

NOTICE OF ADJOURNMENT

**DUE TO THE LACK OF A
QUORUM
THE CITY COUNCIL MEETING
AND PUBLIC HEARING
SCHEDULED FOR
MARCH 7, 2018 AT 7:00 P.M.
HAS BEEN ADJOURNED
TO
WEDNESDAY, MARCH 21, 2018
AT 7:00 P.M.**



Debra Jackson, City Clerk

AGENDA
REGULAR MEETING OF THE
CITY COUNCIL
CITY OF IMPERIAL
200 WEST 9TH STREET
IMPERIAL, CA 92251-1637
MARCH 7, 2018
6:30 P.M. CLOSED SESSION
7:00 PM OPEN SESSION

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE BUILDING & SAFETY DIRECTOR, (760) 355-1152. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28CFR 35.102-35.104 ADA TITLE II]

A. CITY COUNCIL CONVENES TO CLOSED SESSION AT 6:30 P.M

This is a **CLOSED SESSION** in which the **COUNCIL** discusses matters in closed as opposed to open session. Only those matters authorized by the Brown Act as permissible **CLOSED SESSION** subjects will be discussed. They are as follows:

A-1. SUBJECT: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code Section 54956.9 (One potential case)

B. CITY COUNCIL CONVENES TO OPEN SESSION AT 7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

ADJUSTMENTS TO THIS AGENDA

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

C. PUBLIC APPEARANCES:

C-1. Matters not appearing on the agenda. If you wish to address the **COUNCIL** concerning any item within the **COUNCIL**'S jurisdiction, please raise your hand and be acknowledged by the **MAYOR**, and at that time state your name and address for the record. The **MAYOR** reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Council in writing.

C-2. Matters appearing on the agenda. If you wish to address the **COUNCIL** concerning any item appearing on the agenda, please raise your hand and be acknowledged by the **MAYOR**, and at that time state your name and address for the record. The **MAYOR** reserves the right to place a time limit on each person's presentation of three (3) minutes.

D. CONSENT AGENDA:

All items appearing under "Consent Agenda" will be acted upon by the City Council by one motion without discussion. Should any Council member or other person request that any item be considered separately, that item will then be taken up at the time as determined by the **MAYOR**.

D-1. Approval of claims/warrants report.

D-2. Approval of Minutes for Regular Meetings of January 17, 2018 and February 7, 2018.

E. PUBLIC HEARING:

E-1. SUBJECT: PUBLIC HEARING/DISCUSSION/ACTION: VICTORIA RANCH UNIT 6A – ZONE CHANGE, GENERAL PLAN AMENDMENT FROM RA (RESIDENTIAL APARTMENTS) TO A PLANNED UNIT DEVELOPMENT (PUD) FOR 113 SINGLE FAMILY HOMES, TENTATIVE TRACT MAP AND NEGATIVE DECLARATION.

1. INTRODUCTION/IST READING BY TITLE ONLY OF ORDINANCE NO. 798, APPROVING THE ZONE CHANGE FROM RA (RESIDENTIAL APARTMENT) TO P.U.D. (PLANNED UNIT DEVELOPMENT).
2. ADOPT RESOLUTION NO. 2018-05, CERTIFYING A NEGATIVE DECLARATION AND APPROVING THE VICTORIA RANCH SUBDIVISION UNIT 6A PLANNED UNIT DEVELOPMENT TENTATIVE TRACT MAP AND SPECIFIC PLAN AMENDMENT

F. NEW BUSINESS: (DISCUSSION/ACTION – APPROVE-DISAPPROVE)

F-1. SUBJECT: DISCUSSION/ACTION: SUNRUNNERS CAR CLUB CRUISE NIGHT AND 34TH ANNUAL CARNE ASADA RUN

1. AUTHORIZE THE SUNRUNNERS CAR CLUB TO HOST THE FRIDAY NIGHT CRUISE IN DOWNTOWN IMPERIAL ON MARCH 16, 2018 AND THE “CARNE ASADA RUN” CAR SHOW & SHINE AT EAGER PARK ON MARCH 17, 2018.

F-2. SUBJECT: DISCUSSION/ACTION: IMPERIAL POLICE DEPARTMENT - POLICE SERVICE OFFICER I/II/III.

1. APPROVAL OF POLICE SERVICE OFFICER I/II/III JOB DESCRIPTION.
2. APPROVE POLICE SERVICE OFFICER II POSITION AT SALARY RANGE 62.

F-3. SUBJECT: DISCUSSION/ACTION: ORDINANCE RELATED TO THE SALES AND DISCHARGE OF FIREWORKS IN THE CITY OF IMPERIAL

1. INTRODUCTION/1ST READING BY TITLE ONLY OF ORDINANCE NO. 799, AMENDING CHAPTERS 8 AND 12 OF THE IMPERIAL MUNICIPAL CODE TO ALLOW FOR SALES AND DISCHARGE OF SAFE AND SANE FIREWORKS DURING SPECIFIED PERIODS OF TIME.
2. DIRECT STAFF TO PREPARE A SUMMARY OF ORDINANCE FOR PUBLICATION PURPOSES.

G. REPORTS:

G-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

G-2. SUBJECT: DEPARTMENT HEAD AND STAFF REPORTS

G-3. SUBJECT: CITY MANAGER REPORT.

ADJOURN CITY COUNCIL MEETING UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, MARCH 21 2018 AT 7:00 P.M.

NOTE: Any documents produced by the City and distributed to a majority of the City Council/Agency Board regarding any item on this agenda will be made available at the front counter at City Hall, located at 420 S. Imperial Avenue, during normal business hours.

Check Register Report

ITEM D-1

Date: 03/01/2018

Time: 4:01pm

Page: 1

CITYOFIMPERIAL

BANK: UNION BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
UNION BANK Checks							
80719	02/20/2018	Reconciled		574	BARRETT BIOLOGICAL SURVEYS		2,668.00
80720	02/20/2018	Reconciled		2181	HARRIS COMPUTER SYSTEMS		145.47
80721	02/20/2018	Reconciled		1858	PRO TERRA		975.00
80722	02/22/2018	Printed		023	AIRWAVE COMMUNICATIONS		28,346.64
80793	02/27/2018	Printed		4571	BIN ZENG		4,875.00
80794	02/27/2018	Printed		3669	CANON		475.07
80795	02/27/2018	Printed		765	CHICAGO TITLE COMPANY		200.00
80796	02/27/2018	Printed		2226	I.V. REAL ESTATE		121.69
80797	02/27/2018	Printed		3160	IMPERIAL COUNTY AUDITOR-CONTRO		22,260.04
80798	02/27/2018	Printed		028	IMPERIAL IRRIGATION DISTRICT		8,938.46
80799	02/27/2018	Printed		660	MARK GADDIS		500.00
80800	02/27/2018	Printed		3998	NAPA		1,157.82
80801	02/27/2018	Void	02/27/2018				0.00
80802	02/27/2018	Void	02/27/2018				0.00
80803	02/27/2018	Printed		615	PESTMASTER SERVICES		1,332.00
80804	02/27/2018	Printed		712	PHOENIX UNIFORMS		400.53
80805	02/27/2018	Printed		084	PITNEY BOWES PURCHASE POWER		211.16
80806	02/27/2018	Printed		172	PYRAMID CONSTRUCTION		185,993.75
80807	02/27/2018	Printed		2564	ROGERS & ROGERS CHRYSLER JEEP		1,326.49
80808	02/27/2018	Printed		2008	UNITED PARCEL SERVICE		36.22
80809	02/27/2018	Printed		611	VERIZON WIRELESS		699.31
80810	02/27/2018	Reconciled		1132	WELLS FARGO BANK MN, N.A.		167,045.53
				Total Checks: 22		Checks Total (excluding void checks):	427,708.18
				Total Payments: 22		Bank Total (excluding void checks):	427,708.18
				Total Payments: 22		Grand Total (excluding void checks):	427,708.18

DATE SUBMITTED

2/28/2018

SUBMITTED BY

COMMUNITY
DEVELOPMENT
DIRECTOR

DATE ACTION REQUIRED

3/7/2018

COUNCIL ACTION

PUBLIC HEARING REQUIRED
RESOLUTION

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ORDINANCE 1ST READING

☒

ORDINANCE 2ND READING

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CITY CLERK'S INITIALS

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IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT:

DISCUSSION/ACTION: ZONE CHANGE, GENERAL PLAN AMENDMENT FROM RA (RESIDENTIAL APARTMENTS) TO A PLANNED UNIT DEVELOPMENT (P.U.D) FOR 113 R-1 (SINGLE FAMILY RESIDENTIAL) HOMES AND TENTATIVE TRACT MAP FOR VICTORIA RANCH SUBDIVISION UNIT 6A FOR APN:044-220-094 LEGALLY KNOWN AS: BLK 1 VICTORIA RANCH SUB UNIT NO 3C CITY OF IMPERIAL 11.68AC.

1. INTRODUCTION/1st READING BY TITLE ONLY OF ORD. NO. 798 APPROVING THE ZONE CHANGE FROM R-A (RESIDENTIAL APARTMENT) TO P.U.D (PLANNED UNIT DEVELOPMENT).

2. APPROVAL OF TENTATIVE MAP, RESOLUTION NO. 2018-05 AND CONDITIONS OF APPROVAL FOR VICTORIA RANCH SUBDIVISION UNIT 6A (P.U.D).

DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:

Victoria Homes Inc. (applicant) is requesting a Zone Change, General Plan Amendment and Tentative Tract Map for the proposed Unit 6A. The parcel in question is currently zoned RA-(Residential Apartments), is 507,836 sqft./11.68 acres in size and the parcel is currently vacant. The parcel was previously proposed to be 405 Multifamily Dwelling units (apartments) when the original plans were approved in 2005. The applicant is requesting a Zone Change and General Plan Amendment to allow for a "Planned Unit Development" for 113 R-1 Single Family Residential homes. The proposed use is a decrease in density and consistent with the current and proposed (future) surrounding land uses envisioned for that area.

Planning Commission recommended this item for approval to City Council on February 14, 2018.

Please see attachments.

FISCAL IMPACT: NO FISCAL IMPACT

ADMIN
SERVICES
SIGN INITIALS

KS

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance _____.

DEPT. INITIALS

OM

MANAGER'S RECOMMENDATION:

CITY
MANAGER'S
INITIALS

[Signature]

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

RESOLUTION NO. 2018- 0 6

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,
CERTIFYING A NEGATIVE DECLARATION AND APPROVING THE VICTORIA RANCH
SUBDIVISION UNIT 6A PLANNED UNIT DEVELOPMENT TENTATIVE TRACT MAP AND
VICTORIA RANCH SPECIFIC PLAN AMENDMENT**

WHEREAS, Victoria Ranch Homes Inc. has submitted an application for a Zone Change, Planned Unit Development, and Victoria Ranch Specific Plan Amendment for certain real property described as follows:

APN: 044-220-094 legally known as BLK 1 Victoria Ranch Subdivision Unit 3C 11.68 AC, in the City of Imperial, County of Imperial, State of California,; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on February 14, 2018; and

WHEREAS, a duly notified public hearing was held by the City Council on March 7, 2018; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the Initial Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the Planned Unit Development, and Victoria Ranch Specific Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission 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 finds as follows:
 - 1. The proposed Victoria Ranch Subdivision Unit 6A Planned Unit Development exhibits superior design and provides additional amenities beyond those found in conventional developments;
 - 2. The proposed Victoria Ranch Subdivision Unit 6A Planned Unit Development meets all property development standards required in PUD Zones;
 - 3. The proposed Victoria Ranch Subdivision Unit 6A Planned Unit Development is consistent with the goals, objectives and policies of the General Plan;
 - 4. The proposed Victoria Ranch Subdivision Unit 6A Planned Unit Development is compatible with the environs;
 - 5. Streets, sidewalks, pedestrian ways, and other circulation facilities within the Victoria Ranch Subdivision Unit 6A Planned Unit Development are adequate in size, location, capacity and design to ensure safe and efficient circulation;
 - 6. The quality and quantity of open spaces provided in the Victoria Ranch Subdivision Unit 6A Planned Unit Development are consistent with the higher standards of design and amenity required in a planned unit development;
 - 7. Public facilities and services can be provided to the Victoria Ranch Subdivision Unit 6A Planned Unit Development without placing undue additional burden on existing residents and businesses; and
 - 8. The Victoria Ranch Subdivision Unit 6A Planned Unit Development will be constructed in one phase.
- C) That on the findings made above, the City Council hereby **APPROVES** the Victoria Ranch Subdivision Unit 6A Planned Unit Development; and

- D) That based on the evidence presented at the public hearing, the City Council hereby APPROVES the Victoria Ranch Subdivision Unit 6A Planned Unit Development Tentative Tract Map, subject to Conditions of Approval outlined in Exhibit A; and
- E) That based on the evidence presented at the public hearing, the City Council hereby APPROVES Victoria Ranch Specific Plan Amendment #2018-01 and to the Land Use Element changing the Land Use Designation for the subject site from Residential Apartments to a Planned Unit Development; and
- F) That based on the evidence presented at the public hearing, the City Council hereby APPROVES and certifies a Negative Declaration; and
- G) All approvals 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. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
 3. The initial environmental assessment shows that there is no substantial evidence that the Tentative Tract Map may have a significant impact on the environment.
 4. 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.
 5. The proposed Planned Unit Development, Zone Change and Victoria Ranch Specific Plan Amendment are consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
 6. The proposed Planned Unit Development, Zone Change and Victoria Ranch Specific Plan Amendment are consistent with the policies and the land uses of the existing City of Imperial General Plan and Victoria Ranch Specific Plan.
 7. The proposed Planned Unit Development, Zone Change and Victoria Ranch Specific Plan Amendment are consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 7th day of March 2018.

Mayor

ATTEST:

City Clerk

RESOLUTION 2018- 05

EXHIBIT A

CONDITIONS OF APPROVAL

for

**Victoria Ranch Specific Plan Planned Unit Development Tentative Subdivision Tract Map
Unit 6A
(Victoria Specific Plan Amendment for Unit 6A)**

1. The development plan shall be as shown on the following exhibits, collectively described as Exhibit "A," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Community Development Director if found to be in substantial conformance to this development plan.
 - a. Victoria Ranch Specific Plan 2008
 - b. Victoria Ranch Site Development Map
 - c. Conceptual Landscape Plan
 - d. Victoria Ranch Tentative Subdivision Tract Map- Unit 6A dated 8/1/17.

All Conditions of Approval outlined in Resolution 2004-24 shall continue to apply to the entire Victoria Ranch Specific Plan and to Unit 6A. Where conflicts exist, the more stringent requirement shall apply.

2. The project shall be subject to the use standards outlined in the aforementioned Specific Plan and the Planned Unit Development Ordinance development standards as follows:

Development Standards	Requirements
Front Yard Setback	
Living Area/House	10' minimum
Covered Porch	5' minimum
Garage	15' minimum
Rear Yard Setback	
Living Area	10' minimum
Porches/Patios	5' minimum*
Side Yard Setback	5' minimum*
Street Side Yard Setback	10' minimum
Driveway Curb-Cuts	20' maximum

Distance between structures

5' minimum*

*Architectural features as such as chimneys, pilasters, etc. may project into these required setbacks subject to the approval of the Building and Fire Department.

Front Yard Setback - for the purposes of this Planned Unit Development, the front yard setback shall be measured from the property line

Rear Yard Setback - for the purposes of this Planned Unit Development, the rear yard setback shall be measured from the rear property line.

3. Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
4. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
5. The Developer/Applicant shall pay all impact and capacity fees.
6. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Final Tract Map shall record until such costs have been paid to the City.
7. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Services and Department of Community Development prior to submittal for approval to record the Final Tract Map.
8. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Tract Map.
9. The Developer shall pay the adopted Development Impact Fees (DIF) to offset the impacts to local law enforcement, fire and school services to ensure the level of service of these departments are not adversely affected by the estimated population increase as a result of the development of this project.
10. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. A hydraulic study must be submitted to the City to demonstrate that all water pipelines are adequately sized to serve domestic and fire protection demands. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.

11. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of wastewater. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.
12. Developer acknowledges that the potential pace of growth in the City and resulting demand on City services such as water and wastewater may result in such services not being available. Developer acknowledges particular concern with wastewater and agrees that capacity is not allocated until issuance of a building permit. Developer acknowledges that a building permit will not issue unless there is sufficient wastewater capacity based on the total amount of building permits already issued at that time. In order to address a shortage in wastewater capacity, the parties may agree upon the payment of the project's pro-rata share for the construction of a new wastewater treatment plant to respond to this project's wastewater demand.
13. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. Lighting improvements shall include street lights on Legakes Avenue, DePaoli Street, interior streets, and at all intersections. Lighting from street lights shall provide sufficient lighting to all drive lanes and mail kiosks. Low level pedestrian-scale lighting shall be provided at all pedestrian linkages. The lighting plan shall be reviewed and approved by the City of Imperial Planning and Building Departments.
14. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the recordation of a Final Tract Map. Landscaping shall be provided in all parks, front yards, drive lanes and pedestrian linkages. Where perimeter walls are installed, landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems.
15. All residential lots and common areas shall be landscaped as follows:
 - a. Each front yard shall have a minimum of one (1) tree and five (5) shrubs planted by the Developer.
 - b. All trees used in landscaping, shall be a minimum of fifteen (15) gallons in size and all shrubs shall be a minimum of five (5) gallons.
 - c. A minimum of 20% of the front setback or yard area must be planted with live plant material. The remainder may be rock, gravel, bark or other natural non-living material. Required driveways and walkways within the setback are not considered in the calculation of landscaped area.
18. All mechanical equipment and air conditioning equipment shall be installed a minimum of five feet (5') from any property line.
19. The applicant shall effectively screen from view all ducts, vents, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or

on the roof, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Community Development Director. All required screening shall be provided prior to occupancy.

20. The location of any pad-mounted transformers shall be subject to approval by the Community Development Director prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping or contained within an enclosure matching the building and with corrugated metal gates, subject to approval by the Imperial Irrigation District. All transformers shall be shown on the plans submitted for issuance of building permits.
21. The Developer shall improve all parks with appropriate landscaping and playground equipment subject to the review and approval of the Parks Committee. Playground equipment shall consist of equipment suitable for children between the ages of 2 to 5 years old and additional equipment suitable for children between the ages of 5 to 12 years old. The Developer shall also improve the park to include active recreation pursuits such as tennis court or similar uses subject to the review and approval of the parks committee. Credit towards park impact fees may be given for any installed playground equipment
23. The Developer shall comply with the terms of to the recordation of any Final Map as it relates a Community Facilities District (CFD). The Development Impact Fees for schools shall be paid prior to issuance of any building permit. The City and the El Centro School Districts will jointly confirm that the fees have been paid.
24. Prior to the start of any construction activity, a qualified California Department of Fish and Game (CDFG) 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 shall be destroyed by a qualified CDFG biologist to prevent the return of the owls to these burrows during the next mating season. All mitigation measures outlined in the Mitigated Negative Declaration shall apply.
25. A Grading and Drainage Plan/Study shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan/Study shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A 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 pollution. Prior to the recordation of a Tract Map, the Developer/Applicant shall provide the City with a letter from the Imperial Irrigation District (IID) stating that the plans have been reviewed and approved for the discharge of storm water onto IID facilities.
26. Storm drainage shall be designed to utilize catch basins at street intersections. Storm drain pipe lines, retention ponds with flow through systems shall be utilized if possible and the system shall pump out to the public drains. Temporary drainage systems shall utilize the same criteria. Facilities must be capable of primary treatment such as de-siltation prior to discharge to public drain. For each phase, storm water basins(s) must be constructed to retain 100 percent of the required volume for that particular phase. The full build out of all retention basins must be completed prior to issuance of any building permit for the last phase for the project, unless required earlier by the City Engineer.
27. Construction sites shall control dust (PM-10) generation through implementation of the construction mitigation measures detailed in Regulation VIII of the Air Pollution Control District's CEQA handbook and as outlined in the Mitigation Monitoring Program.

28. The Developer/Applicant shall construct a six-foot (6') solid masonry wall along boundaries of all lots abutting retention basins. Wrought iron fencing with pilasters shall be installed along the boundary of all lots abutting the park.

The Developer shall install a minimum six (6) foot decorative solid masonry wall along Aten Road. The material and color of all walls shall be decorative masonry units. The Planning Director may approve other decorative materials provided that decorative pilasters are installed and that no wood materials are used. Landscaping shall be provided along all walls or fencing abutting roadways. The material and color of all walls required by this section shall be consistent with the walls installed along Cross Avenue and Aten Road.

29. All residential development within the project site shall be constructed using building materials and techniques such as dual pane windows, and increased insulation to decrease interior noise levels within dwelling areas to 45 dba or lower.
30. All on-site utilities including power lines, telephone lines, and cable television lines shall be installed underground. In the event that the utility companies, such as the Imperial Irrigation District, determines that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.
31. The Developer/Applicant shall provide a soils report indicating, among other things, the suitability of the site for the proposed development, specifications for earthwork, design guidelines for slabs and foundations and recommended roadway sections.
32. The conditional approval of the Tentative Subdivision Map 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. All mitigation measures outlined in the Victoria Ranch Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.
33. 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.
34. All Final Tract Maps shall provide for 10-foot public utility easements adjacent to all street rights of way for underground power, communications and cable television systems.
35. All off-site and on-site improvements shall comply with the City of Imperial Development Standards. Where no standards exist, the improvements shall be completed in accordance with the City Engineer's recommendations.
36. The Developer/Applicant shall comply with all requirements of the Imperial County Fire Department. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), and roadway access. All residential water pipelines shall be adequately sized to sustain 1,500 gallons per minute (gpm) for two hours plus peak demand in accordance with the latest edition of the National Fire Protection Association (NFPA) Codes and Standards. Pipeline sizes shall be the next largest standard size with readily available replacement parts (i.e., 12" pipelines for those identified as 10").
37. All cul-de-sacs shall have a minimum unobstructed radius of 60'. For the purposes of this section, obstructions to the cul-de-sac radius include parked cars.
38. Blow-off valves shall be installed for all dead-end water lines.

39. A 26-foot clear area shall be provided along drive lanes, No parking areas shall be clearly marked.
40. The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period. The Developer may request time extensions in accordance with the Subdivision Map Act, but the granting of such time extensions is not automatic and is at the discretion of the City Council.
41. The Developer/Applicant shall record agricultural easements, to put new homeowners on notice regarding the noise, dust, odors and other potential impacts associated with active farming of nearby lands. The Developer/Applicant shall also make homeowners aware of the Imperial County Right to Farm Ordinance when they purchase new homes in the project area.
42. The Tract Map shall include an avigation easement for all lots created. In addition, all lots will be developed and sold with a hold harmless agreement with the City of Imperial and the County of Imperial Airport, and the US Naval Air Facility - El Centro. The avigation easement shall be reviewed and approved by the Imperial County Airport Manager and shall be consistent with previous avigation easements recorded for the Victoria Ranch Subdivision.
43. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial, Imperial County Airport, and the US Naval Air Facility - El Centro and their agents, including consultants, officers and employees from any claim, action or proceeding against the City, County Airport, or Naval Air Facility or their agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration. 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 Developer/Applicant arising out of or in connection with the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration, including any claim for private attorney general fees claimed by or awarded to any party from the City, County Airport or Naval Air Facility.
44. All conditions of approval for this Tentative Map 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. It is the responsibility of the applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. 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.
45. The project may be developed in phases per the aforementioned, Approved Specific Plan but each phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all applicable regulations even if no subsequent phase should ever be completed.
46. The south side of Aten Road from Legakes Avenue to approximately 1,430 feet west shall include new sidewalk and landscaping.
47. Legakes Avenue from De Paoli St to Aten Road shall be fully improved on both sides (east and west sides). Improvements shall include sidewalks, curb and gutter, new pavement, accessible ramps, street lighting and landscaping.

48. The west half street of Legakes Avenue from Bernardi St to De Paoli St. shall be improved to include sidewalks, curb and gutter, new pavement, accessible ramps, street lighting and landscaping.
49. Prior to the issuance of any building permits for Unit 6A, the intersection of Aten Road and Legakes Avenue shall be improved per approved Environmental/Traffic Impact report. (Aten Road shall include at minimum a left turn lane into the development).
50. Per the Traffic Study prepared in 2003 by Darnell and Associates Inc. this project will have traffic impacts at other roadway segments and intersections throughout the City of Imperial. Per the 2010 and Victoria Phases I-III the City of Imperial may require the following improvements:
 - Dogwood Road South from Aten Rd to approximately 2,560 South shall be improved to 3-lane collector (See Traffic Study page 180).
 - Intersection of Aten and La Brucherie add North Bound Left Turn Lane (NBL) and South Bound Left Turn Lane (SBL) (See Traffic Study page 183).
 - Intersection of Aten and State Route 86 provide additional East Bound Left Turn Lane (EBL) (See Traffic Study page 183).
 - Intersection of Ralph Road and State Route 8, signalize or construct West Bound Left Turn Lane (WBL) (See Traffic Study page 183).

ORDINANCE NO. 798

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE IMPERIAL CITY CODE TO CHANGE THE ZONING DESIGNATION OF THE VICTORIA RANCH SPECIFIC PLAN SUBDIVISION UNIT 6A FROM VR-MF: MULTIFAMILY DWELLING TO PLANNED UNIT DEVELOPMENT R-1 SINGLE FAMILY RESIDENTIAL

Pursuant to Section 24.19.600 et al, the City Council of the City of Imperial, State of California, does hereby ordain as follows:

SECTION 1: The "Official Zoning Map" of the City of Imperial, Imperial County, adopted at Section 24.01.140 of Chapter 24 of the Imperial City Code is hereby conditionally amended pursuant to Section 24.19.600, et seq. as set forth in this ordinance.

SECTION 2: The property affected by this ordinance is shown in Exhibit A, located approximately on the northeast corner of Aten Road and the future Legakes Road-more specifically known as APN: 044-220-094.

SECTION 3: The new zone for said property is hereby changed from VR-MF: Multifamily Dwelling to Residential to Planned Unit Development R-1 Single Family Residential.

SECTION 4: Section 24.09.270 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

Section 24.09.270 Planned Unit Development (Victoria Ranch Specific Plan Subdivision Unit 6A) Property Development Standards

The following property development standards shall apply to all land and structures within the Victoria Ranch Unit 6A Planned Unit Development. No further subdivisions or lot line adjustments shall be allowed.

Development Standards

Requirements

Front Yard Setback

Living Area/House	10' minimum
Covered Porch	5' minimum
Garage	15' minimum

Rear Yard Setback

Living Area	10' minimum
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Side Yard Setback	5' minimum*
Street Side Yard Setback	10' minimum
Driveway Curb-Cuts	20' maximum
Distance between structures	5' minimum*

*Architectural features as such as chimneys, pilasters, etc. may project into these required setbacks subject to the approval of the Building and Fire Department.

Front Yard Setback - for the purposes of this Planned Unit Development, the front yard setback shall be measured from the property line

Rear Yard Setback - for the purposes of this Planned Unit Development, the rear yard setback shall be measured from the rear property line.

- B. All mechanical equipment and air conditioning equipment shall be installed a minimum of five feet (5') from any property line.
- C. All ducts, vents, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, shall be screened with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Director.

SECTION 5: Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 7th day of March 2018.

Mayor of the City of Imperial

ATTEST:

Debra Jackson
City Clerk



City of Imperial Initial Study/ Environmental Checklist

- 1. Project Title:** Victoria Ranch Unit 6A Planned Unit Development, Zone Change and Victoria Ranch Specific Plan Amendment.
- 2. Lead Agency:**
Name, Address and Phone Number
City of Imperial
420 South Imperial Avenue
Imperial, CA 92251
Contact: Lisa Tylanda, Planner
(760) 355-3326
- 3. Project Sponsor:**
Name, Address and Phone Number
Victoria Ranch Homes, Inc.
179 Sylvia Court
Imperial, CA 92251
P#: (760)312-9716
- 4. Project Location:** The project site is located on the south side of Aten Road near the tentative cross street "Legakes Road" more specifically known as APN: 044-220-094. Legally known as BLK 1 Victoria Ranch Sub. Unit No. 3C City of Imperial 11.68AC
- 5. Project Description:** The parcel in question is currently zoned VR-MF: Multifamily Dwelling. The parcel was previously proposed to be 405 Multifamily Dwelling units (apartments) when the original plans were approved in 2005. The applicant is requesting a Zone Change and General Plan Amendment to allow for a "Planned Unit Development" for 113 R-1 Single Family Residential homes. It will be a decrease in density in comparison to the proposed 405 Multifamily Residences. The Planned Unit Development will consist of lots that run from approximately 3,500 square feet to about 5,000 square feet with some corner lots nearing 7,000 square feet roughly. All homes will have a minimum side-yard setback of 5'.

6. **General Plan Designation:** **Existing:** The project site is currently designated for Residential Apartments
Proposed: Planned Unit Development (P.U.D) for Single-Family Residential (R-1)
7. **Zoning:** **Existing:** Victoria Ranch Specific Plan: VR-MF: Multifamily Dwelling
Proposed: PUD Planned Unit Development
8. **Surrounding Land Uses and Setting:** **North:** vacant, undeveloped, agriculture;
South: agriculture;
East: agriculture; and
West: existing single-family homes under various phases of construction.
9. **Other Agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)**
a) None

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	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology/Soils
☐	Hazards & Hazardous Materials	☐	Hydrology/Water Quality	☐	Land Use and Planning
☐	Mineral Resources	☐	Noise	☐	Population and Housing
☐	Public Resources	☐	Recreation	☐	Transportation/Traffic
☐	Utilities and Service Systems	☐	Mandatory Findings of Significance		

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.	X
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.	
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.	

Othon Mora
Community Development Director

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e. g. the project 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.

1. AESTHETICS – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantially adverse affect 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 located in an urbanized area and currently consists of undeveloped residential lots approved as part of the Doyle/Mayfield Subdivision. The increase in density will result in a minimal increase in light output as a result of additional homes but since the area is located within an urbanized community, the impact is less than significant. Additional street lighting will be required as a Condition of Approval to improve night-time security within the project area, but the amount of street lights are consistent with the City's standards.

Impact Discussion

- a) **No Impact.** The project site is not located within a scenic vista or a scenic highway. The increase in density will not affect the views of existing uses.
- b) **No Impact.** There are no scenic resources within the vicinity of the project site. The increase in density will not affect the views of existing uses.
- c) **No Impact.** The project does not involve a change in use and so the visual character will remain the same. The increase in density will not affect the views or visual character of existing uses.
- d) **Less Than Significant Impact.** The increase in density will create additional sources of light and glare resulting from more homes. The City of Imperial Standards and Specifications requires the installation of low profile exterior lighting, directed away from adjacent properties, and as such, the impact of off-site glare and adverse light intrusion will be less than significant.

2. AGRICULTURAL RESOURCES – 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	

Background

The Proposed Project site is located within an urbanized area in the City of Imperial. An agricultural field exists directly to the north, east and south of the project site.

Impact Discussion

- a) **No Impact** - The Project will not result in the conversion farmland at the site or to any adjacent parcel, therefore, there will be no impact.
- b) **Less Than Significant Impact** - The site is not party to any Williamson Act Contract, and the site was previously approved for development. The properties to the east and south of the project site are currently zoned for agricultural use, but are located within the County's Urban Overlay Zone which is intended for eventual urbanization. The project does not directly conflict with adjacent agricultural use and the retention basin and park areas provide buffer between the residential uses and the agricultural use.
- c) **Less Than Significant Impact** – The project will not directly result in the conversion of farmland to non-agricultural use, but cumulatively with other surrounding project would result in eventual conversion. The City of Imperial Service Area Plan identifies the property to the south of the project site as an area where urbanization would occur within 5-10 years. The property to the east is currently under review as part of the Victoria Ranch Subdivision Specific Plan.

3. AIR QUALITY – 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 proposed Project site is located within the Salton Sea Air Basin and is under the jurisdiction of the Imperial County Air Pollution Control District (ICAPCD). The Imperial Valley has been designated as a “non-attainment” area with respect to State Standards for particulate matter (PM10) and ozone (smog). The ICAPCD recommends that construction projects in the Imperial Valley follow the standard and discretionary mitigation measures outlined in Section VII of the ICAPCD CEQA Air Quality Handbook in order to minimize PM10 and emissions generation on-site. The ICAPCD also suggests that projects incorporate street tree planting and other landscaping along interior streets and project boundaries as these green spaces act as filters for dust and other pollutants.

The project site has been previously approved for residential development. The proposed Planned Unit Development will result in the creation of an additional 113 residential units.

The proposed Project is likely to generate dust and other forms of pollutants during Project construction and long-term project emissions will result from traffic generated by the residential development. Adjacent residences are considered sensitive receptors and may be negatively affected from these short and long-term emissions. The APCD considers a project to be mitigated to a level of insignificance if the project incorporates all feasible mitigation measures listed in Section VII of the handbook and/or exhausts all CEQA options for mitigation subject to CEQA Guidelines §15370.

Impact Discussion

- a) **Less Than Significant Impact.** The proposed Project will adhere to the Imperial County Air Pollution Control District Rules and Regulations, revised 2018 rules, and therefore, will not conflict with or obstruct implementation of applicable air quality plans.
- b) **Less Than Significant Impact.** Construction activities have the potential to generate emissions of PM10 in the form of fugitive dust, tailpipe emissions generated by demolition and grading by mobile off-road construction equipment, Reactive Organic Gases (ROG) from architectural coatings and exhaust emissions from other potential sources. However, these emissions can be mitigated and would not pose a significant impact.
- c) **Less Than Significant Impact-** Imperial County is a non-attainment area for both particulate matter (PM10) and ozone. The increased density of the proposed project and cumulative projects in the City of Imperial will generate a cumulative increase in air pollution in the City and region due to the increased traffic generated by the site compared to the impacts that would continue if the project site remained in its existing conditions. The proposed project in conjunction with other projects under development or jointly considered for development in the surrounding area may potentially contribute to the increase in existing non-attainment of particular criteria pollutants in the Imperial Valley, however, fees will be paid to offset excess project-level emissions.
- d) **Potentially Significant Unless Mitigation Incorporated-** The proposed Project is located near existing residences, which are considered sensitive receptors. The potential increase in emissions, as a result of the construction and operation of the proposed Project, may expose these receptors to substantial pollution concentrates, unless proper mitigation is incorporated.

- e) **Less Than Significant Impact-** With the exception of temporary construction related emissions, the proposed Project would not create objectionable odors, therefore the impact would be less than significant.

4. 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 proposed Project site has been previously disturbed and is located in an urbanized area of the City of Imperial. An initial site survey indicated that there is no evidence of any sensitive animal species present at the site. Plant species on the site consist mainly of non-native, weedy ones. The heavily disturbed condition of the site and the proximity to an urbanized area provide for minimal habitat values.

Biological Resources Impact Discussion:

- a) **No Impact.** The Project site has been heavily disturbed and currently does not provide any likely habitat for sensitive species; therefore there will be no impact.
- b) **No Impact.** The proposed Project site has been developed and/or disturbed and is not actively cultivated for agricultural production. No riparian habitat areas or significant vegetation exists on the Project site. No sensitive natural community has been identified on the site in local or regional plans, policies, regulations, or by the Department of Fish and Game or US Fish and Wildlife Service.
- c) **No Impact.** The proposed Project site is within urbanized area and contains no areas defined as protected wetlands (Section 404 of the Clean Water Act).
- d) **No Impact.** The proposed Project site is currently developed land within an urbanized area and does not contain any significant vegetation and has been previously disturbed. Therefore, it is unlikely that the Project site would support any migrating species; therefore there would be a less than significant impact.
- e) **No Impact.** There are no local ordinances or policies in effect protecting biological resources and therefore, there will be no impact.
- f) **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 formal cemeteries?				X

Background

The Project site was previously disturbed by agricultural activities and grading activities as part of Victoria Ranch Subdivision residential project. Literature searches of information archived with the California Historical Research Information System found no identified cultural or historical resource. The Imperial County's Conservation and Open Space Element was also reviewed and it was determined that the site is not near any sensitive cultural resource area. Furthermore, the Victoria Ranch Subdivision Mitigated Negative Declaration found no cultural resources within the project area.

Cultural Resources Impact Discussion:

- a) **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) **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. However, in the event that buried subsurface archaeological resources that could not be identified during surface surveys are discovered during Project construction, work in the area should cease until a qualified archaeologist can examine the resources and make recommendations for their treatment.
- c) **No Impact.** No unique paleontological resources or site or unique geologic features have been identified on the site.
- d) **No Impact.** There is no evidence that the proposed Project site has been used as a cemetery, either formal or informal; therefore,

VI. GEOLOGY AND SOILS – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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.				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

it is unlikely that the proposed Project would disturb human remains.

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. Tectonic activity that formed the Trough continues at a high rate and therefore, the Project site is considered likely to be subjected to moderate to strong ground motion from faults in the region, including the Brawley, Superstition Hills, and Imperial Faults. The Project site does not lie within a State of California, Alquist-Priolo Earthquake Fault Zone and therefore, surface fault rupture, seismically induced flooding and landslides are considered low to negligible on this site. The site is located in Seismic Zone 4 of the 2001 California Building Code (UBC), therefore, guidelines for construction of buildings within Zone 4 must be adhered to.

Due to the shallow groundwater depth and alluvial nature of the soils present in the Imperial Valley (silts, sands and sandy silts), the risk from liquefaction as a result of a major earthquake is considered moderate to high. In addition, silty clays and clays found in the much of the near surface soils in the Imperial Valley are moderate to highly expansive and measures should be taken during construction to mitigate these potential swelling forces. However, a geotechnical study was prepared for the Victoria Ranch Specific Plan Subdivision and mitigation measures recommended in that document were incorporated into the design of structures.

Geology and Soils Impact Discussion:

- a) 1) **No Impact.** The proposed Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no active faults or ground ruptures have been mapped underlying the site; therefore there will be no impact.
- 2) **Less Than Significant Impact.** The City of Imperial, as well as the entire Imperial Valley, is considered to be a seismically active area. The Project site is susceptible to potentially strong seismic ground shaking because of the nearby Brawley, Superstition Hills, and Imperial Faults. The City of Imperial utilizes the Uniform Building Code and all structures will be built to comply with Seismic Zone 4. The impacts from strong seismic ground shaking will be less than significant.
- 3) **Less Than Significant Impact.** 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. A site-specific geotechnical evaluation was conducted as part of the Victoria Ranch Subdivision project and structural design recommendations were incorporated into the project. The PUD project will continue to incorporate those design recommendations. Other geologic hazards such as fault rupture, seiches and seismically induced flooding are considered low to negligible.
- 4) **No Impact.** The proposed Project site is located on level terrain in the Imperial Valley. As there is no steep terrain on or near the site that could result in landslide concerns or risks, there would be no impacts from landslides.
- b) **Less Than Significant Impact.** The soils at the Project site would be subject to wind and water erosion, especially during Project construction. However, the Project Proponent would be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit and develop a Stormwater Pollution Prevention Plan (SWPPP) prior to construction of the proposed Project.
- c) **Less Than Significant Impact.** All residential structures constructed at the proposed Project site would be subject to the UBC standards and local building codes established for the area. Development of the site in compliance with UBC standards would minimize any risk posed by on- or off-site lateral spreading, subsidence or collapse. Therefore, impacts would be less than significant.
- d) **Less Than Significant Impact.** Design recommendations from a previous geotechnical evaluation will be incorporated into this project and therefore, the impacts will be less than significant.
- e) **No Impact.** The proposed Project would not require the construction of septic tanks or an alternative waste disposal system. The local permitted wastewater treatment plant would treat wastewater generated at the proposed Project site. Therefore, no impacts to soils from septic tanks or alternative wastewater disposal systems are anticipated.

VII. 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

During construction of the proposed Project, the transportation, storage, use and disposal of various hazardous substances could occur. Typical hazardous materials used during construction of this type of development include fuels, pressurized gases, paints, cleaning solvents and machinery lubricants. The volume of each of these materials stores or used at the proposed Project site would be based on site-specific construction requirements.

Hazardous materials at the residences could include fuels, cleaning supplies, paint, disinfectants and insecticides/herbicides. Most of the hazardous materials at the residences would be limited to factory-supplied containers of 5-gallons or less and impacts would not be expected to be significant.

Hazards and Hazardous Materials Impact Discussion:

- a) **Less Than Significant Impact.** The storage, use, transport and/or disposal of hazardous materials would occur as a result of construction of the proposed Project. Potential impacts from these activities may be negated through various methods including, but not limited to, the following: (1) implementation of all federal, State, and local hazardous materials regulations in construction contracts; (2) restricting the

handling of hazardous materials to trained personnel; and (3) dispensing all hazardous materials in factory supplied or U.S. Department of Transportation (U.S. DOT) containers.

- b) **Less Than Significant Impact.** The proposed Project would not operate equipment or processes that would result in an upset of conditions that release contaminants into the environment. Additionally, servicing of construction vehicles with fuels would be performed in a controlled location that would assist in the prevention of significant hazards to the public or the environment.
- c) **No Impact.** The Project will not emit hazardous emissions or handle hazardous materials. There are no existing or proposed schools within one-quarter mile of the project site.
- d) **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.
- e) **Less Than Significant Impact.** According to the Imperial County Airport Land Use Compatibility Plan, the Project site is located within the “D” Zone which is within the “Other Airport Environs” location. According to the Plan, there is negligible risk to residents in this Zone, but there is potential for annoyance from overflights. There are no limits within this Zone in regard to density and no requirements for open land.
- f) **No Impact.** There are no private airstrips within the vicinity of the proposed Project.
- g) **No Impact.** The proposed Project would not significantly affect movement of emergency response vehicles in the area. Additionally, the proposed Project would not significantly interfere with emergency response or evacuation plans.
- h) **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 surrounding land uses.

VIII. 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 (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)?				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	
) Substantially alter the existing drainage pattern of the site, including through the alteration of the course of a stream or river, 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 presently consists of vacant land with sparse vegetation. Therefore potential hazards for slope instability are unlikely. The increase in residential density will increase the existing rates of runoff due to increased sealed surface areas. The incorporation of an adequate drainage management plan will help minimize any substantial risk of erosion or situation on or off-site. The drainage plan is subject to review by the City Public Works and Engineering Department for consistency with City Standards.

An updated hydrology and drainage report will be prepared to adequately assess the potential for adverse hydrological and drainage effects associated with short-term construction and longer-term operation of the proposed project. Findings and recommendations from the prepared Hydrology report will further be incorporated as mitigation measures for the project. The City of Imperial will provide potable water to the Project site. Site development would include clearing and grubbing of vegetation, site grading, underground utility installation and construction of retention basins.

Hydrology and Water Quality Impact Discussion:

- a) **Less Than Significant Impact.** Implementation of the proposed Project may result in short term and long term changes to site drainage characteristics. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) would be required for the proposed Project site to ensure consistency with all applicable water quality standards as well as implementation of Best Management Practices (BMPs).
- b) **No Impact.** The proposed Project would rely on municipal water for both short-term and long-term operation. There are no groundwater supplies within the vicinity of the project site and therefore there would be no impacts.
- c) **Less Than Significant Impact.** The soils at the site are subject to wind and water erosion, especially during Project construction. However, implementation of the SWPPP and BMPs would reduce impacts to less than significant. Areas not paved or constructed would be landscaped in accordance with City of Imperial requirements. Therefore, the likelihood of soil erosion or loss of topsoil would be minimized.
- d) **Less Than Significant Impact.** The decrease in density due to the proposed zone change will reduce the amount of storm water runoff. A detention basin has already been constructed for the entire Victoria Ranch Subdivision and a hydrology study will be prepared prior to any construction activities.

- e) **Less Than Significant Impact.** The proposed on-site detention basin and landscaped areas will accommodate the water run-off from the Project site. Construction activities on the project site would be subject to Best Management Practices (BMP's) and a Storm Water Pollution Prevention Plan (SWPPP) to minimize pollution on and off-site.
- f) **No Impact.** Implementation of the proposed Project would require the preparation of a SWPPP. The implementation of the SWPPP would minimize adverse impacts on water quality.
- g) **No Impact.** The proposed Project is not located in a FEMA 100-year flood hazard zone.
- h) **No Impact.** The proposed Project is not located in a FEMA 100-year flood hazard zone.
- i) **No Impact.** The Imperial Valley is downstream of a number of flood control and water storage dams located along the Colorado River. Construction of the proposed Project would not expose people or structures to the risk of flooding resulting from dam failure to any greater extent than existing development.
- j) **No Impact.** The proposed Project site is not adjacent to a large body of water, such as the 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.

IX. 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

Development of the proposed Victoria Ranch Subdivision Unit 6A PUD will accommodate the Housing Element goal of providing a mix of housing types in the City of Imperial. This General Plan Amendment is consistent with the goals, objectives, and policies of the various Elements of the General Plan.

Land Use and Planning Impact Discussion:

- a) **No Impact.** Residential developments currently exist to the west and south of the project site. Vacant and agricultural lands are to the north and to the east. Therefore, the project will not physically divide an established community.
- b) **No Impact.** A Zone Change is part of the project. The General Plan encourages a mix of housing types and land use distribution such that the integrity of surrounding land uses are maintained or enhanced. The overall density for the proposed project is 10 dwelling units per acre and is consistent with the surrounding

residential units, especially when this project will remain as detached single family units. Further, the General Plan Land Use Element encourages Planned Residential Developments where design flexibility is desired and this project will provide aesthetic components to further enhance the visual corridor of Cross Road.

- c) **No Impact.** The proposed Project would not conflict with any applicable habitat conservation plan or natural community conservation plan because the site is currently used as a residential property and is not identified as suitable habitat for plan and/or animal species.

X. MINERAL RESOURCES – 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

The Project site lies in the Imperial Valley on developed land. No valuable mineral resources have been identified on or adjacent to the proposed Project site.

Mineral Resources Impact Discussion:

- a) **No Impact.** The proposed Project site consists of a single family residence and disturbed, vacant land. No mineral resources that would be of value to the region have been identified on or near the Project site.
- b) **No Impact.** There are no locally important mineral resource recovery sites delineated on any local plans in the vicinity of the proposed project.

XI. 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

Development of the site will result in short-term construction noise as well as a permanent increase in noise levels from the additional traffic related to the residential development. Vehicular traffic is anticipated to be the predominant component of ambient noise as the Project area develops. The exposure of persons to high levels of vehicular generated noise depends upon the relationship of traffic volume, distance from origin, roadway elevation, percentage of truck traffic and average speeds of traffic generated by the future land uses of the area.

The project site is located outside of any Airport Land Use Compatibility Zones and located at least ¼ mile away from major roadways like Aten Road.

Noise Impact Discussion:

- a) **Less Than Significant.** Development of the proposed Project would result in a local increase in noise levels. However, these noise levels would be consistent with noise levels found in adjacent, similar types of development. Construction of the proposed Project would result in a temporary increase in noise above current levels and in general noise levels for nearby residential areas.
- b) **Less Than Significant.** Short-term construction activities associated with the proposed Project would not typically generate significant groundborne vibration or groundborne noise levels that travel significant distances. Vibrations associated with construction of the proposed Project would be limited to heavy equipment used for ground clearing and site grading. No blasting is anticipated given the nature of the site and proposed building construction techniques. Therefore, impacts related to this issue would be less than significant.
- c) **Less Than Significant.** Development of the site would result in an increase in the overall noise environment of the site and adjacent area. Noise levels from the Project may significantly impact sensitive receptors in the adjacent residential dwellings. However, modern construction techniques and the Zoning Ordinance's requirement for noise attenuation would result in the impacts being less than significant.
- d) **Less Than Significant.** Construction of the proposed Project could result in an increase in the existing ambient noise environment. Construction levels at the nearest noise sensitive locations would be approximately 89 dBA. Additionally, phased development of the proposed Project would result in increased noise levels compared to pre-construction phases. Mitigation would be required to minimize construction noise in these areas. These measures include, but are not limited to: limiting the hours of construction and use of mufflers on construction equipment.
- e) **Less Than Significant.** According to the Imperial County Airport Land Use Compatibility Plan, the Project site is located within the "D" Zone which is within the "Other Airport Environs" location. According to the Plan, there is negligible risk to residents in this Zone, but there is potential for annoyance from overflights. There are no limits within this Zone in regard to density and no requirements for open land. An avigation easement exists on the project site and would be continued with the re-subdivision.

- f) **No Impact.** The proposed Project site is not located within the vicinity of a private airstrip.

XII. 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 estimated population for the City of Imperial is approximately 11,852, according to the Department of Finance. The proposed project will induce population growth in the area by creating an additional 30 residential units that will result in a population increase of 98 people (in addition to 173 people from the previously approved residential units). This population growth represents a small percentage of growth projected for the next 5 years.

Population and Housing Impact Discussion:

- a) **Less Than Significant Impact.** The re-subdivision will result in an additional 113 residential units and approximately 98 new people. This growth is less than significant as the present growth rate of the Imperial Valley should easily be able to absorb the population growth. Further, the development represents a viable example of developing housing lots adjacent to the existing built-up community. The Project is not expected to induce substantial growth in the area.
- b) **No Impact.** The project site is currently vacant and no people will be displaced.
- c) **No Impact.** The project site is currently vacant and no people will be displaced.

XIII. PUBLIC SERVICES:				
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
1) Fire protection?			X	
2) Police protection?			X	
3) Schools?			X	

4) Parks?			X	
5) Other public facilities?			X	

Background

The proposed Project would result in the creation of an additional 30 permanent dwelling units and approximately 98 new residents. This increase in population is anticipated to be primarily drawn from current residents in the City and regionally from neighboring jurisdictions. Consequently there will be a slight increase in the demand for additional services to the City's municipal services.

Discussion for Impact to Public Services:

a):

- 1) **Less Than Significant Impact.** The proposed Project will be served by the City of Imperial Fire Department which provides primary fire protection, with back-up fire protection from the County of Imperial. Response time for emergency fire personnel to the Project site should remain between five and ten minutes. The installation of fire hydrants within the Project site with offer increased fire protection to the Project area and therefore the impact should be less than significant.
- 2) **Less Than Significant Impact.** The proposed project will include the development of new housing that will require new demand for the already overburdened police department, however, that demand should be minimal and therefore less than significant.
- 3) **Less Than Significant Impact.** Students within the Project area will attend the Imperial Unified School District. The developer of the residential portion of the Project will be responsible for payment of any required school district fees to offset any negative impacts from the additional students generated by the Project.
- 4) **Less Than Significant Impact.** The proposed Project will not require the construction or expansion of additional park space and therefore the impact would be less than significant.
- 5) **Less Than Significant Impact.** No additional public facilities would be adversely affected by the proposed Project and therefore the impact would be less than significant.

XIV. 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 current level of park services within the community is adequate. An existing park is located within a half-mile to the northeast of the project site.

Recreation Impact Discussion:

- a) **Less Than Significant Impact.** The proposed Project may create new full-time residents that would utilize parks within the City of Imperial. Parkland within the City of Imperial is maintained by the City and there may be additional impact fees paid by the developer; therefore the impact would be less than significant.
- b) **Less Than Significant Impact.** Environmental impacts for the entire project site are analyzed in this document and impacts are less than significant.

XV. TRANSPORTATION AND TRAFFIC – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (<i>i.e.</i> , result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard 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 (<i>e.g.</i> , sharp curves or dangerous intersections) or incompatible uses (<i>e.g.</i> , farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Result in insufficient parking capacity?			X	
g) Conflicts with adopted policies, plans, programs, supporting alternative transportation (<i>e.g.</i> , bus turnouts, bicycle racks)?				X

Background

The Victoria Ranch Subdivision Mitigated Negative Declaration analyzed traffic and circulation impacts from a much larger project area known as the Rancho Imperial Specific Plan which was subsequently processed as separate individual projects. The proposed Planned Unit Development impacts are less than significant. .

Transportation and Traffic Impact Discussion:

- a) **Less Than Significant Impact.** All roadway segments and intersections will continue to operate at LOS C or better.
- b) **Less Than Significant Impact.** This project will not individually result in exceeding the level of service standard within the immediate vicinity and regionally. Cumulatively with other projects, various roadway segments and intersections will exceed LOS C standards. Various mitigation measures have been in place and fees have been collected (and will continue to be collected) to offset some of the cumulative impacts. This project contributes to a significantly small percentage of cumulative impacts.
- c) **No Impact.** The proposed project will not change air traffic levels, patterns or locations.
- d) **No Impact.** All roadways are arranged in a north-south and east-west orientation. There are no hazards resulting from roadway design features.
- e) **Less Than Significant Impact.** The project site will be accessible via two east-west streets from Aten Road.
- f) **Less Than Significant Impact.** Off-street parking spaces will be provided in accordance with the City of Imperial Zoning Ordinance requirements at a rate of two (2) parking spaces per unit. Driveways and street parking are also available.
- g) **No Impact.** The proposed project does not conflict with any adopted policies, plans, or programs supporting alternative transportation.

XVI. 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

Background

The Project site is located within the City of Imperial and will be serviced by municipal services. The City of Imperial will provide water and wastewater service to the project site. The Project will require water and sewer line extensions connecting to the existing water and wastewater infrastructure, as well as the construction of new infrastructure, nine retention basins. New electrical and natural gas services will also be required to serve the residences. The Imperial Irrigation District will provide electricity to the site and natural gas service will be provided by the Southern California Gas Company. Phone and Cable Services are currently provided near the project site area and as the project is developed SBC Pacific Bell will provide telephone service and Time Warner will provide cable services to the project site. Mitigation measures will be required for the increased capacity needs related to the proposed project and will be further addressed in the Mitigated Negative Declaration.

XVII. TRIBAL CULTURAL RESOURCES

XVII. TRIBAL CULTURAL RESOURCES – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code 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

Utilities and Service Systems Impact Discussion:

- a) **Less Than Significant Impact.** Sufficient capacities exist in the City's water and waste water treatment facilities. The project complies with the City's Water and Waste Water Master Plans and the additional 106 dwelling units constitutes a less than significant impact.
- b) **Less Than Significant Impact.** The project will not result in the construction of a new water treatment facility. However, infrastructure improvements will be necessary to provide expanded services to the Project site. The retention basin constructed as part of the Victoria Ranch Subdivision Specific Plan project is adequately sized to handle storm water runoff from this site.
- c) **Less Than Significant Impact.** The retention basin constructed as part of the Victoria Ranch Specific Plan project is adequately sized to handle storm water runoff from this site. The proposed project will require the construction of new storm water pipelines, catch basins and other appurtenant structures, but the impacts are less than significant.
- d) **No Impact.** Although the project will require the construction of new water mains, there are adequate water supplies available to the City of Imperial from existing entitlements and resources for the projected requirements of the proposed development and therefore, there will be a less than significant impact.
- e) **No Impact.** The proposed Project would be served by the City's sanitary sewer collection system. It is anticipated that new pipelines will be installed internally to serve the Project. Sewage would flow to existing sewage lift stations that have sufficient capacity to serve the Project site.
- f) **No Impact.** Implementation of the proposed Project would generate construction waste and long-term solid waste from the proposed residential uses. The proposed Project will comply with the City's procedure for the recycling of construction and demolition materials. Solid waste generated by the Project would be disposed at the Allied Waste Imperial Disposal site, which has adequate capacity to serve the proposed Project.
- g) **No Impact.** The proposed Project would be in compliance with all federal, State and local statutes and regulations related to disposal of solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
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	

Background

Residential development of up to 405 residential units has been previously approved for the current zoning of Residential Apartments project site. The project proponent is decreasing the density to 113 residential dwelling units. Impacts to the various environmental categories are less than significant.

Mandatory Findings of Significance Discussion

- a) The project site has been previously disturbed by extensive agricultural activities and grading activities. Lack of vegetation on the project site precludes and possibility of habitat for any wildlife species and there are no known cultural resources on the project site.
- b) Cumulative impacts have been identified in previous studies. The proposed Tentative Map revision, General Plan Amendment and Zone Change will result in 113 residential units. This impact represents a small percentage of the cumulative impact.
- c) No significant environmental effects have been identified that will cause substantial adverse effects on human beings directly. Cumulative and indirect impacts have been identified with regards to transportation, noise, utilities and services, but those impacts are less than significant.

SOURCE REFERENCES

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 documents are not distributed with this document but may be obtained from the City of Imperial.

A	City of Imperial Zoning Ordinance
B	City of Imperial General Plan
C	City of Imperial Service Area Plan
D	Air Pollution Control District CEQA Air Quality Handbook
E	County of Imperial Airport Land Use Compatibility Plan
F	Victoria Ranch Subdivision Mitigated Negative Declaration

DATE SUBMITTED February 28, 2018
 SUBMITTED BY Ember Haller
 DATE ACTION REQUIRED March 7, 2018

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

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: Sunrunners Car Club Cruise Night and 34th Annual Carne Asada Run

DEPARTMENT INVOLVED: Community Services, Public Services, and Police Departments

BACKGROUND/SUMMARY:

The Sunrunners Car Club has hosted an annual Friday Night Cruise in Downtown Imperial along with its "Carne Asada Run" Car Show & Shine the following morning at Eager Park. It is requested to continue to host the annual events on March 16th and 17th in the City of Imperial. The March 16th event will take place from 5:00 p.m. until 8:00 p.m. in Downtown Imperial and the March 17th event will take place from 10:00 a.m. until 3:00 p.m. at Eager Park. It is requested to allow a local non-profit to provide sales of beer at Eager Park. The non-profit will be required to obtain a license to sell beer from the Alcoholic Beverage Control along with the required temporary food facility permit from the Imperial County Health Department.

FISCAL IMPACT:

There is no significant fiscal impact.

F.O. INITIALS _____

STAFF RECOMMENDATION:

It is the recommendation of the Community Services Department that the City Council permit the Sunrunners Car Club to host the Friday Night Cruise in Downtown Imperial on March 16th and the "Carne Asada Run" Car Show & Shine at Eager Park on March 17th, 2018. All departments involved are in agreement.

MANAGER'S RECOMMENDATION:

MANAGER'S INITIALS 

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REFERRED TO:

REJECTED ()

DEFERRED ()

DATE SUBMITTED 2/28/18

SUBMITTED BY Chief Leonard Barra

DATE ACTION REQUIRED 3/7/2018

COUNCIL ACTION (x)

PUBLIC HEARING REQUIRED ()

RESOLUTION ()

ORDINANCE 1ST READING ()

ORDINANCE 2ND READING ()

CITY CLERK'S INITIALS lg

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: APPROVAL OF POLICE SERVICE OFFICER I/II/III JOB DESCRIPTION.

1. APPROVAL OF POLICE SERVICE OFFICER I/II/III JOB DESCRIPTION.
2. ADOPTION OF POLICE SERVICE OFFICER II POSITION AT SALARY RANGE 62.

DEPARTMENT INVOLVED: POLICE DEPARTMENT/ HUMAN RESOURCES

BACKGROUND/SUMMARY:

The City of Imperial Police Department is proposing the creation and adoption of a Police Service Officer I/II/III position and job description. The police department has begun the process of restructuring the police personnel in department to better fit within the organization. This new classification will be used for civilian staff that has to wear many "hats" to meet the needs in a small municipal police department. The police department is requesting the approval of the new job description and adoption of one (1) police service officer II position which will be utilized at the Law Enforcement Coordination Center (LECC). The salary for this position will be funded by High Intensity Drug Trafficking Area (HIDTA) funds up to \$42,000.00 for salary only. The City of Imperial Police Department will only be responsible for the fringe benefits of the employee. Participation from our city in this program allows us to be eligible in any asset forfeiture that is seized based on our participation.

FISCAL IMPACT:

Fringe Benefits \$14,620

FINANCE DEPT
SIGN INITIALS

VS

STAFF RECOMMENDATION:

Staff recommends approval of the Police Service Officer I/II/III job description and activation of one (1) Police Service Officer II position at Teamsters salary schedule range 62.

DEPT. INITIALS

ML

MANAGER'S RECOMMENDATION:

CITY
MANAGER'S
INITIALS

AS

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

**CITY OF IMPERIAL
CLASS SPECIFICATION**

Job Title: Police Service Officer I/II/III

Job Type: Full-Time

Location: Imperial, CA, California

Under general supervision, performs a variety of non-peace officer law enforcement and support service duties in the office and field in a variety of areas and performs related work as required.

CLASS CHARACTERISTICS:

Positions in this class perform a variety of law enforcement and police support duties that do not require performance by a sworn peace officer in a variety of areas including: dispatch, support services, records, data entry, property and evidence, public education, planning and neighborhood services, animal control, patrol, youth services, investigations, and parking enforcement. Incumbents are expected to work shifts and rotate through a variety of assignments and may be required to work weekends and holidays. Incumbents receive thorough instructions and training when tasks are initially assigned and are expected to perform duties by selecting work methods from a variety of standard methods and procedures referring to the supervisor those problems which involve the establishment of new procedures or which involves solutions which are inconsistent with departmental procedures and policies.

Examples of Duties:

The following duties **ARE NOT** intended to serve as a comprehensive list of all duties performed by all employees in this classification. Shown are duties intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed and may be required to perform additional, position-specific duties. The representative duties listed include essential and marginal functions that vary by assignment.

Operates police communications center utilizing various equipment such as telephone, radio, computer and CLETS terminal and related telecommunications and office equipment; serves as receptionist at public contact points within the police facility; provides information to the public; answers questions and inquiries; prepares reports concerning crimes, accidents, lost and found property, and other circumstances; assists police officers with functions not requiring sworn peace officer status; collects, organizes and books physical evidence related to crime scene investigations; directs traffic and provides crowd control at crime scenes, accidents, public events; fingerprints and photographs prospective employees and general public; enforces parking laws and ordinances in assigned area either on foot or in a motorized vehicle; issues citations for violations of parking laws, city ordinance violations and testifies in court as required; prepares and maintains logs on police activities; prepares various reports and correspondence; performs data entry utilizing various computer systems and maintains databases; receives, stores, issues and maintains evidence and property; coordinates property disposal with other city departments and outside agencies; conducts training or public education sessions; performs Animal Control functions, including picking up stray animals, verifying animal licenses, caring for animals, maintaining the Animal Shelter, and enforcing laws and city ordinances not needing a sworn peace officer. Assist in the collection and interpretation of a variety of criminal intelligence data and information for the purpose of assisting law enforcement in criminal investigation, apprehension, and prosecution activities. Prepares reports based on information collected and analyzed; assists in dissemination of information to law enforcement agencies both verbally and in writing.

**CITY OF IMPERIAL
CLASS SPECIFICATION**

Typical Qualifications:

Any combination of training and experience which is likely to provide the required knowledge and abilities of the position of Police Service Officer would be acceptable for employment.

DISTINGUISHING CHARACTERISTICS:

Police Service Officer I: A typical background for the Police Service Officer I is education equivalent to graduation from high school and completion of P.C. 832 course within 12 months of employment.

Police Service Officer II: This is the full journey-level class in the Police Service Officer series. This class performs the more complex tasks and duties. Incumbents have previous work experience in the police field.

Police Service Officer III: This is the advanced journey-level classification in the Police Service Officer series. Incumbents perform the more complex duties requiring highly specialized knowledge, skills, and abilities in a designated work assignment. Employees within this class are distinguished from the Police Service Officer I/II by responsibility to exercise lead supervision over staff of the unit and by the performance of the full range of duties. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

LICENSE REQUIRED

Possession of a valid California driver's license and a good driving record.

EDUCATION AND EXPERIENCE

Education:

Education equivalent to the completion of the twelfth (12th) grade.

Experience:

One (1) year of experience involving public contact work.

Incumbents may be assigned to duties which would include law enforcement and police support duties in a variety of areas including: dispatch, support services, records, data entry, property and evidence, public education, planning and neighborhood services, animal control, patrol, youth services, investigations support, crime analysis, intelligence analyst, report writing and parking enforcement.

**CITY OF IMPERIAL
CLASS SPECIFICATION**

Police Service Officer I - FLSA Non-Exempt Union Position - Range 60

Police Service Officer II - FLSA Non-Exempt Union Position - Range 62

Police Service Officer III - FLSA Non-Exempt Union Position - Range 67

This job flyer does not constitute a contract and its
terms and conditions can change without notice.

THE CITY OF IMPERIAL IS AN EQUAL OPPORTUNITY EMPLOYER

DATE SUBMITTED

3/1/2018

SUBMITTED BY

City Manager's
Office

DATE ACTION REQUIRED

3/7/2018

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

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: ORDINANCE NO. 799 AMENDING CHAPTERS EIGHT AND TWELVE OF THE IMPERIAL MUNICIPAL CODE TO ALLOW FOR THE SALE AND DISCHARGE OF FIREWORKS

1. APPROVAL OF ORDINANCE NO. 799 AMENDING CHAPTERS EIGHT (8) AND TWELVE (12) OF THE IMPERIAL MUNICIPAL CODE FOR THE SALE AND DISCHARGE OF SAFE AND SANE FIREWORKS WITHIN THE CITY OF IMPERIAL DURING SPECIFIED PERIODS OF TIME.

DEPARTMENT INVOLVED: CITY MANAGER'S OFFICE

BACKGROUND/SUMMARY:

As per the direction of the City Council on February 7, 2018 during the Regular Meeting, the City Manager and City Attorney drafted the attached ordinance to amend chapters eight (8) and twelve (12) of the City of Imperial Municipal Code to allow for the sale and discharge of safe and sane fireworks within Imperial City Limits. As directed, the attached ordinance defines the dates that such sales and/or discharge may take place within the City. In addition, the ordinance identifies that the sale of fireworks will only be permitted for up to, and not to exceed, three (3) non-profit organizations.

FISCAL IMPACT: N/A

FINANCE
INITIALS

VB

STAFF RECOMMENDATION:

DEPT. INITIALS

AS

MANAGER'S RECOMMENDATION: It is the City Manager's recommendation for the City Council to consider the draft ordinance to amend chapters 8 and 12 of the Imperial Municipal Code.

CITY
MANAGER'S
INITIALS

AS

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

ORDINANCE NO. 799

**AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING CHAPTERS 8
AND 12 OF THE IMPERIAL MUNICIPAL CODE TO ALLOW FOR SALES
AND DISCHARGE OF SAFE AND SANE FIREWORKS DURING SPECIFIED
PERIODS OF TIME**

THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 8-2 OF Article II of Chapter 8 of the Imperial Municipal Code is hereby amended to read as follows:

Section 8-2. Prohibited Generally. It shall be unlawful for any person in the City to burn any brush, grass, weeds paper or other rubbish or material or vegetation of any kind whatsoever, or to make, build or burn any material within any street, alley, park, private property or place in the City.

SECTION 2: Sections 8-30 through 8-51 of Article V of Chapter 8 of the Imperial Municipal Code are hereby enacted to read as follows:

ARTICLE V

FIREWORKS

Section 8-30. Purpose and Authority.

Section 8-31. Title.

Section 8-32. Administration.

Section 8-33. Definitions.

Section 8-34. Fireworks unlawful

Section 8-35. Permits for public fireworks displays.

Section 8-36. Application fee for public fireworks displays.

Section 8-37. Defense and indemnity of City.

Section 8-38. Liability insurance.

Section 8-39. Discharge of safe and sane fireworks permitted.

Section 8-40. Sale of safe and sane fireworks.

- Section 8-41. Applications for fireworks sales permits.
- Section 8-42. Fireworks sales permit requirements.
- Section 8-43. Denial of permit and appeals process.
- Section 8-44. Fireworks stands requirements..
- Section 8-45. Sales to minors.
- Section 8-46. Revocation of fireworks sales permits and appeal.
- Section 8-47. Seizure of fireworks.
- Section 8-48. Public education.
- Section 8-49. Administrative regulations.
- Section 8-50. Violation unlawful-Administrative citations.
- Section 8-51. Conflict with Imperial Municipal Code.
- Section 8-52. Severability.

Section 8-30. Purpose and authority.

The purpose of this chapter is to regulate the discharge and sale of fireworks within the City of Imperial. The city council enacts this chapter pursuant to its general police powers and the State of California Fireworks Law, Sections 12500 through 12728 of the California Health and Safety Code, and State of California Fireworks Regulations, Chapter 6 of Title 19 of the California Code of Regulations.

Section 8-31. Title.

This Article may be cited as the "Imperial Fireworks Ordinance."

Section 8-32. Administration.

This chapter shall be administered by the Imperial Fire Department.

Section 8-33. Definitions.

For the purposes of this chapter, the following definitions shall apply:

"City" means the City of Imperial.

"City Clerk" means the city clerk of the City or the City Clerk's designee.

"City Manager" means the city manager of the City or the City Manager's designee.

"Dangerous fireworks" means dangerous fireworks as defined in Health and Safety Code Section 12505.

"Fire Chief" means the Fire Chief of the City or the Fire Chief's designee.

"Fireworks sales permit" means a permit issued in accordance with Article.

"Fireworks stand" means a structure of a temporary nature used in the sale, offering for sale, or display for sale of safe and sane fireworks.

"Fireworks wholesaler" means any person who sells fireworks to other persons for resale by such persons.

"Nonprofit organization" means any nonprofit association, charity or corporation organized primarily for veterans, patriotic, welfare, civic betterment, educational, youth development or charitable purposes which is tax exempt pursuant to Internal Revenue Code Sections 501(c)3, 4, 6, 7, 8, 9, 10, 19, 23, or 26, that serves, in whole or in part, the residents of the City of Imperial. The City will issue permits for up to, and not to exceed, three (3) non-profit organizations per year. A nonprofit organization having its principal place of business in the City of Imperial will have priority in the issuance of a permit, all other factors being equal. Permits will be subject to a lottery selection process.

"Police Chief" means the Police Chief of the City or the Police Chief's designee.

"Qualified applicant" means any nonprofit organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for a fireworks sales permit and which continues to meet the criteria for the duration of the fireworks sales permit.

- (a). The nonprofit organization must have a minimum bona fide membership of at least ten adult members who either reside in the City, are employed in the City or who are owners or operators of a business located in the City. The organization shall upon request provide documentation demonstrating the minimum bona fide membership to the satisfaction of the Fire Chief.
- (b). The nonprofit organization shall not have been found by any court of competent jurisdiction or city administrative hearing officer to be in violation of any civil or criminal local, state or federal law relating to fireworks, including this Article within thirty-six months prior to the nonprofit organization's submittal of an application for a fireworks sales permit.
- (c). The nonprofit organization must not have had a permit to sell fireworks revoked by any jurisdiction within thirty-six months prior to the nonprofit organization's submittal of an application for a fireworks sales permit.

"Safe and sane fireworks" means safe and sane fireworks as defined in Health and Safety Code Section 12529 and 12562.

"Responsible person" means a person who causes a violation of this chapter to occur or who allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur or allows a violation to exist or continue. Provided, that:

- (a). There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property taxes assessment rolls, and any lessee of a residential parcel, has notice of any violation existing on said property.
- (b). More than one person may be a responsible person for a single violation.
- (c). Any person, regardless of age may be a responsible person. However, every parent, guardian or other person, having the legal care, custody or control of any minor person (defined as any person under eighteen years of age) is a responsible person for violations committed by such minor, in addition to the minor him or herself, if such parent, guardian or other person knows or reasonably should know that a minor is in violation of this Article. There is a rebuttable presumption that any such parent, guardian or other person having the legal care custody or control of a minor person knows or reasonably should know whether such minor is in violation of this Article.

Section 8-34. Fireworks unlawful.

Except as otherwise provided in this chapter, no person shall possess, sell, use, display or explode any "dangerous fireworks," within the City of Imperial.

Section 8-35. Permits for public fireworks displays.

It shall be unlawful to cause, allow, permit, aid, abet, or suffer any discharge of "dangerous fireworks" (including a public display) or any use of special effects without having first obtained a permit from the Fire Chief as provided herein.

The Fire Chief may grant permits for those activities enumerated in Section 12640 of the California Health and Safety Code, including supervised public displays of fireworks by a public agency, fair association, amusement park, or other organization, or for the use of fireworks by artisans in pursuit of their trade. Each such use or display shall be handled by a licensed pyrotechnic operator (as defined by Section 12527 of the California Health and Safety Code), and shall be of such character and so located, discharged or fired following the receipt of the recommendation by the fire chief, will not be hazardous or endanger any property or persons.

Section 8-36. Application fee for public fireworks displays.

Every application for permit to conduct a public display of fireworks or for other use of fireworks as permitted by ordinance shall be accompanied by a nonrefundable fee.

Section 8-37. Defense and indemnity of City.

Every applicant for a permit to conduct a public display of fireworks or for other use of fireworks as permitted by Section 8-35 shall agree to defend, indemnify and hold the City of Imperial, its officers and employees, harmless from any and all claims for damages or other costs arising out of the activity authorized by the permit.

Section 8-38. Liability insurance.

Every recipient of a permit to conduct a public display of fireworks or for other use of fireworks as permitted by section 8-35 shall maintain a corporate surety bond or policy of public liability and property damage insurance. The policy shall provide coverage for bodily injury (including death) and property damage with policy limits of not less than \$5,000,000.00 combined single limits. Such policies shall contain a provision which includes the City, its officers, officials, agents, and employees as additional insured's and provides that said insurance provides primary coverage as to the City without contribution by other City policies or self-insured retentions. Such policies shall also contain an endorsement that the company issuing such policy or policies will not allow the same to be cancelled without serving, by first class mail, ten days' notice of cancellation upon the City Clerk.

Following approval of the permit by the Fire Chief as provided in section 8-35, no permit shall be issued until the permittee furnishes the City Clerk a "certificate of insurance" for each insurance policy required by this Section, in a form approved by the city attorney.

Notwithstanding any other provision of this chapter, the failure of the permittee to carry such policy or policies in force shall result in the automatic revocation of the permit as of the date of expiration of such insurance policy or policies. Should a permit be automatically revoked as a consequence of this provision, the payment of the full amount of the permit fee required by this Article shall be made to the City before the revoked permit may be reinstated.

Section 8-39. Possession and discharge of safe and sane fireworks permitted.

Notwithstanding any provisions of this Article to the contrary, the possession of safe and sane fireworks shall be lawful during the period of 12:00 noon on the 28th of June through 12:00 noon on the 6th of July of the same calendar year; provided, however, that it shall be unlawful to possess any modified or altered safe and sane fireworks. It shall be unlawful to use or discharge any safe and sane fireworks; provided, however such use and discharge shall only take place on private property and not publicly owned, controlled or maintained property or rights of way.

Section 8-40. Sale of safe and sane fireworks.

Notwithstanding any provisions of this chapter to the contrary, the possession and retail sale to the public of safe and sane fireworks is permitted between 12:00 noon and 10:00 p.m. on the 28th of June of each year and from 9:00 a.m. through 10:00 p.m. on June 29th through the 4th of July of the same calendar year, by those nonprofit organizations possessing a current firework sales permit.

Section 8-41. Applications for fireworks sales permits and lotteries.

(a) Submission of applications by qualified applicants.

1. No nonprofit organization shall submit more than one application for a fireworks sales permit. If the City receives two or more applications containing the same tax identification number, only one application shall be accepted.
2. Each application will be screened by the Fire Chief to determine if the nonprofit organization submitting it meets the criteria to be classified as a "qualified applicant."

(b) Every application for a fireworks sales permit shall be accompanied by a nonrefundable pyrotechnics and special effects California Fire Code permit application fee.

(c) All applications for fireworks sales permits shall be submitted in writing to the Community Development Department on forms supplied by the City. Applications may be filed from, May 1 through May 30, inclusive. Applications filed before or after these periods will not be accepted.

1. If there are more qualified applicants than the maximum number of fireworks sales permits available, then the Fire Chief shall conduct a random drawing to determine to whom the available fireworks sales permits shall be issued.

The drawing shall occur in March of each year. Those qualified applicants which have been successful in being awarded a fireworks sales permit shall have up to thirty calendar days to submit all information required by the fire chief.

2. Applications for fireworks sales permits will be reviewed by the Fire Department, Police Department and the City Clerk, as needed, pursuant to this chapter. Fireworks sales permits shall be issued by the Fire Chief.

Section 8-42. Fireworks sales permit requirements.

(a) Each fireworks sales permit recipient may operate only one fireworks stand. The maximum number of fireworks sales permits which may be issued during any one calendar year shall be no greater than five.

(b) Other provisions regarding fireworks sales permit applications.

1. After the maximum number of fireworks sales permit recipients has been chosen, the remaining qualified applicants shall be drawn and assigned as alternates according to the order drawn. Each alternate, according to the order drawn, shall be offered a fireworks sales permit if one of the original permittees fails to meet the requirements of this Article, or if a permittee voluntarily surrenders its fireworks sales permit, or if a fireworks sales permit is revoked.
2. Two or more eligible nonprofit organizations may jointly submit an application pursuant to this chapter and may receive a single fireworks sales permit to jointly sell fireworks, provided that each must be a qualified applicant. Fireworks sales permit recipients may select one or more other qualified applicants to join it in a joint venture operation of the fireworks stand, provided that any such joint venture must have been a qualified applicant that applied unsuccessfully for a fireworks sales permit that same year.
3. Fireworks sales permits are valid only during the calendar year issued.

- (c) Each nonprofit organization receiving a fireworks sales permit must have a least one representative attend a fireworks stand operator safety seminar, approved by the Fire Chief, for the same year in which the fireworks sales permit is issued. Failure of a nonprofit organization to attend the seminar shall result in the revocation of the fireworks sales permit.
- (d) Subsequent to selection for issuance of fireworks sales permit, but prior to the issuance of a fireworks sales permit, and in addition to those other requirements set forth in this Article or on the permit application, each permittee shall provide or demonstrate compliance with all of the following:
 - 1. A copy of the permittee's retail fireworks license issued by the office of the California State Fire Marshal.
 - 2. A copy of the permittee's California State Board of Equalization Temporary Sellers Permit.
 - 3. Payment of a refundable City of Imperial fireworks sales permit application fee.
 - 4. Insurance coverage as required by the provisions of this Article.
 - 5. Pyrotechnics and Special Effects California Fire Code Permit issued by the Imperial Fire Department.

Section 8-43. Denial of permit and appeals process.

- (a) After conducting an investigation consistent with Health and Safety Code Section 12640 et seq., the Fire Chief shall issue a fireworks sales permit to qualified applicants chosen unless:

The Fire Chief finds, in writing, that the applicant has failed to provide sufficient plans, information or data necessary to safely and/or responsibly achieve compliance with the requirements of this Article.

The Fire Chief finds, in writing, that the applicant is not in compliance with any of the requirements of this Article.

- (b) Any denial of a fireworks sales permit application to sell fireworks issued pursuant to the fireworks code may be appealed to the City Council consistent with Health and Safety Code Section 12647 within ten calendar days in writing.

Section 8-44. Fireworks stands.

- (a) All retail sales of safe and sane fireworks shall be permitted from within a temporary fireworks stand only. The retail sale of fireworks from any other building or structure is prohibited.
- (b) No fireworks stand may be erected more than seven calendar days prior to July 4 by any person not affiliated with a nonprofit organization to which a fireworks sales permit has been issued.
- (c) Fireworks stands must be located on lots that have an all-weather surface and adequate off-street parking to meet the requirement of any existing use or uses as well as the fireworks stand.
- (d) Fireworks stands are permitted only in the following zoning districts, as defined and delineated in the Imperial City Code:
 - 1. Neighborhood Commercial (C1).
 - 2. Medium Commercial (C2).
 - 3. Heavy Commercial (C3).
 - 4. Light Manufacturing (M1).
 - 5. Heavy Manufacturing (M2).
- (e) Each fireworks stand must post each of the following in a prominent place inside the fireworks stand:
 - 1. Fireworks sales permit issued by the City of Imperial Fire Department.
 - 2. Temporary seller's permit issued by California State Board of Equalization.

3. Retail fireworks license issued by California State Fire Marshal.
 4. Proof of insurance.
 5. "No Smoking" signs.
-
- (f) Fireworks stands shall not be located closer than three hundred feet apart, unless separated by a major arterial roadway.
 - (g) Fireworks stands shall comply with current National Fire Protection Association standard NFPA 1124 for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles.
 - (h) Fireworks stands shall not be located within twenty-five feet of any other building or structure.
 - (i) No fireworks shall be located within one hundred feet of a location where gasoline or any other flammable liquids are stored or dispensed.
 - (j) Each fireworks stand shall comply with fire prevention standards as adopted and enforced by the Fire Chief.
 - (k) All fireworks stands shall be inspected and approved by the Fire Chief prior to the sale of any fireworks.
 - (l) All weeds or other vegetation, and combustible material shall be cleared from the location of the fireworks stand to at least a twenty-five-foot radius surrounding the fireworks stand.
 - (m) No fireworks stand shall have a floor area in excess of five hundred square feet or a length greater than fifty feet.
 - (n) Each fireworks stand shall have at least two exits. Each fireworks stand in excess of forty feet in length shall have at least three exits, equally spaced. In no case shall the distance between exits required by this section exceed twenty feet. Exit doors shall be not less than twenty-four inches wide, six feet in height and must open in the direction of exit travel.
 - (o) "NO SMOKING" signs shall be prominently displayed on all sides of the fireworks stand. Smoking is prohibited within fifty feet any fireworks stand.
 - (p) Each fireworks stand shall have two, currently certified, dry chemical fire extinguishers in good working order that are easily accessible in case of fire.
 - (q) Each fireworks stand must have an adult in attendance and in charge thereof when the fireworks stand is open to the public for sale or dispensing of fireworks and when fireworks are being delivered to, or taken from, the fireworks stand.
 - (r) No person may remain inside the fireworks stand after close of business.
 - (s) When the fireworks stand is not being used for the sale and/or display of fireworks, all fireworks shall be stored in a manner consistent with one of the following:
 1. Within a reinforced, heavy metal, fully-enclosed container, a walk-in type drop box, or equivalent, as approved by the fire chief.
 2. Returned daily to a fireworks wholesaler for storage at an approved and properly zoned location.
 - (t) No fuel-powered generator or similar equipment shall be allowed within fifty feet of a fireworks stand.
 - (u) No person other than individuals who are bona fide members of the nonprofit organization which holds the fireworks sales permit, and/or joint venture nonprofit organization(s), or the spouses, registered domestic partners, parents or adult children of such members, shall sell or otherwise participate in the sale of fireworks.
 - (v) No minor (defined as any person under the age of eighteen years) shall sell or participate in the sale of safe and sane fireworks or handle any fireworks.

- (w) Drinking or possession of alcoholic beverages in a fireworks stand or within one hundred feet of a fireworks stand is prohibited, except within a permanent business establishment unaffiliated with the fireworks stand and which preexisted the fireworks stand.
- (x) No person shall be paid any consideration by the permittee or any fireworks wholesaler for selling or otherwise participating in the sale of safe and sane fireworks. Notwithstanding the foregoing, compensation may be paid for licensed security personnel and to any person permitting or leasing the location of the fireworks stand on its property as a payment for such permit or lease.
- (y) All fireworks shall be retained at the fireworks stand. In no event shall unsold fireworks be removed from the approved location to any other place without written approval of the Fire Chief.
- (z) All unsold stocks of fireworks in the hands of the permittee after 10:00 P.M. on the 4th day of July shall be returned to the fireworks wholesaler by 12:00 P.M. on July 6 of the same calendar year.
- (aa) No later than July 10 of each calendar year, each fireworks stand shall be completely removed and the premises upon which it was located shall be cleared of all debris and restored to the condition it was in prior to the establishment of the fireworks stand.
- (bb) Fireworks stands shall be permitted to have no more than two double-sided signs with a maximum area of sixty-four square feet per side. All such signs shall be located on the same site as the fireworks stand they identify or advertise. Signs may not be placed in such a manner as to interrupt the normal flow of vehicle or pedestrian traffic or to cause any sight distance problems for such traffic. Placement of such signs shall be subject to the review and approval of the fire chief, the community development department and the police department. In no case shall the sign placement interfere with traffic or any other safety related concern. The above-described signs may be displayed seven calendar days prior to July 4.

Section 8-45. Sales to minors.

It is unlawful to sell fireworks to minors.

Section 8-46. Revocation of fireworks sales permits and appeal.

- (a) The Fire Chief may revoke the fireworks sales permit of any permittee who violates any of the provisions of this Article. The Fire Chief shall inform the permittee that it may seek review of the decision by the City Manager on the next business day. The decision of the City Manager, or his or her designee, shall be final.
- (b) Any permittee whose fireworks sales permit has been revoked shall be barred from receiving a future fireworks sales permit under this Article or under any subsequent ordinance establishing a fireworks sales permit for up to three years from the date of the revocation.

Section 8-47. Seizure of fireworks.

The Fire Chief or Police Chief may seize, take, remove or cause to be removed, at the expense of the holder of a fireworks sales permit or licensed fireworks wholesaler, all stock of fireworks offered or exposed for sale, stored or held in violation of this Article when such violation creates an imminent danger and a grave threat to public health or safety. The official removing such fireworks shall provide written notice to the owner thereof, and an opportunity within two business days to be heard by the Fire Chief with respect to such seizure.

In the event the violation does not pose imminent danger and a grave threat, the Fire Chief or Police Chief shall provide written notice and an opportunity to be heard prior to any seizure.

Section 8-48. Public education.

Each fireworks wholesaler supplying one or more permittees under this article shall annually submit a public education plan to the Fire Chief no later than 5:00 p.m. on June 1. Said public education plan shall outline the public safety and education efforts for that year that have been initiated, supported and/or delivered, by each fireworks wholesaler within the City.

Section 8-49. Administrative regulations.

The Fire Chief is authorized to promulgate administrative regulations and procedures necessary for the successful and effective implementation of this Article including, but not limited to, rules and procedures governing the submission and random selection of applications to sell safe and sane fireworks and rules and procedures governing situations where two or more fireworks sales permit recipients propose to establish fireworks stands within three hundred feet of each other, in violation of section 8-44(f) of this Article.

Section 8-50. Violation unlawful—Administrative citations.

- (a) It is unlawful, and a misdemeanor, to violate any provision of this chapter, provided, however, that a violation of this chapter may, at the discretion of the Police Chief, Fire Chief or prosecuting attorney, be charged and prosecuted as an infraction.
- (b) In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Imperial Municipal Code.

Section 8-51. Conflict with Imperial Municipal Code.

In the event that any provision of this chapter conflicts with any provision of the Imperial Municipal Code, the provisions of this Article shall prevail.

Section 8-52. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the Article. The Council of the City of Imperial hereby declares that it would have passed this chapter and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

SECTION 3: Section 12-49(b) of Article I of Chapter 12 of the Imperial Municipal Code is hereby amended to include Safe and Sane Fireworks Sales

SECTION 4: Effective Date. This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this ____ day of _____, 2018

Mayor of the City of Imperial

ATTEST:

by _____
City Clerk