

DATE SUBMITTED 05/27/16
 SUBMITTED BY PLANNING DIRECTOR
 DATE ACTION REQUIRED 06/01/16

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED (x)
 RESOLUTION (x)
 ORDINANCE 1ST READING (x)
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS (DJ)

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

| | | | |
|---------------------------|--|--------------------|----------------------|
| SUBJECT: | DISCUSSION/ACTION: FELIX ANNEXATION (WEST SIDE OF CLARK ROAD, NORTH OF ATEN ROAD) | | |
| | 1. ADOPT RESO. NO. 2016-19 APPROVING THE FELIX ANNEXATION AND CERTIFYING A NEGATIVE DECLARATION 2. INTRODUCTION/1 ST READING OF ORD. NO.790 APPROVING A PRE-ZONING DESIGNATION OF 1-2 RAIL SERVED INDUSTRIAL FOR THE FELIX ANNEXATION AREA | | |
| DEPARTMENT INVOLVED: | Planning and Development | | |
| BACKGROUND/SUMMARY: | See attached Staff Report. | | |
| FISCAL IMPACT: | The standard tax sharing agreement between the City and the County (50/50 split) will be utilized to offset any fiscal impacts to the City. Any development on the project site will also be subject to the City's Development Impact Fee. | | F.O. INITIALS: _____ |
| STAFF RECOMMENDATION: | Staff recommends approval of the annexation and related actions. | | |
| MANAGER'S RECOMMENDATION: | Approve annexation and related actions. | MANAGER'S INITIALS | JG |
| MOTION: | | | |
| SECONDED: | APPROVED () | REJECTED () | |
| AYES: | DISAPPROVED () | DEFERRED () | |
| NAYES: | | | |
| ABSENT: | REFERRED TO: | | |



staff report

To: Imperial City Council

From: Jorge Galvan, AICP, Director of Planning and Development

Date: June 1, 2016

Project: **Felix Annexation**
West Side of Clark Road ("P" Street) North of Aten Road

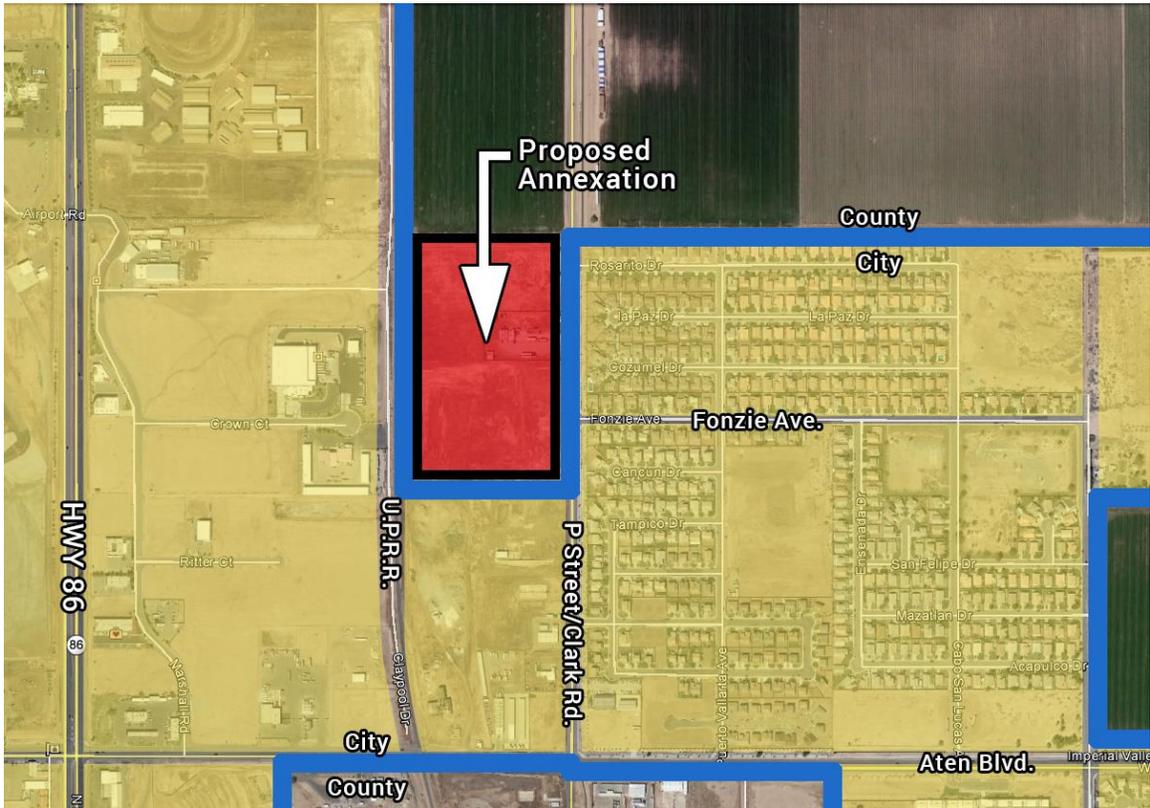
Summary:

| | |
|--------------------------|---|
| Applicant: | Justo Felix/T.O. Transport |
| Project Location: | West Side of Clark Road ("P" Street) North of Aten Road (27.01 acres) Assessor's Parcel Numbers: 044-200-077, 044-200-079, and 044-200-081 |
| Pending Action: | <ul style="list-style-type: none">• CEQA Compliance• Pre-Zone• Annexation |
| Zoning: | Current: County Zoning M2-U (Medium Industrial, Urban Overlay) Proposed: City of Imperial I-2 Rail Served Industrial |
| General Plan: | Existing: County Land Use Designation Urban Area Proposed: City of Imperial Rail Served Industrial (No Change) |
| Environmental: | Negative Declaration |

INTRODUCTION AND BACKGROUND

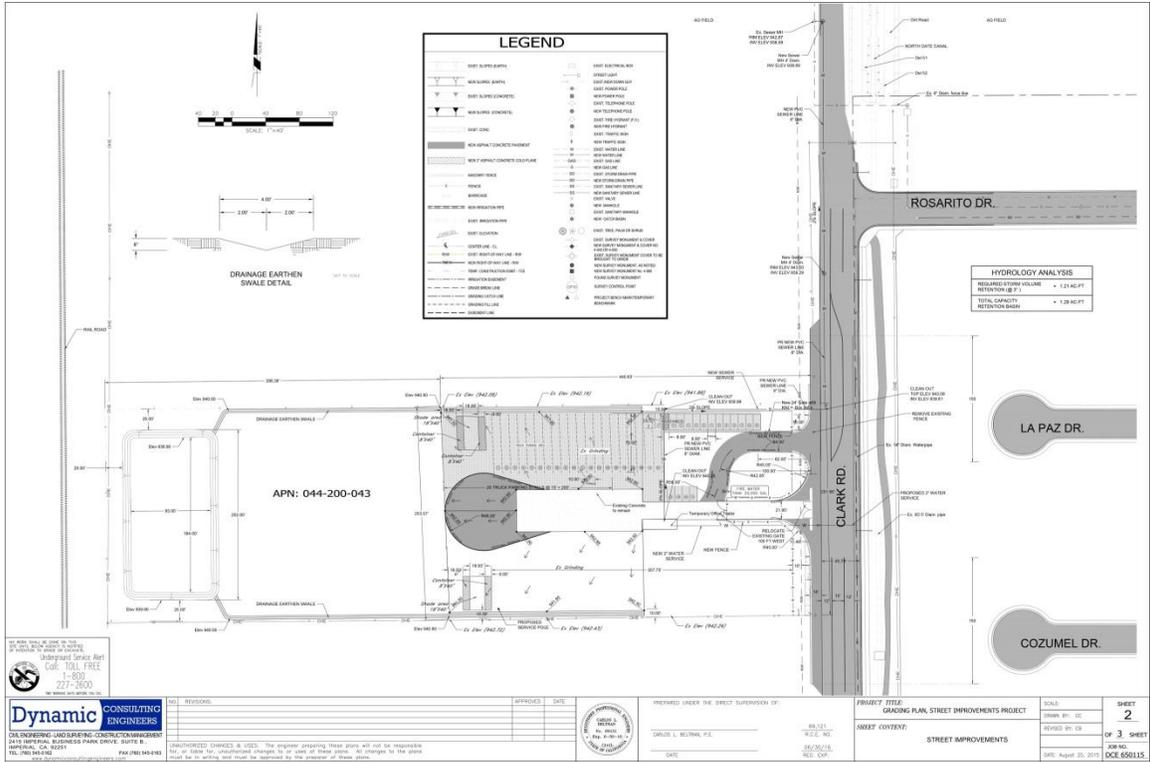
T.O. Transport Company began developing a truck parking and storage facility at 2475 Clark Road located in an unincorporated area of the County of Imperial across the street from the Bratton Subdivision. The development project was done without a building permit and was subsequently red-tagged by the County of Imperial. The owner then started the compliance process. The County required that the project obtain water and sewer services from the City of Imperial and City Council approved the extension of services to the project site. Since the project is located outside of City limits, the owner had to also obtain approval from the Local Area Formation Commission (LAFCo). LAFCo required that 2475 Clark Road and the adjacent parcels

be annexed into the City of Imperial because of their proximity to the City boundaries (see image below).



The proposed project involves the annexation of three parcels (Assessor's Parcel Numbers: 044-200-077, 044-200-079, and 044-200-081) with a total area of approximately 27.01 acres. Only one of the parcels (APN 044-200-079) would be developed as a truck parking and storage facility while the other two parcels would remain vacant (see site plan on next page).

It is important to note that the Applicant owns two of the three parcels (044-200-077 and 044-200-079). Attempts have been made by the Applicant to obtain consent from the other property owner but there has been no contact. The Applicant constitutes a majority vote for the purposes of LAFCo approval.



General Plan Consistency

The project site is currently undeveloped land located on the west side of Clark Road (“P” Street) within an unincorporated area of the County of Imperial. Under Imperial County’s General Plan the Land Use designation is Urban Area. The project area is planned for Urban Development and is currently zoned by Imperial County as County Zoning M2-U (Medium Industrial, Urban Overlay). Properties to the north and northeast of the project site have agricultural land under production. The property to the south of the site is a vacant, industrially-zoned parcel. Immediately to the west of the project site is the Crown Court Industrial Business Park separated from the project site by railroad right-of-way. Across the street on Clark Road is the Bratton Subdivision comprising of single-family residential development.

The Imperial General Plan Land Use Element designates the subject site as Rail Served Industrial and included as an area for annexation into the City. No changes to the General Plan Land Use Designation are proposed. Proposed zoning would be I-2 Rail Served Industrial to be consistent with the General Plan.

Clark Road (“P” Street) is designated as a Major Arterial in the General Plan Circulation Element since it connects areas of the City of Imperial to El Centro and beyond. Additional right-of-way will be required from the project site to ensure consistency with the General Plan.

Since the project is consistent with the General Plan, no amendment is required.

Environmental Review

An Initial Study was prepared to identify any potential impacts resulting from the proposed truck parking facility and annexation of the entire project site. Due to the limited nature of the project,

only less-than-significant impacts were identified. The Initial Study shows that a Negative Declaration is appropriate.

RECOMMENDATION

The Planning Commission conducted a public hearing on May 11, 2016 and recommends to the following actions:

1. Approval and Certification of the Draft Negative Declaration;
2. Approval of the Pre-Zone and
3. Approval of the Annexation subject to the attached Conditions of Approval

Staff recommends the City Council conduct a public hearing to receive comments for and against the project.

Respectfully Submitted,



Jorge Galvan, AICP
Director of Planning and Development

Attachments: Initial Study
Resolution No. 2016-19 with Conditions of Approval

RESOLUTION NO. 2016-19

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL
APPROVING THE FELIX ANNEXATION, PRE-ZONE AND NEGATIVE
DECLARATION**

WHEREAS, Justo Felix submitted an application for a Pre-Zone and Annexation, hereafter "project," for certain real property having assessor's parcel numbers 044-200-077, 044-200-079, and 044-200-081 and legally described as shown on Exhibit B; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on April 18, 2016 and continued to May 11, 2016; and

WHEREAS, a duly notified public hearing was also held by the City Council during its regular meeting on June 1, 2016; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the project.

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

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** the proposed project subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act and that the project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
 - 2. The initial environmental assessment shows that there is no

substantial evidence that the project may have a significant impact on the environment.

3. The proposed project is consistent with the intent of the Imperial General Plan and adopted policies.
4. The proposed project is consistent with the objectives of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 1st day of June 2016.

Douglas A. Cox, Mayor

ATTEST:

Debra Jackson, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

for

FELIX ANNEXATION AND PRE-ZONE

1. All projects and construction activities shall be subject to final approval by the Planning Commission.
2. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;
3. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
4. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
5. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
6. The Developer/Applicant shall pay all applicable impact and capacity fees.
7. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Subdivision Map shall record until such costs have been paid to the City.
8. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to submittal for approval to record the Subdivision Map.

9. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.
10. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.
11. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.
12. Prior to the start of any construction activity, a qualified biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows will be destroyed to prevent the return of the owls to these burrows during the next mating season.
13. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.
14. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
15. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.
16. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.
17. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.
18. The developer shall reduce potential impacts to the nearby noise-sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
19. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates

a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.

20. The conditional approval of the Pre-Zone and Annexation shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
21. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
22. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.

EXHIBIT B
ANNEXATION
LEGAL DESCRIPTION

THAT PORTION OF THE NORTH HALF OF THE WEST HALF OF TRACT 100, TOWNSHIP 15 SOUTH, RANGE 14 EAST, SAN BERNARDINO MERIDIAN, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING EAST OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTH HALF OF THE WEST HALF OF SAID TRACT 100, SAID POINT BEING THE NORTHWEST CORNER OF BRATTON SUBDIVISION UNIT NO. 1 ACCORDING TO MAP ON FILE IN BOOK 24, PAGE 1 OF FINAL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING (TPOB);

THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTH HALF OF THE WEST HALF OF TRACT 100, SOUTH 00°09.'47" EAST, A DISTANCE OF 1319.16 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE WEST HALF OF SAID TRACT 100;

THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH HALF OF THE WEST HALF OF TRACT 100, NORTH 89°58'54" EAST, A DISTANCE OF 892.91 FEET TO THE POINT OF INTERSECTION WITH THE EAST LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY;

THENCE NORTHERLY ALONG THE SAID EAST LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY, NORTH 00°03'43" WEST, A DISTANCE OF 1319.56 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 100;

THENCE EASTERLY ALONG SAID NORTH LINE OF TRACT 100, SOUTH 89°59'17" EAST, A DISTANCE OF 890.58 FEET TO THE TRUE POINT OF BEGINNING (TPOB).

SAID AREA CONTAINING 27.01 ACRES, MORE OR LESS

BASIS OF BEARING:

THE BASIS OF BEARING FOR THIS SURVEY IS THE BEARING OF S 00°09'47" E WHICH IS THE BEARING OF THE EAST LINE OF THE WEST HALF OF TRACT 100, ACCORDING TO THE FINAL MAP FOR BRATTON SUBDIVISION UNIT NO. 1, AS RECORDED IN BOOK 24, PAGE 1 OF FINAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER.

ORDINANCE NO. 790

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,
APPROVING A PRE-ZONING DESIGNATION OF I-2 (RAIL SERVED INDUSTRIAL) FOR
THE FELIX ANNEXATION AREA**

WHEREAS, the City Council of the City of Imperial, California considered all of the evidence, including, but not limited to, the City Planning Commission Resolution, staff report and attachments, and public testimony at a duly notified public hearing on June 1, 2016; and

WHEREAS, the City Council finds that the Pre-zoning is consistent with the goals, objectives and policies of the City of Imperial General Plan and will not conflict with the General Plan; and

WHEREAS, the City Council finds that the Pre-zoning will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed action complies with the provisions of the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration Final Environmental Impact Report was adopted certified for the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES ORDAIN AS FOLLOWS:

Section 1. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Pre-zoning of the Felix Annexation Area as shown on the attached map (Exhibit A), for the purpose of establishing applicable zoning districts in accordance with the land use policies of the Imperial General Plan, in preparation for submission of an application to the Imperial County Local Area Formation Commission seeking annexation of the project area into the City of Imperial.

Section 2. Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Imperial ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 1st day of June 1 2016.

Douglas A. Cox, Mayor

ATTEST:

Debra Jackson, City Clerk