land Use Entitlement Deposit - \$20,000 site with existing structures – no CEQA required
8. Other environmental fees for outside consultants for environment document preparation, review, etc. as determined by staff based on project requirements – to be determined
9. Payment of Fees for Electric Line Upgrades and Substations - \$100,000 per megawatt or percentage thereof \$50,000 for purchase of each transformer(s)

Note: any unused portion of the deposit will be refunded to the applicant upon completion of the entitlement/appeal process

PROCEDURE BY CITY:

1. The application will be reviewed for adequacy and determination is made whether a project is exempt or an Initial Study is required. The CEQA Checklist is required to be completed for this purpose.
2. If an Initial Study is required, the applicant will be notified and the preparation of the documentation can either be done by someone selected by the City at the applicant's cost, or by someone selected by the applicant. Completed documentation is submitted to the City. City reviews to ensure all information has been submitted, and the application is then deemed "complete". The environmental documentation is circulated to the various agencies for the 30-day review period, etc.
3. A date for Planning Commission review will be set. The Planning Commission holds public hearings on the 1st Wednesday of each month, beginning at 4:00 PM.
4. When processing the application, the Planning Commission will consider such factors as:
 - Does the proposal conform to the intent and purpose of the General Plan, zoning regulations and policies for protecting the physical and human environment of the neighborhood and community;
 - The design of the improvements must be in harmony with the neighborhood and community objectives;
 - If the proposal is approved, conditions of approval may be imposed with respect to site design, building design, maintenance, improvements or operation of the use.
5. If the Planning Commission recommends approval of the CUP, the item will be placed on the City Council Agenda. The City Council meets the 2nd and 4th Tuesday of each month @ 6:00 P.M.
6. Building permits will not be issued until the Use Permit proceeding is concluded including the appeal period.

CITY OF NEEDLES, CALIFORNIA
Application For Cannabis Business – Conditional Use Permit

Name of Applicant: Needles Flower Refinery Phone: 760-715-3382 (Applicant must be the owner of the land, the lessee having a lease-hold interest of not less than 5 years, or the agent of any of the foregoing duly authorized in writing)

I, (I/We) the undersigned, Jesse Dean Brown (Owner/Lessee/Agent) of the property listed below, hereby request that the following stated use be permitted to be constructed and/or operated.

1. Project name and address: Needles Flower Refinery-2701 Columbus Dr. Needles, CA 92363

2. Legal Description of Parcel (attach if necessary): see attached Exhibit A

3. Briefly Describe: a. Purpose and Intent of proposed project (include acres, square feet, units, etc.).
to construct a consumption lounge with the dispensary building

b. Population projection (project residents): _____

c. Number of persons employed during operation: full time 3 part time _____

d. Will the Project require new utility services? X yes _____ no

i. Water Service _____ no. If so, estimated peak water demand in gallons/minutes: _____, service requirement.

ii. Sewer Service _____ no. Any chemical wastes expelled in sewers? _____
If yes, explain: _____

iii. Electric Service: main size _____; single phase _____; three phase _____.
Attachment to existing electric facilities: load calculations _____.

e. Estimated daily vehicular traffic generated by the operation: _____ Comment: _____

f. List major machines – give horsepower and noise rating in decibels: A/C Units

g. Will the project require a permit from the Air Pollution Control District, and if so, describe: No

h. What will be the hours of operation: 10:00am-7:00pm

i. Describe materials or machinery that will be stored or parked outside: None

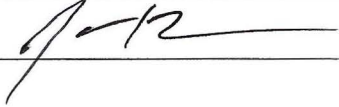
5. Identify any other licenses you hold for cannabis in California

<u>Type of License</u>	<u>California City Issuing License</u>
Dispensary	<u>X</u>
Cultivation	<u>X</u>
Manufacturing	_____
Testing/Lab	_____
Distribution/Transportation	_____
Other <u>X</u>	<u>Consumption Lounge</u>

6. Attached (): Site Plan (); Elevations (); Filing Fee (); Legal (); (site plans folded 8 1/2" x 11" reduction)

AUTHORIZATION

Names and signatures of all persons having an interest in the property whose consent is required (by virtue of such interest) to authorize filing of application.

Name (print or type)	Address	Capacity Owner/Lessee
1. <u>Jesse Dean Brown</u>	<u>12639 Johnson Rd. Phelan, CA 92371</u>	<u>x</u>
Signature <u></u>		
2. _____	_____	_____
Signature _____		
3. _____	_____	_____
Signature _____		


All signatures represent that they have full legal capacity to, and hereby do, authorize the filing of this application. Leaseholds must be for at least five years or the owner shall be required to sign this application.

Subscribed and sworn before me this _____ day of _____, 20_____.

My Commission Expires: _____ S^s: _____
Notary Public (or City Staff)

CERTIFICATION

I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the signatories of the above authorization.

Name (print): Cheryl Montanez Signature: 
Address: 14176 Amargosa Rd. Suite C Victorville, CA 92392 Telephone: 760-715-3382
Capacity: _____ owner: _____ lessee: _____ agent of Needles Flower Refinery

Person(s) to be contacted regarding this application if other than myself:

Address: _____

Address: _____

(STAFF USE ONLY)

Date filed _____ Rec'd by _____ Receipt No. _____

ENVIRONMENTAL CHECKLIST FORM

1. Project title: Needles Flower Refinery

2. Lead agency name and address:

MO+RE Design Solutions

14176 Amargosa Rd. Suite C Victorville, CA 92392

3. Contact person and phone number: Cheryl Montanez 760-715-3382

4. Project location: 2701 Columbus Dr. Needles, CA 92392 APN# 0660-081-30

5. Project sponsor's name and address:

6. General plan designation: Commercial

7. Zoning: C-2 Commercial

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

To construct a consumption lounge with the dispensary building

9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

North-Interstate 40; South-vacant lot; East-fast food restaurant; see site plan for specific

lot description

10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement.)

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

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 / Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards and 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	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION

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 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

5-23-23
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. 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 (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of 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.
3. 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.
4. "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.
5. 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:
 - a) Earlier Analyses Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, 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.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. 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.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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"/>
II. 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 forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) 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"/>
b) 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"/>
c) 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"/>
d) 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"/>
e) 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"/>
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the project:				
a) 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"/>
b) 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 U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (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"/>
d) 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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"/>
f) 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"/>
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) 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"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) 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"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. GREENHOUSE GAS EMISSIONS. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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"/>

IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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"/>
c) 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"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 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"/>
e) 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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) 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; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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"/>
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or 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"/>
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. PUBLIC SERVICES. Would the project:				
a) 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

XVI. RECREATION.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | 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"/> |
| b) | 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"/> |

XVII. TRANSPORTATION. Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Substantially increase hazards due to a geometric 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"/> |
| d) | Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVIII. TRIBAL CULTURAL RESOURCES.

- | | | | | | |
|-----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Issues		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a determination by the waste water 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.

a)	Does the project have the potential to substantially 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBMITTAL OF FIRE DEPT. FORM
SITE PLAN REVIEW

Please submit the form and fees directly to the Fire Dept, North Desert Office, Attn: Curtis Markloff. When completing the application identify the project type as "CUP", fee amount \$1,576. The submittal of the Fire Dept. form and fees will allow the Fire Dept's participation in the meeting, and provide their "preliminary conditions of approval" for the project.

Questions – Curtis Markloff - (760) 995-8190

SUBMITTAL OF FIRE DEPT. DOCUMENTATION
FOR MANUFACTURING PERMITS

The business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: Hazardous Materials Handler Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, and/or Underground Storage Tank Permit.

Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

Questions-Andrew Bezdek
Hazardous Materials Specialist
San Bernardino County Fire District
Office of the Fire Marshal
Phone: 909-386-8401
Fax: 909-386-8460
620 South E. Street
San Bernardino, CA 92415



APPLICATION FOR CONSTRUCTION PERMIT

PLANNING / BUILDING & SAFETY PROJECTS

SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT COMMUNITY SAFETY DIVISION

San Bernardino Office

385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415-0187
Phone (909) 386-8400
Fax (909) 387-3249
Hours: 8:00 am – 5:00 pm M-F

North Desert Office

15900 Smoke Tree St. Suite 131
Hesperia, CA 92345-3222
Phone (760) 995-8190
Fax (760) 995-8205
Hours: 8:00 am – 5:00 pm M-F

East Valley Office

200 East Third Street
San Bernardino, CA 92410
Phone (909) 918-2201
Fax (909) 381-0071
Hours: 8:00 am – 5:00 pm M-Th

South Desert Office

58928 Business Center Dr.
Yucca Valley, CA 92284
Phone (760) 995-8190
Fax (760) 995-8205
Hours: 9:00 am to 12:00 pm Wed

WEBSITE: www.sbcfire.org**APPLICANT INFORMATION**

INFORMATION ENTERED BELOW SHOULD BE EXACTLY AS IT APPEARS ON YOUR PLANNING AND/OR BUILDING AND SAFETY APPLICATION

APPLICANT NAME	MAILING ADDRESS	CITY	STATE	ZIP CODE
Jesse Dean Brown	12639 Johnson Rd.	Phelan	CA	92371
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS		

REPRESENTATIVE INFORMATION (If different than Applicant)

INFORMATION ENTERED BELOW SHOULD BE EXACTLY AS IT APPEARS ON YOUR PLANNING AND/OR BUILDING AND SAFETY APPLICATION

APPLICANT NAME	MAILING ADDRESS	CITY	STATE	ZIP CODE
MO+RE Design Solutions	14176 Amargosa Rd. Suite C	Victorville	CA	92392
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS		
760-715-3382		cherylmontanez@gmail.com		

PROJECT INFORMATION

PROJECT NAME	ADDRESS	CITY / COMMUNITY	ZIP CODE
Needles Flower Refinery	2701 Columbus Dr.	Needles	92363

ASSESSOR'S PARCEL NUMBER (APN)	SQUARE FOOTAGE (TENANT REVIEW & CELL SITES)	CONSTRUCTION TYPE (TENANT REVIEW & CELL SITE)	OCC. TYPE (TENANT REVIEW & CELL SITE)	# OF LOTS (IF APPLICABLE)	CONTRACTOR PROJECT # (IF APPLICABLE)	CONTACT NAME
0660-081-30						Cheryl Montanez

Plans will not be accepted without the following: (This will apply to Tenant Reviews & Cell Sites Only)

1. Three sets of plans
2. Project address on plans
3. Assessor's parcel number(s) on plans
4. Description of business (Tenant Review)
5. Indicate if building is sprinklered

PLANNING / BUILDING & SAFETY PROJECTS

<input type="checkbox"/>	Site Plan Review	\$ 738.00	
<input type="checkbox"/>	Revision to an Approved Action	\$ 492.00	MUST BE THE ORIGINAL APPLICANT
<input checked="" type="checkbox"/>	Conditional Use Permit (CUP)	\$ 902.00	
<input type="checkbox"/>	CUP – Cell Site	\$ 492.00	
<input type="checkbox"/>	Minor Use Permit (MUP)	\$ 492.00	
<input type="checkbox"/>	Fuel Modification Plan	\$ 109/hr	
<input type="checkbox"/>	Specific Plans	\$ 902.00	
<input type="checkbox"/>	Environmental Review or EIR	\$ 109/hr	
<input type="checkbox"/>	Tenant Review	\$ 109/hr	

TOTAL FEE = \$ This fee includes 1 inspection

SUBDIVISIONS / TRACT MAPS / MOBILEHOME PARKS

<input type="checkbox"/>	Tentative Parcel Map (1 to 4 Lots)	\$ 328.00
<input type="checkbox"/>	Tentative Tract Map (5 to 300 lots)	\$ 656.00
<input type="checkbox"/>	Tentative Tract Map (301+ lots)	\$ 820.00
<input type="checkbox"/>	School Site Review	\$ 164.00
<input type="checkbox"/>	Mobile Home Park Site Plan Review	\$ 738.00

TOTAL FEE = \$ This fee includes 1 inspection

Make check or money order payable to S.B.C.F.D.

CERTIFICATION

SUBMITTED BY (please print Applicant's full name)	SIGNATURE	DATE

FOR SBCFD USE ONLY

PAYMENT RECEIVED	PAYMENT TYPE	DATE RECEIVED	RECEIVED BY
\$	<input type="checkbox"/> CHECK <input type="checkbox"/> CASH <input type="checkbox"/> CREDIT CARD		



City of Needles

817 Third Street • Needles, California 92363

(760) 326-2113 • FAX (760) 326-6765

www.cityofneedles.com

Mayor, Jeff Williams
Vice Mayor Edward T. Paget, M.D.
Councilmember Shawn Gudmundson
Councilmember Tona Belt
Councilmember Louise Evans
Councilmember Tim Terral
Councilmember Zachery Longacre
City Manager Rick Daniels

#12 WELO

WATER EFFICIENT LANDSCAPING REQUIREMENTS STREAMLINED LANDSCAPE METHOD LESS THAN 2500 SQ. FT. OF NEW LANDSCAPE OR REHABILITATED LANDSCAPE

The State of California requires cities to report installation of all new and rehabilitated landscape in Needles on an annual basis. For projects creating less than 2500 square feet of new or rehabilitated landscape, the City has developed a "streamlined" approach that prohibits the use of turf, and instead utilizes a selection of low-water usage plants. The plant lists can be found on the city's website www.cityofneedles.com. Use of other reference guides to identify appropriate plant material can be used as well, including "Low Water-Use Plants for California and the Southwest" by Carol Shuler.

The streamlined landscape packet includes the "Checklist" (Appendix A), the Certificate of Completion (Appendix B), and the Certificate of Installation-Self Inspection (Appendix C).

Projects requiring either a Zoning Permit or a Building Permit for a residential or commercial structure, new construction as well as rehabilitation, are required to submit the completed Appendix "A" Checklist, with the Zoning or Building Permit application. Appendix "A" Checklist requires the submittal of a "landscape plan" drawing that identifies the square footage of the planting area, including the types of plants and their water usage, i.e. low/medium/high usage, as well as any water feature that is part of the landscape project, including swimming pools. Any areas that will be using irrigated recycled water also need to be identified on the drawing.

The streamlined process requires the completion and submittal of Appendix "B" "Certificate of Installation-Self-Inspection" by the applicant or the professional landscape installer once the landscape installation has been completed. Once received, the building official will schedule an inspection on the installation and provide the Certificate of Compliance to the applicant, Appendix "C".

Streamlined Path (Appendix A) Checklist

For projects with less than 2,500 sf of total landscape area.

A. Project Information

Submittal Date	_____
Application Number	_____
Project Address	2701 Columbus Dr. Needles, CA 92363
Project Type*	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Non-residential
Applicant Name	MO+RE Design Solutions
Applicant Email	cherylmontanez@gmail.com
Applicant Phone	760-715-3382
Property Owner Name	Jesse Dean Brown
Property Owner Email	_____
Property Owner Phone	_____
Water Supply Type	city
Water Supplier	city of needles
Total Landscape Area (sf) * †	Existing site - this is A
Total Turf Area (sf)	Tenant improvement only
Total Non-turf Planting Area (sf)	_____

* Information required in an annual report to the State Department of Water Resources from the permitting agency.

† Total landscape area equals all the irrigated planting areas, turf and water features and does not include the building footprint or hardscapes such as sidewalks, patios, parking lots or driveways.

Streamlined Path (Appendix A) Checklist

B. Landscape Design Plan

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Attach a landscape plan indicating the following:	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	a. Turf areas	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	b. High water use planting areas	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	c. Moderate water use planting areas	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	d. Low water use planting areas	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	e. Water features including swimming pools	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	f. Edible planting areas	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	g. Areas irrigated with recycled water	<input type="checkbox"/>	<input type="checkbox"/>	

C. Soil

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Incorporate compost at a rate of at least 4 cubic yards per 1,000 square feet to a depth of 6 inches into the landscape area (unless contra-indicated by a soil test). This project will apply _____ cubic yards of compost	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	2. A minimum 3-inch layer of recycled mulch shall be applied on all exposed soil surfaces of planting areas except turf areas, or direct seeding applications where mulch is contraindicated	<input type="checkbox"/>	<input type="checkbox"/>	

D. Plants

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Plant material shall comply with the following:	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	a. Residential projects only:	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	I. 75% of landscape area shall consist of plants that use little or no summer water (WUCOLS plant factor of 0.3 or lower), excluding edibles or areas using recycled water.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	II. No more than 25% of the landscape area will be planted with high water using plants	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	b. Non-residential projects only (including multifamily residential):	<input type="checkbox"/>	<input type="checkbox"/>	

Streamlined Path (Appendix A) Checklist

D. Plants (cont'd)

- | | | | |
|--------------------------|--|--------------------------|--------------------------|
| <input type="checkbox"/> | I. 100% of the landscape area shall consist of plants that use little or no summer water (WUCOLS plant factor of 0.3 or lower), excluding edibles or areas using recycled water | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | c. No invasive plants are planted. No plant species listed by the California Invasive Plant Council's "Don't Plant a Pest" brochure as invasive in the San Francisco Bay Area shall be planted. | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | 2. The use of turf shall comply with all of the following: | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | a. In nonresidential areas, turf is not used | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | b. In residential areas: | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | I. Turf, high water use plants, and water features shall, combined, not exceed 25% of the landscape area | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | II. Turf shall not be planted on slopes which exceed a slope of 1 foot vertical elevation change for every 4 feet or horizontal length | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | III. Turf is prohibited in parkways less than 10 feet wide. Exception: Parkway is adjacent to a parking strip and used to exit and enter vehicles AND turf is irrigated with subsurface irrigation | <input type="checkbox"/> | <input type="checkbox"/> |

WUCOLS plants database can be found online at: <http://ucanr.edu/sites/WUCOLS/>

"Don't Plant a Pest" brochure can be found at <http://cal-ipc.org/landscaping/dpp/>

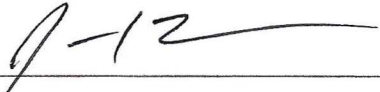
E. Irrigation

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture data and utilize a rain sensor.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	2. Pressure regulators are installed on the irrigation system to ensure dynamic pressure of the components are within the manufacturer's recommended pressure range.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	3. Manual-shut-off valves (such as gate, ball or butterfly valves) are installed as close as possible to the point of connection of the water supply.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	4. All irrigation emission devices must meet the requirements set in the ANSI standard ASABE/ICC 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed must have a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	5. Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	6. For non-residential projects with landscape areas of 1,000 sf or more, private sub-meter(s) to measure landscape water use shall be installed.	<input type="checkbox"/>	<input type="checkbox"/>	

Streamlined Path (Appendix A) Checklist (cont'd)

F. Signature

I agree to comply with these Simplified Compliance requirements for the Water Efficient Landscape Plan Review.



Signature of Applicant or Property Owner or authorized representative

5-23-23
Date

Streamlined Path (Appendix B) Certificate of Installation-Self Inspection

To be signed by the applicant, signer of the Landscape Design Plan or the Irrigation Design Plan or by the licensed landscape contractor

"I/we certify that based upon periodic site observations, the work has been completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package. As-built drawings have been provided to document any major modifications of the approved Landscape Documentation Package. Significant changes made during construction comply with the ordinance."

Applicant/Contractor/Professional Signature _____

Date _____

Print Name _____

License Number _____

Property Owner:

"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

Applicant

Date

Print Name

J-12
5-23-23
Jesse Dean Brown

A. Irrigation Scheduling

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Irrigation scheduling is regulated by automatic irrigation controller	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	2. Overhead irrigation is scheduled between 8 p.m. and 10 a.m.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	3. Settings for the irrigation controller for each station include the following:	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	a. Irrigation days	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	b. Run times	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	c. Number of cycle starts per watering event to avoid run off	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	d. Amount of applied water on a monthly basis	<input type="checkbox"/>	<input type="checkbox"/>	

Streamlined Path (Appendix B) Certificate of Installation-Self Inspection

B. Schedule of Landscape and Irrigation Maintenance

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Attach schedule of maintenance for the landscape and irrigation system per ordinance to ensure water efficiency. The attached schedule of landscape maintenance includes:	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	a. Routine inspection, auditing, adjusting and repair of the irrigation system	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	b. Aerating and dethatching turf areas	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	c. Topdressing planting areas with compost as needed	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	d. Replenishing mulch	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	e. Pruning and weeding	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	f. Routine inspection, auditing, adjusting and repair of the irrigation system <i>(Bay-Friendly Landscape maintenance manual used for the site would satisfy this requirement)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	2. Attach landscape irrigation audit report	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	3. Attach landscape irrigation audit checklist	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	4. The irrigation audit was conducted by a third-party certified Irrigation Auditor professional who is not a part of the design team	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	5. Irrigation items identified for repair in the audit are fixed	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	6. In large project or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or 15% is conducted	<input type="checkbox"/>	<input type="checkbox"/>	

Complete the following sections ONLY if project has submitted the Landscape Documentation Package.

C. Irrigation Audit Report

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Audit completed	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	2. Any recommended repairs have been completed	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	3. The Irrigation Audit Report includes:	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	a. Inspection for leaks	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	b. System tune-up	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	c. Reporting overspray or run off	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	d. An irrigation schedule including configuring controller with application rate, soil types, plant factors, slope, exposure and other factors needed to increase water efficiency	<input type="checkbox"/>	<input type="checkbox"/>	

Streamlined Path (Appendix B) Certificate of Installation-Self Inspection

D. Soil Management Report

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Attach soil analysis report of the soil in planting areas from a soil lab if not previously submitted with the Landscape Documentation Package per ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	2. The soil sample follows laboratory protocol and includes:	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	a. Soil texture	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	b. Infiltration rate	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	c. pH	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	d. Total soluble salts	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	e. Sodium	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	f. Percent organic matter	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	g. Amendment recommendations	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	3. Attach document(s) showing that soil analysis report recommendations were used to amend the planting soil, such as delivery tags and receipts for compost and mulch.	<input type="checkbox"/>	<input type="checkbox"/>	

E. Landscape Diversion Report

APPLICANT	ITEM	REVIEWER		NOTES
		PASS	FAIL	
<input type="checkbox"/>	1. Attach a construction waste management report for the project that shows at least 50% diversion of construction and demolition debris and 100% diversion of excavated soil and land clearing debris through recycling or reuse. Building debris can be used in calculations.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	2. Confirm that diversion facilities where collected construction waste material was taken are identified in the waste management report.	<input type="checkbox"/>	<input type="checkbox"/>	

F. Additional Modifications

Applicant: If major modifications were made in construction from the submitted plans, attach record drawings (as-builts)

- ☐ No major modifications
- ☐ Record drawings (as-builts) attached

Streamlined Path (Appendix C) Landscape Installation

Certificate of Completion

A. Project Information

Date	
Project Name	<u>Needles Flower Refinery</u>
Project Street Address, City and Zip	<u>2701 Columbus Dr. Needles, CA 92363</u>
Parcel or Lot Number(s) (if available)	<u>APN# 0660-081-30</u>
Applicant Name	<u>Cheryl Montanez</u>
Applicant Job Title	<u>Project Manager</u>
Applicant Company Name	<u>MO+RE Design Solutions</u>
Phone Number	<u>760-715-3382</u>
Email Address	<u>cherylmontanez@gmail.com</u>
Street Address, City and Zip	<u>14176 Amargosa Rd. Suite C Victorville, CA 92392</u>
Property Owner Name	<u>Jesse Dean Brown</u>
Phone Number	<u></u>
Email Address	<u></u>
Street Address, City and Zip	<u>12639 Johnson Rd. Phelan, CA 92371</u>

Building Inspector Sign-off

Marc Scott, Building Inspector

Date:

Streamlined Path (Appendix C) Landscape Installation

Certificate of Completion

A. Project Information

Date	
Project Name	<u>Needles Flower Refinery</u>
Project Street Address, City and Zip	<u>2701 Columbus Dr. Needles, CA 92363</u>
Parcel or Lot Number(s) (if available)	<u>APN# 0660-081-30</u>
Applicant Name	<u>Cheryl Montanez</u>
Applicant Job Title	<u>Project Manager</u>
Applicant Company Name	<u>MO+RE Design Solutions</u>
Phone Number	<u>760-715-3382</u>
Email Address	<u>cherylmontanez@gmail.com</u>
Street Address, City and Zip	<u>14176 Amargosa Rd. Suite C Victorville, CA 92392</u>
Property Owner Name	<u>Jesse Dean Brown</u>
Phone Number	<u></u>
Email Address	<u></u>
Street Address, City and Zip	<u>12639 Johnson Rd. Phelan, CA 92371</u>

Building Inspector Sign-off

Marc Scott, Building Inspector

Date:

CITY OF NEEDLES
WATER EFFICIENT LANDSCAPE ORDINANCE (WELO)
LIST OF PLANTS APPROVED FOR LANDSCAPE

(Needles) WUCOLS - Low Desert Region			
Type	Botanical Name	Common Name	Water Use
P S	Agave americana (and thick-leaved relatives)(CA native and non-native	agave	Very Low
S	Ambrosia monogyra (Hymenoclea monogyra)	burrow bush	Very Low
Gc S N	Atriplex CA native species	saltbush	Very Low
Gc S N	Atriplex semibaccata	Australian saltbush	Very Low
Bu N	Calochortus spp.	Mariposa lily	Very Low
S N	Encelia californica	coast sunflower	Very Low
S N	Encelia farinosa	brittle bush	Very Low
S N	Ephedra nevadensis	Nevada ephedra	Very Low
S N	Eriogonum fasciculatum and cvs. (not listed above)	California buckwheat	Very Low
S Su	Fouquieria columnaris	boojum	Very Low
S Su N	Fouquieria splendens	ocotillo	Very Low
S N	Isocoma spp. (Haplopappus)	goldenbush	Very Low
S N	Justicia californica (Beloperone californica)	chuparosa	Very Low
S N	Larrea tridentata	creosote	Very Low
P Su	Mammillaria geminispina	cactus	Very Low
P Su	Mammillaria melanocentra	cactus	Very Low
S Su N	Opuntia spp. & cvs. (CA natives and non-natives)	prickly pear/cholla	Very Low
S Su	Pachycereus marginatus	Mexican fence post cactus	Very Low
P S N	Psilostrophe cooperi	paper flower	Very Low
S N	Psoralea arguta (Dalea spinosa)	smoke tree	Very Low
S N	Senna covesii	desert senna	Very Low
P N	Sphaeralcea spp. (CA native and non-native spp.)	desert/globe mallow	Very Low
S Su	Stenocereus thurberi (Lemaireocereus)	organ pipe cactus	Very Low
T	Tamarix aphylla	salt cedar	Very Low
S	Tamarix pentaphylla	tamarisk	Very Low
S Su N	Yucca brevifolia	Joshua tree	Very Low
S Su N	Yucca schidigera (Y. californica, Y. mohavensis)	Mojave yucca	Very Low
	Zinnia acerosa	desert zinnia	Low
Bu	Amaryllis belladonna	naked lady	Low
Bu	Narcissus spp.	daffodil	Low
Bu	Polianthes tuberosa	tuberose	Low
G	Pennisetum setaceum	fountain grass	Low
G N	Bouteloua gracilis and cvs.	blue grama	Low
G N	Sporobolus airoides	alkalai sacaton	Low
G N			
A	Bouteloua curtipendula	sideoats grama	Low
Gc	Carpobrotus spp.	ice plant (Carpobrotus)	Low
Gc	Dalea greggii	trailing indigo bush	Low

BA-bamboo
 Bu - bult
 G - grass
 GC - groundcover
 P - perennial
 Pm - palm cycad
 S - shrub
 Su - succulent
 T - tree
 V - vine
 N - Calif. Native

(Needles) WUCOLS - Low Desert Region			
Type	Botanical Name	Common Name	Water Use
Gc	<i>Dalea orcuttii</i> (now <i>Marina orcuttii</i>)	Baja indigo bush	Low
Gc	<i>Delosperma</i> spp.	ice plant (<i>Delosperma</i>)	Low
Gc V	<i>Antigonon leptopus</i>	coral vine	Low
Gc S	<i>Acacia redolens</i>	prostrate acacia	Low
Gc S	<i>Artemisia</i> spp. (shrubby)	sagebrush	Low
Gc S N	<i>Baccharis</i> "Starn"	Starn coyote brush	Low
Gc P	<i>Achillea millefolium</i> (non-native hybrids)	yarrow (non-native hybrids)	Low
Gc P	<i>Oenothera stubbei</i>	Baja evening primrose	Low
Gc P	<i>Zinnia grandiflora</i>	prairie zinnia	Low
Gc P N	<i>Achillea millefolium</i> (CA native cultivars)	yarrow	Low
Gc P S	<i>Santolina</i> spp.	lavender cotton	Low
P	<i>Adenium obesum</i>	desert rose	Low
P	<i>Asclepias curassavica</i>	scarlet milkweed	Low
P	<i>Berlandiera lyrata</i>	chocolate scented daisy	Low
P	<i>Dyckia</i> spp.	dyckia	Low
P	<i>Melampodium leucanthum</i>	blackfoot daisy	Low
P	<i>Poliomintha longiflora</i>	Rosemary mint	Low
P	<i>Ruellia squarrosa</i>	water bluebell	Low
P	<i>Thymophylla acerosa</i> (<i>Dyssodia acerosa</i>)	shrubby dogweed	Low
P A	<i>Bulbine frutescens</i>	stalked bulbine	Low
P N	<i>Argemone corymbosa</i>	prickly poppy	Low
P N	<i>Asclepias</i> (CA native species)	milk/silk weed	Low
P N	<i>Asclepias subulata</i>	desert milkweed	Low
P N	<i>Baileya multiradiata</i>	desert marigold	Low
P N	<i>Oenothera caespitosa</i>	tufted (white) evening primrose	Low
P N	<i>Oenothera californica</i>	California evening primrose	Low
P N	<i>Penstemon</i> SW native spp. and cvs.	penstemon (SW natives)	Low
P N	<i>Tetranneuris acaulis</i> (<i>Hymenoxys acaulis</i>)	stemless four-nerve daisy	Low
P N	<i>Thymophylla pentachaeta</i> (<i>Dyssodia pentachaeta</i>)	golden fleece	Low
P N	<i>Verbena gooddingii</i> (<i>Glandularia gooddingii</i>)	Goodding verbena	Low
P Su	<i>Echinopsis</i> spp. (<i>Trichocereus</i> spp.)	torch cactus	Low
P Su	<i>Euphorbia antisiphilitica</i>	candelilla	Low
P Su	<i>Euphorbia rigida</i>	gopher spurge	Low
P Su	<i>Haworthia</i> spp.	haworthia	Low
P S	<i>Agave attenuata</i> (and thin-leaved relatives) (Ca native and non-native)	agave	Low
P S	<i>Perovskia</i> spp. & cvs.	Russian sage	Low
P S	<i>Psilostrophe tagetina</i>	paper flower	Low
P S	<i>Ruellia brittoniana</i>	Mexican petunia	Low

BA-bamboo
 Bu - bult
 G - grass
 GC - groundcover
 P - perennial
 Pm - palm cycad
 S - shrub
 Su - succulent
 T - tree
 V - vine
 N - Calif. Native

(Needles) WUCOLS - Low Desert Region				
Type	Botanical Name		Common Name	Water Use
P S N	Eriogonum spp. (CA native and non-native spp.)		buckwheat	Low
P S N	Nolina spp. (CA natives and non-natives)		bear grass	Low
P S N	Romneya coulteri		Matilija poppy	Low
P S N	Salvia "Gayle Nielson" (also Trident as registered trademark name)		Gayle Nielson/Trident sage	Low
P S Su	Portulacaria afra & cvs.		elephant's food	Low
S	Acacia aneura		mulga	Low
S	Acalypha monostachya		raspberry fuzzies	Low
S	Aloysia macrostachya		aloesia	Low
S	Aloysia triphylla		lemon verbenia	Low
S	Ambrosia deltoidea		triangleleaf bursage	Low
S	Anisacanthus spp.		desert honeysuckle	Low
S	Artemisia filifolia		sand sagebrush	Low
S	Bahioopsis deltoidea (Viguiera deltoidea)		goldeneye	Low
S	Buddleja marrubiifolia		woolly butterfly bush	Low
S	Caesalpinia gilliesii		desert bird of paradise	Low
S	Caesalpinia mexicana		Mexican bird of paradise	Low
S	Caesalpinia pulcherrima (deciduous in desert)		dwarf poinciana	Low
S	Calliandra "Sierra Star"		fairy duster hybrid	Low
S	Calliandra peninsularis		Baja fairy duster	Low
S	Cephalocereus spp.		old man cactus	Low
S	Chamelaucium cvs		wax flower	Low
S	Chrysactinia mexicana		damianita daisy	Low
S	Convolvulus cneorum		bush morning glory	Low
S	Dalea bicolor		dalea (bicolor)	Low
S	Dalea frutescens		black dalea	Low
S	Dalea pulchra		indigo/pea bush	Low
S	Dalea versicolor		dalea (versicolor)	Low
S	Eremophila glabra		emu bush	Low
S	Eremophila maculata		spotted emu bush	Low
S	Eremophila racemosa		Easter egg bush	Low
S	Eremophila x "Summertime Blue"		Summertime Blue emu	Low
S	Espostoa lanata		Peruvian old man cactus	Low
S	Eucalyptus "Moon Lagoon"		fine-leafed mallee	Low
S	Furcraea spp.		furcraea	Low
S	Gossypium harknessii		otterbossie	Low
S	Gossypium thurberi		Thurber's cotton/desert cotton	Low
S	Justicia spicigera		Mexican honeysuckle	Low
S	Leucophyllum spp. & cvs.		purple sage, Texas ranger etc.	Low
S	Ruellia "Little Katie"		dwarf ruellia	Low
S	Ruellia californica		rama parda	Low

BA-bamboo
 Bu - bult
 G - grass
 GC - groundcover
 P - perennial
 Pm - palm cycad
 S - shrub
 Su - succulent
 T - tree
 V - vine
 N - Calif. Native

(Needles) WUCOLS - Low Desert Region			
Type	Botanical Name	Common Name	Water Use
S	Ruellia peninsularis	Baja ruellia	Low
S	Senna artemisioides (Cassia artemisioides)	feathery cassia/senna	Low
S	Senna bicapsularis (Cassia candolleana)	New Zealand cassia/senna	Low
S	Senna lindheimeriana (Cassia lindheimeriana)	Lindheimer's senna/cassia	Low
S	Senna nemophila (Cassia nemophila)	desert cassia	Low
S	Senna odorata (Cassia odorata)	southern senna	Low
S	Senna phyllodinea (Cassia phyllodinea)	silver leaf cassia/senna	Low
S	Senna sturtii (Cassia sturtii)	Sturt's cassia/senna	Low
S	Senna wislizeni (Cassia wislizeni)	shrubby senna	Low
S	Vauquelinia californica	Arizona rosewood	Low
S	Vauquelinia corymbosa var. heterodon	narrow leaf rosewood	Low
S A	Acacia boormanii	Snowy River wattle	Low
S A	Leucophyllum langmaniae "Lynn's legacy"	Lynn's everblooming texas sage	Low
S A	Viguiera parishii	desert goldeneye	Low
S N	Ambrosia dumosa	white bursage	Low
S N	Baccharis "Centennial"	Centennial baccharis	Low
S N	Baccharis sarothroides	desert broom	Low
S N	Calliandra californica	Baja fairy duster	Low
S N	Calliandra eriophylla	fairy duster	Low
S N	Carnegiea gigantea	saguaro	Low
S N	Chrysothamnus nauseosus	rabbit brush	Low
S N	Cleome isomeris	bladder pod	Low
S N	Cneoridium dumosum	bushrue	Low
S N	Condea emoryi (Hyptis emoryi)	desert lavender	Low
S N	Ericameria laricifolia	turpentine bush	Low
S N	Fallugia paradoxa	Apache plume	Low
S N	Forestiera pubescens	desert olive	Low
S N	Gutierrezia sarothrae	matchweed	Low
S N	Lycium fremontii	wolfberry	Low
S N	Pluchea sericea	Coville arrow weed	Low
S N	Rhus ovata	sugar bush	Low
S N	Salvia "Allen Chickering"	Allen Chickering sage	Low
S N	Senna armata (Cassia armata)	spicy senna	Low
S N	Simmondsia chinensis	jojoba	Low
S N	Trixis californica	trixis	Low
S NA	Peritoma arborea (Isomeris arborea)	bladderpod	Low
S NA	Salvia apiana	white sage	Low
S NA	Salvia clevelandii & hybrids	salvia Cleveland/Alan Chickering etc.	Low
S T	Acacia abyssinica	Abyssinian acacia	Low

BA-bamboo
 Bu - bult
 G - grass
 GC - groundcover
 P - perennial
 Pm - palm cycad
 S - shrub
 Su - succulent
 T - tree
 V - vine
 N - Calif. Native

(Needles) WUCOLS - Low Desert Region				
Type	Botanical Name	Common Name	Water Use	
S T	Acacia berlandieri	guajillo	Low	
S T	Acacia constricta	whitethorn acacia	Low	
S T	Acacia craspedocarpa	leatherleaf acacia	Low	
S T	Acacia saligna	blue leaf wattle	Low	
S T	Cordia parvifolia	little leaf cordia	Low	
S T	Lysiloma candida	palo blanca	Low	
S T	Maytenus phyllanthoides	mangle dulce	Low	
S T	Sophora secundiflora	Texas mountain laurel	Low	
S T	Ungnadia speciosa	Mexican buckeye	Low	
S T N	Acacia greggii	catclaw acacia	Low	
S T N	Comarostaphylis diversifolia (Arctostaphylos diversifolia)	summer holly	Low	
S Su	Cereus hildmannianus	night blooming cereus	Low	
S Su	Cereus peruvianus	Peruvian apple cactus	Low	
S Su	Euphorbia millii	crown of thorns	Low	
S Su	Euphorbia pulcherrima	poinsettia	Low	
S Su	Euphorbia tirucalli	milk bush	Low	
S Su	Fouquieria macdougalii	Mexican tree ocotillo	Low	
S Su	Hesperaloe campanulata	bell flower hesperaloe	Low	
S Su	Hesperaloe funifera	Coahuilan hesperaloe	Low	
S Su	Pedilanthus bracteatus	tall slipper plant	Low	
S Su	Pedilanthus macrocarpus	slipper plant	Low	
S Su	Yucca aloifolia	Spanish bayonet	Low	
S Su	Yucca decipiens	palma China	Low	
S Su	Yucca elata	soaptree yucca	Low	
S Su	Yucca faxoniana	giant white yucca	Low	
S Su	Yucca gloriosa	Spanish dagger	Low	
S Su	Yucca rigida	blue yucca	Low	
S Su	Yucca rostrata	beaked yucca	Low	
S Su	Yucca rupicola	twisted yucca	Low	
S Su	Yucca schottii	mountain yucca	Low	
S Su	Yucca thompsoniana	Thompson's yucca	Low	
S Su A	Dasyliion spp.	desert spoon	Low	
S Su A	Hesperaloe parviflora	red/ yellow yucca	Low	
S Su N	Echinocactus spp. (CA native and non-native spp.)	barrel cactus	Low	
S Su N	Ferocactus spp. (CA native and non-native spp.)	barrel cactus	Low	
S Su N	Hesperoyucca spp. (Yucca whipplei, Yucca californica)	yucca	Low	
S Su N	Yucca baccata	banana yucca	Low	
S Su T N	Aloe spp. (CA native and non-native)	aloe	Low	
Su T	Euphorbia ingens	candelabra tree	Low	
T	Acacia pendula	weeping acacia	Low	
T	Acacia pennatula	pennatula acacia	Low	

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(Needles) WUCOLS - Low Desert Region			
Type	Botanical Name	Common Name	Water Use
T	Acacia schaffneri	twisted acacia	Low
T	Acacia stenophylla	eumong/shoestring acacia	Low
T	Acacia willardiana	palo blanco	Low
T	Ailanthus altissima	tree of heaven	Low
T	Caesalpinia cacalaco	cascalote	Low
T	Celtis pallida	desert hackberry	Low
T	Ceratonia siliqua	carob	Low
T	Cordia boissieri	Texas olive	Low
T	Dalbergia sissoo	indian rosewood	Low
T	Ebenopsis ebano (Pithecellobium flexicaule)	Texas ebony	Low
T	Eucalyptus formanii	Forman's mallee	Low
T	Eucalyptus macrandra	long flowered marlock	Low
T	Eucalyptus sargentii	Salt River mallet	Low
T	Eucalyptus woodwardii	lemon flowered gum	Low
T	Eysenhardtia orthocarpa	kidneywood	Low
T	Gleditsia triacanthos	honey locust	Low
T	Havardia mexicana (Pithecellobium mexicana)	Mexican ebony	Low
T	Havardia pallens (Pithecellobium pallens)	tenaza	Low
T	Leucaena retusa	golden leadball tree	Low
T	Lysiloma watsonii	feather bush	Low
T	Melia azedarach	chinaberry	Low
T	Olea europaea	olive	Low
T	Pachycormus discolor	elephant tree	Low
T	Parkinsonia "Sonorae"	Sonoran palo verde	Low
T	Parkinsonia aculeata	Mexican palo verde/ Jerusalem thorn	Low
T	Parkinsonia praecox (Cercidium praecox)	palo brea tree	Low
T	Prosopis alba	Argentine mesquite	Low
T	Prosopis glandulosa (P. chilensis)	Chilean mesquite	Low
T	Prosopis hybrids and cvs.	prosopis hybrids	Low
T	Prosopis juliflora	Arizona mesquite	Low
T	Prosopis velutina	velvet mesquite	Low
T	Quercus suber	cork oak	Low
T	Rhus lanceolata	prairie flameleaf sumac	Low
T	Vachellia farnesiana (Acacia farnesiana)	sweet acacia	Low
T	Vachellia farnesiana var. farnesiana (Acacia farnesiana farnesiana)	desert sweet acacia	Low
T	Vitex agnus-castus	chaste tree	Low
T	X Chitalpa tashkentensis	chitalpa	Low
T N	Bursera microphylla	little elephant tree	Low
T N	Celtis reticulata	western hackberry	Low
T N	Hesperocyparis stephensonii (Cupressus arizonica ssp. arizonica, C. arizonica var. glabra)	Cuyamaca cypress	Low

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(Needles) WUCOLS - Low Desert Region			
Type	Botanical Name	Common Name	Water Use
T N	Olneya tesota	desert ironwood	Low
T N	Parkinsonia "Desert Museum" (Cercidium)	Desert Museum palo verde	Low
T N	Parkinsonia florida (Cercidium florida)	blue palo verde	Low
T N	Parkinsonia microphylla (Cercidium microphyllum)	little leaf palo verde	Low
T N	Prosopis glandulosa var. torreyana	honey mesquite	Low
T N	Prosopis pubescens	screwbean mesquite	Low
V	Cissus trifoliata	treebine	Low
V	Macfadyena unguis-cati	cat's claw	Low

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City of Needles

817 Third Street • Needles, California 92363
(760) 326-2113 • FAX (760) 326-6765
www.cityofneedles.com

#20

Requirements for Receipt of "Will Serve" Letter for Electric

To: All Applicants Submitting a Cannabis CUP Application

Due to the relatively high electric load requirements for cannabis facilities, the City has deemed it necessary to request additional electric capacity from the Western Area Power Administration (WAPA). To support these new load requirements, existing transmission lines need to be upgraded and new substations need to be constructed. The cost of these improvements must be borne by applicants requiring the additional load, and not the existing user base.

As a result, each megawatt, or percentage thereof, of power being requested will require a payment of \$100,000 per megawatt, to be paid at the time an application for a CUP is submitted, for the purpose of funding the improvements and upgrades discussed above. At the same time, a deposit agreement is also required to be executed by the requestor of the power.

In addition to the improvements discussed above, it is anticipated that additional expense will be associated with onsite improvements, such as transformers, that the applicant is also responsible for paying. These requirements can be identified by scheduling a meeting or a telephone call, 760-221-4127.

Needles Public Utility Authority (NPUA)

Concur:

Jesse Dean Brown

Applicant Name

/ [Signature]
Signature

Date: 5-23-23

(APPLICANT-please complete the "blanks" and submit with application)

SAMPLE-TEMPLATE (Application)
NEEDLES PUBLIC UTILITY AUTHORITY
 Will Serve Electric Service

N/A-Building already being served by Cultivation CUP

DATE: _____

TO: Needles Flower Refinery, Owner/Agent/Applicant (Applicant)

RE: Cannabis Facility (Project)

Project Site: 2701 Columbus Dr. Needles, CA
 APN 0660-081-30 (Property)

This Project is located in the City of Needles (City) and the service area of the Needles Public Utility Authority (NPUA). The NPUA will serve the above subject Project's electrical requirements pursuant to the NPUA/City ordinances, rules and regulations, subject to the conditions of Project approval and the approved Project Site Plan, and the following terms, conditions and limitations:

- Electrical service will be provided to the Project through service lines and a single connection to the main building on the Project Site, constructed in accordance with the approved Project Site Plan, the NPUA's requirements for grounding and connection, and all applicable codes and regulations. The full cost of the NPUA's installation of the required facilities shall be borne by the Applicant.
- Electrical service provided by the NPUA to the Project will not exceed 400 amp service. Additional service capacity will require additional review, including load demands and confirmation by the NPUA of its ability to serve and the terms of service.
- The total electrical service availability to the City is limited by other agencies, including WAPA, and the NPUA anticipates more applicants for electric service than it may have the capacity to serve. In order to maximize service to electrical service applicants, the NPUA will establish baseline maximum electrical service availability for the Project 12 months following the issuance of a certificate of occupancy, annualized based on average consumption over the preceding year, but not exceeding 400 amp service. Excess electrical service availability may be reallocated by the NPUA in its sole discretion, to other users based on the first year's use for the Project.
- To the extent the new _____ amp service is constructed and activated prior to the City's final approval of the Project, including without limitation, and CEQA

environmental determination (Project Approvals), such electric permitting, construction and testing does not grant or imply land use entitlement or issuance of a local regulatory license. If the Project Approvals are not granted by the City, this Will Serve commitment shall be null and void and of no further effect.

- The _____ amp service will not be used in connection with the Project until such time as the City has granted occupancy of the building and the Applicant has paid all City/NPUA fees and received all required regulatory licenses.
- Fees payable to NPUA include, but may not be limited to, payment in advance of a **(TBD)** to cover NPUA's cost of two transformers required for the 2000 amp service. This advance payment will be refunded if the Project Applications are not approved by the City, without fault of the Applicant. This Electric Service Will Serve Letter shall become void and of no further effect if the Project Applications are not approved by the City.
- All electrical equipment installed to serve the Project, up to and including that connected or fixed to the outside wall(s) of the facility, and including, without limitation, cables, substation(s), and transformer(s), shall become and are the property of the NPUA once installed, accepted and activated by the NPUA. Upon revocation, termination or abandonment of entitlements (including the CUP and/or Regulatory license) for the Cannabis Facility, the electrical allocation and all related facilities may be removed, relocated or reallocated by the NPUA in its sole discretion.
- If it is determined that the requested electric service will require additional off-site system upgrades, NUPA/City may require oversizing of facilities, subject to the NPUA's/City's adopted regulations and terms for reimbursement as new development occurs.
- To the extent additional public improvements or system upgrades are required for the Project, Applicant shall post a deposit for the estimated cost of line, transformer, substation and other required infrastructure improvements, and the full estimated cost of improvements will be due prior to any equipment order and/or installation. This deposit reserves the _____ amp power availability for 12 months or until the full entitlements for the Project have been granted by the City, unless that period is extended by the City Council for good cause. Once Project Approvals have been granted by the City, if there is no substantial progress to construct the Project, the power availability and will serve commitment will expire pursuant to the terms of the CUP, and the deposit will be retained by the NPUA as liquidated damages to compensate the NPUA for the lost opportunity to provide services to another user.
- The NPUA reserves the right to increase electricity rates and charges established pursuant to Proposition 26, and to amend its terms of service, and the Project will be subject to any increased or additional rates, charges and regulations implemented by the NPUA and applicable to similar facilities or uses, any limitations or restrictions placed on electric service by other state, federal or

regulatory agencies, or due to unforeseen availability and/or the NPUA's ability to obtain or provide electricity for the Project. Changes in regulations may also require that the Project initiate conservation measures.

- In accepting the terms of electric service provided herein, the Applicant agrees that the NPUA and the City shall be free from any liability to the Applicant, its successors in interest, or any other interested party, for damage to property, equipment or crops which may result from power shortages or outages affecting the Project which are beyond the reasonable control of the NPUA and/or the City.
- This Will Serve letter is conditioned on Applicant's compliance at all times with the NPUA/City Rules and Regulations for electric service and the Project conditions of approval.

This Will Serve Electric Service commitment runs with the CUP and the related Facility Regulatory license for the Project and the Property, and may not be transferred or relocated to any other project or property without NPUA approval. If the Project is abandoned or discontinued or the CUP or Regulatory license are revoked or suspended, the electric service provided pursuant to this letter may be terminated and the electric capacity reallocated or redistributed to other properties and/or projects by the NPUA in its sole discretion.

Inspection and activation of the electrical service connection will be scheduled by the City and the NPUA throughout construction up to and including issuance of the certificate of occupancy for the Project.

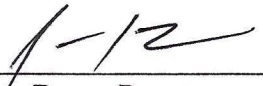
This Will Serve Electric Service commitment is conditioned upon compliance with all applicable requirements of the City and the NPUA, payment in full of any required fees and deposits, and your agreement to comply with the foregoing conditions and limitations.

If you have any questions or need additional information regarding terms of NPUA electrical service to your Project, please contact the undersigned at 760-326-2113.

Sincerely,

CONSENT AND AGREEMENT:

The undersigned Owner/Agent/Applicant is the applicant/recipient of the related Cannabis Facility CUP, and has reviewed, has full legal authority to and does understand and agree to the foregoing terms and conditions for connection and provision of electric service to the above-described Property and Project by the Needles Public Utility Authority and/or the City of Needles.



Jesse Dean Brown

[Note: signatory should be CUP Applicant,
to whom the CUP will be issued]

Dated: 5-23-23

NEEDLES PUBLIC UTILITY AUTHORITY

Will Serve Water Service

#20(b)

DATE: _____

TO: Needles Flower Refinery

N/A-Building already being served
by Cultivation CUP

RE: Cannabis Facility (Project)

Project Site: 2701 Columbus Dr. Needles, CA 92363
APN 0660-081-30

This Project is located in the City of Needles (City) and the service area of the Needles Public Utility Authority (NPUA). The NPUA will serve the above subject Project's water requirements pursuant to the NPUA/City ordinances, rules and regulations, subject to the conditions of Project approval and the approved Project Site Plan, the Water Service Plan, and the following terms, conditions and limitations:

- Water service will be provided to the Project through service lines and connections, constructed in accordance with the approved Project Site Plan and Water Service Plan, the NPUA's requirements for water service connection, and all applicable NPUA/City codes and regulations. The full cost of the NPUA's installation of the required facilities shall be borne by the Applicant.
- Water service provided by the NPUA to the Project will not exceed __acre feet per year (AFY), provided pursuant to the approved Water Service Plan. Additional water service capacity will require additional review, including water service demands and confirmation by the NPUA of its ability to serve and terms of service. To the extent water service is constructed and activated on the Property prior to the City's final approval of the Project, including without limitation, CUP application, zone change, and CEQA environmental determination (Project Approvals), such water permitting, construction and connection does not grant or imply land use entitlement or issuance of a local regulatory license. If the Project Approvals are not granted by the City, this Will Serve commitment shall be null and void and of no further effect.
- Water service provided for herein will not be used in connection with the Project until such time as the City has granted occupancy of the building(s) and the Applicant has paid all City/NPUA fees and deposits and received all required regulatory licenses.
- Fees payable to NPUA include, but may not be limited to, payment in advance of the Applicant's estimated cost of construction of required off site infrastructure and the cost of the water service connection. This Water Service Will Serve

Letter shall become void and of no further effect if the Project Applications are not approved by the City.

- If it is determined that the requested water service will require additional off-site system upgrades, NUPA/City may require oversizing of facilities, subject to the NPUA's/City's regulations and terms for reimbursement as new development occurs.
- To the extent additional public improvements or system upgrades are required for the Project, Applicant shall post a deposit for the estimated cost of all required improvements, and the full estimated cost of improvements will be due prior to any equipment order and/or installation. This deposit reserves the AFY water availability for 12 months or until the full entitlements for the Project have been granted by the City, unless that period is extended by the City Council for good cause. Once Project Approvals have been granted by the City, if there is no substantial progress to construct the Project, the water availability and will serve commitment will expire pursuant to the terms of the CUP, and any deposit(s) will be retained by the NPUA as liquidated damages to compensate the NPUA for the lost opportunity to provide services to another user.
- The NPUA reserves the right to increase water service rates and charges established pursuant to Proposition 26, and to amend its terms of service, and the Project will be subject to any increased or additional rates, charges and regulations implemented by the NPUA and applicable to similar facilities or uses, any limitations or restrictions placed on water service by other state, federal or regulatory agencies, or due to unforeseen availability and/or the NPUA's ability to obtain or provide water for the Project. Changes in regulations may also require that the Project initiate water conservation measures.
- In accepting the terms of water service provided herein, the Applicant agrees that the NPUA and the City shall be free from any liability to the Applicant, its successors in interest, or any other interested party, for damage to property, equipment or crops which may result from water shortages, disruptions or terminations affecting the Project which are beyond the reasonable control of the NPUA and/or the City.
- This Will Serve letter is conditioned on Applicant's compliance at all times with the NPUA/City Rules and Regulations for water service and the Project conditions of approval.

This Will Serve Water Service commitment runs with the CUP and the related Cannabis Business Regulatory License for the Project and the Property, and may not be transferred or relocated to any other project or property without NPUA approval. If the Project is abandoned or discontinued or the CUP or Regulatory License are revoked or suspended, the water service provided pursuant to this letter may be terminated and the water service capacity reallocated or redistributed to other properties and/or projects by the NPUA in its sole discretion.

Inspection and activation of the water service connection will be scheduled by the City and the NPUA throughout construction up to and including issuance of the certificate of occupancy for the Project.

This Will Serve Water Service commitment is conditioned upon compliance with all applicable requirements of the City and the NPUA, payment in full of any required fees and deposits, and your agreement to comply with the foregoing conditions and limitations.

This Will Serve Water Service letter supersedes any other verbal or written representations or understandings between the NPUA, the City and the Applicant regarding water service for the Project.

If you have any questions or need additional information regarding terms of NPUA water service to your Project, please contact the undersigned at 760-326-2113.

Sincerely,

Needles Public Utility Authority (NPUA)

CONSENT AND AGREEMENT:

The undersigned Owner/Agent/Applicant is the applicant/recipient of the related Cannabis Business CUP, and has reviewed, has full legal authority to and does understand and agree to the foregoing terms and conditions for connection and provision of water service to the above-described Property and Project by the Needles Public Utility Authority and/or the City of Needles.



(Name: Jesse Dean Brown)

[Note: signatory should be CUP Applicant,
to whom the CUP will be issued]

Dated: 5-23-23



City of Needles

817 Third Street • Needles, California 92363
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www.cityofneedles.com

#22

DEPOSIT AGREEMENT FOR CANNABIS CONDITIONAL USE PERMIT AND CANNABIS BUSINESS LICENSE

Site Address/APN:

Site Address: 2701 Columbus Dr. Needles, CA 92363
APN 0660-081-30

Conditional Use Permits for a Cannabis Business are actual cost projects. The actual cost for a project is determined according to the time spent by personnel on that project and the associated personnel benefits, department overhead, legal, finance, and any other costs incurred for that project.

Initial deposits are determined by the City Council. The initial deposit is \$35,000 for projects beginning with raw land and \$20,000 for projects utilizing existing buildings or previously constructed lots for each Conditional Use Permit (CUP) and \$5,000 for each Cannabis Business License on the same site.


Upon completion, the actual costs will be itemized and deducted from the deposit. Monies that remain unused once the entitlement has been approved and the regulatory license issued, are refunded back to the applicant.

I understand that the monies provided to the City for the purpose of processing a Conditional Use Permit and a Regulatory License for a Cannabis Business are deposits, used for the purposes identified above.

Jesse Dean Brown

Print Name

Project Affiliation: Owner


Signature

Date: 5-23-23

ELECTRIC DEPOSIT AGREEMENT

This Deposit Agreement (this "Agreement"), dated as of _____, _____ is made by and between the Needles Public Utility Authority (the "Authority") and _____, a California limited liability company (the "Developer").

BACKGROUND

A. Developer plans to entitle and build a project ("Project") on certain real property ("Property") described in **Exhibit "A"** and wishes to assist financially in completing certain related electrical facilities that will provide electrical service to the Project;

B. The Property is not currently served with electrical power needed for the Project, and Developer wishes to provide financial assistance ("Financial Assistance") to the Authority to construct various electrical facilities as described in **Exhibit "B"** ("Facilities") needed to provide electrical service to the Project and other properties.

C. Because of the significant distance between the Property and the Authority's existing electrical infrastructure, the Facilities will be designed to serve more than only the Property, and will serve other properties as well.

D. The Developer wishes to provide the Authority with the Financial Assistance, notwithstanding the fact that it exceeds Developer's "fair share" of the cost of the Facilities because otherwise the Facilities would not be built in the timeframe required by Developer or they may never be built.

E. The Authority will perform engineering work, purchase equipment and perform or cause to be performed improvements needed to plan, design and build the Facilities.

F. To support the development of the Facilities Developer is willing to provide funds to the Authority to ensure payment of any and all costs incurred by the Authority.

G. The Authority and the Developer now desire to specify the terms of the deposit of the Developer assistance related to the Facilities.

AGREEMENT

In consideration of the mutual promises and covenants set forth herein, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Authority and the Developer agree as follows:

1. Deposits. The Developer hereby agrees to make the following deposits for the payment of Authority Costs (collectively, the "Deposits").

(a) Initial Deposit of Authority Costs. At the time of executing this Agreement, the Developer will deposit with the Authority the amount of \$_____ ("Deposit") applicable to Authority Costs, as defined below. The Deposit will reserve up to _____.00 Megawatts of electrical capacity for the Project at such time as the necessary infrastructure to the

project has been completed. However, no guaranty that electrical service will be available to the Project is made by this Agreement. If the Project requires additional Megawatts of power availability the Deposit will be increased accordingly. Developer will apply for administrative approvals required to construct the Project within 12 months of the date of this Agreement. If the Developer fails to apply for the administrative approvals required for the Project within 12 months from the date of this Agreement, the Deposit shall be non-refundable. At such time as the Authority delivers a binding will serve letter to the Developer for the Project, on the Utility's standard form as determined by Authority in its sole discretion, the Deposit shall be fully earned and non-refundable except as specifically provided to the contrary in this Agreement. If the Developer submits applications for administrative approvals for a cannabis business and if City or NPUA arbitrarily deny the same or of electrical service is not available to the Project the Deposit will be refunded to Developer. As used in this Agreement, "Authority Costs" means all costs incurred by the Authority and/or City in connection with the construction of the Facilities for administration, management, design, engineering, equipment, supplies, construction and improvements and to pay the Development Impact Fee (as defined below) including without limitation the following:

(i) Fees and expenses of any Authority staff, consultants, engineers, engaged by the Authority in connection with the Facilities, legal counsel, financial and management advisors;

(ii) Technical studies, environmental analysis, economic impact reports and any and all other actual costs and expenses incurred by the Authority that the Authority deems necessary in connection with the planning, design and construction of the Facilities;

(iii) The costs and expense of implementing this Agreement.

(b) The Authority shall not be obligated to pay or advance any of its own funds to pay Authority Costs.

(c) Deposit Limit. In no event shall the amount of Deposits made by Developer under this Agreement be required to exceed a total amount of \$ **TBD** unless further agreed to by written consent of both parties.

2. Reservation of Discretion to Approve the Project or Impose Development Impact Fees; Potential Reimbursement.

It is anticipated that Developer will submit applications for land use entitlements for the Project, and whether the Authority and City desire to pursue implementation of the Project will be presented to the Authority Board, Planning Commission and/or City Council for consideration subject to their full legal discretion. In the future, the Authority may, but is not required to, impose a development impact fee ("Development Impact Fee") which is intended to recover from developers of certain discretionary projects their fair share of the cost of electrical infrastructure (which may include the Facilities) and reimburse Developer for some portion of the Deposit in excess of the Developer's fair share for such electrical infrastructure facilities, as determined by Authority in its sole discretion. However notwithstanding the forgoing, the Authority and the City

shall have no obligation to impose the Development Impact Fee or to reimburse any portion of the Deposit to the Developer hereunder if the appropriate Development Impact Fee is not imposed and collected. It is also possible that future development in the City may, but will not be required to, contribute additional sums for the development and construction of electrical infrastructure in excess of such developer's fair share and which may also be in excess of the amount budgeted by the Authority for electrical infrastructure. If the Authority determines that possesses funds in excess of its budgeted needs from developers who have paid in excess of their fair share for infrastructure, Authority may, but is not required to, reimburse some portion of the Deposit in excess of the Developer's fair share for the same based on an equitable formula as determined by Authority in its sole discretion. The Parties understand that the City and Authority reserve the right to exercise their full, complete and unfettered discretion as to all matters which it is, by law, entitled or required to exercise in its discretion including, but not limited to the following:

(a) Discretion Regarding the Project. The Parties understand that City and Authority have the complete and unfettered discretion to approve or disapprove the Project and/or Development Impact Fee or pursue implementation of the Development Impact Fee and Project with Developer. Developer acknowledges and agrees that all expenses and costs that it may incur as a result of this Agreement are its sole obligation and responsibility and incurred at Developer's sole risk.

(b) No Pre-Commitment by City. By its execution of this Agreement, City and Authority do not commit themselves or agree to undertake any activity requiring the subsequent exercise of discretion by Authority, Authority Board, City or City Council, including but not limited to, the approval and execution of any contract or other instrument, the approval of any development proposal for the development of any public or private interest in real property, or any other such act or approval. Authority's execution of this Agreement is merely an agreement to commence the planning, design and construction of Facilities according to the terms hereof, reserving final discretion and approval by City as to any proposed project and Development Impact Fee and their implementation, and all proceedings and decisions in connection therewith. Nothing herein shall obligate Authority, Authority Board, City or City Council to exercise their discretion in any particular manner, and any exercise of discretion reserved hereunder or required by law shall not be deemed to constitute a breach of the Authority's duties under this Agreement.

(c) Will Serve Letter. The only binding agreement to serve the properties in question with electrical or other utilities will be pursuant to a "will serve" letter issued by, and subject to the discretion of, the Authority. Will serve letters will contain terms and conditions deemed appropriate by the Authority and will be subject requirements deemed appropriate by the Authority including but not limited to the following:

- Completed and accepted land use entitlement application,
- Completed and accepted Regulatory License application,
- Payment of on-site facilities as determined by the Authority, and
- Deposits for system improvements covered by this Deposit Agreement.

3. Term; Termination. This Agreement shall continue for a period of ten years unless

extended by mutual agreement of the parties and approved by the City Council. This Agreement shall terminate upon the earlier of the following: (i) the Project has been reviewed, processed, and approved and all permits have been issued and all required implementing agreements and actions have been completed or (ii) the Project has been disapproved or otherwise terminated.

4. Deposit Agreement Not Debt; Limitation of Liability. This Deposit Agreement does not constitute a debt or liability of the Authority nor the City. No member of the Authority Board or City Council and no officer, employee or agent of the Authority or City shall to any extent be personally liable hereunder. Developer acknowledges by its approval and execution of this Agreement that it is voluntarily agreeing to pay the Deposit, that its obligation to pay the Deposit is an essential term of this Agreement and is not severable from City's obligations and Owner's rights to be acquired hereunder, and that Owner expressly waives any constitutional, statutory, or common law right it might have in the absence of this Agreement to protest or challenge the payment of the Deposit on any ground whatsoever, including without limitation pursuant to the Fifth and Fourteenth Amendments to the United States Constitution, California Constitution Article I Section 19, the Mitigation Fee Act (California Government Code Section 66000 et seq.), or otherwise. In addition to any other remedy set forth in this Agreement for Owner's default, if Owner shall fail to timely pay any portion of the Deposit when due City shall have the right to withhold issuance of any further building permits, occupancy permits, or other development or building permits for the Project.

5. Indemnification. The Developer hereby agrees to assume the defense of, indemnify and hold harmless the Authority and City, and each of their councils, boards, members, officers, employees and agents, from and against all actions, claims or proceedings of every type and description to which they or any of them may be subjected or put, by reason of, or arising out of, any acts or omissions of the Developer or any of its members, officers, employees, contractors or agents in connection with the negotiation and approval of the Project or the Facilities. The Authority shall promptly notify the Developer of any such claim, action or proceeding, and the Authority and City shall cooperate in the defense thereof.

6. Delivery of Materials.

(a) Work Product. Upon request, Authority shall deliver to Developer copies of all plans, studies, reports or analyses ("Work Product") undertaken and paid for by Deposit funds, whether in draft or final form. Authority shall have no obligation to disclose any documents, information or correspondence that are protected by attorney/client privilege, or for which Authority is prevented from disclosing by any confidentiality obligation, contractual or otherwise, or which is forbidden from disclosure by any applicable state or federal law or regulation.

(b) Reports. At such time as the Authority may request an increase in the Deposit as allowed above, the Authority shall also deliver to Developer a reasonably detailed report describing the Authority's expenditures of the Deposits through the date of the request and any Work Product produced as a result of such expenditures.

7. Severability. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

8. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. This Agreement may not be assigned by either of the parties hereto without the written consent of the other party.

9. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

10. Amendments. Amendments to this Agreement shall be made only by written instrument executed by each of the parties hereto.

11. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

12. Entire Agreement. This Agreement contains the entire understanding among the Partners and supersedes any prior written or oral agreements between them regarding the subject matter contained in this Agreement. There are no representations, agreements, arrangements, or understandings, oral or written, between and among the Partners relating to the subject matter of this Agreement that are not fully expressed in this Agreement.

13. Attorney's Fees. If any action at law or in equity, including an action for declaratory or injunctive relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party is entitled to reasonable attorneys' fees and costs.

14. Governing Law. All questions with regard to the construction of this Agreement and the rights and liabilities of the parties will be governed by the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first mentioned above.

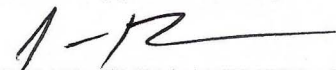
NEEDLES PUBLIC UTILITY AUTHORITY

(Applicant/Applicant LLC)

By: _____

Name: _____

Title: _____

By: 

Name: /Applicant Jesse Dean Brown
Applicant LLC Needles Flower Refinery

Title: Developer

EXHIBIT "A"

All that certain real property situated in the County of San Bernardino, State of California, described as follows:

Parcel A: (Assessor's Parcel No: 0660-081-30)

Parcel 1 of Parcel Map No. 14798, in the City of Needles, County of San Bernardino, State of California, as per Map recorded in Book 180, Pages 7 and 8 of Parcel Maps, Records of said County.

Parcel B: (Assessor's Parcel No: 0660-081-31)

Parcel 2 of Parcel Map No. 14798, in the City of Needles, County of San Bernardino, State of California, as per Map recorded in Book 180, Pages 7 and 8 of Parcel Maps, Records of said County.



City of Needles

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#24

PAYMENT AGREEMENT ON-SITE ELECTRIC HARDWARE AND LABOR CANNABIS BUSINESS

N/A-Building already being served
by Cultivation CUP

Date: _____

Site Address/APN: 2701 Columbus Dr. APN# 0660-081-30, Needles, CA

Each cannabis business will require electric transmission and the ancillary hardware to support the system.

This includes, but is not limited to, the transformer, primary riser, switches, pad for the transformer, installation of metering in the panel, and labor for installation.

The purchase of this equipment occurs within 3 business days of receiving the payment, and is a non-refundable cost. If the project is withdrawn by the applicant, or the CUP is not granted, or the regulatory license cannot be issued, the applicant may claim the transformer, etc. for use elsewhere or sale to another applicant.

For the site identified above, the cost is \$ _____

I understand that the monies provided to the City for the purpose of transmission related on-site hardware and labor will be ordered within 3 business days of payment being received and is a non-refundable cost

Jesse Dean Brown

Print Name

Project Affiliation: Owner


Signature

Date:

5-23-23

AGREEMENT

THIS AGREEMENT ("Agreement") is made and _____ day of _____, (the "Effective Date"), by and between the City of Needles, a charter city ("City") and Needles Flower Refinery ("Licensee"). City and Licensee are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." Licensee is the applicant or legal representative of the applicant for the regulatory license for the property located at _____, Needles, California ("Project").

2701 Columbus Dr

For valuable consideration, the adequacy of which is acknowledged and admitted by the Parties hereto, the Parties agree as follows:

- A. The Licensee 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 Project.
- B. City shall promptly notify the Licensee of any claim, action; or proceeding to which this condition is applicable and shall reasonably cooperate in the defense of the action.
- C. 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.
 1. Governing Law. This Agreement is entered into and to be performed in Needles, California and shall be governed by the laws of the State of California without regard to conflict of law principles that may be applicable.
 2. Severability. If any provision of this Agreement is found to be illegal or unenforceable, then such provision shall be deemed stricken, and the remaining provisions shall remain in full force and effect.
 3. Counterparts. This Agreement may be executed in counterparts and each counterpart shall be deemed an original.
 4. Attorneys' Fees and Costs. In the event of any litigation between the Parties to interpret or enforce this Agreement, the prevailing Party shall be awarded its reasonable costs and attorneys' fees.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement, made and effective as of the Effective Date set forth above.


"CITY"
CITY OF NEEDLES

By: _____
_____, Mayor

ATTEST:

By: _____
Dale Jones, City Clerk

"LICENSEE"



By: Jesse Dean Brown

Its: Needles Flower Refinery

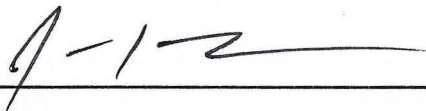
**USE OF STEEL BUILDINGS
ARCHITECTURAL ENHANCEMENT REQUIREMENT**

The City allows the use of steel buildings for any cannabis business. The City requires a 25% coverage area of any side of a steel building that faces a street, or is located at an intersection where the building wall(s) will be visible.

The architectural enhancement requirement can be satisfied through murals depicting themes reminiscent of Needles history, facades using stone or other rock related products, wood treatments, stucco panels, etc.

The "sample drop box" can provide samples of projects and the architectural enhancement being used.

Acknowledgement of Policy Jesse Dean Brown
Printed Name

Signature: 

6/9/2020	REQUIRED DOCUMENTS FOR PROJECT SUBMITTAL			
Form #		DISPENSARY	CONSUMPTION	DISPENSARY AND CONSUMPTION
	REGULATORY PERMIT LICENSE			
28	Application Submittal Requirements			
29	Regulatory License Application (COPY INCLUDED)			
30	Business Structure Documents (Articles of Incorporation/LLC/Corp.) w/bylaws if non-profit			
31	Government issued photo identification			
32	Copy of lease if not the property owner (owner is required to sign application)			
33	Identification of each member of the organization, including property owners, business owners, investors, employees, etc.			
34	For each person identified in #33 above, provide signed affidavit certifying that they have not been convicted of crimes listed (COPY INCLUDED)			
35	For each person identified in #33 above, provide signed affidavit certifying that they are not a licensed physician making patient recommendations for cannabis pursuant to Section 11362.7 (COPY INCLUDED)			
36	for each person identified in #33 above, the signed document statement attesting to the truthfulness and correctness of the information contained in the application (COPY INCLUDED)			
37	For each person identified in #33 above, the signed document "authorization to allow the City Manager or his/her designee to seek verification of the information contained in the application (COPY INCLUDED)			
38	For each person identified in #33 above, the signed document "acknowledgement that property owner, owners, operators, managers, agents, volunteers, employees, and any member of a medical marijuana business may be subject to prosecution under federal law (COPY INCLUDED)			
39	For each person identified in #33 above, the signed document "waiver and release from any and all legal liability related to or arising from the application for a cannabis business license" (COPY INCLUDED)			
40	For each person identified in #33 above, the signed document "Certification Relative to Suspension and/or Revocation of License(s) in the Past Three Years" (COPY INCLUDED)			
41	Deposit Agreement for Conditional Use Permit and Regulatory License (COPY INCLUDED)			
42	Indemnification Agreement (COPY INCLUDED)			
43	For each person identified in #31 above, the processing of live scan providing background check and fingerprinting (excluding owners and shareholders of publicly traded companies)			



City of Needles

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#28

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CANNABIS BUSINESS LICENSE - DISPENSARY AND/OR CONSUMPTION LOUNGE SUBMITTAL REQUIREMENTS

DEPOSIT: \$5,000

- 1) Articles of Incorporation or other proof that applicant has filed or is currently registered with the State of California as a Cannabis Facility pursuant to Corporations Code §12201 or Corporations Code §12300, or other applicable provision, if applicable.
- 2) A valid and unexpired government issued photo ID of all owners and persons with a financial interest – Driver's License or Passport.
- 3) An affidavit certifying that the applicant, and any of the officers, directors, owners or operators have not been convicted of:
 - a. A conviction for homicide.
 - b. A conviction for racketeering, including but not limited to, a conviction under the Racketeer Influenced and Corrupt Organizations Act, the Organized Crime Control Act of 1970, or any other state or federal law prohibiting organized crime.
 - c. A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.
 - d. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
 - e. A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
 - f. A felony conviction involving fraud, deceit, or embezzlement.
 - g. Within the preceding two (2) years, any felony conviction for burglary, including first- and/or second-degree burglary.
 - h. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 - i. A felony conviction for drug trafficking with enhancements pursuant to H&S Code Sections 11370.4 or 11379.8.
 - J Any conviction involving a gang enhancement pursuant to Penal Code Section 186.22.
 - k Within the preceding five (5) years, any violation of the Compassionate Use Act, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, the MAUCRSA, or any other State law or Constitutional provisions regulating Cannabis, as may be amended from time to time;

Submittal Requirements – Page 2

1. Within the preceding ten (10) years, any violations of subdivision (c) or (d) of H&S Code Section 11357, or Section 11361, or any other provision involving sale to minors, and/or Articles 1, 3, 5, 6 or 7 of Chapter 6 of Division 10 of the H&S Code;
 - m Within the preceding five (5) years, any conviction for possession, sale, use,
- 4) An affidavit certifying that the applicant, and any of its officers, directors, owners, operators, employees, or agents is not a licensed physician making patient recommendations for Medical Cannabis pursuant to Section 11362.7.
 - 5) One (1) set of fingerprints for each applicant, excluding owners and shareholders of publicly traded companies, conducted via Live Scan.

(Live Scan is performed by the San Bernardino County Sheriff Department located at 1111 Bailey Ave., Needles. The applicant shall pay the Sheriff's Department the fees for this service and the Sheriff's Department will forward a copy to the City.)
 - 6) Acknowledgement that property owners, owners, operators, managers, agents, volunteers, employees and any member of a Cannabis Business may be subject to prosecution under federal law
 - 7) Signed authorization form to allow the City Manager or his/her designee to seek verification of the information contained in the application
 - 8) A signed statement attesting to the truthfulness and correctness of the information contained in the application
 - 9) A signed waiver and release form from any and all legal liability related to or arising from the application for a cannabis business license
 - 10) Signed certification form relative to suspension and/or revocation of license(s) in the past three years
 - 11) An estimate of the size of the Cannabis Facility.
 - 12) A site plan and floor plan of the premises denoting all areas of the premises, including storage, processing areas, lighting, signage, etc. This document should be the same as what is submitted for the Conditional Use Permit application.
 - 13) A detailed copy of the Security Plan, as submitted for the Conditional Use Permit application
 - 14) A detailed description of the Cannabis Facility's operating procedures as submitted for the Conditional Use Permit application
 - 15) Evidence that the Cannabis Facility is or will be operating in strict accordance with State law, including the Act, the Program and the Guidelines, as well as the Medicinal and Adult Use Cannabis Regulation and Safety Act.
(Ex. Nonprofit organization documents from the IRS or California Secretary of State.)
 - 16) Such other information as may be required by the City Manager or his/her designee to determine compliance with any other eligibility requirements for issuance of the license as specified by state or local law.



City of Needles

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#29

APPLICATION CANNABIS BUSINESS LICENSE DISPENSARY AND/OR CONSUMPTION LOUNGE

Pursuant to City of Needles Municipal Code Chapter 12A

DEPOSIT: \$5,000

DATE: _____ ADDRESS OF FACILITY: 2701 Columbus Dr Needles, CA 92363

CANNABIS BUSINESS LICENSE applications are reviewed and approved administratively by the city manager or designee pursuant to Chapter 12A of the Municipal Code. The purpose of the review is to ensure that the Cannabis facility will be conducted in a secure, safe and business-like manner consistent with all applicable local and state laws, rules and regulations governing the processing type(s) of Cannabis, including without limitation the Compassionate Use Act as set forth in California Health and Safety Code Section 11362.5, the Marijuana Program Act as set forth in the California Health and Safety Code Sections 11362.5 through 11362.83, the August 2008 Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use; and the Medicinal and Adult-Use Cannabis Regulation and Safety Act.

REVOCABLE LICENSE:

The Cannabis License constitutes a revocable privilege, which shall be subject to revocation/suspension in the event that the Cannabis Facility or its Owner(s), Operator(s), managers, employees, agents, members or volunteers violate any provisions of the Municipal Code, State law or regulations, or fails to pay any Cannabis Business Tax, or other fees when due.

PROPERTY OWNER CONSENT:

In the event the Owner(s) are not the legal owner(s) of the real property, the application shall be accompanied by a copy of a written and signed lease between the Owner(s) and the property owner authorizing use of the premises as a Cannabis Facility, or, if no written lease exists, a written, notarized acknowledgement from the property owner(s) that he/she/they have been advised and agree that a Cannabis Facility will be operated upon, in, or from the property. Proof of property owner consent shall be submitted with the application before the application will be accepted as complete.

FACILITY TYPE: ☐ DISPENSARY ☐ CONSUMPTION LOUNGE ☒ DISPENSARY & CONSUMPTION LOUNGE
(all that apply) ☐ Delivery Service ☐ ingestion ☐ smoking ☐ consumption

BY SIGNING THIS APPLICATION, THE APPLICANT(S) HEREBY:

1. REPRESENT(S) THAT APPLICANT(S) HAS REVIEWED THE CONTENTS OF NEEDLES MUNICIPAL CODE CHAPTER 12A AND ACKNOWLEDGES ITS TERMS AND CONDITIONS; (ORDINANCE 576-AC)
2. AUTHORIZE(S) THE CITY MANAGER OR DESIGNEE TO SEEK VERIFICATION OF THE INFORMATION CONTAINED IN THIS APPLICATION;
3. CONSENT(S) TO SUBMITTING TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK CONDUCTED BY THE SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT USING LIVE SCAN;
4. DECLARE(S) UNDER PENALTY OF PERJURY THAT ALL THE INFORMATION CONTAINED IN THIS APPLICATION AND SUBMITTED HERewith IS TRUE AND CORRECT;
5. ACKNOWLEDGES A WAIVER AND RELEASE OF THE CITY, ITS OFFICERS, OFFICIALS, EMPLOYEES, AND AGENTS FROM ANY AND ALL LEGAL LIABILITY RELATED TO OR ARISING FROM THE APPLICATION FOR A CANNABIS FACILITY LICENSE, THE ISSUANCE OF THE LICENSE, OR THE ENFORCEMENT OF THE CONDITIONS AND/OR THE OPERATION OF THE CANNABIS FACILITY; AND
6. ACKNOWLEDGES OWNERS, OPERATORS, MANAGERS, AGENTS, VOLUNTEERS, AND EMPLOYEES OF THE CANNABIS FACILITY MAY BE SUBJECT TO PROSECUTION UNDER FEDERAL AND STATE LAWS.

ADDRESS OF FACILITY: 2701 Columbus Dr Needles, CA 92363

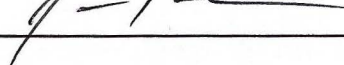
NAME OF APPLICANT: Needles Flower Refinery

SIGNATURE OF APPLICANT:  **DATE:** 5/23/23

***NAME OF CO-APPLICANT:** _____

***SIGNATURE OF CO-APPLICANT:** _____ **DATE:** _____

***NAME OF PROPERTY OWNER:** Jesse Dean Brown
(If different from Applicant)

***SIGNATURE OF PROPERTY OWNER:**  **DATE:** 5-23-23

NAME OF PROPERTY OWNER: _____
(If different from Applicant)

SIGNATURE OF PROPERTY OWNER: _____ **DATE:** _____

**Include Name and Signature of other Property Owners on separate sheet.*

NOTE: INCOMPLETE APPLICATION SUBMITTALS WILL NOT BE ACCEPTED.

**AFFIDAVIT ACKNOWLEDGING THAT OFFICERS, DIRECTORS, OWNERS
AND OPERATORS OF CANNABIS BUSINESSES HAVE NOT BEEN
CONVICTED OF THE FOLLOWING LISTED BELOW**

#34

Jesse Dean Brown, declare and state as follows:

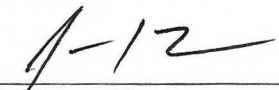
1. I am an Owner (officer/director/ owner operator/employee/other) of a Cannabis Business applying for a Regulatory License.
2. I hereby certify that I do not have:
 - a. A conviction for homicide.
 - b. A conviction for racketeering, including but not limited to, a conviction under the Racketeer Influenced and Corrupt Organizations Act, the Organized Crime Control Act of 1970, or any other state or federal law prohibiting organized crime.
 - c. A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.
 - d. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
 - e. A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
 - f. A felony conviction involving fraud, deceit, or embezzlement.
 - g. Within the preceding two (2) years, any felony conviction for burglary, including first- and/or second-degree burglary.
 - h. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 - i. A felony conviction for drug trafficking with enhancements pursuant to Sections 11370.4 or 11379.8.
 - j. Any conviction involving a gang enhancement pursuant to Penal Code Section 186.22.

- k Within the preceding five (5) years, any violation of the Compassionate Use Act, the Medical Marijuana Program Act, the Medicinal and Adult Use Cannabis Regulation and Safety Act, or any other State law or Constitutional provisions regulating Marijuana, as may be amended from time to time;
- l Within the preceding ten (10) years, any violations of subdivision (d) or (e) of H&S Code Section 11357, or Section 11361 and/or Articles 1, 3, 5, 6 or 7 of Chapter 6 of Division 10 of the H&S Code;
- m Within the preceding five (5) years, any conviction for possession, sale, use, distribution, and/or manufacturing of any Schedule I or Schedule II controlled substance as defined or described in the federal Controlled Substances Act
- n. Within the preceding three (3) years, any administrative orders or civil judgments for violations of labor standards

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 20____, at _____, California

By:



Jesse Dean Brown (Print)
Its: River Boys

**AFFIDAVIT ACKNOWLEDGING THAT OFFICERS, DIRECTORS, OWNERS
AND OPERATORS OF CANNABIS BUSINESSES HAVE NOT BEEN
CONVICTED OF THE FOLLOWING LISTED BELOW**

#34

Sharon Brown, declare and state as follows:

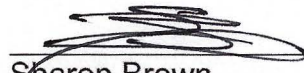
1. I am an Manager Agent (officer/director/ owner operator/employee/other) of a Cannabis Business applying for a Regulatory License.
2. I hereby certify that I do not have:
 - a. A conviction for homicide.
 - b. A conviction for racketeering, including but not limited to, a conviction under the Racketeer Influenced and Corrupt Organizations Act, the Organized Crime Control Act of 1970, or any other state or federal law prohibiting organized crime.
 - c. A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.
 - d. A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.
 - e. A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.
 - f. A felony conviction involving fraud, deceit, or embezzlement.
 - g. Within the preceding two (2) years, any felony conviction for burglary, including first-and/or second-degree burglary.
 - h. A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any controlled substance to a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor.
 - i. A felony conviction for drug trafficking with enhancements pursuant to Sections 11370.4 or 11379.8.
 - j. Any conviction involving a gang enhancement pursuant to Penal Code Section 186.22.

- k Within the preceding five (5) years, any violation of the Compassionate Use Act, the Medical Marijuana Program Act, the Medicinal and Adult Use Cannabis Regulation and Safety Act, or any other State law or Constitutional provisions regulating Marijuana, as may be amended from time to time;
- l Within the preceding ten (10) years, any violations of subdivision (d) or (e) of H&S Code Section 11357, or Section 11361 and/or Articles 1, 3, 5, 6 or 7 of Chapter 6 of Division 10 of the H&S Code;
- m Within the preceding five (5) years, any conviction for possession, sale, use, distribution, and/or manufacturing of any Schedule I or Schedule II controlled substance as defined or described in the federal Controlled Substances Act
- n. Within the preceding three (3) years, any administrative orders or civil judgments for violations of labor standards

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 20____, at _____, California

By:



Sharon Brown (Print)

Its: River Boys

AFFIDAVIT CERTIFYING THAT THEY ARE
NOT A LICENSED PHYSICIAN MAKING PATIENT
RECOMMENDATIONS FOR CANNABIS PURSUANT
TO SECTION 11362.7

I, Jesse Dean Brown, declare and state as follows:

1. I am a member of an organization, or property owner, applying for a regulatory license for
a Cannabis business

2. I hereby certify that I am not a licensed physician making patient recommendations for
Cannabis pursuant to Section 11362.7

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

Executed on _____, 20__, at _____, California.

By: _____

[J-12] Jesse Dean Brown

Its: River Boys

AFFIDAVIT CERTIFYING THAT THEY ARE
NOT A LICENSED PHYSICIAN MAKING PATIENT
RECOMMENDATIONS FOR CANNABIS PURSUANT
TO SECTION 11362.7

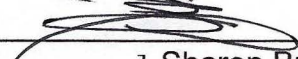
I, Sharon Brown, declare and state as follows:

1. I am a member of an organization, or property owner, applying for a regulatory license for a Cannabis business

2. I hereby certify that I am not a licensed physician making patient recommendations for Cannabis pursuant to Section 11362.7

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 20__, at _____, California.

By:  _____
[] Sharon Brown
Its: River Boys

NEEDLES CANNABIS BUSINESS LICENSE

STATEMENT ATTESTING TO THE TRUTHFULNESS AND CORRECTNESS OF THE
INFORMATION CONTAINED IN THE APPLICATION

I, Jesse Dean Brown, acting in the capacity of Owner
property owner/employee/
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at facility

hereby certifies under penalty of perjury that all information contained in the application is true and correct.

Name: J-12
Signature

Date: _____

Jesse Dean Brown
Print Name

NEEDLES CANNABIS BUSINESS LICENSE**STATEMENT ATTESTING TO THE TRUTHFULNESS AND CORRECTNESS OF THE
INFORMATION CONTAINED IN THE APPLICATION**

I, Sharon Brown, acting in the capacity of Manager Agent
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

hereby certifies under penalty of perjury that all information contained in the application is
true and correct.

Name: 
Signature

Date: _____

Sharon Brown
Print Name

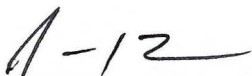
NEEDLES CANNABIS BUSINESS LICENSE

AUTHORIZATION TO ALLOW THE CITY MANAGER OR HIS/HER DESIGNEE TO SEEK
VERIFICATION OF THE INFORMATION CONTAINED IN THE APPLICATION

I, Jesse Dean Brown, acting in the capacity of Owner
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

authorize the City Manager or his/her designee to seek verification of the information
contained in the application.

Name: _____


Signature

Date: _____

Jesse Dean Brown

Print Name


NEEDLES CANNABIS BUSINESS LICENSE

AUTHORIZATION TO ALLOW THE CITY MANAGER OR HIS/HER DESIGNEE TO SEEK
VERIFICATION OF THE INFORMATION CONTAINED IN THE APPLICATION

I, Sharon Brown, acting in the capacity of Manager Agent
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

authorize the City Manager or his/her designee to seek verification of the information
contained in the application.

Name: _____


Signature

Date: _____

Sharon Brown

Print Name

NEEDLES CANNABIS BUSINESS LICENSE

**ACKNOWLEDGEMENT THAT PROPERTY OWNER, OWNERS, OPERATORS, MANAGERS,
AGENTS, VOLUNTEERS, EMPLOYEES, AND ANY MEMBER OF A CANNABIS
BUSINESS MAY BE SUBJECT TO PROSECUTION UNDER FEDERAL LAW**

I, Jesse Dean Brown, acting in the capacity of Owner
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

acknowledge that property owners, owners, operators, managers, agents, volunteers,
employees and any member of a Cannabis business may be subject to prosecution
under federal law

Name: 
Signature

Date: _____

Jesse Dean Brown
Print Name

NEEDLES CANNABIS BUSINESS LICENSE

**ACKNOWLEDGEMENT THAT PROPERTY OWNER, OWNERS, OPERATORS, MANAGERS,
AGENTS, VOLUNTEERS, EMPLOYEES, AND ANY MEMBER OF A CANNABIS
BUSINESS MAY BE SUBJECT TO PROSECUTION UNDER FEDERAL LAW**

I, Sharon Brown, acting in the capacity of Manager Agent
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

acknowledge that property owners, owners, operators, managers, agents, volunteers,
employees and any member of a Cannabis business may be subject to prosecution
under federal law

Name: 
Signature

Date: _____


Sharon Brown
Print Name

NEEDLES CANNABIS BUSINESS LICENSE

WAIVER AND RELEASE FROM ANY AND ALL LEGAL LIABILITY
RELATED TO OR ARISING FROM THE APPLICATION FOR A
CANNABIS BUSINESS LICENSE

I, Jesse Dean Brown, acting in the capacity of Owner
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

hereby waive and release the City, its officers, officials, employees, and agents from any and all legal liability related to or arising from the application for a Cannabis Business License, the issuance of the License, or the enforcement of the conditions of the License, and/or the operation of the cannabis business.

Name: 
Signature

Date: _____

Jesse Dean Brown
Print Name

NEEDLES CANNABIS BUSINESS LICENSE

WAIVER AND RELEASE FROM ANY AND ALL LEGAL LIABILITY
RELATED TO OR ARISING FROM THE APPLICATION FOR A
CANNABIS BUSINESS LICENSE

I, Sharon Brown, acting in the capacity of Manager Agent
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

hereby waive and release the City, its officers, officials, employees, and agents from any and all legal liability related to or arising from the application for a Cannabis Business License, the issuance of the License, or the enforcement of the conditions of the License, and/or the operation of the cannabis business.

Name: 
Signature

Date: _____

Sharon Brown
Print Name

NEEDLES CANNABIS BUSINESS LICENSE

#40

CERTIFICATION RELATIVE TO SUSPENSION AND/OR REVOCATION
OF LICENSE(S) IN THE PAST THREE YEARS

I, Jesse Dean Brown, acting in the capacity of Owner
2701 Columbus Dr Needles, CA 92363
owner/investor/manager agent/volunteer at _____ facility

hereby certifies under penalty of perjury that within the past three (3) years, I have not
had a license for any Cannabis Business suspended and/or revoked by the city, the
State of California, or any other city or local agency.

Name: J-12
Signature

Date: _____

Jesse Dean Brown
Print Name

NEEDLES CANNABIS BUSINESS LICENSE

#40

CERTIFICATION RELATIVE TO SUSPENSION AND/OR REVOCATION
OF LICENSE(S) IN THE PAST THREE YEARS

I, Sharon Brown, acting in the capacity of Manager Agent
property owner/employee/
owner/investor/manager agent/volunteer at 2701 Columbus Dr Needles, CA 92363
facility

hereby certifies under penalty of perjury that within the past three (3) years, I have not
had a license for any Cannabis Business suspended and/or revoked by the city, the
State of California, or any other city or local agency.

Name: 
Signature

Date: _____

Sharon Brown
Print Name



City of Needles

817 Third Street • Needles, California 92363
(760) 326-2113 • FAX (760) 326-6765
www.cityofneedles.com

#41

DEPOSIT AGREEMENT FOR CANNABIS CONDITIONAL USE PERMIT AND CANNABIS BUSINESS LICENSE

Site Address/APN:

Site Address: 2701 Columbus Dr Needles, CA 92363
APN 0660-081-30

Conditional Use Permits for a Cannabis Business are actual cost projects. The actual cost for a project is determined according to the time spent by personnel on that project and the associated personnel benefits, department overhead, legal, finance, and any other costs incurred for that project.

Initial deposits are determined by the City Council. The initial deposit is \$35,000 for projects beginning with raw land and \$20,000 for projects utilizing existing buildings or previously constructed lots for each Conditional Use Permit (CUP) and \$5,000 for each Cannabis Business License on the same site.

Upon completion, the actual costs will be itemized and deducted from the deposit. Monies that remain unused once the entitlement has been approved and the regulatory license issued, are refunded back to the applicant.

I understand that the monies provided to the City for the purpose of processing a Conditional Use Permit and a Regulatory License for a Cannabis Business are deposits, used for the purposes identified above.

Jesse Dean Brown

Print Name

Project Affiliation: Owner

J-D Brown
Signature

Date: _____

AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of _____, _____ (the "Effective Date"), by and between the City of Needles, a charter city ("City") and Needles Flower Refinery ("Licensee"). City and Licensee are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." Licensee is the applicant or legal representative of the applicant for the regulatory license for the property located at , 2701 Columbus Dr Needles, CA 92363 APN# 0660-081-30, Needles, California ("Project").

For valuable consideration, the adequacy of which is acknowledged and admitted by the Parties hereto, the Parties agree as follows:

- A. The Licensee 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 Project.
- B. City shall promptly notify the Licensee of any claim, action; or proceeding to which this condition is applicable and shall reasonably cooperate in the defense of the action.
- C. 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.

1. Governing Law. This Agreement is entered into and to be performed in Needles, California and shall be governed by the laws of the State of California without regard to conflict of law principles that may be applicable.

2. Severability. If any provision of this Agreement is found to be illegal or unenforceable, then such provision shall be deemed stricken, and the remaining provisions shall remain in full force and effect.

3. Counterparts. This Agreement may be executed in counterparts and each counterpart shall be deemed an original.

4. Attorneys' Fees and Costs. In the event of any litigation between the Parties to interpret or enforce this Agreement, the prevailing Party shall be awarded its reasonable costs and attorneys' fees.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement, made and effective as of the Effective Date set forth above.

"CITY"

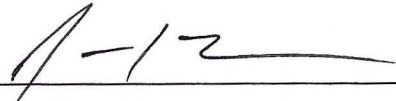
CITY OF NEEDLES

ATTEST:

By: _____
_____, Mayor

By: _____
Dale Jones, City Clerk

"LICENSEE"

By: 

Jesse Dean Brown

Its: River Boys _____