



pc staff report

Report #1

To: Stefan T. Chatwin, City Manager
Imperial Planning Commission

From: Jorge Galvan, Planning Director

Date: February 8, 2017

Project: Russell Court Subdivision/Annexation
• Certification of Draft Mitigated Negative Declaration

Summary:

Applicants/ Property Owners:	Ray D. Roben Sr; Roben LLC; Stephen J. & Vicki L. Urih
Project Location:	See Exhibit A-Project Location and Site Plan
Pending Action:	Environmental Certification of MND via Adoption of Resolution PC2017-01
General Plan:	Existing (County): Urban Area Imperial GP Designation: Residential Low Density Proposed (City): Low Medium Density Residential and Multiple Family (Rental) Residential
Zoning:	Existing (County): A1-L1U Limited/light Agricultural Lot 1 Acre Urban Areas Proposed (City): R-1 Single Family Residential and RA- Residential Apartment
Environmental:	Proposed Mitigated Negative Declaration

INTRODUCTION AND BACKGROUND

Ray D. Roben Sr; Roben LLC; Stephen J & Vicki L., Urih, property owners of the proposed project site, submitted an application packet to the City of Imperial on April 15, 2016 for California Environmental Quality Act review of a proposed residential annexation & subdivision. The proposed project would consist of 131 single family residential units, and 66 apartments on 29.98 acres located at the North West corner of Brewer Road and Nance Road. The final hydrology study was received on November 21, 2016 which enabled completion of the

environmental review. The purpose of this staff report is to present the environmental review process, findings, any comments received by the public, for the Planning Commission to hold a public hearing regarding the matter, prior to considering certification of the draft Mitigated Negative Declaration (MND). Once the MND is certified, subsequent consideration of action on the project may be taken. Certification of the MND does not constitute approval of the project which must be done under separate action.

ISSUES FOR DISCUSSION

Land Use Consistency

The Applicants propose to annex & subdivide approximately thirty acres of land into three residential areas as noted in Exhibit A. Additionally, the applicants propose to develop and thus pre-zone at a higher density which would require a General Plan Amendment. The project will require a General Plan Amendment from Residential Low Density to Low Medium Density Residential and Multiple Family (Rental) Residential in order to accommodate the R-1 Single Family and RA- Residential Apartment zoning proposed for Land Use Policy Map consistency. These actions further require environmental review consistent with the California Environmental Quality Act prior to consideration of the discretionary permits requested.

Environmental Process

If a project is not exempt from CEQA, a lead agency conducts an Initial Study to preliminarily assess project impacts. The Holt Group Planning Staff prepared and presented a draft Initial Study to the Planning Director to present to the Imperial Environmental Evaluation Committee (EEC) on September 8, 2016. EEC members consist of management staff from Finance, Fire, Police, Public Works, and Planning. Areas that are taken into consideration under the Initial Study include the following: aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, noise, population and housing, public services and facilities, traffic and transportation and utilities and service systems. After the Initial Study was completed, the City determined the project could have a potential significant impact on the environment in the following areas which warranted further assessment: air quality, biological, cultural, geology/soil, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, land use and planning, transportation, and utilities and service systems. (See **Exhibit B-Initial Study**).

Proposed Mitigation

A Draft Mitigated Negative Declaration has been prepared for Planning Commission consideration. Planning Staff and Applicant have proposed mitigation measures to reduce any potential impacts to less than significant. Mitigation Measures were incorporated in the following areas: air quality, biological, geology/soil, hazards and hazardous materials, hydrology and water quality, noise, transportation, and tribal cultural resources. (See **Exhibit C-Mitigation & Monitoring Program- Please refer to CD for Full Copy of Environmental Document**)

1. **Air Quality:** Air Quality mitigation measures recommended are best management practices. These measures are standards procedures both during construction activities and as final improvements for best operation. The developer will further be required to submit a dust control plan and obtain a permit to construct from the Imperial County Air Pollution Control District prior to initiating any grading activities.

2. **Biological:** Although there was no evidence of burrowing owls within the project vicinity at the time of the survey, burrowing owls have occurred within close proximity to the subject site and precautionary measures for impact avoidance will need to be followed.
3. **Geology and Soils:** A Geotechnical Report was prepared in September 2016 by Landmark Consultants and determined that foundation design requires mitigation for expansive soils conditions and earthquake resistant construction. All recommendation in the Geotechnical Report will need to be strictly adhered to.
4. **Hazards:** Residents of the Russell Court Subdivision could be exposed to limited risk associated with operations at the Imperial County Airport due to the increased densities and two story development. Further Federal Aviation Administration clearance will need to be made prior to obtaining a building permit.
5. **Hydrology:** The project design incorporates a stormwater collection system to support both the single family residential development and apartment complex. Potential impacts to hydrology can be significant without proper mitigation measures and the proponent will need to work closely with the IID to obtain encroachment and discharge permits and mitigate potential impacts.
6. **Land Use and Planning:** The development will result in an estimated population growth of 660 persons consistent with an estimated 3.35 persons per household. The proposed increase in densities has resulted in incompatibilities with the Imperial County Airport Land Use Compatibility Plan and may necessitate findings to overrule any determination by the Imperial County Airport Land Use Commission of incompatibility.
7. **Noise:** Although no significant project related noise impacts are anticipated, standard mitigation measures during construction activities have been incorporated to ensure the welfare of sensitive receptors in the surrounding community.
8. **Public Services:** The proposed Russell Court Subdivision will result in an increase in population, thus an increase demand to all public services. Impact fees will need to be paid to offset the impacts and the project will need to develop improvement plans that can accommodate on on-site park/basin facility.
9. **Transportation:** Both traffic studies concluded that 1,693 new vehicle trips could be generated by the proposed project. The current conditions at the evaluated intersections noted existing failing conditions that would thus be augmented once the proposed project is operational. A number of roadway improvements at key intersections are required to be incorporated into the project to improve levels beyond existing conditions and mitigate against new impacts both temporary and permanent.
10. **Tribal Cultural Resources:** Although there were no sacred lands identified by the Native American Heritage Commission, the project is within the Viejas Band of Kumeyaay Indians area of interest and further consultation and coordination of monitoring will be required. Additionally, best management practices will need to be implemented in the unlikely and unanticipated event that buried prehistoric archeological resources are identified during construction.

Public Review & Participation

CEQA requires a very regimented public review process. An Initial Consultation Notice was sent out to fourteen agencies by August 30, 2016 prior to the initiation of the Initial Study. Once the Draft MND was prepared, a Notice of Intent to Adopt a Mitigated Negative Declaration was

posted at Imperial County and City Hall and forwarded along with a copy of the Draft MND to all potentially affected agencies for review and comment. Additionally, the notice was mailed to the Office of Planning and research for further circulation under SCH # 2017011001. The public review period was noted as thirty (30) days beginning on December 15, 2016 and ending on January 16, 2017. Prior to the Notice of Intent, and in compliance with AB 52, Native American tribes were sent letters informing them of the proposed project and requesting their input. Per State law, tribes shall be given a 30-day review process which ran from August 16, 2016 to September 16, 2016. To date there was only one tribe that requested further involvement in the ground disturbance process.

The notice was also mailed to all property owners within a 300' of the site on January 19, 2017. The notices advised of the public hearing before the Planning Commission. Said notice was also published in the Imperial Valley Press on January 23, 2017 (See **Exhibit D-Noticing**).

Comments Received

A total of six comment letters were received during the public review/comment period (See **Exhibit E-Comments**). The following table summarizes the public and agency comments received during the public review period:

Date of Receipt	Summarized Comments	City Response
8/24/2016 Imperial County Air Pollution Control District (ICAPCD)	<ul style="list-style-type: none"> Indicated that an Air Quality Analysis should be conducted provided information regarding air quality emissions. 	1/23/2017 The APCD's comments were noted and addressed in the Environmental Document.
1/17/2017 Imperial County Air Pollution Control District(ICAPCD)	<ul style="list-style-type: none"> Requested adherence to ICAPCD Regulations and formally requesting a dust control plan to be submitted 	1/23/2017 The APCD's comments were noted and addressed in the Environmental Document.
10/5/2016 IID Environmental Division	<ul style="list-style-type: none"> Power and Water divisions shall be contacted on impacted utilities. 	1/23/2017 The IID's comments were noted and follow up was made.
11/10/16 IID Water Division	<ul style="list-style-type: none"> Pipelining of Newside Canal Not Required for 125 Unit Development Planning Review & Encroachment Permit Required to determine additional impacts to IID's canals and drains. 	11/28/16 Meeting held with the City, LAFCO, Russell Court Owners, and IID in regards to pipelining requirements.
12/12/16 IID Water Division	<ul style="list-style-type: none"> Pipelining of Newside Canal, and North Central Drain No. 2 Not Required for 191 Unit Development Planning Review & Encroachment Permit Required to determine additional impacts to IID's canals and drains. 	1/23/2017 The IID Water Departments' comments were noted and addressed in the Draft MND.
9/21/2016 Viejas Band of Kumeyaay Nation	<ul style="list-style-type: none"> Noted There are cultural ties to the tribe, Kumeyaay Tribe Monitor presence was requested at the time of ground disturbance. 	1/23/2017 The Tribes request was noted as a mitigation measure.

FINDINGS AND PENDING ACTION

The environmental review of the Russell Court Subdivision is being satisfied pursuant to CEQA inclusive of Public Hearing requirements. The Draft MND prepared for the Russell Court Subdivision assesses the potential environmental effects of its implementation and identifies means to eliminate or reduce potentially significant adverse impacts and evaluates a reasonable range of alternatives. The Planning Commission has the discretion to incorporate any other conditions or mitigation measures it feels prudent. Certification of the Mitigated Negative Declaration (MND) for the proposed Russell Court Subdivision does not constitute approval of the proposed project.

RECOMMENDATION

The project will be subject to the final Mitigation Measures once they are approved by the Planning Commission and subsequent Project approval by both the Planning Commission and City Council. After reviewing all pertinent data associated with the environmental document and hearing and considering any relevant testimony received during the public hearing, it is recommended that the Planning Commission consider the following actions with respect to **Exhibit F-Resolution** that Certifies the Draft Mitigated Negative Declaration:

1. **Adopt Resolution PC 2017-01** to CERTIFY the Draft Mitigated Negative Declaration as presented and prepared for the proposed Project; or
2. **Adopt Resolution PC 2017-01** to CERTIFY the Draft Mitigated Negative Declaration with modifications to address additional concerns or comments received during the Public Hearing for the proposed Project;
3. **Not Adopt Resolution PC 2017-01** and provide alternative directive to Staff.

Should you have any questions and/or concerns regarding the information in this report, please feel free to contact me at (760) 355-5211. Your comments are encouraged, written or verbal, and can also be forwarded to jgalvan@cityofimperial.org.

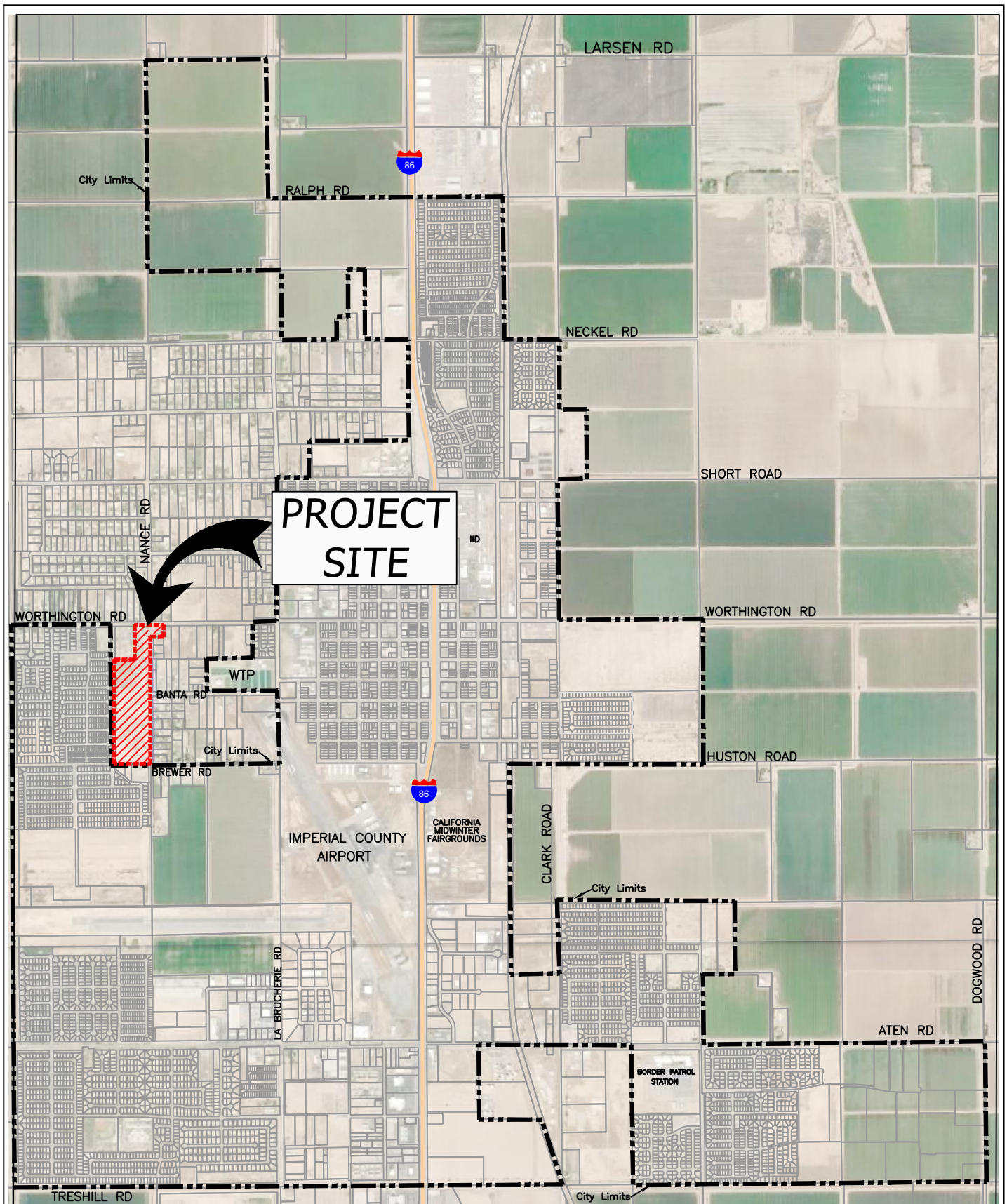
ATTACHMENTS

Exhibit A- Project Location Map
Exhibit B- Initial Study
Exhibit C- Mitigation & Monitoring Program & Draft MND CD
Exhibit D- Noticing
Exhibit E- Comments
Exhibit F-Resolution

cc: Ray D. Roben Sr, Property Owner
Roben LLC, Property Owner
Stephen J & Vicki L. Urih, Property Owner

Exhibit A

Project Location Map & Site Plan



The Holt Group, Inc.
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1601 N. Imperial Ave. El Centro, California 92243



(760)337-3883



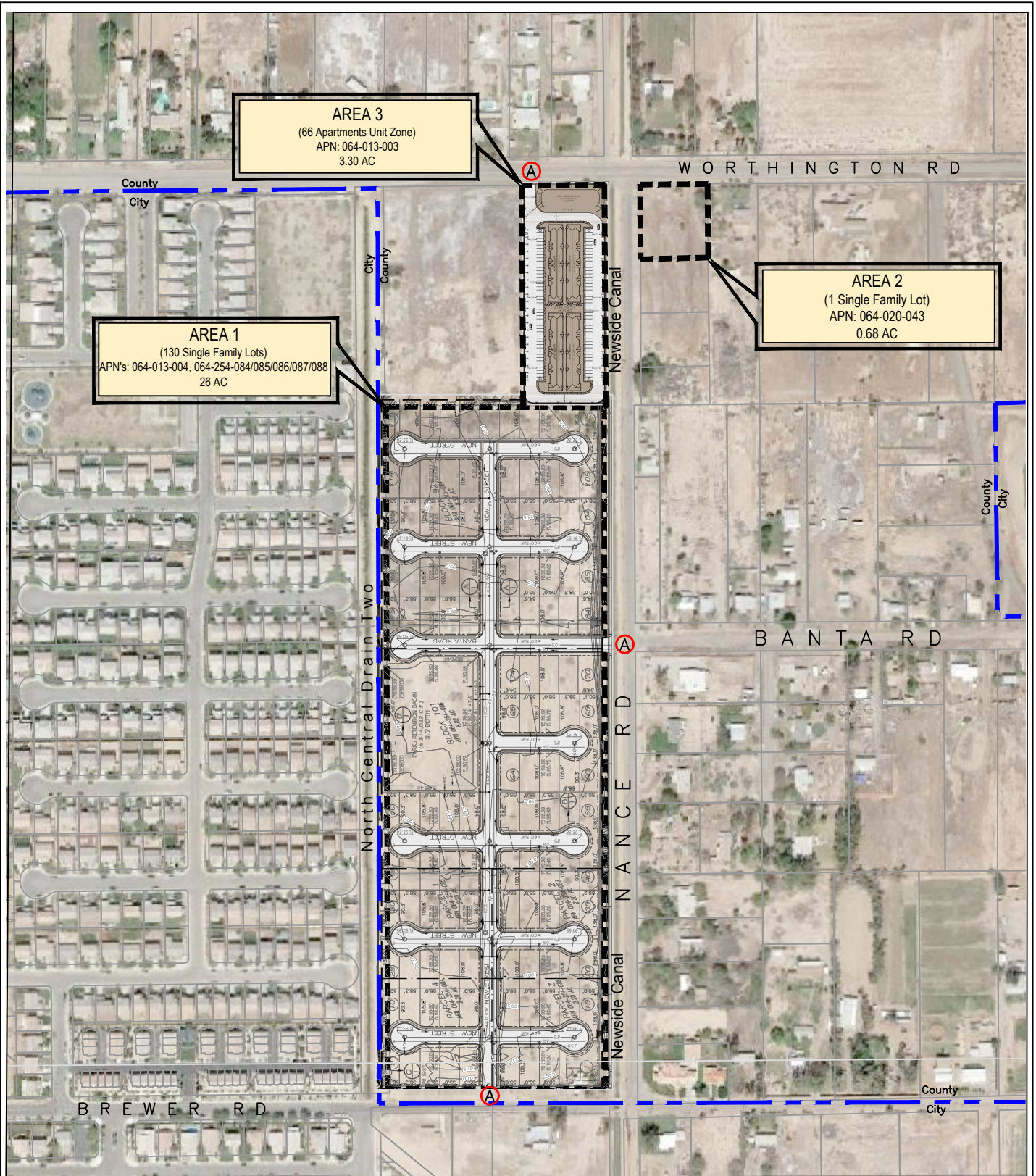
NOT TO SCALE

PROJECT LOCATION MAP
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT A

Project No. 173.135

Date: January 2017



Legend:

(A) Access Points

--- City Limits

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NOT TO SCALE

PROJECT SITE PLAN
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT A

Project No. 173.135

Date: November 2016

Exhibit B
Initial Study



CITY OF IMPERIAL Initial Study & Checklist

September 2016

1. **Project Title:** Russell Court Subdivision, Annexation, and General Plan Amendment
2. **Lead Agency:** **City of Imperial**
Name, Address and Phone 420 S. Imperial Avenue
Imperial, CA 92251

Contact: Jorge Galvan, Planning Manager
Phone No: (760) 355-1152
Email: jgalvan@cityofimperial.org
3. **Co-Lead Agency:** **Imperial County Local Agency Formation Commission**
Name, Address and Phone 1122 W State St # D
El Centro, CA 92243

Contact: Jurg Heuberger, Executive Officer
Phone No: (760) 353-4115
Email: jurgh@iclafco.com
4. **Project Sponsor:** **Applicants:**
Name, Address and Phone *Ray D. Roben Sr; Roben LLC; Stephen J & Vicki L. Urih*
341 W. Crown Court
Imperial, CA 92251

Property Owners:
Ray D. Roben Sr; Roben LLC; Stephen J & Vicki L. Urih
341 W. Crown Court
Imperial, CA 92251
5. **Project Location:**
Map Attached

The proposed residential subdivision and annexation project consists of 30 acres, in an unincorporated area of Imperial County abutting the City of Imperial at the north-west corner of Brewer Road and Nance Road. Please refer to **Exhibit A**.

The project site is more specifically described as Assessor's Parcel Numbers: 064-013-003, 064-020-043, 064-013-004, and 064-254-084, 064-254-085; 064-254-086; 064-254-087; and 064-254- 088.

6. **Project Description:** The Applicants propose to subdivide approximately 30 acres of land into three residential areas. This will include 130 single family residential units, 66 apartments/condominiums, and one single family home on a .68 acre lot. Additionally the applicants propose to pre-zone and annex said subdivision into the City of Imperial from an unincorporated area of Imperial County. The project will require a general plan amendment from Residential Low Density to ~~Residential Single Family Low Medium Density Residential~~ and ~~Residential Apartment Multiple Family (Rental) Residential~~ in order to accommodate the R-1 Single Family and AR- apartment/condominium development. Please refer to **Exhibit B-Site Plan**.
7. **General Plan Designation:** **Existing (County):** Urban Area
Existing (City): Residential Low Density
Proposed (City): ~~Residential Single Family Low Medium Density Residential~~ and ~~Residential Apartment Multiple Family (Rental) Residential~~
8. **Zoning:** **Existing (County):** A1-L1U Limited/light Agricultural Lot 1 Acre Urban Areas (County of Imperial)
Proposed (City): R-1 Single Family Residential and RA-Residential Apartment (City of Imperial)
9. **Surrounding Land Uses and Setting:** The subject site is vacant undeveloped land with weedy ruderal vegetation. Existing land uses surrounding the site are residential land uses in varying lower densities. To the west is the Single Family Residential Subdivision known as Savannah Ranch, to the north east and west is low density residential and isolated rural residential land uses.
10. **Other Agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)**
- a) Imperial County Local Agency Formation Commission (Annexation)
 - b) County of Imperial (Fiscal Impact Agreement)
 - c) Air Pollution Control District (Permit to Construct)
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 and has consultation begun?**
 TBD
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 21083.3.2.) 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.

Exhibit A-Project Location

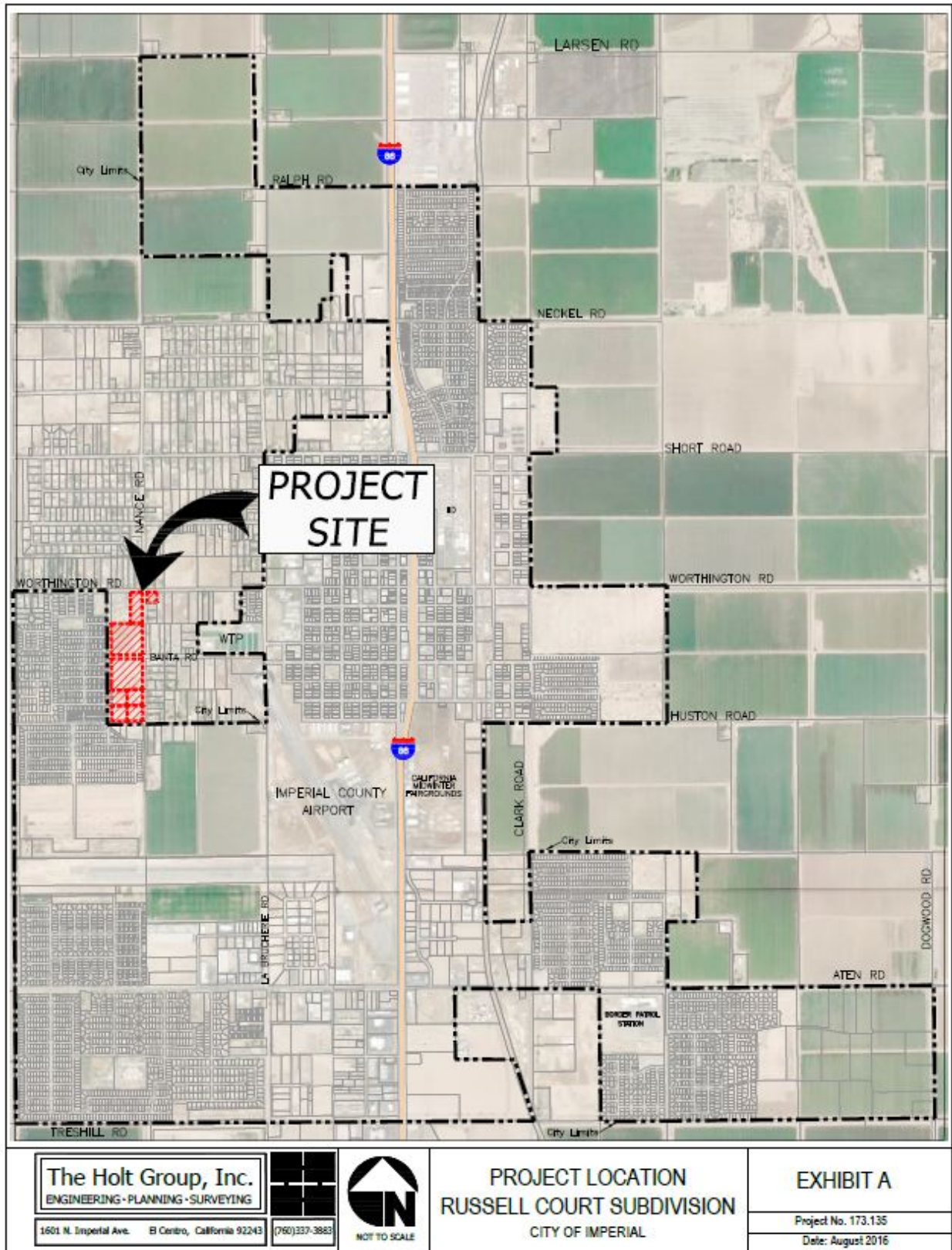


Exhibit B– Site Plan



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.

	Aesthetics		Agricultural Resources	X	Air Quality
X	Biological Resources		Cultural Resources	X	Geology/Soils
X	Greenhouse Gas Emissions	X	Hazards & Hazardous Materials	X	Hydrology/Water Quality
	Land Use and Planning		Mineral Resources	X	Noise
	Population and Housing		Public Services		Recreation
X	Transportation/Traffic	X	Utilities and Service Systems		Mandatory Findings of Significance
	Tribal Cultural Resources				

ENVIRONMENTAL REVIEW COMMITTEE DETERMINATION:

On the basis of the attached Initial Study, the City of Imperial Environmental Review Committee finds that:

The proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
The proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.	X
The proposed project MAY have a significant effect(s) on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	
The proposed project MAY have a significant effect(s) 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, if the effect is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated." A FOCUSED ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
Although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (1) have been analyzed in an earlier EIR pursuant to applicable standards and (2) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. No further action is required.	

CA Department of Fish and Game No Impact Finding	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	VOTE				
 Jorge Galvan, AICP City Planner		9/8/2016	Yes	No	Abstain	Members of the EEC
		Date				Public Works
						Police
						Fire
						Planning
						Engineering

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 will 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 is 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 (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).
- 5) Earlier analysis 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 follow:
 - a. Earlier Analysis 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.

Authority: Public Resources Code Sections 21083 and 21087. Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

- 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.

I. AESTHETICS – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantially adverse effect on a scenic vista or scenic highway?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

Background

The proposed project site is currently vacant land (with the exception of a single-family home) located in an unincorporated area of Imperial County but surrounded by existing residential land uses. More specifically, the project site is located on the south west corner of Nance and Worthington Roads. The properties to the west of the proposed project sites consist of a residential subdivision, to the north and east are single family residences in an unincorporated area of Imperial County, and to the south are residential low density homes.

There are no scenic vistas visible from the project site nor is the project site within the vicinity of a scenic highway. The site contains weedy, ruderal vegetation and the proposed development would be a visual improvement. The area would aesthetically benefit from compatible residential development in place of the weedy ruderal vegetation that currently exists.

I. Aesthetics Impact Discussion

- a) **Have a substantially adverse effect on a scenic vista or scenic highway? No Impact–** The project site is not within a mapped/designated scenic vista or scenic resources area, nor is the project site located near or within view of a state scenic highway.
- b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? No Impact–** The project area is not mapped as a scenic resource and will not affect trees, rock outcroppings or historic buildings within a state scenic highway. Therefore, no impact to scenic resources would occur upon project implementation.
- c) **Substantially degrade the existing visual character or quality of the site and its surroundings? Less Than Significant Impact–** The proposed single family development will be compatible with the surrounding existing and planned residential land uses and would greatly complement the existing environment. Although the proposed high density apartment/condominiums could be viewed by some as incompatible with low density residential, the proposed two story apartment would not degrade the existing visual character or the quality of the site or its surroundings. Thus any impact would be less than significant.

- d) **Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? Less Than Significant Impact–** The proposed project would provide street lighting, parking lot lighting, and security lighting within the residential developments. All lighting will be required to be shielded to avoid light spill and glare which could adversely affect the nighttime views in the area for a less than significant impact.

II. AGRICULTURE AND FOREST 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of State-wide Importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Background

The proposed project is vacant undeveloped land. Although the current zoning for the proposed project location is limited agriculture within urban boundaries it does not currently support any agricultural operation. The planned land uses by both the County of Imperial and the City of Imperial are for urban development. There will be no impact to any agricultural resources as a result of the project.

II. Agricultural Resources Impact Discussion

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of State-wide Importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? No Impact–** The proposed project will not affect prime, unique, or farmland of state wide importance.
- b) **Conflict with existing zoning for agricultural use, or a Williamson Act contract? No Impact–** The site is not party to any Williamson Act Contract. Although the current zoning for the proposed project location is limited agriculture within urban boundaries it does not currently support any agricultural operation, therefore any impacts would be less than significant.

- c) **Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? No Impact-**As previously stated, the current site is surrounded by urban development consisting of low to medium density residential, therefore there will be no impact to the potential conversion of farmland.
- d) **Result in the loss of forest land or conversion of forest land to non-forest use?-No Impact-**The proposed project site is located in any forest land, therefore there will be no impact.
- 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? No Impact-** As previously noted, site is undeveloped vacant land, it is not used as farmland and it is located within an urban built environment and subject to converting adjacent lands to non-agricultural uses.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?			X	

Background

The project site is located within the Salton Sea Air Basin. The Imperial County Air Pollution Control District (IC APCD) is responsible for ensuring that all State and federal ambient air quality standards are achieved and maintained within the Imperial Valley. The Imperial Valley is designated as a “non-attainment” area with respect to Federal Standards for both particulate matter (PM10) and ozone (smog). The project site and immediate vicinity are surrounded by residential uses which are considered sensitive receptors. During construction activities of the proposed project, significant amounts of dust (PM 10) may be generated.

The Air Quality Report prepared by TRC Solutions, Inc for the proposed project examined the existing air quality of the area and assessed both the short term and long term effects that could result during construction and operation. There were no issues found in the current or future air quality due to the proposed project. However,

mitigation will be included to follow current mitigation set forth by the Imperial County Air Pollution Control District during construction activities.

III. Air Quality Impact Discussion

- a) **Conflict with or obstruct implementation of the applicable air quality plan? No Impact–** The proposed project must adhere to the Imperial County Air Pollution Control District (ICAPCD) Rules and Regulations, revised November 2007, the ICAPCD CEQA Handbook, and the standard mitigation measures for construction projects as outlined in these documents. Therefore, there will be no impact to the applicable air quality plan.
- b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Potentially Significant Unless Mitigation Incorporated–** Construction by its very nature may produce a variety of emissions. Construction activities such as site preparation, grading, excavation and soil compaction, while temporary, may increase local emissions. Any impacts from construction activities will be mitigated through measures outlined in the proposed Mitigated Negative Declaration.
- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? Potentially Significant Unless Mitigation Incorporated –** Imperial County is a non-attainment area for both particulate matter (PM10) and ozone. Impacts to air quality from the construction of the proposed project may result in a net increase of these pollutants. Mitigation measures will need to be further addressed and will be incorporated in the proposed Mitigated Negative Declaration.
- d) **Expose sensitive receptors to substantial pollutant concentrations? Potentially Significant Unless Mitigation Incorporated –** During construction the proposed project may expose sensitive receptors such as residential homes to substantial pollutant concentrations. Those in the residential subdivision are the nearest sensitive receptors located approximately 130 lineal feet west of the proposed project location. Additionally the nearest school is located less than a ½ mile of the proposed project site. These impacts will be further discussed in the proposed Mitigated Negative Declaration along with corresponding mitigation measures.
- e) **Create objectionable odors affecting a substantial number of people? Less Than Significant Impact–** Potential sources that may emit odors during construction activities include equipment exhaust and architectural coatings. Odors from these sources would be temporary and localized and generally confined to the project site. The proposed project would utilize typical construction techniques and the odors emitted would be typical of most construction sites and less than significant due to temporary nature.

IV. BIOLOGICAL RESOURCES – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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 by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
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 Game or U.S. Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any 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?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
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?				X

Background

The land uses to the north, south, west and east are residential areas or isolated undeveloped lots within an urban built environment. The project site is further bound by Worthington Road to the north which is an arterial roadway and Nance Road to the east both of which are busy transportation corridors. The site contains weedy ruderal vegetation, and no trees were identified on site. A biological report was prepared by Barrett's Biological Survey on November 30, 2015 and revised on March 24, 2016. The biological study reported that there were no sensitive species present in the proposed project area and one species of concern. Although no potential impacts were identified, a preconstruction survey is recommended since there are burrowing owls within the vicinity. Mitigation measures will be further discussed in the proposed Mitigated Negative Declaration.

IV. Biological Resources Impact Discussion

- 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 by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Potentially Significant Unless Mitigation Incorporated** – There was one species of concern identified to be present at the project site, the Loggerhead Shrike, however the conditions of the current land are not favorable for the species as there are no foraging fields or prey for it. There were no burrowing owls present at the project site, nonetheless a biological assessment survey will need to be performed 14 days prior to any grading activities as noted in the Biological Study to verify that the species is not present. Mitigation Measures will be included in the proposed MND.
- 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 Game or U.S. Fish and Wildlife Service? Potentially Significant Unless Mitigation Incorporated** – The project site is a disturbed site and has no habitat value given it's location within urban development busy transportation corridors. Additionally there are no local regional plans or policies that identify the site as a riparian habitat or sensitive community. However, burrowing owls are known to occur in the vicinity, therefore this issue will be looked at further during the preparation of the Mitigated Negative Declaration.
- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? No Impact**– The proposed project site does not contain areas defined as protected wetlands (Section 404 of the Clean Water Act), therefore, there will be no impact to wetlands.
- d) **Interfere substantially with the movement of any 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? Potentially Significant Impact Unless Mitigation Incorporated** – The project site is within an urban setting and has no habitat value, however, burrowing owls have been spotted within the vicinity that may be impacted by construction or cause construction activities to interfere with their movement thus this issue will be further discussed under the proposed Mitigated Negative Declaration.
- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? No Impact**– There are no local ordinances or policies in effect protecting biological resources and therefore, there will be no impact.
- 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? No Impact**– The proposed project site is not located within or in the vicinity of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan and therefore, there will be no impact.

V. CULTURAL RESOURCES – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of designated cemeteries?				X

Background

Approximately 200 historic sites have been recorded in Imperial County. In February 2016, a cultural and archeological field investigation and record search was conducted by Tierra Environmental Services at the proposed project site. The record search through the National Register of Historic Places, California Inventory of Historic Resources, and the California Historical Landmarks performed by Tierra Environmental Services found no cultural or historic resources at within close proximity to the project site. Additionally, the South Coast Information Center (SCIC) located at San Diego State University was accessed in August of 2016 and did not identify any known historical resources eligible for the California or National Register at or near the proposed project site. The cultural study determined that there would be no impacts to cultural or historical resources at the project area and no additional mitigation measures are necessary.

V. Cultural Resources Impact Discussion

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? No Impact**– No historic or archaeological sites are identified on the property. No significant impacts have been identified on the project site. No significant impacts would occur to cultural resource sites as a result of the proposed project.
- b) **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? No Impact**– No archeological resources were identified on the proposed project site. As such, no impacts would occur relative to a change in the significance of an archeological resource.
- c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? No Impact**– No unique paleontological resources or site or unique geologic features have been identified on the site.
- d) **Disturb any human remains, including those interred outside of designated cemeteries? No Impact**– There is no evidence that the proposed project site has been used as a cemetery, either formal or informal; therefore, it is unlikely that the proposed project would disturb human remains.

VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1) 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.		X		
2) Strong seismic ground shaking?		X		
3) Seismic-related ground failure, including liquefaction?		X		
4) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
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 landslides, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined of the latest Uniform Building Code, creating substantial risk to life or property?		X		
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?				X

Background

The project site is located in the Imperial Valley portion of the Salton Trough, a topographic and geologic depression resulting from large scale regional faulting. Although there is no known earthquake fault as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the project site, tectonic activity that formed the Trough continues at a high rate. The City of Imperial as well as the entire Imperial Valley is considered to be a seismically active area. The project site has a potential for strong ground shaking because of the nearby Brawley, Superstition Hills, and Imperial Faults. Because of its proximity to numerous faults, the City of Imperial sets forth mitigation measures to decrease the risk faced by residents.

The land in the City of Imperial and project site is relatively flat and is not susceptible to landslides or mudslides. However, due to the shallowness of the ground water table in the Imperial Valley and the proximity to faults, there is a potential for liquefaction. Prior to the issuance of a Building Permit for the proposed development a Geotechnical Report will be required to ensure that the proposed structures are designed in an adequate

manner. The recommendations of the Geotechnical Study will need to be strictly adhered to and reduce any potential impacts to Geology and Soils from Project construction and operation to a level below significance and shall be incorporated as mitigation measures.

VI. Geology and Soils Impact Discussion

- a) **Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:**

1) 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? Potentially Significant Unless Mitigation Incorporated– The nearest seismic fault, San Jacinto Fault, Superstition Hills Section is located about 1.3 miles from the site. The San Jacinto is considered one of the most active faults in California, having experienced earthquakes of magnitude 6.7 twice in 1987. These issues will be further addressed in the proposed MND.

2) Strong seismic ground shaking? Potentially Significant Unless Mitigation Incorporated– The County of Imperial, as well as the entire Imperial Valley, are considered to be a seismically active area. The project site is susceptible to potentially strong seismic ground shaking because of the nearby San Jacinto, Brawley, Superstition Hills, and Imperial Faults. During an earthquake even from Imperial Faults, ground shaking can be expected for magnitudes 6.0 to 7.2 events. These issues will be further addressed in the proposed MND.

3) Seismic-related ground failure, including liquefaction? Potentially Significant Unless Mitigation Incorporated– Groundwater depths in the proposed project area are anticipated to be fairly shallow. Additionally, the site may be composed of silty and sandy soils. These conditions could result in a risk of liquefaction during a major seismic event. These issues will be further discussed in the proposed Mitigated Negative Declaration.

4) Landslides? No Impact– The proposed project site is located on level terrain in the Imperial Valley. There is no steep terrain on or near the site that could result in landslide concerns or risks, therefore, there will be no impact.

- b) **Result in substantial soil erosion or the loss of topsoil? Less Than Significant Impact–** The construction of the proposed residential homes, would involve grading the site, excavation to prepare the site for building foundations and trenching to install necessary infrastructure. Best Management Practices are required to be in place when improvement plans are being reviewed, therefore any potential impacts that would result in soil erosion or loss of topsoil would be less than significant.
- 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 landslides, lateral spreading, subsidence, liquefaction or collapse? Potentially Significant Unless Mitigation Incorporated–** Mitigation Measures outlined in the project specific Geotechnical Report will need to be strictly adhered to. Mitigation will be discussed further in the proposed Mitigated Negative Declaration.
- d) **Be located on expansive soil, as defined of the latest Uniform Building Code, creating substantial risk to life or property? Potentially Significant Unless Mitigation Incorporated–** The region has been found to contain underlain clays of moderate expansion potential. Recommendations under the project specific geotechnical report will need to be strictly adhered to prior to the issuance of a Building Permit.
- 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? No Impact- The project does not incorporate a septic system and will be connected to the City's wastewater collection system, thus there will be no impact.

VII. GREENHOUSE GAS EMISSIONS – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Background:

The proposed project involves the proposed construction of a 130 single family subdivision and 66 apartment/condominium units and one custom single-family unit for a total of 197 units. During construction, it is expected that the machinery as well as the vehicles used to transport workers will release minor levels of GHG's which will only be temporary. The project once completed is expected to generate levels of greenhouse gas emissions that will result from vehicular trips of the development residents. Green House Gas emission levels will be further discussed under Air Quality in the proposed Mitigated Negative Declaration.

VII. Greenhouse Gas Emissions Impact Discussion:

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have significant impact on the environment?- Potentially Significant Unless Mitigation Incorporated** – The proposed project will generate GHG emissions as a result of construction equipment and vehicles during the construction period in addition to during long-term operations. The proposed project will directly result in 197 additional housing units, therefore there will be a level of greenhouse gas emissions generated that may have an impact on the environment. This issue will be discussed further in the proposed Mitigated Negative Declaration.
- b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?- No Impact** – The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emission of greenhouse gases.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school?			X	
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
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 for people residing or working in the project area?		X		
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Background

The proposed project site is currently undeveloped land located on northwest corner Nance and Brewer Roads within an unincorporated area of Imperial County abutting the City of Imperial. Land Uses to the north, south, west and east of the project site are residential and any hazardous material handling would be those related to household cleaning or domestic use. Impacts from hazardous materials and the preceding determinations

were made in terms of the potential to release existing hazardous materials during construction in addition to those that may exist on, or in the vicinity of the project site and the potential for their release as a result of their use in project construction and/or operation.

VIII. Hazards and Hazardous Materials Impact Discussion

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Less Than Significant Impact**– The proposed project may involve the use or transport of hazardous materials during construction such as fuel, grease, waste oil and paint. The project would be required to prepare a Hazardous Materials and Safety Plan for use during the construction phase thus any impacts would be less than significant.
- b) **Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Less Than Significant Impact**– Because the project may involve the transport of hazardous materials related to construction, a Hazardous Materials and Safety Plan will be put in place thus any impacts would be less than significant.
- c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school? Less Than Significant Impact**– The nearest school is located ½ mile away. During activities, there may be hazardous materials that might emit emissions however, a Hazardous Materials and Safety Plan will be strictly adhered to for a less than significant impact.
- d) **Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? No Impact**– The project is not located on a site that is included in the State list of hazardous material sites per Government Code §65962.5. An extended search of 5000 feet was made on the Envirostar database that provided negative results for hazardous materials in the surrounding area.
- 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 for people residing or working in the project area? Potentially Significant Impact Unless Mitigation Incorporated**– There is a public airport within two miles of the subject site. The project is also located within the Airport Land Use Compatibility Plans' Zone C which is a common traffic pattern with limited risk. The zone further established maximum densities and imposes certain development conditions such as overflight easements for residential uses. Thus, this issue will be discussed further in the proposed Mitigated Negative Declaration.
- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? No Impact**– There is no private airstrip within the vicinity of the proposed project.
- g) **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? No Impact**– The proposed project would not adversely impact the movement of emergency response vehicles in the area. Additionally, the proposed project would not significantly interfere with emergency response or evacuation plans.
- h) **Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? No Impact**– The proposed project site is located in a predominantly developed region of the Imperial Valley. Risk of wildfires in the area are minimal due to the location of the proposed project and its surrounding land uses.

IX. HYDROLOGY AND WATER QUALITY – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (<i>e.g.</i> , the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood area structures which would impede or redirect the flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Background

The project site will change from a natural undeveloped permeable site, to a developed site that is largely impermeable. Potential project-related water quality impacts are associated with both short-term construction activities and long-term operation of the project. The proposed development of the area will continue to result in large sealed surfaces that would alter the natural drainage pattern and could potentially contribute to runoff. The development is subject to Best Management Practices for erosion control. The City's review and approval of an adequate drainage plan mitigate any potential impacts. The project will need to prepare a hydrology report, comply with the NPDES permits and be required to prepare a Storm Water Pollution Prevention Plan in order to mitigate any potential impacts. The project site area is not located within a flood plain or near any groundwater sources.

IX. Hydrology and Water Quality Impact Discussion

- a) **Violate any water quality standards or waste discharge requirements? No Impact**– There is no evidence that indicates that the proposed project will violate water quality standards, or waste water discharge requirements.
- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? No Impact**– Groundwater supplies will not be depleted or interfered with because the project does not include the use of on-site wells or foundation work which may be at depths that interfere with groundwater.
- c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site? Less Than Significant Impact**– it is the City's policy that soil erosion be controlled by requiring that prior to project construction a Storm Water Pollution Prevention Plan be prepared to mitigate any soil erosion during construction activities. The project will need to file a notice of intent and comply with the NPDES permits, therefore any impact would be less than significant.
- d) **Substantially alter the existing drainage pattern of the site, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Potentially Significant Impact Unless Mitigation is Incorporated** – There are no streams or rivers located nearby. Surface runoff, however, will increase significantly as a result of the project. The project will need to prepare a hydrology report/study to ensure all stormwater will be stored on site for the required timeframes. The applicant will need to submit hydrology calculations to demonstrate that the proposed design and size of the retention proposed basin is sufficient to accommodate a 100-year storm to mitigate any potential flooding. This issue will be further addressed in the draft Mitigated Negative Declaration.
- e) **Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? Potentially Significant Impact Unless Mitigation is Incorporated**– The applicant has incorporated a retention basin onto the project design. A Hydrology Report will be required to ensure that design and size is sufficient to control storm-water on-site and sufficient to contain 100-year storm run-off and be designed in a matter that incorporates Best Management Practices for pollution control. This issue will be further addressed in the draft Mitigated Negative Declaration.

- f) **Otherwise substantially degrade water quality? Less Than Significant Impact**– Drainage modifications proposed for the project site will be dealt with by implementing Best Management Practices to ensure that water quality degradation is less than significant.
- g) **Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? No Impact**– The proposed project is not located in a FEMA 100-year flood hazard zone.
- h) **Place within a 100-year flood area structures which would impede or redirect the flood flows? No Impact**– The proposed project is not located in a FEMA 100-year flood hazard zone.
- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? No Impact**– Construction of the proposed project would not expose people or structures to the risk of flooding resulting from dam failure.
- j) **Inundation by seiche, tsunami, or mudflow? No Impact**– The proposed project site is not adjacent to a large body of water, such as an ocean or a lake. Therefore, the site would not be subject to either tsunami or seiche events. The proposed project site is fairly flat and would not be subject to mudflows.

X. LAND USE AND PLANNING – Would the proposal:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Background

The proposed project site is currently undeveloped land located on the northwest corner of Brewer Road and Nance Road within an unincorporated area of the County of Imperial abutting the City of Imperial. The area is zoned A1-L1U which is rural residential, one acre minimum lots, for limited agriculture within urban boundaries, per Imperial County Zoning Ordinance. Per the General Plan of the City of Imperial, the current designation of the land falls in the Residential Low Density category and thus will require a General Plan Amendment in order to accommodate the higher densities of the ~~Residential Single Family~~ Low Medium Density Residential and ~~Residential Apartment~~ Multiple Family (Rental) Residential. The planned and proposed land uses, however are all residential in nature and the proposed change in density will not result in any adverse environmental effects.

X. Land Use and Planning Impact Discussion

- a) **Physically divide an established community? No Impact**– Development of the proposed project would not physically divide an established community in any way.
- b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Less Than Significant Impact**– The project will require a concurrent general plan amendment to accommodate higher densities beyond those currently planned for in the area. Specifically, 26 acres of low density residential is proposed to be increased to 130 lots of residential single family, 3.3 acres of low density residential is proposed to be converted to residential apartment accommodating 66 units, and a .68 acre is proposed to remain as residential low density. Uses are all proposed to remain residential in nature thus any impacts would be less than significant.
- c) **Conflict with any applicable habitat conservation plan or natural community conservation plan? No Impact**– The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan, nor is the site suitable habitat for plant and/or animal species.

<i>XI. MINERAL RESOURCES</i> – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
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?				X

Background

Known mineral resources for the Imperial Valley are gold and gypsum as well as limestone, pumice, clay stone, sand and gravel. Mining operations are in the Glamis Plateau area and the Cargo Muchacho and Picacho Mountains. The project site lies in the southern Imperial Valley on inactive agricultural land. According to the Imperial County General Plan's survey of mineral and soil resources, no unique mineral resources are typically developed in this region of the Valley and there are no known mineral deposits or resource recovery sites shown on the City of Imperial General plan.

XI. Mineral Resources Impact Discussion:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? No Impact**– No mineral resources that would be of value to the region have been identified on or near the project site.
- 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? No Impact**– There are no locally important mineral resource recovery sites delineated on any local plans in the vicinity of the proposed project.

XII. NOISE – Would the project result in:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
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 expose people residing or working in the project area to excessive noise levels?		X		
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Background

A noise study was prepared by TRC Environmental Corporation in March 2016. The noise study calculated noise impacts during the construction phase of the project and during the operational phase of the development. Given that the residential project is located within two miles of a public airport and within the common traffic pattern of aircraft dedication of overflight easements for residential uses is required. Although no significant impacts were identified by the study, these issues will be discussed during the preparation of the proposed Mitigated Negative Declaration.

XII. Noise Impact Discussion

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**
No Impact– Construction is not anticipated to violate any limits currently set by the Imperial County Noise Element. Construction noise is not anticipated to exceed the 75dBA for an 8 hour week day. Therefore there will be a no impact
- b) **Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?** **No Impact**– Short-term construction activities associated with the proposed

project will not generate significant ground-borne vibration or ground-borne noise levels that would travel significant distances. As such, there will be no impact as a result of the project.

- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? No Impact**–The proposed project intends to construct residential units at increased densities therefore the noise resulting during operation is expected to increase but be within the caliber of the current ambient temperature. Therefore any impacts would be less than significant.
- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Potentially significant unless Mitigation is Incorporated**– Noise during construction is expected to exceed current ambient noise levels. Mitigation measures will be discussed further in the proposed mitigated negative declaration.
- 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 expose people residing or working in the project area to excessive noise levels? Potentially Significant Impact Unless Mitigation Incorporated**– The proposed project is located within one mile of a public airport within zone C which experiences common air traffic pattern. Thus, airport related noise impacts will be further assessed in the proposed Mitigated Negative Declaration.
- f) **For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? No Impact**– The proposed project site is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Background

The Russell Court Subdivision project provides for diversity in residential densities in an area that was otherwise planned as low density. Specifically, the development proposes 130 single family homes, 66 apartment/condos, and one custom low density residential home-site. The subject property is vacant with the exception of one occupied home at the southeast corner, therefore, loss of dwellings, or dwellings replaced elsewhere is not a consequence. The current dwelling is owned by Ray D. Roben Sr. which is one of the project proponents. The expected population increase, using 2014 demographics for average household size, is 686 residents (using a ratio of 3.5 persons per household as determined by SCAG) which constitutes an estimated 4% increase to the current population and thus not considered substantial population growth.

XIII. Population and Housing Impact Discussion

- a) **Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Less Than Significant Impact**– An estimated 686 persons are anticipated as a result of the proposed development constituting a growth of less than 4%, and therefore impacts to population are less than significant impact. Additionally, no new roadways leading to or from the site are anticipated, beyond the internal roadways within the development, and water and sewer lines are adjacent to the project site, thus the project will not indirectly induce additional population growth.
- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? No Impact**– The proposed project site is currently undeveloped with the exception of one home-site. Construction of the project would not displace a substantial number of housing units.
- c) **Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? No Impact**– The proposed project involves new housing thus will not require the construction or replacement of housing elsewhere.

<i>XIV. PUBLIC SERVICES:</i>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	
			X	
		X		
			X	
			X	

Background

The proposed subdivision will result in an increase demand to all public services. Impacted services include law enforcement, fire protection, schools, parks, and other government facilities and/or services. However, the demand will not result in the need for new facilities at a level that would cause adverse environmental effects. Most of the service demand generated by this development will be offset via the collection of Development Impact Fees by the City and School Impact Fees by the School District. Additionally, the County of Imperial Collects Impact fees during the annexation process for County provided services. It is noted that the Imperial Unified School District does operate at capacity and thus impacts to the School District will need to be further assessed under the Proposed Mitigated Negative Declaration.

XIV. Discussion for Impact to Public Services: a):

- 1) **Fire protection? Less Than Significant Impact** –The project would not result in the direct need for a new fire station or substation. Although the City is in need of a new Public Safety building, its future construction is not anticipated to cause any significant environmental impacts. The proposed development would be subject to Fire Impact Fees to offset the cost of the new planned facility, for a less than significant impact.
- 2) **Police protection? Less Than Significant Impact**– The project would not result in the direct need for a new law enforcement facility. Although the City is in need of a new Public Safety building, its future construction is not anticipated to cause any significant environmental impacts. The proposed development would be subject to Police Impact Fees to offset the cost of the new planned facility, for a less than significant impact.
- 3) **Schools? Potentially Significant Unless Mitigation is Incorporated**– The proposed project involves the construction of new residential development that would provide homes for approximately 196 families. Using current ACS 2010-2014 survey data, the average household size of 3.34 if defined, for the purpose of assessment, as containing 2 children and 2 parents there could be a load of an estimated 392 students which Imperial Unified School District may not currently be able to handle. Although the school does collect School Impact Fees, school expansion needs will be further discussed in the proposed Mitigated Negative Declaration.
- 4) **Parks? Less Than Significant Impact**– The City of Imperial was operating at a park surplus of 10.93 acres according to the Service Area Plan adopted in 2015. The project will not result in a direct need for additional park facilities. Any project driven demand will be offset by the collection of Park Impact Fees. Any potential impacts would be less than significant.
- 5) **Other public facilities? Less Than Significant Impact**– The proposed project is expected to have a demand on the existing public library and public swimming pool facilities. The library is already under expansion and there is ongoing maintenance of the swimming pool facilities. The collection of park and recreation impact fees will offset any project driven demand to a level less than significant.

XV. RECREATION:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?			X	

Background

The City of Imperial was operating at a park surplus of 10.93 acres according to the Service Area Plan adopted in 2015 which are some of the facilities under which recreational services are extended. The project will result in additional population which will have a direct demand on recreational services. Swimming pool facilities and library facilities are widely used for recreational services. As previously noted the library is undergoing an expansion and the City swimming pool is under constant maintenance. Therefore it is not anticipated that the proposed development will have an increase demand on recreation but not to the extent that new facilities would cause an adverse effect on the environment.

XV. Recreation Impact Discussion

- a) **Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Less Than Significant Impact–** The proposed project does not incorporate park space thus there will be an increased demand on existing parks and recreational facilities. However, the City of Imperial currently operates on a 10.93 surplus of park land, therefore any impacts to the current neighborhood and regional parks would be less than significant.
- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment? Less Than Significant Impact–** Although the project does not incorporate recreational facilities, as previously stated the City of Imperial currently operates on a 10.93 surplus of park land which is enough parkland for 3,644 additional people.

XVI. TRANSPORTATION AND TRAFFIC – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		X		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Background

There were two traffic studies conducted for the proposed project prepared by The Perfect Solution in November 2015 and April 2016. One for the single family homes, and one for the apartment/condominiums. Both traffic studies concluded that there would significant impacts to circulation that will need to be mitigated. The traffic study included traffic projections, recommended roadway improvements, and other mitigation measures necessary to reduce the identified traffic impacts to a level of insignificance. It is expected that the net increase in multiple family dwelling units will also contribute significantly to a net increase in vehicle trips for the project area. Mitigation measures along with conditions of approval will be further discussed in the proposed Mitigated Negative Declaration.

XVI. Transportation and Traffic Impact Discussion

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Potentially Significant Issues**– A Traffic Study was conducted in 2016. The study provided recommendations and mitigation measures, which will be incorporated in the Conditions of Approval and identified in the proposed Mitigated Negative Declaration.
- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? No Impact**– The proposed project will result in a substantial increase in traffic from prior anticipated levels for the surrounding roadways but at no time will the project conflict with adopted standards and plans.
- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? No Impact**–The project will not change any air traffic patterns and will not result in substantial safety risks.
- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? No Impact**– The project will not increase hazards due to design features.
- e) **Result in inadequate emergency access? No Impact**– The proposed project will not result in inadequate emergency access as it will be required to design cul-de-sacs to accommodate emergency vehicles.
- f) **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? No Impact**– The proposed project does not conflict with any local plans.

XVII. TRIBAL CULTURAL RESOURCES – Would the project:				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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:	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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				X
b) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Background:

South Coast Information Center (SCIC) located at San Diego State University was accessed in August of 2016 and did not identify any known historical resources eligible for the California or National Register at or near the proposed project site. The cultural study determined that there would be no impacts to cultural or historical resources at the project area and no additional mitigation measures are necessary.

XVII. Tribal Cultural Resources Impacts and Discussion:

- a) **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 No Impact-** A Cultural Study did not identify any known historical resources eligible for the California or National Register at or near the proposed project site.
- b) **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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. –Less Than Significant Impact-** There are no known cultural resources identified at the project site. None the less a tribal monitor will be present during ground disturbance to ensure that any remains if present are adequately noticed.

XVIII. UTILITIES AND SERVICE SYSTEMS – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new storm water or water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	

f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g)	Comply with federal, state, and local statutes and regulations related to solid waste?				X
h)	Require or result in the construction of new or expanded electrical power facilities, the construction of which could cause significant environmental effects?			X	
i)	Require in a determination by the electrical power 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?			X	

Background

Utilities and Service Systems Background:

The proposed project site is undeveloped and will necessitate the extension of utilities and municipal services from facilities already existing within right-of-ways. The following utility services will be needed from local purveyors: electrical power, natural gas, and communication lines. Any pole mounted electrical transformers owned and maintained by the Imperial Irrigation District may require relocation as determined by the Imperial Irrigation District. Water and wastewater services will need to be provided by the City of Imperial and the project will require new water and sewer line extensions from primary roadways into the proposed development as private lines only. None of the proposed service extensions are expected to exceed the capacities of the service purveyors.

XVIII. Utilities and Service Systems Impact Discussion

- a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? No Impact**– The City's wastewater treatment system is operating at an estimated 40% capacity according to the 2015 Service Area Plan, therefore the project will not exceed the water treatment requirements established by the RWQCB.
- b) **Require or result in the construction of new storm water or water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Less Than Significant Impact**– The proposed project incorporates storm water facilities on-site inclusive of a storm water retention basin which will not in itself result in any environmental adverse effects. The City will review and approve the drainage plans to ensure that no adverse impact will result to the environment; therefore any impacts would be less than significant.
- c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Less Than Significant Impact**– The project has incorporated on-site storm-water retention basins to hold and treat the stormwater runoff created on the project site and discharge into an approved system. The Imperial Irrigation District provides a network of drains and ditches that will be used for the proper conveyance of stormwater. The nearest IID drain is located an approximate 50 feet from the site. New off-site stormwater facilities to convey the stormwater water are not expected to cause a significant effect to the environment.
- d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Less Than Significant**

Impact– The Imperial Irrigation District holds large and senior water rights to the Colorado River under State and Federal laws in order to provide untreated water service to landowners within the IID service area and untreated wholesale water to the municipalities within the IID service area, including the City of Imperial. IID has the authority and water rights sufficient to allow it to continue to provide wholesale water service to the City of Imperial for the indefinite future subject to the City's compliance with all then and in effect IID Rules and Regulations, and subject to an equitable apportionment tied to the City's population growth. Therefore the project will have a less than significant impact on existing apportionment.

- e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Less Than Significant–** As the area develops, developers will be required to pay development impacts fees to offset a portion of the cost associated with upgrading the City's Wastewater Treatment Plant. The current capacity of the wastewater treatment plant is 2.4 MPG, and it is currently operating at less than 65% capacity therefore any potential impacts would be less than significant.
- f) **Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Less Than Significant Impact–** Solid waste from the proposed project will be transported off site to the Allied Imperial Landfill which is located at 104 Robinson Road in Imperial. The Imperial Landfill is a Class III landfill with an estimated closure date of 2040. Allied Waste has recently purchased an additional 160 acres which would enable the landfill to increase the capacity to receive solid waste until the year 2036. Therefore, there will be no adverse impact.
- g) **Comply with federal, state, and local statutes and regulations related to solid waste? No Impact–** The collection and disposal of solid waste from the proposed project would be conducted in compliance with the County Wide Integrated Waste Management Plan which is consistent with Federal, State, and local statutes and regulations related to solid waste. Therefore, there will be no impact.
- h) **Require or result in the construction of new or expanded electrical power facilities, the construction of which could cause significant environmental effects? Less than significant impact-** The proposed project will require expansion of power or electrical services which are readily available to the site and any potential impact is expected to be less than significant.
- i) **Result in a determination by the electrical power 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? Less Than Significant Impact-** It is not anticipated that the power demand resulting from this project will exceed the capacity of the Imperial Irrigation District.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?		X		
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.)		X		
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion of Impacts

The project has the potential to affect species of concern and the quality of the environment unless mitigation measures are incorporated, thus further discussion and mitigation will be prepared under the proposed Mitigated Negative Declaration. Additionally the project has the potential to directly and cumulative affect circulation and traffic which will also be further discussed and mitigated under the proposed Mitigated Negative Declaration.

SOURCE REFERENCES & INDIVIDUALS CONSULTED

The following documents were used as sources of factual data and are hereby incorporated as part of this Environmental Checklist. Because of the voluminous nature of the documents, copies of the following are not distributed with these documents but may be obtained from the City of Imperial at 420 S Imperial Ave, Imperial, CA 92251.

A	County of Imperial Land Use Element, 2008
B	County of Imperial Airport Land Use Compatability Plan, 1996
C	CalRecycle Solid Waste Information System
D	Cultural Resources Survey Report for the Russell Court Residential Subdivision Development Project, 2016 Prepared by Tierra Environmental Services
E	United States Geological Survey Interactive Fault Map; accessed on 8/17/16
F	Office of Historical Preservation Database; accessed on 8/15/16
G	Imperial County Air Pollution Control District CEQA Air Quality Handbook November 2007
H	California Environmental Protection Agency Air Quality Board, California Ambient Air Quality Standards (CAAQS); accessed on 8/16/16
I	California Department of Toxic Substances Council Envirostor Database; accessed on 8/18/16
J	United States Environmental Protection Green Book Non-Attainment Areas June 2016
K	FEMA 100 Year Flood Plain Map, 2008
L	California Department of Conservation, Farmland Mapping and Monitoring Programs, 1982
M	Ed Data, Education Data Partner Ship, 2014-2015
N	City of Imperial City Manager was consulted

Exhibit C

*Mitigation & Monitoring
Program & Draft MND (CD)*

Exhibit C

Mitigation Monitoring Program

This Mitigation, Monitoring and Reporting Program was prepared in accordance with Section 21081.6 of the Public Resources Code which requires that a Lead Agency, which approves or carries out a project where an EIR or mitigated Negative Declaration has been adopted, prepare a monitoring program to ensure that the mitigation measures are used as in order intended to avoid significant effects to the environment.

The City of Imperial, as the Lead Agency has the responsibility to ensure implementation of the mitigation measures included with the monitoring program until such time that the monitoring responsibilities are delegated to other public agencies. Should this occur and some or all of the monitoring is passed to other public agencies, presumably because of an expertise in the subject, each agency will have the discretion to choose its own approach to monitoring and reporting.

The Mitigation, Monitoring and Reporting Program consists of the following components:

- A summary of the mitigation measures listed in the Mitigated Negative Declaration
- Identification of the Implementing party
- Identification of the Monitoring agency
- Timing of the mitigation measure

The City shall assign a staff member to coordinate all mitigation monitoring, check that measures are implemented as stated in the Mitigated Negative Declaration, and ensure timely reporting if monitoring is done by responsible agencies. Implementing agencies, responsible agencies, and/or the construction manager for the project will make a written report to the City Manager when a mitigation measure has been completed. If City staff determines that mitigation measures are not in compliance, notice shall be given, and upon expiration of the specified time period; construction shall be halted and fines imposed at the discretion of the City.

The City of Imperial has summarized the various requirements to be imposed on the project that will reduce all potential environmental impacts to a less than significant level and are identified herein:

A. Monitoring Implementation

The following measures are recommended to mitigate direct and cumulative impacts to below a level of significance. The requirements listed below are the responsibility of City of Imperial and are to be imposed on the project.

AIR QUALITY

The following mitigation measures will be required to ensure air quality is not affected as a result of the project.

Impact AQ-1-Construction Impacts Imperial County is a non-attainment area for both particulate matter (PM10) and ozone. Construction by its very nature may produce a variety of emissions. Construction activities such as site preparation, grading, excavation and soil compaction, while temporary, may increase local emissions. Impacts to air quality from the construction of the proposed project may result in a net increase of PM10 and Ozone.

Mitigation Measure AQ-1 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.

Standard Mitigation Measures for Combustion Equipment

1. Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.
2. Minimize idling time either by shutting equipment when it is not in use or reducing the time of idling to 5 minutes as a maximum.
3. Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use.
4. Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
5. To provide a greater degree of reduction of PM emissions and NOx from construction combustion equipment per Air Pollution Control District recommendations the project site will be subject to the following mitigation measures:
6. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.
7. Implement activity management (e.g. rescheduling activities to reduce short-term impacts).

Standard Mitigation Measures for Project Construction-ICAPCD Rule VIII

1. All disturbed areas, including Bulk Material Storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by using, water, chemical stabilizers, dust suppressants, tarps or other suitable material such as vegetative ground cover.

2. All on site and off site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
3. All unpaved traffic areas one (1) acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20% opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
4. The transport of Bulk Materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of Bulk Material. In addition, the cargo compartment of all Haul Truck is to be cleaned and/or washed at delivery site after removal of Bulk Material.
5. All Track-Out or Carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more onto a paved road within an urban area.
6. Movement of Bulk Material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers or by sheltering or enclosing the operation and transfer line.
7. The construction of any new Unpaved Road is prohibited within any area with a population of 500 or more unless the road meets the definition of a Temporary Unpaved Road. Any temporary unpaved road shall be effectively stabilized and effectively stabilized and visible emissions shall be limited to no greater than 20% opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.

Impact AQ-2 Operational Impacts An estimated 1,635 daily vehicular trips are anticipated from the project when operational which may marginally contribute to reduced air quality, greenhouse gas emissions and Global Climate Change.

Mitigation Measure AQ-2 The project shall incorporate the development of an Air Quality Response Plan to be adopted by the school district and implemented at the proposed elementary school. The plan shall stipulate actions and or procedures the school will take to ensure students are not exposed to excessive dust, odors, pesticides or smoke that may result from the normal agricultural operations in adjacent properties.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Grading Activities and During Grading and Construction Activities

BIOLOGICAL RESOURCES

The following mitigation measures are needed to reduce the potential impacts to biological resources to a level below significance:

Impact BIO-1– An inactive burrow was found off site, and as a species special concern, mitigation in the form of avoidance and impact minimization is required.

Mitigation BIO-1– A pre-construction survey shall be performed no less than 14 days prior to initiating ground disturbances. Report should be submitted to the City of Imperial. Construction and earthmoving activities shall comply with the following:

Avoidance Measures

1. It is recommended that construction foremen and workers and onsite employees be given worker training by a qualified biologist regarding burrowing owl that includes: description of owl; biology; regulations; wallet card with picture/guidelines; notification procedures.

Minimization Efforts

2. If occupied burrows are found on site, they should not be disturbed during the nesting season, which occurs from February 1 to August 31 unless a qualified biologist, approved by CDFG verifies through non-invasive methods that either the birds have not begun egg-laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
3. If avoidance is possible, then no disturbance of occupied burrows should occur within 50 meters (approximately 160 feet) during the non-breeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31. Under the direction of a qualified biologist, sheltering in place, such as utilizing hay bales or fencing to shield owls from sounds and activities may be considered during non-breeding season, if it is necessary to construct closer than 160 feet. If possible, the foraging habitat should be permanently preserved contiguous with occupied burrow site for each pair of breeding burrowing owls or single unpaired resident bird.

Mitigation Measures

4. When destruction of occupied burrows is unavoidable, in order to offset the loss of foraging and burrow habitat, foraging habitat per pair or unpaired resident bird should be permanently protected in a location and configuration acceptable to CDFG.

5. In addition, when destruction of occupied burrows is unavoidable, new burrows should be created at a ratio of 2:1. After consultation with CDFW, artificial burrows (minimum of 50 feet apart) will be installed using the guidelines found in the Imperial Irrigation District Artificial Burrow Installation Manual or other applicable manual.
6. If owls must be moved away from the disturbance area, passive relocation techniques should be used. Owls should be executed from burrows in the immediate impact zone and within a 50 meter (approximately 160 feet) buffer zone by installing one-way doors in burrow entrances. One-way doors should be left in place 48 hours to ensure owls have left the burrow before excavation. Excavation shall be done using hand tools and refilled to prevent reoccupation. After burrow is collapsed, contractor will immediately disk down area to prevent reoccupation.
7. Documentation is required. Photographs and notes shall be taken and a report shall be sent to CDFW.

Impact BIO-2 – If construction begins between February 1 through August 31, common breeding season form most migratory birds, a direct impact of destroying nests or disrupting nesting activities might occur.

Mitigation Measures BIO-2–Within three (3) to seven (7) days prior to commencement of grading/construction activities, a qualified biologist shall perform a preconstruction survey within 500 feet from the proposed work limits and the following measures shall be implemented as applicable:

1. If active avian nest(s) are discovered within or 500 feet from the work limits, a buffer shall be delineated around the active nest(s) measuring 300 feet for passerines and 500 feet for raptors. A qualified biologist shall monitor the nest(s) weekly after commencement of grading/construction to ensure that nesting behavior is not adversely affected by such activities.
2. If the qualified biologist determines that nesting behavior is adversely affected by grading/construction activities, then a noise mitigation program shall be implemented in consultation with CDFW, to allow such activities to proceed. Once the young have fledged and left the nest(s), then grading/construction activities may proceed within 300 feet (500 feet for raptor species) of the fledged nest(s).
3. Consultation with CDFW shall be required prior to the removal of any raptor nest(s) observed during the preconstruction clearance surveys. Raptor nests are protected under Section 3503.5 of the California Fish and Game Code which makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes; or to take, possess, or destroy the nests or eggs of any such birds.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Grading Activities

CULTURAL RESOURCES

The following mitigation measures shall be implemented to reduce potential impacts to cultural resources to a level below significance.

Impact C-1 The proposed project site is has the potential of being considered to be cultural significant to the Viejas Band of Kumeyaay Indians.

Mitigation C-1 In order to preserve and protect any potentially significant cultural resources, the following Mitigation Measures shall be implemented:

1. Mr. Earnest Pingleton of The Viejas Band of Kumeyaay Indians will be contacted at least thirty days prior to construction and be afforded the opportunity to assign a Kumeyaay Cultural Monitor on-site during ground disturbance activities.
2. In the unlikely event unanticipated, buried prehistoric archaeological resources (lithic material, faunal, pottery, etc.) or historical archaeological resources (ceramics, building materials, glassware, etc.) be unearthed during construction or any ground disturbing activities within the project areas, additional resource treatments would become necessary. Once a potential resource has been identified, all work within 100 feet must be halted until the find can be assessed by a qualified archaeologist.
3. If human remains are encountered during the proposed work, no further excavation or disturbance may occur in the vicinity of the find or in any area which may also harbor similar remains until the County coroner has been contacted. If the coroner identifies the remains as Native American, the descendants will be notified by the Native American Heritage Commission.

Implementing Party: City of Imperial

Monitoring Agency: The Viejas Band of Kumeyaay Indians

Timing: Prior and During Construction Activities

GEOLOGY/SOILS

The Geotechnical Report has identified areas of concern under seismicity, liquefaction potential and soil conditions that may adversely impact foundations. These conditions require mitigation as follows:

Impact GS-1 The site is located in a seismically active are nearby seismic faults including the Imperial, Brawley, Superstition Hills faults and this is subject to strong round shaking.

Mitigation GS-1 Design of the Russell Court Subdivision shall comply with the latest edition of the California Building Code for Site Class D using the seismic coefficients given in Table 2 of the Geotechnical Report prepared by Landmark Consultants.

Impact GS-2 Groundwater depths in the proposed project area are anticipated to be fairly shallow. Additionally, the site may be composed of silty and sandy soils. These conditions could result in a risk of liquefaction during seismic events.

Mitigation Measure GS-2 The design of the Russell Court Subdivision shall consider the foundation of the structures as either of the following:

- 1) Foundations that use grade-beam footings to tie floor slabs and isolated columns to continuous footings (conventional or post-tensioned)
- 2) Structural flat-plate mats, either conventionally reinforced or tied with post tensioned tendons

Impact GS-3 The native soil has severe to very severe levels of chloride ion concentration (1,030 to >18,000 ppm). Chloride ions can cause corrosion of reinforcing steel, anchor bolts and other buried metallic conduits. Resistivity determinations on the soil indicated very severe potential for metal loss because of electrochemical corrosion processes.

Mitigation GS-3 Mitigation of the corrosion of steel can be achieved by using steel pipes coated with epoxy corrosion inhibitors, asphaltic and epoxy coatings, cathodic protection or by encapsulating the portion of the pipe lying above groundwater with a minimum of 5 inches of densely consolidated concrete. No metallic water pipes or conduits should be placed below foundations.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Building Permit

HAZARD AND HAZARDOUS MATERIALS

The review of potential hazards to or resulting from the proposed project determined that residents of the Russell Court Subdivision could be exposed to limited risk associated with operations at the Imperial County Airport. The following Mitigation Measures are recommended for the potential impacts:

Impact HZ-1 – The project is located within the Imperial County Airport Land Use Compatibility Plans' Zone C which is a common traffic pattern with limited risk to residential land uses.

Mitigation HZ-1– An overflight easement for residential uses shall be recorded with all property deeds and fully disclosed at the time of sale regarding this limited risk from aircraft.

Impact HZ-2 – The two-story structures at the maximum height of thirty five feet are within proximity to a navigation facility in a manner that may impact the assurance of navigation signal reception as concluded through the Federal Aviation Administration Obstruction Evaluation/Airport Airspace Analysis Online Criteria Tool.

Mitigation HZ-2– The developer shall file with the Federal Aviation Administration any proposed two story residential and/or apartment unit improvements at least 45 days prior to construction for a No Hazard to Air Navigation Finding. The results of the formal consultation shall be submitted to the City of Imperial Building Official along with a building permit application.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Building Permit

HYDROLOGY AND WATER QUALITY

The following mitigation measures are needed to reduce the potential impacts to Hydrology and Water Quality to a level below significance:

Impact HQ-1– Construction activities may result in loss of topsoil and/or erosion.

Mitigation Measure HQ-1– The project will need to prepare a Storm Water Pollution Prevention Plan (SWPPP) complying with the State Water Resources Control Board General Permit and the City of Imperial MS4 Permit requirements in order to obtain NPDES permits. Erosion Control Plans including best management practices (BMPs) shall be prepared as part of the SWPPP.

Impact HQ-2– Surface runoff will increase significantly as a result of the project necessitating a comprehensive stormwater collection and discharge system. Any proposed retention basin and storm water conveyance system will impact the North Central Drain 2 which is owned and operated by the Imperial Irrigation District.

Mitigation Measure HQ-2–The project shall incorporate independent retention basins for the single family subdivision and the apartment complex development for stormwater infrastructure to address the stormwater demand of both prior to transmitting to a comprehensive discharge system. The retention facilities' design and improvement plans shall be reviewed and approved by the IID. The developer shall follow the requirements set forth in the Imperial Irrigation District's Developer Project Guide. A comprehensive hydraulic

drainage system analysis will be required to be performed by the IID. Fees required to conduct this system analysis will be the responsibility of the developer.

Impact HQ-3 The project site is adjacent to a number of canals and drains owned and operated by the Imperial Irrigation that may restrict project access. The IID claims a prescriptive right of way on the slope of all existing canals and drains, and requires encroachment permits for any level of access, and requires barrier walls/fences in order to prevent pedestrian hazards from channels they have authorized to remain open.

Mitigation Measure HQ-3 The developer shall not use IID's canal or drain banks to access the project site. A perimeter wall or fence shall be constructed between the proposed development and the IID channels in order to address safety concerns. The wall/fence shall be constructed to the satisfaction of IID to meet the minimum safety requirements and will require perimeter landscaping by the City of Imperial for those walls visible from a public roadway. Any abandonment of district easements shall be approved by IID based system requirements. The IID may further claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted.

Impact HQ-4 The project site directly abuts canal banks and drain banks that are at a higher elevation than the project site which may pose a flooding concern. Additional concerns include run-off that may be generated from the Banta Road/Nance Road intersection and onto the project site.

Impact HQ-4 The finish floor elevation of all on-site development shall be 18-inches above the highest top of curb at the south side of the development. An updated hydrology report may be required to be submitted to the City of Imperial to support final improvement plans.

Implementing Party: Developer

Monitoring Agency: City of Imperial and Imperial Irrigation District

Timing: Prior to Building Permit

LAND USE AND PLANNING SERVICES

The land use and planning findings under this section are closely tied to findings and mitigation measures found under the Hazards section of this MND and the Noise section of this MND. The following mitigation measures to address land use impacts are necessary in addition to those mitigation measures noted in the aforementioned sections, and complement one another.

Impact LU-1 – The Imperial County Airport Land Use Compatibility Plan establishes maximum densities for Zone C of 6 dwelling units per acre which will be exceeded by the

proposed Russell Court Subdivision, thus said used is determined to be incompatible with the 1996 adopted IC ALUCP.

Mitigation LU-1– The Imperial City Council shall review all facts in evidence and make findings of consistency with the purposes of Section 21670 of Aeronautics Law, updated on August, 2015 prior to, or concurrent, with the requested discretionary approvals.

Implementing Party: City of Imperial Planning Department

Monitoring Agency: Imperial County Airport Land Use Commission and California State Department of Aeronautics

Timing: Prior to Building Permit

NOISE

The following mitigation measures are needed to reduce the potential impacts to Noise to a level below significance.

Impact N-1– A substantial temporary increase in ambient noise levels in the project vicinity occur during the construction activities that may affect existing sensitive receptors.

Mitigation N-1–Prior to the issuance of a Notice to Proceed, the City of Imperial Planning Director shall ensure the following noise control measures are shown on applicable grading and building plans as details, notes or as otherwise appropriate:

- Construction scheduling will comply with City of Imperial Noise Element and Imperial County noise standards, whichever is stricter in setting forth maximum noise levels as related to potentially sensitive surrounding land uses.
- Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 7 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 ensure that stockpiling and vehicle–staging areas are located as far as practical from noise–sensitive receptors during construction activities.
- During construction, all fixed equipment (e.g., air compressors, generators, etc) shall be located as far from the residential properties as is reasonably feasible and directed away from sensitive noise receivers.
- During construction, contracts shall specify that all construction equipment shall be equipped with mufflers and other suitable noise attenuation devices and that they be operating adequately including properly working mufflers.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: During Construction

PUBLIC SERVICES

The following mitigation measures shall be implemented to reduce project-related impacts to traffic and circulation to a level below significance.

Impact PS-1– The proposed development will result in a demand of 1.97 acres of park space based on a population increase of 660 persons and an adopted ratio of three acres per 1,000 in population.

Mitigation PS-1–The proposed on-site retention basin shall be designed for dual use as Open Space/Recreation and shall incorporate shade trees and landscape areas. The basin area shall be able to support shade trees and limited landscaping in support of water conservation efforts. A landscaping plans shall be submitted for review and approval by the City Public Works Department.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Building Permit Issuance

TRAFFIC & TRANSPORTATION

The following mitigation measures shall be implemented to reduce project-related impacts to traffic and circulation to a level below significance.

Impact T-1 Due to the existing failing conditions of four intersections any additional traffic during construction activities will result in temporary, yet potentially significant impacts, particularly during peak hours to existing County and City roadways.

Mitigation Measure T-1 It shall be necessary for the developer to prepare a traffic control plan prior to initiating any grading and/or construction activities and obtain encroachment permits from the corresponding agency. The traffic control plan shall be reviewed and approved by the City of Imperial and the County of Imperial Department of Public Works.

Impact T-2 Based on the traffic generated traffic volumes it was calculated that the Barioni/Worthington corridor would significantly impact circulation at four failing intersections.

Mitigation Measure T-2 To improve operations along the Worthington/Barioni corridor the following mitigation measures shall be incorporated:

1. Barioni Boulevard at State Route 86–Change the phasing to eliminate the split phase timing configuration to Barioni Blvd at State Route 86.
2. Barioni Boulevard at “B” Street–Remove stop controls on Barioni Blvd at “B” Street.
3. Worthington Road at Nance Road– Add stop controls on Worthington Road at Nance Road.
4. Worthington Road at Austin Road–Add a 100' northbound right turn lane and a 200' westbound left turn on Worthington Road at Austin Road.

Impact T-3 The proposed site access from Nance Road encroaches into Imperial Irrigation District right-of-way/easements.

Mitigation Measure T-3 Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, and parking lots shall require an Encroachment Permit the IID. When additional crossings or modification to the existing ones are needed, the developer will be responsible for the cost of these improvements and IID will design and construct them. An IID planning review will be required for the project in accordance with Water Department developer guidelines. IID's Developer Project Guide is available at the website: <https://www.iid.com/home/showdocument?id=2328>.

Impact T-4 Worthington Road, Brewer Road, and Nance Road abutting the project site are not improved to design capacity.

Mitigation Measure T-4 Worthington Road and Brewer Road along the project site shall be improved to half width and per the City of Imperial's adopted standards per their assigned roadway classification. Nance Road will be required to be improved to full width standards along the Newside Canal crossing requiring pipelining by IID and intersection with Banta Road only.

Implementing Party: Developer

Monitoring Agency: City of Imperial

Timing: Prior to Building Permit Issuance and During Construction

Exhibit D

Noticing



**NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT
A DRAFT MITIGATED NEGATIVE DECLARATION
FOR THE RUSSELL COURT SUBDIVISION & ANNEXATION PROJECT & MAKE
RECOMMENDATIONS ON PENDING DISCRETIONARY ACTIONS**

Notice is hereby given that a public hearing will be held by the City of Imperial Planning Commission at the date, time, and place indicated below.

Subject: Russell Court Subdivision <ul style="list-style-type: none">• Certification of Draft Mitigated Negative Declaration• Recommendation to City Council on Proposed Subdivision, Annexation, General Plan Amendment, Pre-Zone and Zoning Text Amendment	Proposed Project Location: North-west corner of Brewer Road and Nance Road at Assessor's Parcel Numbers: 064-013-003, 064-020-043, 064-013-004, 064-254-084, 064-254-085, 064-254-086, 064-254-087, and 064-254- 088.
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The applicants Ray D. Roben Sr, Roben LLC, Stephen J Urih, and Vicki L. Urih have submitted an application for a proposed Subdivision, Annexation, General Plan Amendment, Pre-Zone, and Text Amendment for the Russell Court Subdivision Project. The Applicants propose to subdivide approximately 30 acres of land into three residential areas: 1) 130 single family residential units, 2) 66 apartment units, and 3) one independent single family unit. Additionally, the applicants propose to pre-zone and annex said subdivision into the City of Imperial from an unincorporated area of Imperial County. The project will require a general plan amendment from Residential Low Density to Residential Single Family and Residential Apartment in order to accommodate the R-1 Single Family and RA- Residential Apartment development. Additionally, a zoning text amendment is being considered in order to accommodate lots at a reduced width of 55' instead of the current 65' lot width standard.

Planning Commission Hearing Date: February 8, 2017
Hearing Time: 6:30 PM
Hearing Location: Council Chambers located in the Public Library
200 W. 9th Street, Imperial, CA 92251

A Draft Mitigated Negative Declaration consistent with CEQA has been prepared for the proposed project. Copies of the Application, Draft Mitigated Negative Declaration and other pertinent information are available for review at Imperial City Hall during regular business hours. If you would like to know more about the proposed project prior to the public hearing, please contact Jorge Galvan, Planning Director at The City of Imperial via phone at (760) 355-1152, or Justina G. Arce, Planning Consultant at The Holt Group via email at jarce@theholtgroup.net.

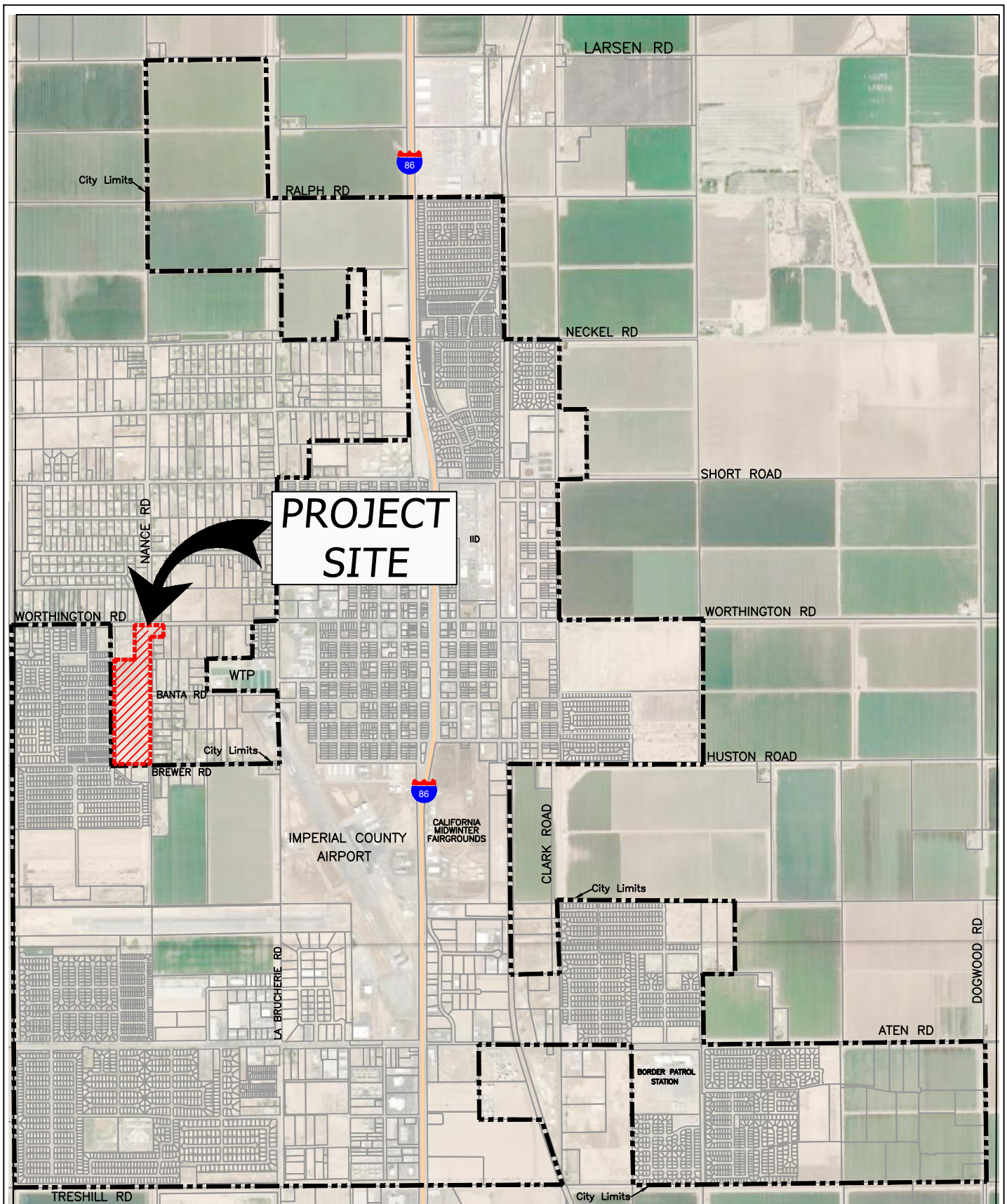
Any person desiring to comment on the above project may do so in writing or may appear in person at the public hearing. Written comments should be directed to Ms. Debra Jackson, City Clerk, 420 South Imperial Avenue, Imperial, California 92251 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.

If you plan on attending the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact Debra Jackson at (760) 355-4373 to arrange for those accommodations to be made.

Posted 1-18-17



City Clerk



The Holt Group, Inc.
ENGINEERING • PLANNING • SURVEYING

1601 N. Imperial Ave. El Centro, California 92243



(760)337-3883



NOT TO SCALE

PROJECT LOCATION MAP
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT B

Project No. 173.135

Date: January 2017



Notice of Intent to Adopt a a Mitigated Negative Declaration

**Russell Court Subdivision, Annexation, General Plan Amendment, Pre-Zone, Text
Amendment, and Variance
December 14, 2016**

To: All Interested Parties

Subject: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR
Russell Court Subdivision, Annexation, General Plan Amendment, Pre-Zone, Text
Amendment an Variance

Lead Agency: **City of Imperial**
420 South Imperial Avenue
Imperial, California 92251
Contact: Jorge Galvan
(760) 355-1152
jgalvan@cityofimperial.org

Secondary Contact:
The Holt Group, Inc
1601 North Imperial
El Centro, CA 92243
Contact: Justina G. Arce
(760) 337-3883
jarce@theholtgroup.net

Co-Lead Agency: **LAFCo**
1122 W State St # D
El Centro, CA 92243
Contact: Jurg Heuberger
(760) 353-4115
jurgh@iclafco.com

Project Sponsor: **Ray D. Roben Sr; Roben LLC; Stephen J & Vicki L., Urih**
341 W. Crown Court
Imperial, CA 92251

Project Location: The project is proposed to be located at the north-west corner of Brewer Road and
Nance Road at the following Assessor's Parcel Numbers: 064-013-003, 064-020-
043, 064-013-004, and 064-254-084, 064-254-085; 064-254-086; 064-254-087;
and 064-254- 088. Please see **Exhibit A- Project Location Map**.

RECEIVED

DEC 14 2016

BY 
IMPERIAL COUNTY CLERK-RECORDER

POSTED

DEC 14 2016

IMPERIAL COUNTY CLERK-RECORDER
CALIFORNIA

California State Law requires the City of Imperial to conduct an environmental review for all projects that require a public hearing pursuant to CEQA and provide an opportunity for public comment. The environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur from the approved and implemented project. It has been concluded that although the project may have a significant effect on the environment, mitigation measures have been

incorporated to reduce any potential impacts to less than significant. This notice is intended to provide an opportunity for public comments on the draft Mitigated Negative Declaration. Written comments are desired at the earliest possible date, but no later than thirty (30) days after the receipt of this notice. Public comments for the proposed mitigated negative declaration will be accepted until 5:00 PM **Monday, January 16, 2016** (The review period runs from December 15, 2016 to January 16, 2016, for a period of 30 days). Please provide written comments including, if applicable, specific statutory responsibilities of your agency. Please send your responses and the name of the contact person to the City of Imperial, 420 South Imperial Avenue, Imperial CA 92251.

Hearing Location: A Public Hearing is tentatively scheduled before the Planning Commission at the Council Chambers located in the Public Library at 200 W. 9th Street.

Project Title: Russell Court Subdivision, Annexation, General Plan Amendment, Pre-Zone, Text Amendment, and Variance

Project Description: The Applicants propose to subdivide approximately 30 acres of land into three residential areas. This will include 130 single family residential units, 66 apartments, and one single family home on a .68 acre lot. Additionally the applicants propose to pre-zone and annex said subdivision into the City of Imperial from an unincorporated area of Imperial County. The project will require a general plan amendment from Residential Low Density to Single Family Residential and Residential Apartment in order to accommodate the R-1 Single Family and AR-apartment/condominium development. Please refer to Exhibit B-Site Plan.

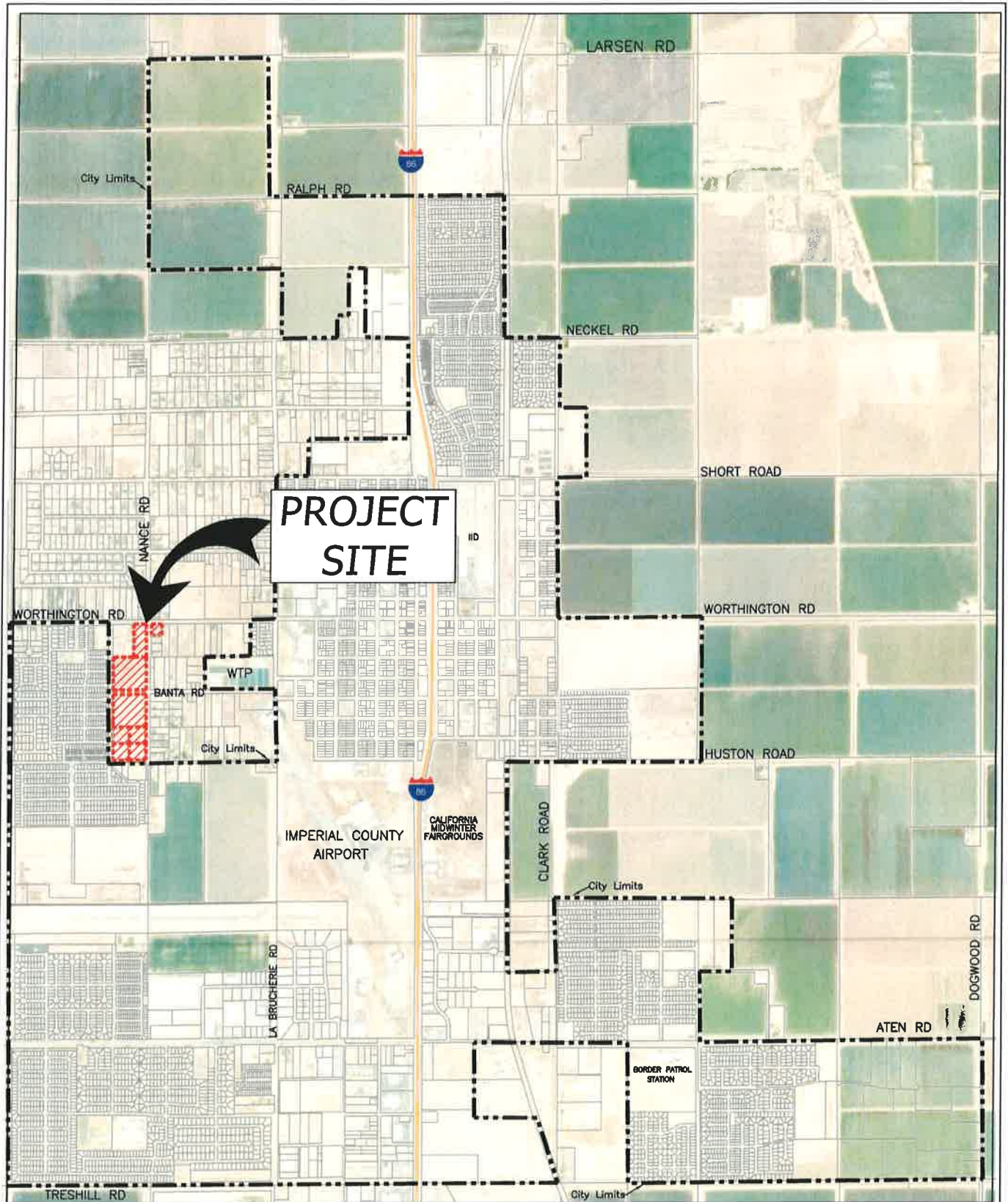
The Draft Mitigated Negative Declaration and complete project file is available for review at the following locations:

City of Imperial
420 South Imperial Avenue
Imperial CA 92251

The Holt Group
1601 N. Imperial Avenue
El Centro, CA 92243

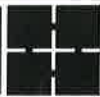
Further notification of the public hearing for this matter will be provided at a later date for interested agencies and property owners within 300' of the proposed project site. The final Mitigated Negative Declaration may include additions and corrections as appropriate and any written comments and recommendations received from individuals, organizations, and public agencies during the public review period will be considered by the Planning Commission at the January 25, 2016 Public Hearing. For more information, please contact Jorge Galvan, Planning Director at The City of Imperial, or Justina G. Arce, Planning Consultant at The Holt Group.


Jorge Galvan, AICP
City Planner



The Holt Group, Inc.
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1601 N. Imperial Ave. El Centro, California 92243



(760)337-3883



NOT TO SCALE

PROJECT LOCATION
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT A

Project No. 173.135

Date: August 2016

Exhibit E
Comments



August 24, 2016

Jorge Galvan, AICP
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251

SUBJECT: Initial Consultation for the Proposed Russell Court Subdivision and Annexation

Dear Mr. Galvan,

The Initial Consultation to prepare an Environmental Assessment for the proposed Russell Court Subdivision and Annexation has been reviewed by the Imperial County Air Pollution Control District (Air District). As you know, the Air District's established programs to keep the air in Imperial County from declining are found within the Rules and Regulations of the Air District, the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County, the Air District State Implementation Plans (SIP's) for Ozone and PM₁₀, and the Air District non-attainment status. Currently, the "moderate" non-attainment status for ozone, serious" non-attainment status for PM₁₀, non attainment for PM_{2.5} are the driving criteria in establishing the thresholds for NO_x, ROG, PM₁₀, SO_x and CO. These thresholds and their significance are explained within the pages of the Imperial County CEQA Air Quality Handbook. Section 6 of the CEQA handbook describes the preparation of the Air Quality Analysis for an Environmental Impact Report (EIR).

The following is a synopsis of the information pertinent to the development of an Air Quality analysis. A **comprehensive Air Quality Analysis** of the construction and operational impacts of the project is required. A thorough analysis should include a description, impacts and health consequences of all air quality and associated emissions. The analysis should be conducted using the Air Districts approved modeling factors.¹ The analysis should include short and long term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis per alternative. A description of the Air District attainment status, State and Federal, is required as is describing any regulatory

¹The most current modeling tool adopted is CalEEMod.

restrictions to the project. All temporary construction and grading impacts should quantify fugitive dust and combustion emissions and propose mitigation measures.

A health risk assessment such as a diesel exhaust screening level should be included for projects anticipating the use of heavy-duty diesel equipment.² A health risk assessment should also be conducted for projects locating near already existing facilities with a potential to emit toxics. Typically, these health risk assessments are of a quantitative nature but can be a mixed qualitative and quantitative analysis. In any case, the relative human exposure, location of the project, distance to sensitive receptors all should be considered when developing the risk assessment. In addition, guidance on incompatible land uses (such as placing homes near freeways) can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process.

Projects anticipating heavy volumes of traffic should conduct hot spot modeling.³ Hot spot modeling will help determine compliance with the state CO standard at intersections and roadway links as determined by traffic impact analysis. In addition, existing and proposed projects must have a cumulative impact analysis. For each sub analysis and risk assessment mitigation measures should be identified, quantified for effectiveness and incorporated into the environmental document (i.e. Environmental Impact Report EIR or Environmental Impact Statement EIS). All mitigation measures must follow District Rules and Regulations including the most current CEQA Air Quality Handbook. Consultation with the most recent Clean Air Plans (SIP's), District Rules and Regulations and other Air District approved programs is recommended for effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce the impacts to insignificance then off-site mitigation should be discussed and appropriately applied. Finally, in accordance with Assembly Bill 32 known as the Global Warming Solutions Act of 2006 and the most recent amendments to the 2014 CEQA Guidelines, a discussion of the impacts from Green House Gas emissions and its relation to Climate Change is required.

Reminder, all construction sites regardless of size must adhere to the requirements of Regulation VIII, Fugitive Dust Control. This regulation is comprised of six individual rules which combined apply Best Available Control Measures to any size construction or earthmoving activity. Aside from the standard of measurement, is the requirement of a dust control plan and notification 10 days prior to the commencement of construction to the Air District is important. The Imperial County Rule book can be found at <http://www.co.imperial.ca.us> under "Air

² Guidelines and procedures as approved by the California Air Resources Board and the Office of Environmental Health Hazard Assessment (OEHHA)

³ Using APCD approved hot spot modeling such as CALINE4, developed by and available through the California Department of Transportation.

Pollution Control.” We encourage all developers, construction companies, cities and interested parties to obtain of copy of the Regulation VIII, Fugitive Dust Control. Should you have any questions please do not hesitate to call the office at 442-265-1800.

Sincerely,

A handwritten signature in dark ink, appearing to read "Belen Leon". The signature is fluid and cursive, with the first name "Belen" and the last name "Leon" clearly distinguishable.

Belen Leon
APC Administrative Analyst II



January 17th 2017

Jorge Galvan, AICP
Planning Manager
420 S. Imperial Avenue
Imperial, CA 92251

Re: Draft Mitigated Negative Declaration for Russell Court Subdivision, Annexation, and General Plan Amendment

Dear Mr. Galvan,

The Air Pollution Control District wants to thank you for the opportunity to comment on the Draft Mitigated Negative Declaration for the Russell Court Subdivision, Annexation, and General Plan Amendment. As you may know, the Air District is dedicated to keeping our air free of preventable contaminants to preserve the overall public well-being of Imperial County, and as a result, we have adopted various rules and regulations aimed at achieving attainment of both federal and state ambient air quality standards.

In this project, the applicants are proposing to subdivide approximately 30 acres of land into three residential areas. Area 1 will consist of 130 single family residential units, area 2 will consist of 66 apartments/condominiums, and area 3 will consist of a single family home on a 0.68 acre lot. The project also consists of annexing the subdivision into the City of Imperial from an unincorporated area of Imperial County and giving it a zoning designation. This requires a general plan amendment from Residential Low Density to Single Family Residential and Residential Apartment, as stated in the project description.

Air Quality

Fugitive dust (or suspended particulate matter) is small airborne particles varying in size that have the potential to adversely affect human health and/or the environment. Many components of suspended particulate matter are respiratory irritants, physical irritants, chemical irritants, and/or can also contain compounds such as heavy metals and various organic compounds that are systemic toxins or necrotic agents as well as carcinogenic or mutagenic chemicals. In order to protect the public from fugitive dust emissions created by various construction and agricultural activities in Imperial County, Regulation VIII was adopted by the APCD.

In order to reduce fugitive dust emissions created by construction and earthmoving activities, the APCD is formally requiring a dust control plan be submitted. This will help in limiting dust emissions to 20% opacity and creating stabilized surfaces when needed.

In addition to this, when projects are unable to mitigate their operational emissions using onsite mitigation measures, CEQA allows for the application of off-site measures to off-set excess emissions.

Rule 310 was developed to provide a sound method for mitigating emissions produced by the operations of new development projects throughout Imperial County. In this case, a Rule 310 application should be submitted to the APCD at the time of obtaining a building permit.

Again, thank you for the opportunity to comment. For further details or assistance, please contact the APCD office at (442) 265-1800.

All the best,

A handwritten signature in blue ink, appearing to read 'Axel Salas', with a stylized flourish at the end.

Axel Salas

APC Environmental Coordinator

VIEJAS

TRIBAL GOVERNMENT

P.O. Box 908
Alpine, CA 91903
#1 Viejas Grade Road
Alpine, CA 91901

Phone: 6194453810
Fax: 6194455337
viejas.com

September 21, 2016

Justina Gambea Arce
Planning Consultant
City of Imperial
420 S Imperial Ave.
Imperial, Ca 92251

RE: Proposed Russell Court Subdivision and Annexation to the City of Imperial

Dear Ms. Arce

The Viejas Band of Kumeyaay Indians ("Viejas") has reviewed the proposed project and at this time we have determined that the project site is has cultural significance or ties to Viejas. Viejas Band request that a Kumeyaay Cultural Monitor be on site for ground disturbing activities to inform us of any new developments such as inadvertent discovery of cultural artifacts, cremation sites, or human remains. Please call Ernest Pingleton for scheduling at 619-659-2314 or email epingleton@Viejas-nsn.gov. Thank you.

Sincerely,

VIEJAS BAND OF KUMEYAAY INDIANS



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Since 1911

October 5, 2016

Mr. Jorge Galvan
City Planner
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251

SUBJECT: Initial Consultation for Proposed Russell Court Subdivision & Annexation

Dear Mr. Galvan:

Pursuant to the City of Imperial's Request for Agency Comments for the purpose of addressing any agency concerns during the preparation of the environmental assessment that will be undertaken for the proposed Russell Court Subdivision and Annexation, which consists of the development of 130 single-family residential units and 66 condo/apartments on 30 acres of land located at the northwest corner of Nance and Brewer Roads in an unincorporated area of Imperial County abutting Imperial, CA; the Imperial Irrigation District has reviewed the preliminary information and has the following comments:

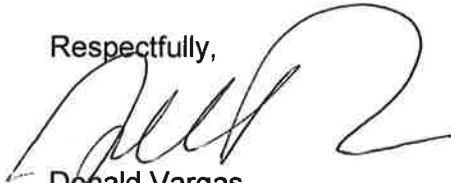
1. Once the developer is ready to address the electrical service requirements for the proposed subdivision, the developer should be advised to contact the IID Customer Project Development Office and speak with the area's project manager, Mr. Ernie Benitez, to initiate the customer service application process. Mr. Benitez can be contacted at (760) 482-3405, (760) 427-7381 or e-mailed at eibenitez@iid.com.
2. IID water facilities that may be impacted include the Newside Canal and the North Central Drain 2. The Newside Canal is located along parcel boundaries adjacent to Nance Road.
3. In Exhibit A. *Project Location Map*, IID canals and drains are not shown or labeled. For the sake of clarity it would be helpful if future project documents include IID canal and drains in the project's maps and figures.
4. The developer may not use IID's canal or drain banks to access a project site. Any abandonment of district easements or facilities shall be approved by IID based on systems (Irrigation, Drainage, Power, etc.) requirements.
5. Fences should be installed at the boundary of IID's right-of-way for safety purposes and allow access for IID operation and maintenance activities. IID Water Department Engineering Services should be consulted prior to finalization of the project's fencing design to address IID's safety and access concerns.
6. All effluent being discharged into IID's drains will have to be in conformance with the laws and regulations of Imperial County and also with the various state and federal agencies having jurisdiction over water quality control.

7. The developer should explain how the proposed project will manage storm water runoff. Will the project include detention basins and related storm water conveyance infrastructure to the North Central Drain 2? If so, the proposed project will require that IID perform a comprehensive hydraulic drainage system analysis. IID's hydraulic drainage system analysis includes an associated drain impact fee. When a development plans a storm water detention facility, it must be designed such that it does not induce seepage from, nor create instability in adjacent IID facilities. See Imperial Irrigation District's Developer Project Guide for detailed information regarding drainage and water detention facilities.
8. The proposed site access from Nance Road will require an IID crossing and encroachment permit. When additional crossings or modification to the existing ones are needed, the developer will be responsible for the cost of these improvements and IID will design and construct them. If required traffic, turning lanes, or any other road improvements impact an IID canal or drain, then pipelining a segment of the canal or drain will be required. The developer will be responsible for the cost of the pipeline and IID will design and construct it.
9. An IID planning review will be required for the project in accordance with Water Department developer guidelines. IID's Developer Project Guide is available at the website: <http://www.iid.com/home/showdocument?id=2328>. For additional information regarding IID Water Department planning review, contact IID Water Engineering Services at (760) 339-9265. Draft designs should be submitted to this section before finalization to identify impacts to IID facilities.
10. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion can be found at the IID website: <http://www.iid.com/home/showdocument?id=271>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
11. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
12. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as

the environmental documentation is amended and environmental impacts are fully mitigated. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Environmental Regulatory
Compliance Administrator

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Vicken Kasarjian – Manager, Energy Dept.
Jamie Asbury – Deputy Energy Manager, Business/Regulatory
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Jesse Montaño – Transmission, Planning and Engineering Oversight
Samuel E. Singh – Supt. Customer Project Development, Energy Dept.
Michael P. Kemp – Superintendent, Real Estate & Environmental Compliance
Harold Walk Jr. – Supervisor, Real Estate
Randy Gray – ROW Agent, Real Estate
Jessica Lovecchio – Biologist, Water Dept.



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November 10, 2016

Mr. Jorge Galvan, AICP, City Planner
City of Imperial Planning Department
420 South Imperial Avenue
Imperial, CA 92251

Dear Mr. Galvan:

Subject: Newside Canal Pipelining between Worthington Road and Brewer Road, Imperial;
Russell Court Subdivision

This letter updates a previous August 13, 2015 IID letter and augments October 5, 2016 IID letter (copies of both attached) in regards to the above mentioned subject. The IID Water Department has had an opportunity to review the current tentative subdivision map dated 10/26/2016. It is understood that the subdivision will include 125 single family residential lots on approximately 30 acres within the above referenced limits. The project proponent, Mr. Russell Roben has expressed concern that IID may require pipelining of the canal as a condition of such development.

The Newside Canal in this portion is a concrete lined canal that serves approximately 3,793 acres of farmland and other residential customers downstream. It is located adjacent to Nance Road, a two lane paved road. If this entire portion of canal required pipelining, the cost is estimated to be approximately \$2.2 million dollars.

Typical reasons an open channel canal may trigger pipelining include public safety concerns, proposed development infringing upon, or impacting operation and maintenance activities, customer request, city/county conditions of approval on a private development, including potential street widening along the canal.

A planning review is the formal process in which IID reviews the project plans, local agency conditions of approval and environmental documentation in detail and determines impacts to IID systems, including the assessment of pipelining need. However, in response to recent query by Mr. Roben and similar questions by several local agency staff, IID has reviewed the project scope and the portion of Newside Canal with IID internal division operations to determine what is reasonable from an IID O&M need.

Presently, there are no known impacts to the ongoing O&M of this portion of canal. The development will need to ensure the following items are addressed in the proposed construction in order for IID to maintain O&M activities for the Newside Canal to continue as an open concrete lined channel:

1. The development shall ensure there is sufficient buffer from the edge of right-of-way or toe of slope of canal bank road (whichever offers greater distance) and a wall from your development constructed to the underlying public agency standards. This buffer distance shall separate O&M activities from the residences.
2. Any driveway or road access crossing(s) across the canal would require pipelining portion of the canal to ensure IID's continued O&M can be accommodated. IID shall design and construct any pipe crossings to meet IID needs and the development shall pay all costs.
3. Should the city or county need to widen Nance Road to the west within these limits pipelining of the Newside Canal may be needed to accommodate the new roadway. In this case, IID would not pay for pipelining and the pipelining cost would have to be borne either by the agency, or the development.
4. Should the city or county require other street or intersection improvements that would require modification, relocation or reconstruction of IID canal and/or drain facilities IID would need to review the impacts to IID's system, including any design and construction of necessary mitigations to IID's system.

This letter should be used as assurance that IID does not require pipelining of the Newside Canal as a result of the project as long as the above mentioned items are adhered to.

Attention is also called to the items indicated in IID letter dated October 5, 2016. These remain valid and indicate other important considerations the project proponent should be aware of to address IID WD Water and Energy Department process as well as IID Environmental Compliance.

As mentioned above and as item 9 of October 5, 2016 letter, IID shall perform a planning review of the project according to IID's Developer Guidelines which can be found at the IID's website address at <http://www.iid.com/home/showdocument?id=2328>. The result of the planning review will also determine any additional impacts to IID's canal and drain system. It is critical that construction level plans, CEQA approvals and any other local agency approvals and conditions be provided.

If the project proponent wishes for IID to proceed with the planning review phase of the project, please send a check in the amount of \$5,000 along with the Project Initiation and Planning Fee Payment form, Customer Service Project Agreement form and Terms and Conditions Form (all forms attached), and a copy of this letter to:

Imperial Irrigation District
Water Department
Attn: Engineering Services
Imperial, CA 92251

Should you have any questions, please contact Frank Fiorenza, Principal Engineer at (760) 339-9507 or by electronic email fjfiorenza@iid.com.

Sincerely,



Ismael Gomez
Assistant Manager, Chief Civil Engineer,
Water Department

FF:sm

cc: Henry Dollente, Southend Division
Randy Gray, IID Real Estate
Donald Vargas, IID Environmental Compliance
Justina Arce, The Holt Group
Russell Roben, Duggins Construction Co.



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August 13, 2015

RECEIVED
AUG 20 2015

BY:

Mr. Russell Roben
Duggins Construction Company
341 Crown Court
Imperial, CA 92251

Dear Mr. Roben:

Subject: Newside Canal Pipelining between Worthington Road and Brewer Road, Imperial

It is understood that you may be developing property west of the Newside Canal within the above referenced limits in the future for low density residential type development. You have expressed concern that IID Water Department may require pipelining of the canal as a condition of such development.

The Newside Canal in this portion is a concrete lined canal that serves approximately 3,793 acres of farmland and other residential customers downstream. It is located adjacent to Nance Road, a two lane paved road. If this portion of canal required pipelining, the cost is estimated to be approximately \$2.2 million dollars.

Typical reasons an open channel canal may trigger pipelining include public safety concerns, proposed development infringing upon, or impacting operation and maintenance activities, customer request, or city/county conditions of approval on a private development.

Presently, there are no known impacts to the ongoing O&M of this portion of canal. Should low density residential development occur along the west side of the canal, as long as there is sufficient buffer from the toe of slope of canal bank road and a wall from your development constructed to the underlying public agency standards separating O&M activities from the residences, it is not likely that IID would require pipelining from your proposed residential development.

However, there are some caveats that need to be noted:

1. Should the development be of a high density residential, commercial or industrial nature, IID may need to review the proposed development plans to see if IID O&M activities would be impacted. Additionally any access crossing(s) across the canal would also trigger review for impacts to IID O&M and subsequent determination of need for pipelining.

2. Should the City or County need to widen Nance Road to the west within these limits pipelining of the Newside Canal may be needed to accommodate the new road. In this case, IID would not pay for pipelining and the pipelining cost would have to be borne either by the agency, or the development.
3. The CEQA environmental process will begin once the project has actual development plans through the appropriate public agency having jurisdiction over project development. IID may have further comments.

Should you have any questions, please contact Frank Fiorenza, Principal Engineer at (760) 339-9507 or by electronic email fjfiorenza@iid.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ismael Gomez', is written over a horizontal line.

Ismael Gomez
Assistant Manager, Chief Civil Engineer,
Water Department

FF:sm

cc: Henry Dollente, Southend Division
Randy Gray, IID Real Estate
Donald Vargas, IID Environmental Compliance



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October 5, 2016

Mr. Jorge Galvan
City Planner
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251

SUBJECT: Initial Consultation for Proposed Russell Court Subdivision & Annexation

Dear Mr. Galvan:

Pursuant to the City of Imperial's Request for Agency Comments for the purpose of addressing any agency concerns during the preparation of the environmental assessment that will be undertaken for the proposed Russell Court Subdivision and Annexation, which consists of the development of 130 single-family residential units and 66 condo/apartments on 30 acres of land located at the northwest corner of Nance and Brewer Roads in an unincorporated area of Imperial County abutting Imperial, CA; the Imperial Irrigation District has reviewed the preliminary information and has the following comments:

1. Once the developer is ready to address the electrical service requirements for the proposed subdivision, the developer should be advised to contact the IID Customer Project Development Office and speak with the area's project manager, Mr. Ernie Benitez, to initiate the customer service application process. Mr. Benitez can be contacted at (760) 482-3405, (760) 427-7381 or e-mailed at eibenitez@iid.com.
2. IID water facilities that may be impacted include the Newside Canal and the North Central Drain 2. The Newside Canal is located along parcel boundaries adjacent to Nance Road.
3. In Exhibit A. *Project Location Map*, IID canals and drains are not shown or labeled. For the sake of clarity it would be helpful if future project documents include IID canal and drains in the project's maps and figures.
4. The developer may not use IID's canal or drain banks to access a project site. Any abandonment of district easements or facilities shall be approved by IID based on systems (Irrigation, Drainage, Power, etc.) requirements.
5. Fences should be installed at the boundary of IID's right-of-way for safety purposes and allow access for IID operation and maintenance activities. IID Water Department Engineering Services should be consulted prior to finalization of the project's fencing design to address IID's safety and access concerns.
6. All effluent being discharged into IID's drains will have to be in conformance with the laws and regulations of Imperial County and also with the various state and federal agencies having jurisdiction over water quality control.

7. The developer should explain how the proposed project will manage storm water runoff. Will the project include detention basins and related storm water conveyance infrastructure to the North Central Drain 2? If so, the proposed project will require that IID perform a comprehensive hydraulic drainage system analysis. IID's hydraulic drainage system analysis includes an associated drain impact fee. When a development plans a storm water detention facility, it must be designed such that it does not induce seepage from, nor create instability in adjacent IID facilities. See Imperial Irrigation District's Developer Project Guide for detailed information regarding drainage and water detention facilities.
8. The proposed site access from Nance Road will require an IID crossing and encroachment permit. When additional crossings or modification to the existing ones are needed, the developer will be responsible for the cost of these improvements and IID will design and construct them. If required traffic, turning lanes, or any other road improvements impact an IID canal or drain, then pipelining a segment of the canal or drain will be required. The developer will be responsible for the cost of the pipeline and IID will design and construct it.
9. An IID planning review will be required for the project in accordance with Water Department developer guidelines. IID's Developer Project Guide is available at the website: <http://www.iid.com/home/showdocument?id=2328>. For additional information regarding IID Water Department planning review, contact IID Water Engineering Services at (760) 339-9265. Draft designs should be submitted to this section before finalization to identify impacts to IID facilities.
10. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion can be found at the IID website: <http://www.iid.com/home/showdocument?id=271>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.
11. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
12. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as

Jorge Galvan
October 5, 2016
Page 3

the environmental documentation is amended and environmental impacts are fully mitigated. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Environmental Regulatory
Compliance Administrator

Kevin Kelley – General Manager
Mike Pacheco – Manager, Water Dept.
Vicken Kasarjian – Manager, Energy Dept.
Jamie Asbury – Deputy Energy Manager, Business/Regulatory
Vance Taylor – Asst. General Counsel
Robert Laurie – Asst. General Counsel
Jesse Montaño – Transmission, Planning and Engineering Oversight
Samuel E. Singh – Supt. Customer Project Development, Energy Dept.
Michael P. Kemp – Superintendent, Real Estate & Environmental Compliance
Harold Walk Jr. – Supervisor, Real Estate
Randy Gray – ROW Agent, Real Estate
Jessica Lovecchio – Biologist, Water Dept.



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December 12, 2016

Mr. Jorge Galvan, AICP, City Planner
City of Imperial Planning Department
420 South Imperial Avenue
Imperial, CA 92251

Dear Mr. Galvan:

Subject: Newside Canal Pipelining along Nance Road and North Central Drain No. 2, both between Worthington Road and Brewer Road, Imperial; Russell Court Subdivision

In response to a meeting held on November 28, 2016 with representatives from City of Imperial, LAFCO, Russell Court Subdivision Owners and IID staff, it was determined that the November 10, 2016 letter on this subject needed revision. The November 10 letter discussed results of IID review of the Russell Court Subdivision tentative map that proposes 125 single family residential lots on approximately 30 acres within the above referenced limits. Per Ms. Justina Arce, representative from the city, the project also includes an additional 66 potential apartment units on approximately 3.3 acres at the southwest corner of Worthington Road and Nance Road.

The IID now understands that the subdivision will include 125 single family residential lots and 66 apartment units for a total of 191 units within the above referenced limits. The project proponent, Mr. Russell Roben has expressed concern that IID may require pipelining of the canal as a condition of such development.

Not brought up previously, the IID's North Central Drain No. 2 is located along the west boundary of the Russell Court Subdivision and located between Worthington Road and Brewer Road. This letter now also addresses IID concerns with respect to potential pipelining of the drain as well of the Newside Canal.

A planning review is the formal process in which IID reviews the project plans, local agency conditions of approval and environmental documentation in detail and determines impacts to IID systems, including the assessment of pipelining need. However, in response to a recent query by Mr. Roben and similar questions by several local agency staff, IID has reviewed the project scope and the portion of both Newside Canal and North Central Drain No. 2 with IID internal division operations to determine what is adequate addressing IID O&M needs.

The planning review process will still need to be performed to determine the project impacts on IID's water and drain systems in the area, including provision for drain connections and driveway access across the Newside Canal.

Newside Canal: This segment of the Newside Canal is concrete lined canal serving approximately 3,793 acres of farmland and other residential customers downstream. It is located adjacent to Nance Road, a two lane paved road. If this entire portion of canal required pipelining, the cost is estimated to be approximately \$2.2 million dollars.

Typical reasons an open channel canal may trigger pipelining include public safety concerns, proposed development infringing upon, or impacting operation and maintenance activities, customer request, city/county conditions of approval on a private development, including potential street widening along the canal.

Presently, there are no known impacts to the ongoing O&M of this portion of canal. The development will need to ensure the following items are addressed in the proposed construction in order for IID to maintain O&M activities for the Newside Canal to continue as an open concrete lined channel:

1. Newside Canal has 35 feet of right-of-way from centerline of canal to the west. The development shall ensure there is sufficient buffer from the edge of right-of-way or toe of slope of canal bank road (whichever offers greater distance) and a wall from your development constructed to the underlying public agency standards. This buffer distance shall separate O&M activities from the residences.
2. Any driveway or road access crossing(s) across the canal would require the installation of pipe crossings to ensure IID's continued O&M can be accommodated. IID shall design and construct any pipe crossings to meet IID needs and the development shall pay all related costs.
3. Should the city or county need to widen Nance Road to the west within these limits pipelining of the Newside Canal may be needed to accommodate the new roadway. In this case, IID would not pay for pipelining and the pipelining cost would have to be borne either by the agency, or the development.
4. Should the city or county require other street or intersection improvements that would require modification, relocation or reconstruction of IID canal and/or drain facilities, IID would need to review the impacts to the IID's system, including the performance of any design and construction of necessary mitigations to IID's system. This cost shall be the city's or county's responsibility.
5. The city or county will not require pipelining of the entire reach in their respective conditions of approval.

This letter should be used as assurance that with the 191 potential mix of residential and apartment units, IID does not require pipelining of the Newside Canal for its O&M needs as a result of the projects as long as the above-mentioned items are adhered to.

North Central Drain No. 2: The North Central Drain No. 2 is an earthen channel drain that collects limited agricultural drainage and mostly urban city storm runoff though this reach between Brewer Road and Worthington Road. The west bank has very narrow road width and is not suitable for O&M due to this constraint. Ongoing O&M activities must be conducted along the east bank road, which is adjacent to the Russell Subdivision. Preliminary research indicates that the drain right-of-way is outside the subdivision boundary and requiring the development to pipeline this portion of drain outside property under their control would be unreasonable. However, the IID does claim prescriptive right for the drain to the toe of the existing slope of the east bank road of the drain so that any subdivision fencing should be located outside the toe of slope. During the planning review of the project this will be looked at in much greater detail.

The development will need to ensure the following items are addressed in the proposed construction in order for IID to maintain O&M activities for the North Central Drain No. 2 to continue as an open earth channel:

1. The North Central Drain No. 2 has 80 feet of right-of-way. The development shall ensure there is sufficient buffer from the edge of right-of-way or toe of slope of drain bank road (whichever offers greater distance) and a wall from the development constructed to the underlying public agency standards. This buffer distance shall separate O&M activities from the residences.
2. The development shall ensure there is sufficient buffer from the toe of slope of the east drain bank road to the edge of proposed retention basin to allow for the development to properly operate and maintain the basin without impacting IID. Additionally, the retention basin should be constructed so that it does not seep into IID's drain right-of-way or induce seepage across the drain bank.
3. The city or county will not require pipelining of the drain in their respective conditions of approval.

This letter should be used as assurance that with the 191 potential mix of residential and apartment units, IID does not require pipelining of the North Central Drain No. 2 for its O&M needs as a result of the projects as long as the above-mentioned items are adhered to.

Other: Attention is also called to the items indicated in IID letter dated October 5, 2016. These remain valid and indicate other important considerations the project proponent should be aware of to address IID WD Water and Energy Department process as well as IID Environmental Compliance.


As mentioned above and as item 9 of October 5, 2016 letter, IID shall perform a planning review of the project according to IID's Developer Guidelines which can be found at the IID's website address at <http://www.iid.com/home/showdocument?id=2328>. The result of the planning review will also determine any additional impacts to IID's canal and drain system. It is critical that construction level plans, CEQA approvals and any other local agency approvals and conditions be provided.

If the project proponent wishes for IID to proceed with the planning review phase of the project, please send a check in the amount of \$5,000 along with the Project Initiation and Planning Fee Payment form, Customer Service Project Agreement form and Terms and Conditions Form (all forms attached), and a copy of this letter to:

Imperial Irrigation District
Water Department
Attn: Engineering Services
Imperial, CA 92251

Should you have any questions, please contact Frank Fiorenza, Principal Engineer at (760) 339-9507 or by electronic email fjfiorenza@iid.com.

Sincerely,



Ismael Gomez
Assistant Manager, Chief Civil Engineer
Water Department

FF:sm

cc: Henry Dollente, Southend Division
Randy Gray, IID Real Estate
Donald Vargas, IID Environmental Compliance
Jurg Heuberger, LAFCO
Justina Arce, The Holt Group
Russell Roben, Duggins Construction Co.

Exhibit F

Resolution PC 2017-01

RESOLUTION NO. PC 2017-01

A RESOLUTION OF THE IMPERIAL PLANNING COMMISSION CERTIFYING A MITIGATED NEGATIVE DECLARATION (MND) FOR THE ANNEXATION, SUBDIVISION, GENERAL PLAN AMENDMENT, PRE- ZONE, & TEXT AMENDMENT OF THE RUSSELL COURT DEVELOPMENT

WHEREAS, The City of Imperial received an application from Ray D. Roben Sr; Roben LLC; and Stephen J. & Vicki L. Urih, (“Applicant/Permittee”) for annexation and development of a 29.8 acre area for 131 single family residential units and 66 apartments at the following Assessor’s Parcel Numbers: 064-013-003, 064-020-043, 064-013-004, and 064-254-084, 064-254-085; 064-254-086; 064-254-087; and 064-254- 088, hereafter referred as “Project”; and

WHEREAS, the Project is subject to environmental review consistent with the California Environmental Quality Act (CEQA); and

WHEREAS, a draft Mitigated Negative Declaration (MND) for the proposed Russell Court Project has been prepared and a Notice of Intent to Adopt the Draft MND was also circulated to all potentially affected and interested agencies pursuant to CEQA Guidelines; and

WHEREAS, the Draft Mitigated Negative Declaration was made available to the public for review for a period of 30 days from December 15, 2016 to January 15, 2017 and all comments received were satisfactorily addressed; and

WHEREAS, a Notice of Public Hearing before the Planning Commission was posted at City Hall, mailed to property owners within 300 feet of the project site and published in the Imperial Valley Press, a newspaper of general circulation, on January 23, 2017; and

WHEREAS, the Planning Commission held the Public Hearing at their regularly scheduled meeting of February 8, 2017 to consider the environmental findings of the proposed Project; and

WHEREAS, the Planning Commission reviewed the Draft Mitigated Negative Declaration and all maps, exhibits, and written and oral comments presented for the project, and has considered all the related facts; and

NOW THEREFORE LET IT BE RESOLVED, that the Planning Commission of the City of Imperial determines as follows:

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby **CERTIFIES** the Mitigated Negative Declaration for the proposed Russell Court Annexation, Subdivision, General Plan Amendment, Pre-Zone and Text Amendment based on the following findings:

1. That 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.
2. That the project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
3. That the proposed draft Mitigated Negative Declaration shows that any potentially significant impacts will be mitigated to a level below significance to the environment.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Imperial on this 8th day of February 2017.

_____,
Sam Ross, Commission Chairperson

I, Debra Jackson, Planning Commission Secretary of the City of Imperial, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the Planning Commission of said City of Imperial at a meeting thereof held on the 8th of February 2017 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Debra Jackson, Commission Secretary



pc staff report

Report #2

To: Stefan T. Chatwin, City Manager
Imperial Planning Commission

From: Jorge Galvan, Planning Director

Date: February 8, 2017

Project: **Russell Court Annexation, Subdivision, General Plan Amendment, & Zoning Changes**

- Consider Annexation IM-5-15 of 29.98 Acres
- Subdivision of Land to Accommodate 131 Single Family Units and one Multi-Family Parcel
- General Plan Amendment and Pre-Zone to Accommodate Higher Densities
- Zoning Text Amendments for Lot Width Reduction

Applicants/ Property Owners: Ray D. Roben Sr; Roben LLC; Stephen J. & Vicki L. Urih

Project Location: APN 064-254-084, 064-254-085, 064-254-086, 064-254-087, 064-254-088, 064-020-043, & 064-013-003
(See Exhibit A- Project Location Map)

Pending Action: Consider recommendations via Resolution **PC 2017-02** on

- Annexation IM 5-15
- Subdivision of Land
- General Plan Amendment and Pre-zone
- Text Amendments Modifying Lot Widths

General Plan: **Existing (County):** Urban Area

Existing (City): Low Density Residential

Proposed (City): Low Medium Density Residential and Multiple Family (Rental) Residential

Zoning: **Existing (County):** A1-L1U Limited/light Agricultural Lot 1 Acre Urban Areas

Proposed (City): R-1 Single Family Residential and RA-Residential Apartment

Environmental: Proposed Mitigated Negative Declaration (separate action item)

INTRODUCTION AND BACKGROUND

Ray D. Roben Sr; Roben LLC; Stephen J & Vicki L. Urih, property owners of the proposed project site, own unincorporated property within the City's Sphere of Influence abutting the City Limits. On April 15, 2016 the applicants submitted an application for an Annexation, General Plan Amendment, Pre zone, and Tentative Tract Map ("Discretionary Actions"). On November 28, 2016 a subsequent application was received for a Zoning Text Amendment. Concurrent Environmental Review for CEQA compliance was subsequently initiated. The purpose of this staff report is to present an overview of the proposed project and provide an opportunity for the Planning Commission to hold a public hearing and consider all comments for and against and to make a recommendation to City Council regarding the pending discretionary actions.

PROJECT DESCRIPTION

Project Location & Existing Conditions

The properties are located within the City of Imperial Sphere of Influence on the north-west corner of Nance Road and Brewer Road, and the Southern Corners of Nance Road and Worthington Road (**See Exhibit A- Project Location Map**). The subject area is approximately 30 acres (29.98) of unincorporated land that is bordered by the North Central Drain No. 2 to the West and the Newside Canal to the East and designated for rural/low density residential land uses. The subject site is vacant undeveloped land with the exception of a single-family home at the south east corner of the property owned by the project applicants.

Proposed Development

The development will accommodate 131 single family units in Area 1 and 2 and 66 apartment units in Area 3. The proposed residential lots range from 5,390 SF to 5,940 SF with a minimum lot width of 55 feet. Two story units may be accommodated both at the Apartment Complex site and in the Single-Family Subdivision. The developer does not intend to underground the Dalia Drain No. 2, to the west, nor the Newside Canal to the east. Instead, the development will be surrounded by solid fencing for safety. (**Please See Exhibit B – Project Site Plan**). A Landscaping Plan will be required along all fencing viewed from a public roadway and along retention facilities. The Project will incorporate an on-site stormwater collection system and independent retention basins.

Project Access & Circulation

The project proposes a new internal street network system of 1.2 miles. Access for Area 1, the 131 residential units would be from existing Brewer Road as well as from a new access point across the Newside Canal. The access point would be designed and pipelined by the IID at the expense of the developer. The Single Family Home in Area 2 and Apartment Complex in Area 3 would continue to be accessed from Worthington Road. Improvements to Worthington Road and Brewer Road for half width improvements would be required.

SUMMARY OF KEY ISSUES

General Plan & Zoning Consistency

Densities-The Imperial General Plan has that area designated as Low Density Residential allowing a maximum of 2 dwelling units per acre, while the applicant proposes densities that would allow up to 6 and 30, respectfully, units per acre for a maximum potential population increase of 131 units. The development as proposed, is intended to accommodate 197 dwelling units. Although the proposed land use densities are not consistent with the City's General Plan they are generally consistent with the surrounding land uses which consist of varying densities of residential development. Additionally, the City's Service Area Plan documents sufficient service capacity to meet the anticipated demand of the higher densities.

Zoning Impacts-The applicant has applied for a pre-zone for R-1 Residential Single Family, and RA Residential Apartments, consistent with the requested General Plan Amendment. Additionally, the applicant is requesting a text amendment for reduced lot widths from 65' lot width minimum standards to 55' minimum lot width as per the submitted Tentative Tract Map (**See Exhibit C-TTM Map**). An approval of the requested changes would result in an amendment to the Official Zoning Map and Land Use Map to be concurrently adopted with discretionary approvals by City Council. Changes to the Zoning Ordinance Text would also be necessary as follows:

Municipal Code Sections Affected						
Section	Text					Purpose of Change
24.03.100 E.	R-1 Residential Single Family Zone This zone is intended as an area for single family residential development on minimum lot sizes of 5,500 square feet and maximum densities of 6.0 units per net acre.					No Change
24.03.120 Property Development Standards: R Zones A. General Requirements		RR	RL	R-1	RC	RA
	2. Net Lot Area (in sq.ft.)	1 acre	20,000	5,500	7,500	7,500
	3. a. Lot width (in feet)	110	100	65 55	150 int. 70 cor.	150 int. 165 cor.

General Plan Policies-The project is consistent with the following General Plan and Policies from the 1992 General Plan that encourage the proposed project as follows:

Land Use Objective 1: Land Distribution should be accomplished in a manner that protects the existing urban and rural areas. as contained in the General Plan Housing Element.

Policy 1.A: Appropriate densities shall be established for new development projects, so that they will be compatible with the existing surrounding land uses

Policy 1.B: New urban development shall be adjacent to existing urban development on at least one side.

Land Use Objective 3: The land use pattern and population of Imperial should be consistent with the capabilities of existing and planned public services and facilities.

Policy 3.A The number of dwelling units in the City shall be limited to those which can be adequately served by public services or facilities.

Airport Land Use Compatibility Plan Consistency

Agency Review- The project is located approximately 2000-feet from the Imperial County Airport. Given its proximity to the airport, consultation with the Imperial County Airport Land Use Commission was conducted during the Initial Consultation Period, and the Mitigated Negative Declaration running from January 3, 2017 to February 1, 2017 and December 14, 2016 to January 16, 2017 respectively. (See **Exhibit D-Aviation Communication**) The information that follows summarizes the responses provided by the agencies.

- **Federal Aviation Administration-** The Federal Aviation Administration online Notice Criteria Tool was used to determine that filing of the project was required. The coordinate location of the structure identified under the Site Plan, dated November 2016 will need to be submitted to the FAA for their review for the development of any two story homes and development of the apartment units. Staff received a Notice of Presumed Hazard October 4, 2017, stating that the preliminary findings indicated that the structure exceeded obstruction standards and that the structure was "presumed" as a hazard to air navigation and that further study and public review would be necessary to be initiated by the FAA in order to further consider the project. The environmental document identifies mitigation measures necessary.
- **Imperial County Airport Land Use Commission-** The Imperial County Airport Land Use Commission was afforded an opportunity to comment on the project. They received an Initial Consultation Notice on August 30, 2016 and a Notice of Intent along with a copy of the MND on December 14, 2017. There were no comments received from the ICALUC by the end of the comment period. Late comments were received on January 23, 2017 regarding their scheduling of a **Public Hearing for February 15, 2017** to determine compatibility (See **Exhibit E-Letter from ICALUC Secretary**). According to the ALUC Plan the response time from the ALUC must be within 60 days of acceptance, thus if action is not completed by the ALUC by February 15, 2017, the project is deemed compatible.

SUMMARY OF REQUIRED ACTIONS

There are a series of official actions that would need to take place in order to fully accomplish the projects objective. These actions are briefly summarized below:

1. Russell Court Subdivision provides copies to the City of Imperial of all concurrent applications required and submitted to LAFCo and/or County of Imperial for proposed actions. ***Completed on April 18, 2016.***
2. Russell Court Subdivision submits application to City of Imperial for annexation, general plan amendment, pre-zone and de-annexation along with all environmental forms, legal maps and descriptions, fees and deposits required. Final Study, ***Hydrology Report submitted on November 21, 2016.***
3. MND is prepared and Circulated for Public Review. ***Completed on December 14, 2016 and Circulated Through February 2, 2017.***
4. A Public Hearing is scheduled before the Imperial Planning Commission for project recommendation to City Council. ***Scheduled February 8, 2017 (Exhibit F- Public Hearing Notice)***
5. A Tax Share Agreement is coordinated with County of Imperial for IM 5-15. ***Scheduled for March 2017.***
6. A Public Hearing is scheduled before the Imperial City Council for conditional approval of Annexation IM 5-15 (and Tax Share Agreement), Subdivision General Plan Amendment, Pre-Zone and Text Amendment. If the ICALUC finds the project incompatible, then a City Council override must also take place concurrent or prior to approving the project. ***Tentative April 2017.***
7. After receiving copies of executed tax share agreement and approving resolution, LAFCo holds Public Hearing and considers approval of the proposed Annexation. ***May 2017.***
8. Final Legal City Boundary Map is submitted to LAFCo along with the respective resolution from City Council.

RECOMMENDATION AND ACTION PENDING

Staff recommends that the Imperial Planning Commission hold the public hearing and consider all the information presented, and consider recommending approval of Annexation IM 5-15 and concurrent discretionary actions via Resolution **PC 2017-02**, with or without modifications via the following actions (See **Exhibit G- Resolution PC 2017-02**).

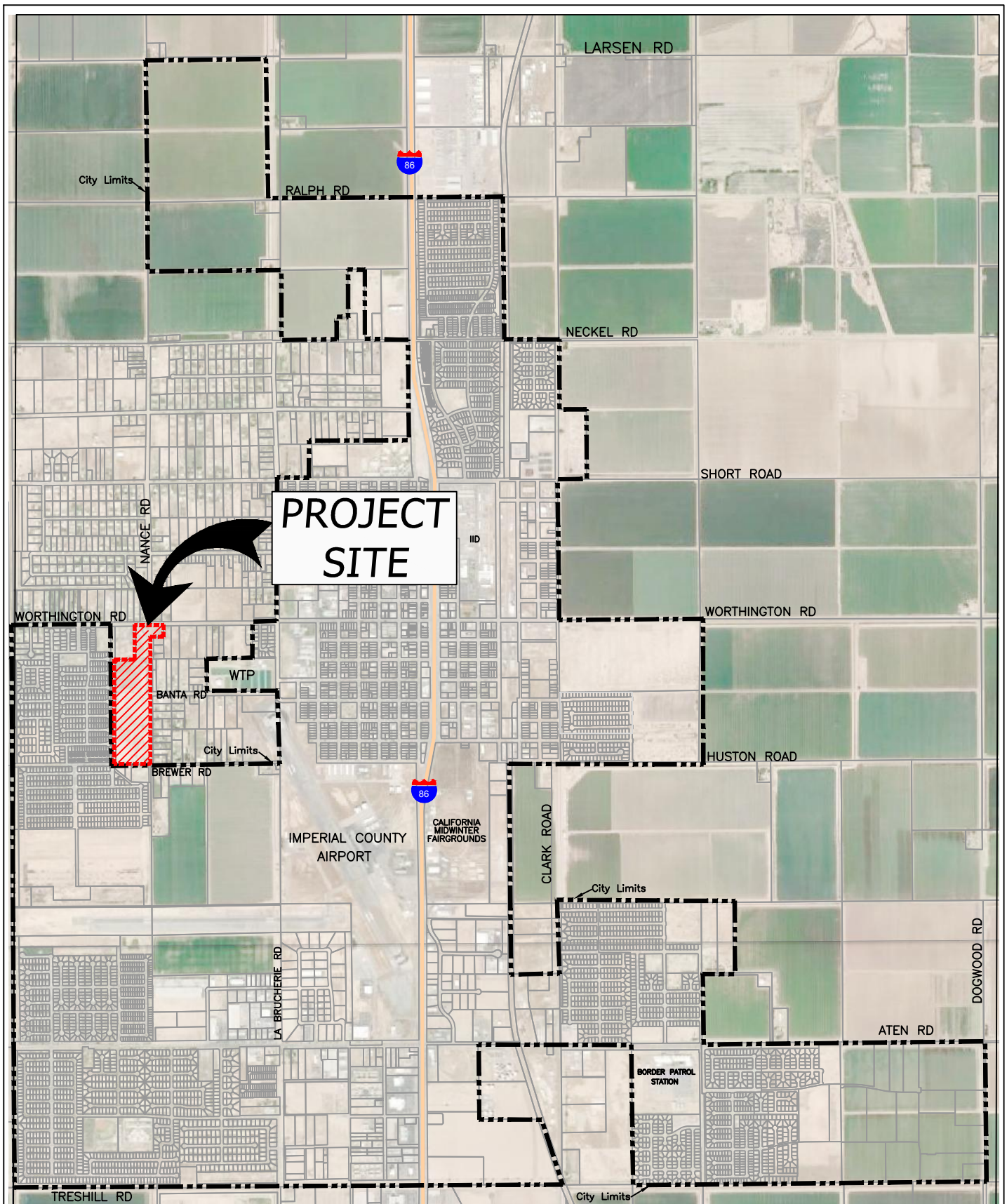
1. **Adopt Resolution PC 2017-02** to RECOMMEND approval of annexation IM 5-15, Subdivision, General Plan Amendment, Pre-Zone and Text Amendment; or
2. **Adopt Resolution PC 2017-02** to RECOMMEND with modifications the approval of annexation IM 5-15, Subdivision, General Plan Amendment, Pre-Zone and Text Amendment;
3. **Not Adopt** Resolution PC 2017-02 and provide alternative directive to Staff.

Should you have any questions and/or concerns regarding the information in this report, please feel free to contact me at (760) 337-3883. Your comments are encouraged written or verbal and can be forwarded to Justina@theholtgroup.net.

Attachments: Exhibit A- Project Location Map
Exhibit B- Project Site Plan
Exhibit C- TTM Map
Exhibit D- Aviation Communication
Exhibit E- Letter from ICALUC Secretary
Exhibit F- Public Hearing Notice
Exhibit G- Resolution PC 2017-02

cc: Ray D. Roben Sr, Property Owner
Stephen J. & Vicki L. Urih, Property Owner
Roben LLC, Property Owner

Exhibit A
Project Location Map



The Holt Group, Inc.
ENGINEERING • PLANNING • SURVEYING

1601 N. Imperial Ave. El Centro, California 92243



(760)337-3883



NOT TO SCALE

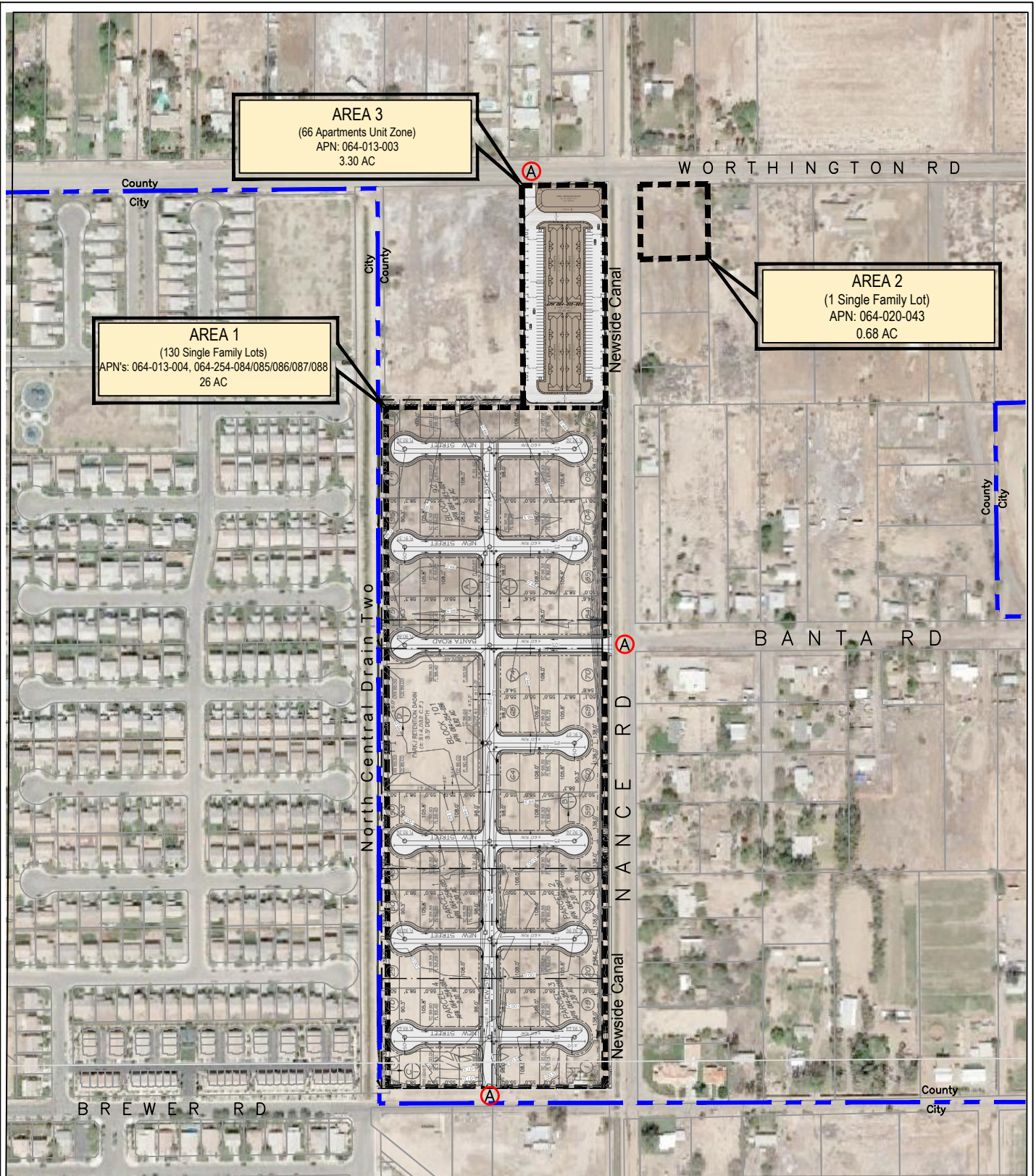
PROJECT LOCATION MAP
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT A

Project No. 173.135

Date: January 2017

Exhibit B
Project Site Plan



Legend:

(A) Access Points

--- City Limits

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PROJECT SITE PLAN
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT B

Project No. 173.135

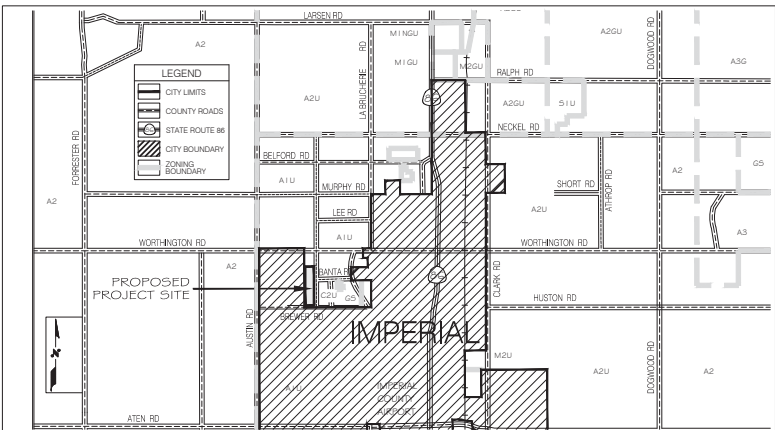
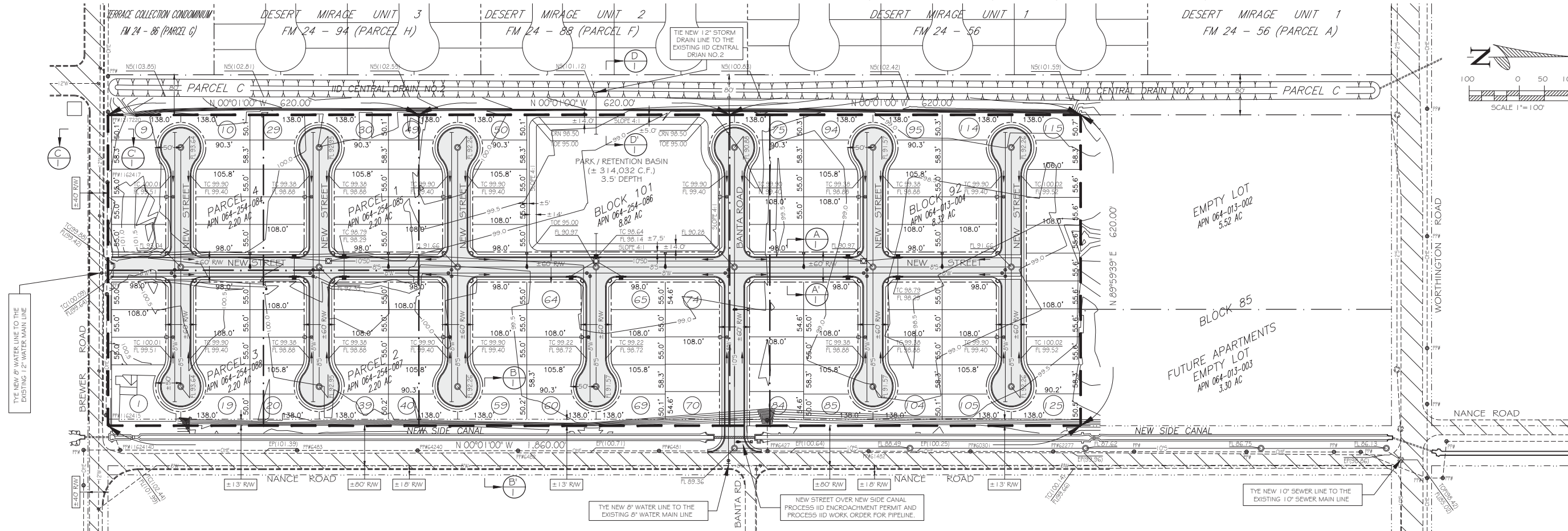
Date: November 2016

Exhibit C

TTM Map

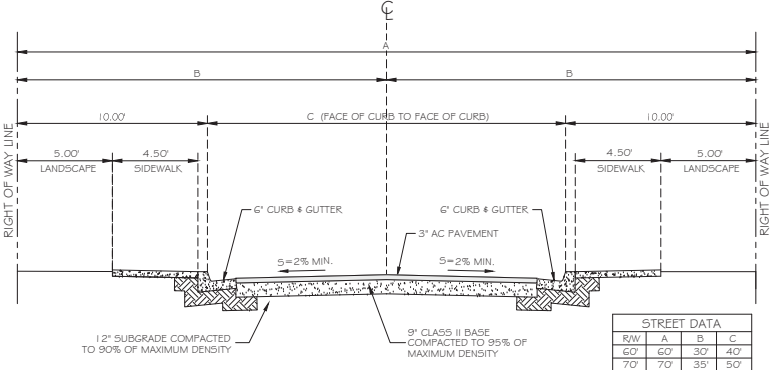
RUSSELL COURT - SUBDIVISION TENTATIVE MAP

BEING A PORTION OF IMPERIAL SUBDIVISION NO. 1 PER OFFICIAL RECORD 1-9, T.15S.-R.13E., S.B.M., IMPERIAL COUNTY, CALIFORNIA.



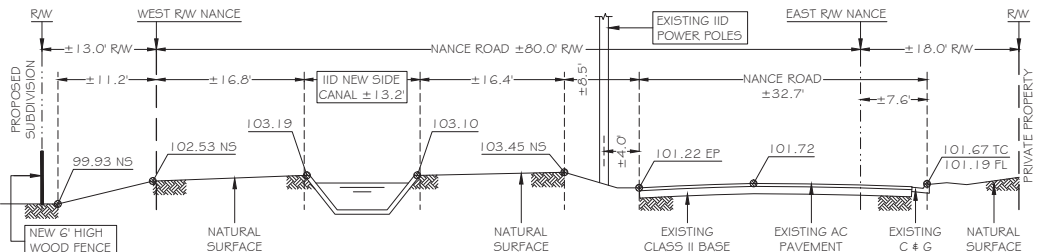
VICINITY LOCATION MAP

NOT TO SCALE



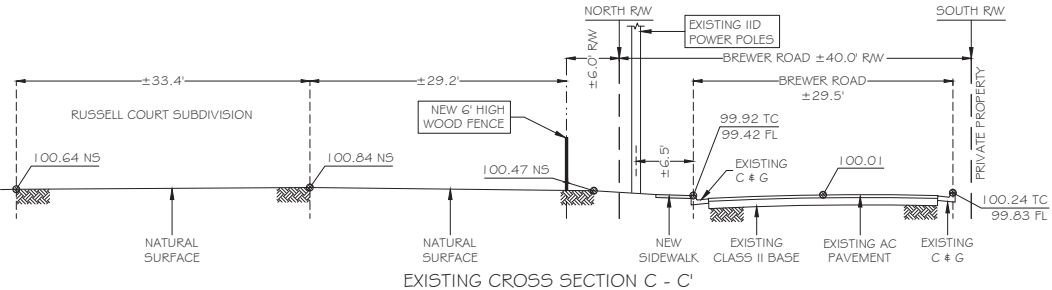
TYPICAL NEW STREET CROSS SECTION A - A'

NOT TO SCALE



EXISTING CROSS SECTION B - B'

NOT TO SCALE



PROPOSED CROSS SECTION D - D'

NOT TO SCALE

GENERAL INFORMATION (RESIDENTIAL ZONE)

MIN. LOT AREA / AVERAGE LOT AREA 5,400 SF / 5,900 SF
NUMBER OF LOTS (CITY) 125
FRONT YARD SETBACK (CITY) 20'
REAR YARD SETBACK (CITY) 10'
SIDE YARD SETBACK (CITY) 5'
SIDE YARD SETBACK AT CORNERS (CITY) 10'
CURB AND GUTTER MIN. SLOPE 0.20 %
STORM DRAIN MIN. SLOPE (12" MIN. DIA.) 0.10 %
SANITARY SEWER MIN. SLOPE (8" MIN. DIA.) 0.20 %
SEWER FLOW 100 GPCD
SEWER SERVICES 4" @ LOTS
SEWER TREATMENT CITY OF IMPERIAL
DOMESTIC WATER SUPPLY CITY OF IMPERIAL
WATER DEMAND 250 GPCD
NOTE: ALL IMPROVEMENTS TO BE DONE IN ACCORDANCE WITH CITY STANDARDS.

SCOPE

THIS IS A SUBDIVISION CONSISTING OF 125 LOTS.

PARK / RETENTION BASIN

RETENTION BASIN VOLUME REQUIRED (Vr)
 $V_r = (1,202,424 \text{ S.F.})(0.25 \text{ FT}) + (32,273 \text{ S.F.})(0.25 \text{ FT}) = 308,674 \text{ C.F.}$
RETENTION BASIN VOLUME PROVIDED (Vp)
 $V_p = (81,370 \text{ S.F.})(3.50 \text{ FT}) + (16,707 \text{ S.F.})(3.50 \text{ FT}) / 2 = 314,032 \text{ C.F.}$

LEGAL DESCRIPTION

PARCELS 1, 2, 3 AND 4 OF PARCEL MAP NO. M-1306, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP ON FILE IN BOOK 6, PAGE 80 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.
BLOCKS 101 AND 92 OF IMPERIAL SUBDIVISION NO. 1, IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 899 ON FILE IN BOOK 1 PAGE 9 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

APN's / PROPERTY OWNER

064 - 254 - 084 = RAY D. ROSEN SR.
064 - 254 - 085 = RAY D. ROSEN SR.
064 - 254 - 086 = RAY D. ROSEN SR.
064 - 254 - 087 = RAY D. ROSEN SR.
064 - 254 - 088 = RAY D. ROSEN SR.
064 - 013 - 004 = RAY D. ROSEN SR.

ZONING

EXISTING ZONING: A-1 AGRICULTURAL (COUNTY)
PROPOSED ZONING: R-1 SINGLE FAMILY RESIDENTIAL (CITY)

LEGEND

EXISTING PROPERTY LINE / PROJECT BOUNDARY
NEW RIGHT OF WAY
EXISTING RIGHT OF WAY
NEW LOT LINE (RESIDENTIAL ZONE)
EXISTING AC. PAVEMENT
PROPOSED AC. PAVEMENT
PROPOSED CURB AND GUTTER & SIDEWALK
PROPOSED WATERLINE
PROPOSED SEWER LINE
PROPOSED STORM DRAIN LINE
PROPOSED STREET LIGHT
PROPOSED FIRE HYDRANT
FLOW DIRECTION
PROPOSED HANDICAP RAMP
EXISTING CONTOUR LINE
EXISTING CURB AND GUTTER & SIDEWALK
IID OVERHEAD ELECTRICAL LINE
POWER POLE
EXISTING 8" DIA. WATERLINE
EXISTING 8" DIA. SEWER LINE
EXISTING STORM DRAIN LINE
EXISTING STORM DRAIN CATCH BASIN
EXISTING STREET LIGHT
EXISTING FIRE HYDRANT
BUILDING SETBACK LINE
PUBLIC UTILITY EASEMENT
FLOW LINE
TOP OF CURB
TMH
INV
RW
RIGHT OF WAY

PROJECT GEOTECHNICAL REPORT

A GEOTECHNICAL REPORT DATED SEPTEMBER 14, 2016, WAS PREPARED BY LANDMARK CONSULTANTS, INC. FOR MR. RUSSELL ROSEN TITLED "RUSSELL COURT SUBDIVISION". AS PROJECT LCI REPORT No. LE16157. CONTACT PERSON: JEFFREY O. LYON P.E. - PRESIDENT - (760) 370-3000.

BENCHMARK

"X-CHIPPED" ON THE TOP OF CURB NSIDE BREWER ROAD.
ELEVATION _____ 100.32 (ASSUMED FOR THIS PROJECT)

DATE	BY
DESCRIPTION	NO.
PREPARED BY:	DATE
APPROVED BY:	DATE
PROJECT DESCRIPTION: RUSSELL COURT - SUBDIVISION	DRAWING DESCRIPTION: TENTATIVE SUBDIVISION MAP
PROJECT NO. 14016	SHEET: 1/1
DRAWN BY: MD 10/05/15	DATE: MD 11/11/16
LAST REVISED	

Exhibit D
Aviation Communication



Federal Aviation
Administration

« OE/AAA

Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2014.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="32"/> Deg	<input type="text" value="50"/> M	<input type="text" value="24.90"/> S	<input type="button" value="N"/> <input type="button" value="S"/>
Longitude:	<input type="text" value="115"/> Deg	<input type="text" value="35"/> M	<input type="text" value="11.44"/> S	<input type="button" value="W"/> <input type="button" value="E"/>
Horizontal Datum:	<input type="button" value="NAD83"/> <input type="button" value="WGS84"/>			
Site Elevation (SE):	<input type="text" value="-60"/> (nearest foot)			
Structure Height :	<input type="text" value="35"/> (nearest foot)			
Traverseway:	<input type="button" value="No Traverseway"/> <input type="button" value="Traverseway"/>			
(Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway				
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes			

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 7 ft. The nearest airport is IPL, and the nearest runway is 14/32.

The FAA requests that you file



Federal Aviation
Administration

« OE/AAA

Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2014.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

Latitude:	<input type="text" value="32"/> Deg <input type="text" value="50"/> M <input type="text" value="44.04"/> S <input type="button" value="N"/> <input type="button" value="v"/>
Longitude:	<input type="text" value="115"/> Deg <input type="text" value="35"/> M <input type="text" value="11.18"/> S <input type="button" value="W"/> <input type="button" value="v"/>
Horizontal Datum:	<input type="button" value="NAD83"/> <input type="button" value="v"/>
Site Elevation (SE):	<input type="text" value="-60"/> (nearest foot)
Structure Height :	<input type="text" value="35"/> (nearest foot)
Traverseway:	<input type="button" value="No Traverseway"/> <input type="button" value="v"/> (Additional height is added to certain structures under 77.9(c)) User can increase the default height adjustment for Traverseway, Private Roadway and Waterway
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 6 ft. The nearest airport is IPL, and the nearest runway is 14/32.

The FAA requests that you file

FAA Notice Criteria Tool Coordinates Applied



Exhibit E

Letter from ICALUC Secretary



Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

January 13, 2017

Jorge Galvan
City Planner
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251

Subject: Response to "Notice of Intent to Adopt a Mitigated Negative Declaration" for
City of Imperial-Russell Court Subdivision/Annexation/General Plan
Amendment/Pre-Zone/Text Amendment/Variance

Dear Mr. Galvan:

The Imperial County Planning & Development Services Department is in receipt of your "Notice of Intent to Adopt a Mitigated Negative Declaration" for the proposed Russell Court Subdivision project, dated December 14, 2016.

The City's submittal states that "...It has been concluded that although the project may have a significant effect on the environment, mitigation measures have been incorporated to reduce any potential impacts to less than significant..."

As the City's Mitigated Negative Declaration indicates, the project site is located within the Imperial County Airport Land Use Compatibility Plan (ALUCP 1996), Figure 3E, Compatibility Plan, "C Zone" designated as the "Common Traffic Pattern".

The Project proposes to subdivide 30 acres of unincorporated land into three residential areas; 130 single-family units, 66 apartments, one single-family home resulting in an estimated population growth of 660 persons (3.35 persons per household) as described in the City's 898-page submittal.

The existing Imperial County zone is "A1-L1U (Light Industrial/1-acre Minimum Lot Size/Urban)" that is intended for limited agriculture production within the City's Urban boundaries. The applicable portions of the MND and the City's Initial Study addresses 26 acres of low density residential that is to be increased up to 130 lots, 3.3 acres of low density residential to be converted to a Residential Apartment Zone accommodating 66 units, and a .68-acre lot to remain as residential low density.

The "Notice of Intent" by the City states "...Written comments are desired at the earliest possible date, but no later than thirty (30) days after the receipt of this notice. Public comments for the proposed mitigated negative declaration will be accepted until 5:00 PM **Monday, January 16, 2016**...Please provide written comments including, if applicable, specific statutory responsibilities of your agency..."

This "Notice of Intent" has been sent to various County Departments on January 10, 2017 for their comments on the proposed project. The City may also receive comments from these Departments prior to the January 16th deadline.

This is to advise you that the Airport Land Use Commission has set a hearing to determine the advisability of finding your project consistent or inconsistent with the Airport Land Use Compatibility Plan, in the Board of Supervisors Chambers, 940 Main Street, El Centro, California, at their meeting on **February 15, 2017 starting at 6:00 p.m.**

It is recommended that you (or a representative of the project) be present at the ALUC meeting to answer the Commissioner's questions and to make any presentations you may desire in order for the Airport Land Use Commission to take any action.

Sincerely,



JIM MINNICK, Director
Planning & Development Services
Secretary of Airport Land Use Commission

cc: Michael Abraham, AICP, ICPDS Asst. Planning Director
Jurg Heuberger, AICP, Executive Director of LAFCO
Justina G. Arce, The Holt Group, Inc.
Patricia Valenzuela, Planner IV
File: ALUC Correspondence
Files: 10.101, 10.102, 10.103



CITY COUNCIL
Mark Gran - Mayor
Doug Cox - Mayor Pro-Tem
Geoff Dale - Council Member
Betty Sampson - Council Member
James Tucker - Council Member

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

August 30, 2016

Imperial County Airport Land Use Commission
c/o Jim Minnick, Director of Development and Planning Services
801 Main Street,
El Centro, CA 92243

RE: Initial Consultation for the Proposed Russell Court Subdivision and Annexation

Mr. Minnick:

The City of Imperial will be preparing an environmental assessment for the above referenced project. We would like to extend this opportunity for preliminary comment via this communication. Your comments will ensure any issues and concerns are adequately addressed during the preparation of the draft environmental assessment.

The Russell Court Subdivision and annexation consists of 30 acres of undeveloped land intended for the construction of 130 single family residential units and 66 condo/apartment units. The proposed project site is located at the North West corner of Nance and Brewer Roads in an unincorporated area of Imperial County abutting the City of Imperial. The project site is more specifically described as the following Assessor's Parcel Numbers: 064-013-003, 064-020-043, 064-013-004, and 064-254-084(085) (086)) (087) (088). Please refer to **Exhibit A**.

Your comments are encouraged and will be greatly appreciated by September 13, 2016. Communication may be sent directly to my attention at 420 South Imperial Avenue, Imperial, California 92251 or you may email our planning consultant Justina G. Arce with The Holt Group at justina@theholtgroup.net.

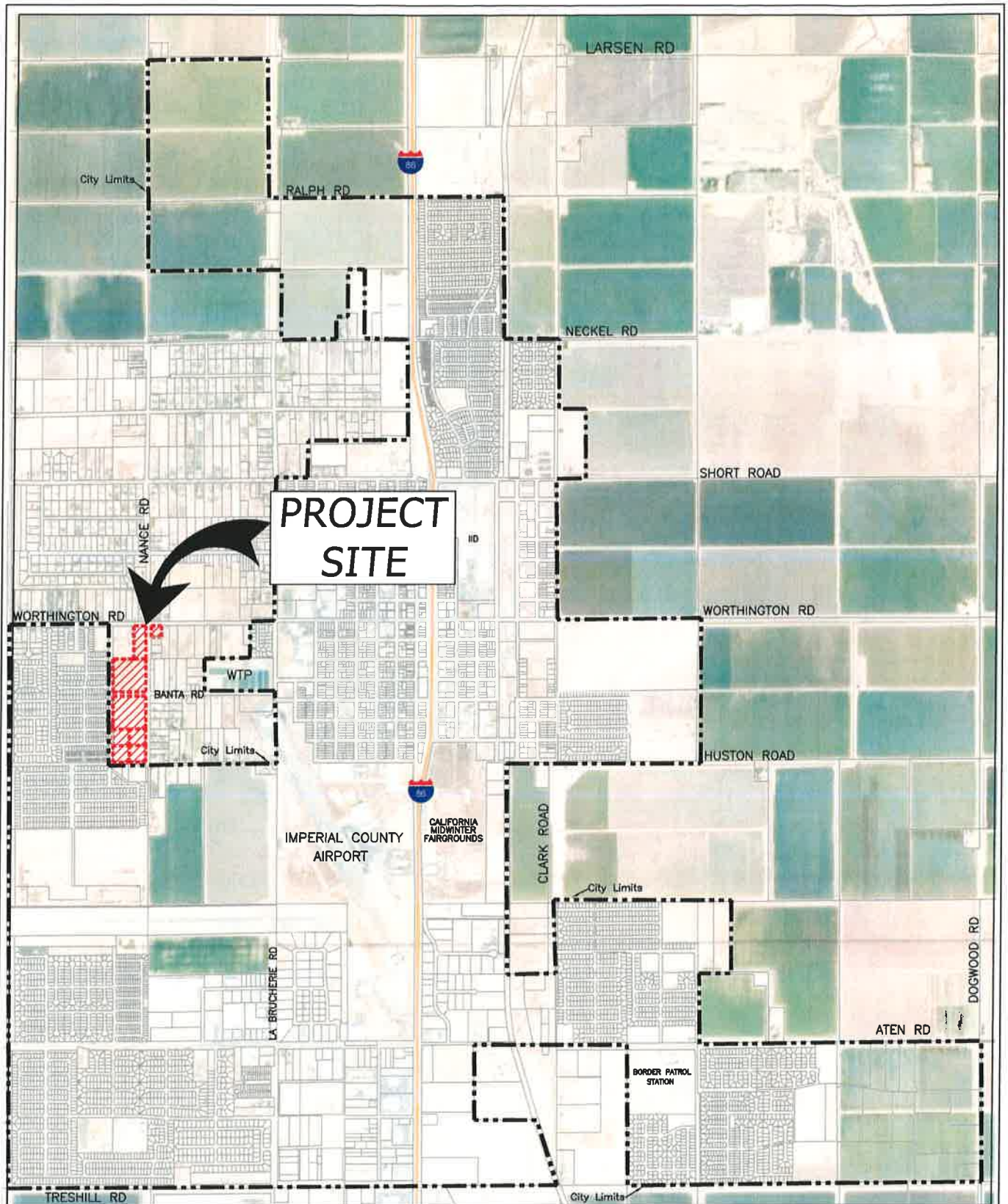
Respectfully Submitted,



Jorge Galvan, AICP
City Planner

Attachments: Exhibit A - Project Location Map

cc: Justina G. Arce, THG



The Holt Group, Inc.
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1601 N. Imperial Ave. El Centro, California 92243

(760)337-3883



PROJECT LOCATION
RUSSELL COURT SUBDIVISION
CITY OF IMPERIAL

EXHIBIT A

Project No. 173.135

Date: August 2016

Exhibit F
Public Hearing Notice



**NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT
A DRAFT MITIGATED NEGATIVE DECLARATION
FOR THE RUSSELL COURT SUBDIVISION & ANNEXATION PROJECT & MAKE
RECOMMENDATIONS ON PENDING DISCRETIONARY ACTIONS**

Notice is hereby given that a public hearing will be held by the City of Imperial Planning Commission at the date, time, and place indicated below.

Subject: Russell Court Subdivision <ul style="list-style-type: none">• Certification of Draft Mitigated Negative Declaration• Recommendation to City Council on Proposed Subdivision, Annexation, General Plan Amendment, Pre-Zone and Zoning Text Amendment	Proposed Project Location: North-west corner of Brewer Road and Nance Road at Assessor's Parcel Numbers: 064-013-003, 064-020-043, 064-013-004, 064-254-084, 064-254-085, 064-254-086, 064-254-087, and 064-254- 088.
--	---

The applicants Ray D. Roben Sr, Roben LLC, Stephen J Urih, and Vicki L. Urih have submitted an application for a proposed Subdivision, Annexation, General Plan Amendment, Pre-Zone, and Text Amendment for the Russell Court Subdivision Project. The Applicants propose to subdivide approximately 30 acres of land into three residential areas: 1) 130 single family residential units, 2) 66 apartment units, and 3) one independent single family unit. Additionally, the applicants propose to pre-zone and annex said subdivision into the City of Imperial from an unincorporated area of Imperial County. The project will require a general plan amendment from Residential Low Density to Residential Single Family and Residential Apartment in order to accommodate the R-1 Single Family and RA- Residential Apartment development. Additionally, a zoning text amendment is being considered in order to accommodate lots at a reduced width of 55' instead of the current 65' lot width standard.

Planning Commission Hearing Date: February 8, 2017
Hearing Time: 6:30 PM
Hearing Location: Council Chambers located in the Public Library
200 W. 9th Street, Imperial, CA 92251

A Draft Mitigated Negative Declaration consistent with CEQA has been prepared for the proposed project. Copies of the Application, Draft Mitigated Negative Declaration and other pertinent information are available for review at Imperial City Hall during regular business hours. If you would like to know more about the proposed project prior to the public hearing, please contact Jorge Galvan, Planning Director at The City of Imperial via phone at (760) 355-1152, or Justina G. Arce, Planning Consultant at The Holt Group via email at jarce@theholtgroup.net.

Any person desiring to comment on the above project may do so in writing or may appear in person at the public hearing. Written comments should be directed to Ms. Debra Jackson, City Clerk, 420 South Imperial Avenue, Imperial, California 92251 and be delivered prior to the Public Hearing date. Please reference the project name in all written correspondence.

If you plan on attending the public hearing and need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact Debra Jackson at (760) 355-4373 to arrange for those accommodations to be made.

Posted 1-18-17



City Clerk

Exhibit G

Resolution PC 2017-02

RESOLUTION PC 2017-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL RECOMMENDING APPROVAL OF ANNEXATION IM 5-15, SUBDIVISION, GENERAL PLAN AMMENDMENT, PRE-ZONE AND TEXT AMMENDMENT FOR PROPOSED RUSSELL COURT DEVELOPMENT

WHEREAS, Property Owner's Ray D. Roben Sr; Roben LLC; Stephen J. & Vicki L. Urih owners ("Applicants/Permittees"), have submitted to the City of Imperial an application for annexation of 29.98 acres at parcel numbers 064-254-084, 064-254-085, 064-254-086, 064-254-087, 064-254-088, 064-020-043, & 064-013-003, inclusive of discretionary permit applications for a Tentative Tract Map and Land Use and Zoning actions ("Project"); and

WHEREAS, the properties are vacant undeveloped properties abutting the Imperial City Limits and with the Sphere of Influence as approved by the Imperial County Local Agency Formation Commission and to which a concurrent Annexation IM 5-15 Application has been submitted to ICLAFCo; and

WHEREAS, the proposed Project intends to accommodate 131 single-family units and 66 residential apartment units and will necessitate a General Plan Amendment density changes from Residential Low Density to Low Medium Density Residential and Multiple Family (Rental) Residential and requested Pre-zone of R-1 Single-Family and RA-Residential Apartment, respectfully; and

WHEREAS, the proposed Project will also necessitate a Zoning Text Amendment, at the discretion of the Planning Commission, to allow reduced lot widths from 65' minimum to 55' minimum in the R-1 Single-Family Zone and allow for consistency of Tentative Tract Map #1601 dated November 11, 2016; and

WHEREAS, the proposed actions are consistent with the City of Imperial's adopted General Plan Goals, Objectives and Policies absent the changes referenced herein; and

WHEREAS, amendments to the Draft Land Use Policy Map and Zoning Map will be concurrently adopted with discretionary approvals by City Council; and

WHEREAS, a Public Hearing Notice was published in the Imperial Valley Press, a newspaper of general circulation and also mailed to all property owners within 300 feet of the project site at least ten days prior to the Imperial Planning Commission holding said hearing on February 8, 2017; and

WHEREAS, the Planning Commission held the Public Hearing on February 8, 2017 and upon hearing and considering all testimony and arguments for and against, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the to the proposed annexation project.; and

NOW THEREFORE, LET IT BE RESOLVED that the Planning Commission of the City of Imperial determines as follows:

- A) That the foregoing recitations are true and correct; and
- B) 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
- C) That based on the evidence presented at the public hearing, the Planning Commission hereby **RECOMMENDS APPROVAL** of Annexation IM 5-15, Tentative Tract Map #1601, General Plan Amendment, Pre-Zone and Textual Amendments, as requested by Ray D. Roben Sr; Roben LLC; Stephen J. & Vicki L. Urih, based on the following findings:

Findings:

1. The proposed project is consistent with the adopted policies and land uses of the City's General Plan as follows:

- Land Use Objective 1: Land Distribution should be accomplished in a manner that protects the existing urban and rural areas as contained in the General Plan Housing Element.
- Land Use Objective 3: The land use pattern and population of Imperial should be consistent with the capabilities of existing and planned public services and facilities.

2. The proposed project is consistent with the adopted objectives of the Imperial Zoning Ordinance as follows:

For the purpose of promoting and protecting the public health, safety, morals, convenience and welfare of the people of the City of Imperial, to safeguard and enhance the appearance and quality of development of the City of Imperial, and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources.

- The increased densities are in conformance with regional and local objectives to address climate change and greenhouse gas emission reductions.
- The increased densities will result in economic advantages of reduced share of costs for infrastructure improvements.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 8th day of February 2017.

Sam Ross, Commission Chairperson

I, Debra Jackson, Planning Commission Secretary of the City of Imperial, DO HEREBY CERTIFY that the foregoing resolution was duly passed, approved, and adopted by the Planning Commission of said City of Imperial at a meeting thereof held on the 8th day of February 2017 and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Commission Secretary