

DATE SUBMITTED 3/25/2020

SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR

DATE ACTION REQUIRED 4/1/2020

COUNCIL ACTION (X)

PUBLIC HEARING REQUIRED (X)

RESOLUTION (X)

ORDINANCE 1<sup>ST</sup> READING ( )

ORDINANCE 2<sup>ND</sup> READING ( )

CITY CLERK'S INITIALS (X)

**IMPERIAL CITY COUNCIL  
AGENDA ITEM**

<p><b>SUBJECT:</b> DISCUSSION/ACTION: AMENDMENT TO THE VICTORIA RANCH SPECIFIC PLAN</p> <p>1. ADOPTION OF RESOLUTION 2020 <u>10</u> APPROVING THE THEME TREE SPECIFIC PLAN AMENDMENT FOR VICTORIA RANCH SUBDIVISION AND FOR THE ADOPTION OF A CEQA CATEGORICAL EXEMPTION SECTION 15304(B).</p>	
<p>DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT</p>	
<p><b>BACKGROUND/SUMMARY:</b></p> <p>Tory Lessley submitted an application for a Specific Plan Amendment to change the "Theme Tree" from Mexican Palm to Mediterranean Fan Palm (<i>Chamaerops Humilis</i>) along Aten Boulevard. The reason of this change is that the Imperial Irrigation District (IID) will not allow the planting of Mexican Palm trees at the proposed location (shown in the map, plans and pictures-attached), because this type of tree has a deep root system that grows down rather than out and has the potential of damaging a distribution underground feeder located on the South side of Aten Road.</p>	
<p>FISCAL IMPACT: N/A</p>	<p>ADMIN SERVICES SIGN INITIALS <u>HS</u></p>
<p>STAFF RECOMMENDATION: Approval.</p>	<p>DEPT. INITIALS <u>OM</u></p>
<p>MANAGER'S RECOMMENDATION: <u>approve</u></p>	<p>CITY MANAGER'S INITIALS <u>ONT</u></p>
<p><b>MOTION:</b></p> <p>SECONDED: APPROVED ( ) REJECTED ( )</p> <p>AYES: DISAPPROVE ( ) DEFERRED ( )</p> <p>NAYES: D</p> <p>ABSENT: REFERRED TO:</p>	



# staff report

Agenda Item No. E-1

**To:** Imperial City Council  
**From:** Othon Mora, Community Development Director  
**Date:** March 25, 2020  
**Project:** Specific Plan Amendment- Victoria Ranch Subdivision

## Summary:

<b>Applicant:</b>	Tory Lessley-VR 5A Inc.
<b>Project Location:</b>	Along Aten Road (Approx. 0.50 Miles). See attached Map and Landscape Plans
<b>Zoning:</b>	City of Imperial – VR Specific Plan
<b>General Plan:</b>	Medium Low Density Residential (Under Specific Plan)
<b>Environmental:</b>	CEQA Exempt Section 15304 (b)
<b>Recommendation:</b>	Approve Specific Plan Amendment-Replacement of "Theme Tree" (From Mexican Palm to Mediterranean Fan Palm)

## INTRODUCTION AND BACKGROUND

Tory Lessley submitted an application for a Specific Plan Amendment to change a "Theme Tree" from Mexican Palm to Mediterranean Fan Palm (*Chamaerops Humilis*) along Aten Boulevard. The reason of this change is that the Imperial Irrigation District (IID) will not allow the planting of Mexican Palm trees at the proposed location (shown in the below map, plans and pictures attached), because this type of tree has a deep root system that grows down rather than out and has the potential of damaging a distribution underground feeder located on the South side of Aten Road.

The proposed replacement and best selection, is the Mediterranean Fan Palm trees that has adventitious root system, this means the roots develop are non-invasive system and are not likely to interfere with the sidewalk in front of the proposed location as well as the distribution underground feeder. Also, one of the best aspects of this palm is durability, requires minimal maintenance and cleanup, requires minimal water once planted, and over time becomes drought tolerant once established (See additional specifications attached). Furthermore, the Imperial Irrigation District will allow the developer to plan a Mediterranean Fan Palm, as long as during



**RESOLUTION NO. CC2020- 10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,  
APPROVING AN AMENDMENT OF SPECIFIC PLAN-REPLACEMENT OF "THEME TREE"  
(FROM MEXICAN FAN PALM TO MEDITERRANEAN FAN PALM) ALONG ATEN  
BOULEVARD FOR VICTORIA RANCH SUBDIVISION.**

**WHEREAS**, Tory Lessley-VR5 Inc., has submitted an application for an Specific Plan Amendment to replace the Theme Tree that runs along Aten Boulevard; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on March 11, 2020; and

**WHEREAS**, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission recommended the proposed amendment for approval to the City Council and;

**WHEREAS**, a duly notified public hearing was held by the City Council on April 1, 2020; and

**WHEREAS**, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the City Council considered all facts relating to the request for a Specific Plan Amendment;

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

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby **APPROVES** the Specific Plan Amendment to replace the "Theme Tree" that runs along Aten Boulevard from Mexican Fan Palm to Mediterranean Fan Palm Exhibit B; and Conditions of Approval outlined in Exhibit A
- C) All approvals made by the City Council are based on the following findings:
  - 1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act.

2. That based on the evidence presented at the public hearing, the City Council hereby determines that the project is Categorical Exempt under Section 15304 (b) of the California Environmental Quality Act; and
3. There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 1<sup>st</sup> day of April 2020.

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Mayor

ATTEST:

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City Clerk

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL**

**For**

#### **SPECIFIC PLAN AMENDMENT-REPLACEMENT OF "THEME TREE" (From Mexican Palm to Mediterranean Fan Palm) ALONG ATEN BOULEVARD FOR VICTORIA RANCH SUBDIVISION**

1. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the issuance of a permit. All landscaped areas shall be irrigated with automatic sprinkler systems.
2. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
3. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
4. The City Council shall have final approval of the Specific Plan Amendment-Replacement of "Theme Tree".
5. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the project. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
6. The Developer/Applicant shall pay all applicable impact and capacity fees.
7. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations,

or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply.

8. All maps, plans, studies, cost estimates; designs and calculations required for this project shall be subject to the review and approval of the Department of Public Works and Department of Community Development prior to issuance of building permit.
9. Prior to the start of any construction activity, a qualified biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows will be destroyed to prevent the return of the owls to these burrows during the next mating season.
10. 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.
11. Construction sites shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
12. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution.
13. The developer shall reduce potential impacts to the nearby noise-sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
14. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.
15. The approval of the Specific Plan Amendment shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
16. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.

17. All conditions of approval for this project shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Community Development Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.