

AGENDA

CITY OF IMPERIAL PLANNING COMMISSION 200 WEST 9TH STREET IMPERIAL, CA 92251

**WEDNESDAY, JUNE 10, 2020
6:30 PM**

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20

To protect our constituents, City officials and City staff, the City requests all members of the public to follow the California Department of Health Services' guidance and the County of Imperial Public Health Office Order for the control of COVID-19 restricting group events and gatherings and maintaining physical distancing. Additional information regarding COVID-19 is available on the City's website at www.cityofimperial.org

1. If you choose to attend the Commission meeting in person, you will be required to maintain appropriate physical distance, i.e. maintain a 6-foot distance between yourself and other individuals. Please note seating is limited.
2. You are strongly encouraged to observe the Planning Commission meetings via Livestream at the City of Imperial Facebook page.
3. Email public comments to cityclerk@cityofimperial.org by 5:00 pm on Wednesday, June 10, 2020. Comments received by 5:00 pm will be read into the record.

TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020 and to the extent applicable Government Code Section 54953(b), this City Council Meeting may include teleconference participation by the Planning Commission Members and City staff. Consistent with Executive Order N-29-20 teleconference locations utilized by Planning Commission Members shall not be accessible to the public and are not subject to special posting requirements.

The City of Imperial thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

The Imperial Planning Commission meetings, including public comments, are being Livestreamed on the City's social media pages. By remaining in the room you are giving your permission to be recorded.

A. PLANNING COMMISSION CALL TO ORDER AT 6:30 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

B. PUBLIC APPEARANCES

Members of the audience are invited to speak on any item on or off the agenda. If the item is an agenda item, you will be permitted the opportunity to address the Planning Commission when the matter is considered. If you wish to speak on a matter which is not on the agenda, you will be given the opportunity to do so at the Public Comment section. When wishing to address the Planning Commission, please rise and state your name and address for the record. The Chairman reserves the right to place a time limit on each person's presentation of five (5) minutes.

C. CONSENT CALENDAR

- a. Approve Planning Commission Meeting Minutes for January 8, 2020 and February 26, 2020.

D. NEW BUSINESS: (DISCUSSION/ACTION –RECOMMEND/DENY)

- D-1** Public Hearing, Discussion/Action: Review of Draft Amendment to Cannabis Ordinance 795 of the Municipal Code and Chapter 15 section 24.05.120 of the City of Imperial Zoning Code to allow for Adult Use Cannabis Dispensaries.
1. Open Public Hearing
 2. Staff Report
 3. Public Testimony
 4. Close Public Hearing
 5. Commission Discussion
 6. Recommended Action: **APPROVE RESO No. PC 2020-06:** a Resolution of the Planning Commission recommending approval of the zoning ordinance and text amendments to Chapter 15 of the Imperial Municipal code and Section: 24.05.120 and certifying a categorical exemption for the amendment under Section 15332 of the California Environmental Quality Act.
- D-2** Public Hearing, Discussion/Action: Zoning Ordinance and Text Amendments – Imperial Zoning Code Sections 24.16.030, 24.16.050, and 24.15.080: addition of permitted uses of previously prohibited signs, new definitions, and performance standards.
1. Open Public Hearing
 2. Staff Report
 3. Public Testimony

4. Close Public Hearing
5. Commission Discussion
6. Recommended Action: **APPROVE RESO No. PC 2020-07:** a Resolution of the Planning Commission recommending approval of the zoning ordinance and text amendments to Sections: 24.16.030, 24.16.050, and 24.15.080 allowing the addition of permitted uses previously prohibited, new definitions, and performance standards and certifying a categorical exemption for the amendment under Section 15332 of the California Environmental Quality Act.

D-3 Public Hearing, Discussion/Action: Notice of Intent to Adopt a Negative Declaration for the La Brucherie Road Widening Project from Treshill Road to Aten Boulevard within the City of Imperial.

1. Open Public Hearing
2. Staff Report
3. Public Testimony
4. Close Public Hearing
5. Commission Discussion
6. Recommended Action: **APPROVE RESO No. PC 2020-08:** a Resolution of the Planning Commission approving adoption and certification of a Negative Declaration finding for the La Brucherie Road Widening Project per the California Environmental Quality Act.

E. REPORTS:

- E-1. Commissioners Report
- E-2. Staff Report

ADJOURN PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING.

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



Staff Report

Agenda Item No.

D-1

Date: June 5, 2020

Item: Chapter 15 Ordinance and Zoning Text Amendment- Adult Use Cannabis

Location: C-2 Zones

Applicant: City of Imperial

From: Othon Mora, Director of Community Development Department

Case No.: ZTA 2020-01

Summary

On July 10, 2017 the City Council gave direction to staff to initiate a Zone Text Amendment regarding subsection B of Zoning Code Section 24.05.120 (Permitted and Conditional Uses: Commercial Zones) to include “Medical Cannabis Dispensaries” and uses in C-2 zones subject to approval of a Conditional Use Permit and meeting the requirements set forth in . the “Medical Cannabis Dispensaries” and uses were approved an finalized during January 2018 and the standards for such uses are outlined in Chapter 15, Article XII “Medical Cannabis Dispensaries” of the City of Imperials’ Municipal Code.

In January 2018, after approval of the Medical Cannabis Dispensary Ordinance, language was added in subsection B of the Zoning Code Section 24.05.120 (Permitted and Conditional Uses: Commercial Zones): “Medical Cannabis Dispensaries”. The Chapter 15 addition to the Municipal Code governs the “Medical Cannabis Dispensaries” and uses. The separate ordinance encompasses the following details and topics:

- Definitions.
- Business Permits Required.
- On-Site Consumption Permits.
- Regulations.
- Performance and Operating Standards.
- Regulatory Fees; Seller’s Permit.
- Sales.
- Revocation, Suspension and Appeals.
- Prohibited Operations; Nonconforming Uses.
- Liability and Indemnification.
- Examination of Books, Records, Witnesses-Penalty.

June 2020: Council has recently given direction to allow for an Adult Use Cannabis dispensary within the City of Imperial with the addition of section 24.05.120 in Chapter 15 of the Municipal Code. Please see attached draft of additional section 24.05.120 for Chapter 15:

Section 15-90 Purpose and Intent.
 Section 15-90.1. Legal Authority.
 Section 15-90.2. Commercial Cannabis Activities Prohibited unless Specifically Authorized by this Chapter.
 Section 15-90.3. Compliance with Laws.
 Section 15-90.4. Definitions.
 Section 15-90.5. Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business.
 Section 15-90.6. Eligibility to Seek a Commercial Cannabis Business Permit.
 Section 15-90.7. Process to Obtain Permit.
 Section 15-90.8. Term and Conditions of the Permit.
 Section 15-90.9. State License Suspension, Revocation, or Termination.
 Section 15-90.10. City's Reservation of Rights
 Section 15-90.11. Persons Prohibited from holding commercial cannabis business permit or being employed by a commercial cannabis business.
 Section 15-90.12. Cannabis Employee Requirements.
 Section 15-90.13. Change in Ownership.
 Section 15-90.14. Change of Location.
 Section 15-90.15. Business License.
 Section 15-90.16. Limitations on City's Liability.
 Section 15-90.17. Restrictions on Alcohol and Tobacco Sales.
 Section 15-90.18. Operating Requirements.
 Section 15-90.19. Promulgation of Regulations, Standards, and other legal duties.
 Section 15-90.20. Fees and Charges.
 Section 15-90.21. Community Benefit Fee; Community Relations.
 Section 15-90.22. Permittee Responsible for Violations.
 Section 15-90.23. Inspections and Enforcement.
 Section 15-90.24. Violations Declared a Public Nuisance.
 Section 15-90.25. Each Violation a Separate Offense.
 Section 15-90.26. Criminal Penalties.

Recommendation:

Staff recommends the Planning Commission:

1. Open the Public Hearing and receive any testimony.
2. Adopt the attached draft resolution to Section 24.05.120 (B) of the City of Imperial Zoning Code, adding Adult uses within C-2 zones contingent upon the approval of a Conditional Use Permit and meeting all the requirements set-forth in Chapter 15 and recommend to City Council for adoption of the ordinance and zoning text amendment for Chapter 15 and section 24.05.120.

City Background History:

The City of Imperial currently has the following Ordinances relating to Cannabis activities in place:

- 766: An ordinance prohibiting medical marijuana dispensaries.
- 788: An interim urgency ordinance imposing a temporary moratorium on commercial and industrial cannabis activities.
- 793: An ordinance regulating personal indoor cultivation of marijuana, banning outdoor personal cultivation and banning marijuana use in city facilities.

These ordinances will be superseded if the proposed municipal code addition of "Chapter 15" is approved by the City Council.

State Background History:

The State of California has been involved with cannabis (marijuana) since 1996 with the passage of Proposition 215 the "Compassionate Use Act," the first medical cannabis regulation in the United States. In 2003, Senate Bill 420, developed the medical marijuana identification cards. The next significant change in regulation came twelve years later in 2015.

The Medical Cannabis Regulation and Safety Act ("MCRSA"), consisting of Assembly Bill (AB) 243, AB 266 and Senate Bill (SB) 643, was signed by the Governor on October 9, 2015. This legislation established a comprehensive framework for the regulation of commercial cannabis, covering a broad array of topics including cultivation, nurseries, delivery, transportation, manufacturing, environmental standards and enforcement, general enforcement, advertising and labeling, employer/workplace restrictions, appellation/organic standards, fees and taxation, safety standards, criminal penalties, and tracking and tracing systems. MCRSA also establishes a dual licensing scheme under which anyone engages in commercial cannabis activity must first obtain a local permit, and then a state license. The state law defers to local land use authority and local jurisdiction may ban cannabis uses altogether or further limit the allowances under state law.

On November 8, 2016, California voters approved Proposition 64, which is the initiative known as the Adult Use of Marijuana Act ("AUMA"). AUMA would allow local jurisdictions to decide whether to allow nonmedical cannabis uses, except for personal use and cultivation, which must be permitted indoors with reasonable regulations. The proposed Ordinance only pertains to medical cannabis, consistent with current state law under MCRSA.

On June 27, 2017, the Governor signed into law, Senate Bill (SB) 94, which repealed the MCRSA, including certain provisions of the MCRSA in the licensing provision of the AUMA, and created a signal regulatory scheme for both medical and no-medical cannabis known as the **Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA")**. The MAUCRSA retain the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether cannabis businesses could operate in a particular jurisdiction. Specifically, California Business and Provisions Code Section 26200 provides that the MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the State, within that local jurisdiction.

Furthermore, the MAUCRSA provides that a State licensing authority shall not approve an application for a State license for a cannabis business if approval of the State license will violate the provision of any local ordinance or regulation. The MAUCRSA requires that a State licensing authority shall begin issuing licenses to cannabis businesses beginning January 1, 2018.

State Law and Licensing Requirements

Legislation under the Medical Cannabis Regulation and Safety Act (MCRSA) protects local control via dual licensing: all marijuana businesses must have both a state license, and a local license or permit, to operate legally in California. Jurisdictions that regulate or ban medical marijuana will be able to retain their regulations or ban. Local governments may enforce state law in addition to local ordinances, if they request that authority and if it is granted by the relevant state agency. The types of permits allowed under the MCRSA including commercial cultivation, dispensaries, manufacturing, testing labs, transporters, and distributors. Delivery services may occur if permitted by the local agency (or if the local jurisdiction does not explicitly prohibit delivery services) and must be associated to a dispensary.

Land Use Subjects

The following items should be addressed in an ordinance that deals with cannabis related businesses:

1. Definitions for uses, activities, etc.
2. Permissive zoning vs. explicit bans.
3. Permitted zones.
4. Public hearing and noticing requirements.
5. Separation requirements from sensitive uses such as parks, schools, day cares and other marijuana related uses.
6. Parking requirements.
7. Hours of operation.
8. Signage and on-site advertisements.

Analysis:

A proposed draft of a zone text amendment has been developed. The changes therein are summarized as follows;

1. Subsection B: “Medical Cannabis and/or Adult Use Cannabis Dispensary” in C-2 zones contingent upon acquisition of Conditional Use Permit and meeting all requirements in Chapter 15 of the Imperial Municipal Code.
2. Chapter 15 of the Municipal Code will govern this zoning usage.

Staff Analysis:

As requested by the Council, this amendment will add language to the current “Commercial Zones” section of the Imperial Zoning Code, to include language and reference information for “Medical Cannabis and Adult Use Dispensary” and amend the Current Cannabis Ordinance 795 Chapter 15 to allow for Adult Use Dispensaries in C-2 zones within the City of Imperial.

Conclusion:

The proposed zone text amendment would:

- a. Provide accessible information for residents and others regarding cannabis uses in the City of Imperial.
- b. Provide for timely and efficient distribution of information.
- c. The Zone Text Amendment is part of formalizing this new use in the designated zone.

Notice:

Notice was provided by advertisement in the Imperial Valley Press.

Environmental:

Staff has reviewed the draft ordinance under the provisions of the California Environmental Quality Act (CEQA) and has determined that the proposed Zoning Text and Ordinance Amendment are Categorically Exempt under Section 15332. The proposed amendment will not result in any significant change in land use or density.

ATTATCHMENTS:

- Medical Cannabis Ordinance for review- Chapter 15- Imperial Municipal Code.
- Draft Adult Use Cannabis Chapter 15 Sections 15-90 through 15-90.26.
- Draft Zoning Text Amendment.
- City of Imperials Zoning Map

ORDINANCE NO.____

**AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING
THE CODIFIED ORDINANCES TO PROVIDE FOR
SPECIFIED COMMERCIAL CANNABIS ACTIVITY**

The City Council of the City of Imperial does ordain as follows:

Section 1: Article XII of Chapter 15 is hereby amended to include Sections 15-90 through 15-90.9.

Chapter 15, Article XII
Adult Use Cannabis
Dispensaries

Article XII

Section 15-90	Purpose and Intent.
Section 15-90.1.	Legal Authority.
Section 15-90.2.	Commercial Cannabis. Activities Prohibited unless Specifically Authorized by this Chapter.
Section 15-90.3.	Compliance with Laws.
Section 15-90.4.	Definitions.
Section 15-90.5.	Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business.
Section 15-90.6.	Eligibility to Seek a Commercial Cannabis Business Permit.
Section 15-90.7.	Process to Obtain Permit.
Section 15-90.8.	Term and Conditions of the Permit.
Section 15-90.9.	State License Suspension, Revocation, or Termination.
Section 15-90.10.	City's Reservation of Rights
Section 15-90.11.	Persons Prohibited from holding commercial cannabis business permit or being employed by a commercial cannabis business.
Section 15-90.12.	Cannabis Employee Requirements.
Section 15-90.13.	Change in Ownership.
Section 15-90.14.	Change of Location.
Section 15-90.15.	Business License.
Section 15-90.16.	Limitations on City's Liability.
Section 15-90.17.	Restrictions on Alcohol and Tobacco Sales.
Section 15-90.18.	Operating Requirements.
Section 15-90.19.	Promulgation of Regulations, Standards, and other legal duties.
Section 15-90.20.	Fees and Charges.
Section 15-90.21.	Community Benefit Fee; Community Relations.

Section 15-90.22.	Permittee Responsible for Violations.
Section 15-90.23.	Inspections and Enforcement.
Section 15-90.24.	Violations Declared a Public Nuisance.
Section 15-90.25.	Each Violation a Separate Offense.
Section 15-90.26.	Criminal Penalties.

Sec. 15-90. Purpose and Intent

(a) It is the purpose and intent of this Chapter to Implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to provide access to adult-use of cannabis for persons over the age of 21 as authorized by the Control, Tax & Regulate the Adult Use Cannabis Act (“AUMA” or “Proposition 64” passed by California voters in 2016) and by the final regulations adopted by the Bureau of Cannabis Control, while imposing regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionate and potentially negative impacts.

(b) As such, it is the purpose and intent of this Chapter to regulate storefront retail, commercial cannabis sales so as to protect the health, safety and welfare of the residents of the City of Imperial and to enforce rules and regulations consistent with State law.

(c) It is the further purpose and intent of this Chapter to require all commercial cannabis operators to obtain and renew, annually, a permit to operate within the City. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purpose, or in any manner, that violates state or federal law.

(d) The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under State, City or other law.

(e) Except as otherwise provided, nothing in his Chapter regulates the personal use of cannabis as set out in this Ordinance.

Sec. 15-90.1 Legal Authority

Any standards, requirements, and regulations regarding health and safety, security, reporting and worker protections established by the State of California, or any of its departments or divisions, shall be minimum standards applicable in the City to all Commercial cannabis activity. It is the intent of this Chapter to regulate Commercial cannabis activity in the City in Compliance with all provisions of MAUCRSA and any subsequent state legislation and regulation as well as the provisions of this Chapter.

Sec. 15-90.2 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter

Except as specifically authorized in this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, sale, delivery, delivery from a non-storefront retailer, distribution or transportation (other than as provided under Section 26090(e) of the Business and Professions Code) of or special events involving cannabis or cannabis product or special events are expressly prohibited in the City.

Sec. 15-90.3 Compliance with Laws

Nothing in this Chapter shall be construed as authorizing any actions that violate federal, State or local laws with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners, the operators, and the employees of the Commercial cannabis business to ensure that the Commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, State and local laws and regulations, specifically including those promulgated by the Bureau of Cannabis Control, and any subsequently enacted State law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the Commercial cannabis business permit.

Sec. 15-90.4 Definitions

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder, and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(a) “*Act*” means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as that may be amended from time -to- time (MAUCRSA).

(b) “*Applicant*” means a person applying for a permit pursuant to this Chapter.

(c)) “*Branded merchandise*” means clothing, hats, pencils, pens, key chains, mugs, water bottles, beverage glasses, notepads, lanyards, cannabis accessories, or other types of merchandise approved by the Bureau with the name or logo of a commercial cannabis business licensed pursuant to the Act. Branded merchandise does not include items containing cannabis or any items that are considered food as defined by Health and Safety Code section 109935.

(d) “*Bureau*” means the Bureau of Cannabis Control, previously named the Bureau of Marijuana Control, Bureau of Medical Cannabis Regulation, and Bureau of Medical Marijuana Regulation.

(e) “*Business day*” is a day Monday through Friday from 8:00 a.m. to 5:00 p.m. Pacific Time, excluding state holidays, during which the Bureau is closed for business.

(f) “*Cannabis*” means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; any every compound, manufacture, salt, derivative, mixture, or preparation of the plant, it seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis”

does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivate, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

(g) “*Cannabis accessories*” has the same meaning as in health and Safety Code Section 11018.2

(h) “*Cannabis product*” means a product containing cannabis, including, but not limited to, manufactured cannabis, intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code (as the same may be amended from time to time) or pursuant to the Adult Use of Cannabis Act. For purposes of this Chapter, “cannabis” does not include industrial hemp as defined by Section 81000 of the California food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

(i) “*City*” means the City of Imperial

(j) “*Commercial cannabis activity*” as allowed by this ordinance means the retail sale of commercial cannabis and cannabis products only at a storefront location and associated delivery of retail products from such storefront location as provided in this Chapter and excludes the delivery, delivery from a non-storefront retailer, cultivation, manufacture, special events, distribution, processing, storing, laboratory testing, packaging, labeling, or transportation of cannabis as well as the consumption of cannabis on the retail premises, except as otherwise provided in this Code or state law and regulations for personal use.

(k) “*Commercial cannabis business*” or “*cannabis business*” means any person or entity which engages in commercial cannabis activity as defined herein.

(l) “*Commercial cannabis business permit*” means a regulatory permit issued by the City to a commercial cannabis business pursuant to this Chapter; the commercial cannabis business permit is required before any commercial cannabis activity may be conducted in the City. The initial permit and annual renewal of a commercial cannabis business permit are made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the City governing the commercial cannabis activity to issue.

(m) “*Community Development Director*” means the City Community Development Director or his or her designee

(n) “*Cultivation*” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(o) “*Customer*” means a natural person at least 21 years of age.

(p) “*Day care center*” has the same meaning as in Section 1596.76 of the Health and Safety Code.

(q) “*Delivery*” means the commercial transfer of cannabis or cannabis

products from a retail location to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer. Delivery from a non-storefront retailer or any location other than a licensed and permitted commercial cannabis business or prohibited.

(r) “*Delivery employee*” means an individual employed by a licensed storefront retailer authorized to engage in retail sales who delivers cannabis goods from the licensed retailer to a customer at a physical address pursuant to state regulations.

(s) “*Dispensing*” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(t) “*Distribution*” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

(u) “*Employee*” means any natural person who is employed or retained as an independent contractor by any permittee in consideration for direct or indirect monetary wages or profit, or any natural person who volunteers his or hers services for an employer.

(v) “*Free cannabis goods*” means any amount of cannabis goods provided to any person without cost or payment or exchange of any other thing of value.

(w) “*License*” means a permit or license issued by the State of California, or one of its departments or divisions, under Division 10 of the Business and Professions Code to engage in commercial cannabis activity as that may be amended from time-to-time.

(x) “*Licensee*” means any person holding a state license under Division 10 of the Business and Professions Code as that may be amended from time-to-time.

(y) “*Licensing authority*” means the Bureau of Cannabis Control or any other state agency responsible for the issuance, renewal or reinstatement of the License, or the state agency authorized to take disciplinary action against the Licensee

(z) “*Limited-access are*” means an area in which cannabis goods are stored or held and is only accessible to a Licensee and its employees and authorized individuals.

(aa) “*Manufacture*” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(ab) “*Operation*” means any act for which a commercial cannabis business permit is under the provisions of the Chapter.

(ac) “*Owner*” means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a permit, license or a licensee, unless the interest is solely a security interest, lien, or encumbrance.

(2) The Executive Director of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a commercial cannabis business permit or

who has a financial interest in the commercial cannabis business other than a fixed lease of real property or security interest, lien or encumbrance.

(ad) “*Package*” and “*Packaging*” means any container or wrapper that may be used for enclosing or containing any cannabis goods for final retail sale. “*Package*” and “*packaging*” does not include a shipping container or outer wrapping used solely for the transport of cannabis goods in bulk quantity to a licensee.

(ae) “*Permit*” means a commercial cannabis business permit issued by the City only for the purpose authorized by this Chapter.

(af) “*Permittee*” means any person holding a permit under this Chapter.

(ag) “*Person*” includes any individual, firm, partnership, joint venture, association, corporation, Limited Liability Company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(ah) “*Premises*” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or permittee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one permittee.

(ai) “*Promotional materials*” means any form, letter, circular, pamphlet, publication or other written material directed to a customer or prospective customer to induce retail sales. Promotional material does not include permitted signs, displays, decorations, cannabis accessories, or cannabis goods furnished by a licensed cultivator, licensed manufacturer, licensed distributor, licensed microbusiness, or licensed cannabis event organizer to a retail licensee for advertising purposes. Promotional materials shall have no intrinsic or secondary value.

(aj) “*Publicly owned land*” means any building or real property that is owned, leased, or occupied by a city, county, state, federal, or other government entity.

(ak) “*Purchaser*” means the customer who is engaged in a transaction with a permittee for purposes of obtaining cannabis or cannabis products.

(al) “*Residential area*” is an area that is within 600 feet of any single-family or multifamily residence, other than commercial hotels, motels, and similar establishments for temporary lodging.

(am) “*Retail area*” means a building, room, or other area that is open to the public, upon the licensed retailer premises authorized to engage in retail sales in which cannabis goods are sold or displayed.

(an) “*Retailer*” means a storefront commercial cannabis business that offers cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, for retail sales, including delivery from that storefront location, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the operator holds a valid commercial cannabis business permit for the City Authorizing that operation of a retailer and a valid state license as required by state law to operate a retail cannabis business.

(ao) “*Sell,*” “*sale,*” and “*to sell*” include any transaction whereby, for any

consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return by the original purchaser to the location where the products was purchased.

(ap) “*Sublet*” means to lease or rent all or part of a leased or rented property.

(aq) “*Testing laboratory*” means a laboratory, facility, or entity in that state that offers or performs tests of cannabis or cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involving in commercial cannabis activity in that State; and
- (2) Holds a valid commercial cannabis business permit from the City and a State license required.

(ar) “*Transport*” means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purpose of conducting commercial cannabis activity.

(as) “*Vehicle alarm system*” is a device installed to discourage theft of the vehicle or its contents and is intended to summon general attention or to summon law enforcement as a result of an indication of an attempted breach of the vehicle.

(at) “*Youth center*” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Sec. 15-90.5 Commercial Cannabis Business Permit Required to Engage in Commercial Cannabis Business

(a) No person may engage in any commercial cannabis business or in any commercial cannabis activity within the City, including but not limited to cultivation, manufacture, processing, laboratory testing, transporting, dispensing, special events, distribution, or sale of cannabis or a cannabis product unless the person (1) has a valid, current commercial cannabis business permit from the City; (2) has a valid, current State Seller’s Permit; and 3) is currently in compliance with all applicable state or local laws and regulations pertaining to the commercial cannabis business and the commercial cannabis activities, including the duty to obtain a City business permit and business license and any required state license. Engaging in a commercial cannabis business or in any commercial cannabis activity includes establishing, owning, managing, conducting, leasing to, operating, causing, permitting, aiding, abetting, suffering or concealing that fact of such an act.

(b) The requirements for issuance of a City permit are in addition to all those required for a state license as provided by state law and Chapter 3 of the final regulations issued by the Bureau of Cannabis Control, as those may be amended from time to time. Location and design of a Commercial cannabis shall be in accordance with the terms of this Chapter.

Sec. 15-90.6 Eligibility to Seek a Commercial Cannabis Business Permit

(a) The Community Development Director shall develop and make available written procedures, rules and forms to govern that application process for a City permit, the manner in which the decision will ultimately be made regarding ranking of applications for such permit as well as the nature of and steps for issuance of any commercial cannabis business permit(s). Such procedures will set out the detailed, objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria. The criteria shall include provisions for payment of a community benefit fee to the City.

(b) Based upon review criteria, a preliminary determination of eligibility will be made by the Community Development Director based upon completion and submission of an application and payment of the application fee during a defined application period. Late and incomplete applications will not qualify. Applications which do not meet the requirements of this chapter shall be returned without consideration. No fees will be returned.

(c) Those applicants remaining after the preliminary review will be asked to submit additional, more detailed information such as (by way of example only) a business plan and structure of a community benefit fee in order to continue in the eligibility process. There will be an additional city fee charges for the review of the more detailed submission. Such submission shall be made during a defined period. At the end of that period, the Community Development Director, Police Chief and Finance shall review, rank and recommend to the City Manager the top two applicants.

(d) The City Manager shall determine the final two applicants. The City Manager may determine there is only one final applicant or that there are no such applicants. The City Manager may designate applicants eligible if one or more of the two applicants does not apply for or receive a commercial cannabis permit. The City Manager's determination may be appealed pursuant to Section 13-163, below.

(e) Each applicant also must execute an agreement, in a form approved by the City Attorney, indemnifying, defending (at applicant's sole cost and expense with counsel chosen by the City), and holding the City, its elected officials, officers, employees, representatives, attorneys, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities, fines, penalties or losses which arise out of, or which are in any way related to, the City's review or issuance of a commercial cannabis business permit, the City's decision to approve the operation of the commercial cannabis business or activity, including but not limited to the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the commercial cannabis business or any of its officers, employees or agents.

Sec. 15-90.7 Process to Obtain Commercial Cannabis Permit

(a) An applicant determined to be eligible to obtain a commercial cannabis permit shall have ninety (90) calendar days to file a complete application for the commercial cannabis business permit and pay the fee to begin that entitlement process.

(b) The application for a commercial cannabis permit shall be processed in the same manner as a conditional use permit pursuant to the Imperial Municipal Code. Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing applicant(s) obtaining all required land use approvals with associated environmental review as well as agreeing to all terms and conditions of the permit.

(c) An applicant which already holds a Medicinal Cannabis Dispensary permit issued pursuant to this Chapter and that is in good standing may, in the discretion of the Community Development Director, proceed by to operate as both a medicinal and adult use dispensary with the existing conditional use permit, which can be subject to additionally imposed Conditions of Approval at the discretion of the Community Development Director; provided the City Manager determines the applicant is in full and complete compliance with its already existing permit.

Sec. 15-90.8 Terms and Conditions of the Commercial Cannabis Permit.

(a) The permit shall include all requirements of the state law and regulations and of this Chapter and specifically those regarding recordkeeping, security measures, minors, hours of operation and other matters.

(b) The commercial cannabis business permit shall only be for a term of one year and shall expire at the end of each one-year period unless renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulation, including but not limited to the requirements of this Chapter, applicable building permits, and conditions of the commercial cannabis business permit, have been met.

(c) Commercial cannabis business permits may be renewed annually as provided in this Chapter.

Sec. 15-90.9 Effect of State License Suspension, Revocation, or Termination

Suspension of a license issued by the State of California, or by any of its department or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or division, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also immediately revoke or terminate the ability of a commercial cannabis business to operate within the City without further action by the Community Development Director other than notice of such automatic termination.

Sec. 15-90.10 City's Reservation of Rights

The City's determination is discretionary. The City reserves the right to reject any and all initial applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted by law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided, including a failure to comply with other requirements in this Chapter, an application RISKS BEING REJECTED for any of the following reasons:

- (1) The application was received after the designated time and date;
- (2) The application did not contain the required elements, exhibits, or was not organized in the required format; or
- (3) The application was not considered fully responsive to the request for permit application.

Notwithstanding anything in this Chapter to the contrary, the City Council reserves the right to reject any and all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permit term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Council may terminate or delay the program created under this Chapter or otherwise revise, amend, or repeal this Chapter.

Sec. 15-90.11 Persons Prohibited from Holding a Commercial Cannabis Business Permit or Being Employed by a Commercial Cannabis Business

- (a) No person may hold a commercial cannabis business permit, or be employed by a commercial cannabis business in the City if any of the following conditions exist:
 - (1) The applicant, permittee, or employee has been denied a commercial cannabis business permit, or similar license, or has such a permit or license suspended or revoked by any city, county, city, and county or any state cannabis licensing authority, or is in violation of the terms of such license or of state law or regulations, whether or not the license has been denied, suspended or revoked;
 - (2) The applicant, permittee, or employee, or the owner of the property upon which the proposed commercial cannabis activity is to occur, was found by the appropriate taxing agency to have been in non-compliance with federal, state or local tax laws or failed to report income from commercial cannabis activities to federal, state, or local government in violation of law.

Within fifteen (15) calendar days of any other change in the information provided in the application form or any change in status of compliance with the provisions of this Chapter, including any change in the commercial cannabis business location or ownership or management members, the applicant shall file an updated application form with the Community Development Director for review along with an application amendment fee. Failure to provide such information is a violation of this Chapter.

Sec. 15-90.12 Cannabis Employee Requirements

- (a) Any person who is an employee within a commercial cannabis business must be legally authorized to do so under applicable state law. Additional requirements of state law and regulations shall be applicable to delivery employees.
- (b) A commercial cannabis business shall keep the following records of each of its employees on file at the premises of the business:

- (1) Name, address, and phone number of the employee;
- (2) Age and verification of employee. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least twenty-one (21) years of age must be on file with the business;
- (3) A list of any crimes enumerated in California Business and Professions Code Section 26057(b)(4) for which the employee has been convicted;
- (4) Name, address, and contact person for all previous employers of the employee for the last ten (10) years, including, but not limited to, all employers from which the applicant was fired, resigned, or asked to leave and the reason for such dismissal or firing;
- (5) The fingerprints and a recent photograph of the employee;
- (6) An annual reporting system for monitoring employee status.

(c) The permittee shall provide to the Chief of Police or his/her designee, upon request, the records described above in subsection (b). The Chief of Police or his/her designee may review the records and may require and/or conduct a background check (at the expense of the applicant) to determine whether the employee has been convicted of a crime that shows the employee:

- (1) Is dishonest; or
- (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
- (3) Was convicted of a violent felony, a crime of moral turpitude; or
- (4) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Sec. 15-90.13 Change in Ownership

(a) The person granted a commercial cannabis business permit shall not transfer ownership or control of the permit to another person unless and until the transferee obtains an amendment to the permit from the Community Development Director stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development in accordance with all provisions of this Chapter (as though the transferee were applying for an original commercial cannabis business permit) accompanied by a transfer fee in amount set by Resolution of the City Council (or if not set, shall be the same amount as the application fee), and the Community Development Director determines in accordance with this Chapter that the transferee passed the background check required for permittees and meets all other requirements of this

Chapter. No transfer of ownership may occur within year (1) of the date the commercial cannabis business permit is originally issued, except as provided below in subsection (d).

(b) Commercial cannabis business permits issued through the grant of a transfer by the City Manager or his/her designee shall be valid for a period of one year beginning on the day the City Manager or his/her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.

(c) Changes in ownership of a permittees business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership,) must be approved by the Community Development Director through the transfer process contained in subsection (a). Failure to comply with the provisions is grounds for permit revocation.

(d) A permittee may change the form of business entity without applying to the Community Development for a transfer of permit; provided that the membership of the new business entity is substantially similar to the original permit holder business entity (at least 51% of the membership is identical). The permit holder is required to notify the City Manager in writing of the change within ten (10) calendar days of the change. Failure to comply with this provision is ground for permit revocation.

(e) No commercial cannabis business permit may be transferred when the City has notified the permittee that the permit has been or may be suspended or revoked.

(f) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a violation of this Chapter as well as grounds for revocation of the permit.

Sec. 15-90.14 Change of Location

The location specified in the commercial cannabis business permit may not change without a amendment to the permit, processed in the same manner as an initial permit pursuant to the process and fees set forth in this Chapter.

Sec. 15-90.15 Business License

Notwithstanding any other requirements of this Chapter, prior to commencing operations, and at all times thereafter, a commercial; cannabis business shall maintain a valid City business license, renewable annually.

Sec. 15-90.16 Limitations on City's Liability

To the fullest extent permitted by law, the City does not and shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before receipt of the commercial cannabis business permit:

(a) Provide evidence of commercial liability, workers' compensation and other insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the Risk Manager.

(b) Reimburse the City for all direct and indirect costs and expenses, including but not limited to legal fees and costs and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's commercial cannabis business permit, or related to the City's approval of a commercial cannabis activity.

Sec. 15-90.17 Restrictions on Alcohol & Tobacco Sales

(a) No person shall cause or permit the sale, dispensing, or consuming of alcoholic beverages to any person, including minors, on or about the property occupied by the commercial cannabis business

(b) No person shall cause or permit the sale of tobacco products to any person, including minors, on or about the property occupied by the commercial cannabis business.

Sec. 15-90.18 Operating Requirements

(a) No more than one (1) retailer may operate within the City at any one time and no more than that number shall be issued a permit by the City. Only a retailer offering storefront purchase (customer purchase and obtain cannabis onsite) may deliver such products. There is no obligation for the City to issue that number or any commercial cannabis permits.

(b) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the City or as specified by state regulations (open for sale and delivery between 6:00 a.m. and 10:00 pm. PST)

(c) Adult Use on-site consumption of cannabis is prohibited at all times by all individuals on the property and will be grounds for city permit revocation.

(d) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor or storage of cannabis or cannabis products is permitted at any time.

(e) Reporting and tracking of Product and of Gross Sales. Each commercial cannabis business shall comply with state laws and regulations regarding tracking and tracing the movement of cannabis. The commercial cannabis business shall ensure that such information is either compatible with the City's record-keeping systems or provided to the City at the same time as to the Bureau of Cannabis Control. Such information shall include but is not limited to the identification of the delivery vehicles used, including the number and type of delivery vehicles used.

(f) All cannabis and cannabis products sold or delivered shall be solid and delivered in full conformance with the State and local regulations. No cannabis or cannabis products may be sold, distributed, or transferred out of the State.

(g) Emergency Contact. Each commercial cannabis business shall provide the Community Development Director and Police Chief with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. The commercial cannabis business shall notify the Community Development Director and Police Chief within 24 hours of any changes in such designation and provided updated contact information.

(i) Signage and Notices.

- (1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of this sub-section as well as those of Chapter 22.1 of this Code, including, but not limited to, seeking the issuance of the City sign permit if and when required.
- (2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
- (3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited
- (4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
- (5) Advertising shall meet the requirements of federal, state and local laws regulations specifically including those of the Bureau of Cannabis Control.

(h) Minors.

- (1) As set out in state regulations, persons under the age of twenty-one (21) years shall not be allowed on the Premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
- (2) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
- (3) Retailers must verify the age of customers to ensure persons under the age of twenty-one (21) are not permitted.

(j) Display of Permit and City Business License. The original copy of

the commercial cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the commercial cannabis business at all times in a location readily visible to the public.

(k) Littering and loitering. The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises and shall be responsible for removing debris, litter and other discarded materials from that area, and keeping it clean.

(l) The interior and exterior of the premises of the commercial cannabis business shall be well lit at all times. The windows of the building shall provide an unobstructed view into the interior.

(m) Entrances into the retailer shall be locked at all times with entry strictly controlled so that there is no entry without verification the customer is authorized to enter based upon a confirmation of age and identity based upon a valid form of identification as provided by the final regulations of the Bureau. A “buzz-in” electronic/mechanical entry system may be utilized to limit access to and entry to the retailer to separate it from the reception/lobby area.

(n) Retailers may sell only those amounts of cannabis products authorized by state regulations, as those may be amended from time to time.

(o) Retailers may have only that quantity of cannabis and cannabis products reasonably anticipated to meet the daily demand readily available for sale on-site in the retail sales area of the retailer accessible to the public.

(p) All restroom facilities shall remain locked and under the control of management.

(q) Any graffiti on the property must be removed within 24 hours of discovery.

Sec. 15-90.19 Promulgation of Regulations. Standards and Other Legal Duties

(a) The City Manager is authorized to establish any additional rules, regulations, interpretations and standards governing the issuance, denial or renewal of commercial cannabis business and the City’s oversight, or concerning any other subject determined to be necessary to carry out the purpose of this Chapter.

(b) Regulations shall be provided to all commercial cannabis businesses permit applicants and published on the City’s website.

(c) Regulations shall become effective upon date of posting. Commercial cannabis businesses shall be required to comply with all state and

local laws and regulations, including but not limited to such rules, regulations or standards adopted pursuant to this Section.

Sec. 15-90.20 Fees and Charges

(a) No person may commence or continue any commercial cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by Resolution of this City Council which may be amended from time to time. Such fees and charges may include, but are not limited to, a regulatory fee imposed for the reasonable regulatory costs to the City for issuing licenses and permits, performing investigations, inspections, and audits, and the administrative and criminal enforcement and adjudication thereof.

(b) The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City that is recoverable via an authorized administrative process as set forth by ordinance, or in any court of competent jurisdiction, or in the other manner authorized by law.

(c) All commercial cannabis business authorized to operate under this Chapter shall pay all sales, use, business, employment and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with City with respect to audit the commercial cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

Sec. 15-90.21 Community Benefit Fee; Community Relations

(a) The City has determined that it is not in the interest of a commercial cannabis business to seek approval of an additional local tax on cannabis sales. Therefore, the City seeks to negotiate a community benefit fee with the successful commercial cannabis business.

(b) Upon request of the Police Chief, Community Development Director, or other City staff, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this Chapter shall attend meeting with the City staff and other interested parties as requested to discuss costs, benefits, and other community issues arising as a result of implementation of this Chapter.

(c) Commercial cannabis businesses to which a permit is issued pursuant to this Chapter shall develop a public outreach and educational program for youth organizations and educational institutions that outlines the risks of youth addiction to cannabis, and that identifies resources available to youth related to drugs and drug addiction.

Sec. 15-90.22 Permittee Responsible for Violations

The person to whom a permit is issued pursuant to this Chapter shall be

responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City, whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial business whether or not said violations occur within the permittees presence.

Sec. 15.90-23 Inspections and Enforcement

(a) The Community Development Director, Building Official, and Chief of Police are charged with enforcing the provisions of this Chapter, and any provision hereof, and may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well a any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.

(b) It is unlawful for any person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law. It is unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this Chapter or under state or local law.

(c) The Community Development Director, Building Official or Chief of Police charges with enforcing the provisions of this Chapter may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purpose. Any samples obtained by the City shall be logged, recorded, and maintained in accordance with established procedures by the Police Department or regulations adopted pursuant to the authority if this Chapter.

Sec. 15-.90.24 Violations Declared a Public Nuisance

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance and may be abated as provided by the City Code and the costs of such abatement and enforcement recovered. Such violations also may be the subject of administrative citations.

Sec. 15.-90.25 Each Violation a Separate Offense

Each and every violation of this Chapter shall constitute a separate violation. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, any permit issued pursuant to this Chapter being deemed null and void, disgorgement and payment to the City for any monies unlawfully obtained, costs of abatement, costs of investigation, attorneys fees, and any other relief or remedy available at

law or in equity. The City may also pursue any and all remedies and action available and applicable under state and local laws for any violations committed by the commercial cannabis business or persons related to, or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City Manager, Community Development Director, or Chief of Police may, take immediate action to temporarily suspend a commercial cannabis business permit issued by the City, pending an appeal hearing as provided in this Chapter. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

Sec. 15-90.26 Criminal Penalties

Any person causing, permitting, aiding, abetting, suffering or concealing a violation of this Chapter shall be guilty of a misdemeanor, and may, in the discretion of the City Attorney, be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the city or county jail for a period of not more than six (6) months or by both such fine and imprisonment. The City Attorney, in his or her sound discretion, may prosecute a violation of this Chapter as an infraction, rather than a misdemeanor, or reduce or agree to the reduction of a previously filed misdemeanor to an infraction.

Any person convicted of an infraction under this provision of this Chapter shall be punished by a fine not exceeding one hundred dollars (\$100) for the first violation, a fine not exceeding two hundred dollars (\$200) for a second violation within one year, and a fine not exceeding five hundred dollars (\$500) for a third violation within one year. A fourth violation of this Chapter within one year shall be charged as a misdemeanor and may not be reduced to an infraction. Each day a violation is committed or permitted to continue shall constitute a separate offense. Alternatively, the City finds and declares that the maximum administrative fines allowed by law are necessary to protect the public health, safety and welfare and that a fine in the amount of \$1000 per violation may be levied.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be effective 30 days from the date of its adoption.

SECTION 4. SEVERABILITY

While it is the intent of the City Council to adopt a comprehensive regulatory system for commercial cannabis activities within the City, if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or application of this Ordinance which can be given in effect without the valid provisions or application, and to this end, the provisions of this Ordinance are severable. The City Council declares that they would

have adopted this Ordinance irrespective of that invalidity of any particular portion thereof.

I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the City Council of the City of Imperial at a _____ meeting thereof, held on the _____ day of _____, 2020, by the following vote, to wit:

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Debra Jackson, City Clerk

The foregoing Ordinance is hereby approved this _____ day of _____, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

EXHIBIT A

SECTION 24.05.110 PURPOSES

In addition to the objectives outlined in Section 24.01 (Purposes and Scope), the Commercial Zones are included in the Zoning Regulations to achieve the following purposes:

- A. To provide appropriately located areas for office use, retail stores, service establishments, and wholesale businesses, offering commodities and services required by residents of the City and its surrounding market area.
- B. To encourage office and commercial uses to concentrate for the convenience of the public and for a more mutually beneficial relationship to each other.
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas.
- D. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
- E. To protect commercial properties from noise, odor, smoke, unsightliness, and other objectionable influences incidental to industrial uses.
- F. To promote high standards of site planning, architecture and landscape design for office and commercial developments within the City of Imperial.

C-1 Commercial Neighborhood Zone

This zone is intended for professional, administrative offices, restaurant, theatre, health clubs, and for neighborhood shopping centers which provide limited retail business service and office facilities for the convenience of residents of the neighborhood. These stopping centers are intended to be compatible with residential environment as at locations indicated on the General Plan.

C-2 Commercial General Zone

This zone is intended as an area for the location of highway oriented retail service and wholesale commercial activities.

V-C Village Commercial Zone

The Village Commercial Zone is intended as the social and civic heart of the City of Imperial with attractive housing, small retail shops, outdoor dining, parks, and civic facilities in a vibrant, pedestrian friendly and family-oriented atmosphere.

SECTION 2: Section 24.05.120 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

24.05.120 PERMITTED AND CONDITIONAL USES: C ZONES

The following uses shall be permitted uses where the symbol “P” appears and shall be permitted uses subject to a Conditional Use Permit where the symbol “C” appears in the column beneath each zone designation; where the symbol “X” appears the use is prohibited.

<i>A. Administrative and Professional Services</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
Including, but not limited to administrative offices; financial institutions, accounting and auditing services; clerical and legal services; counseling services; public utility company offices; medical dental, and related health services.	P	P	P

<i>B. General Commercial Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Adult Businesses (see Section 24.11.800)	X	C	X
2. Antique shops (sale of previously owned goods)	X	P	X
3. Apparel stores	P	P	P
4. Art, music, and photographic studios and supply stores	P	P	P
5. Appliance stores and repair	C	P	P

B. General Commercial Uses (cont.)	C-1	C-2	VC
6. Arcades and electronic games (see Section 24.11.600)	C	C	X
7. Athletic and Health Club	P	P	P
8. Automobile and or truck services, including, but not limited to, sales, rental agencies, body repair, painting, and car washes.	C	P	X
9. Bakeries – retail only	P	P	P
10. Barber and beauty shops	P	P	P
11. Bicycle shops, non-motorized	P	P	P
12. Blueprint and photocopy services when operated in conjunction with a professional office of engineering, planning, surveying, architecture, drafting.	P	P	P
13. Boat and camper sales and services	X	C	X
14. Book, gift, and stationery stores	P	P	P
15. Candy stores and confectioneries	P	P	P
16. Carpet and flooring stores	P	P	P
17. Catering establishments	P	P	X
18. Cleaners including dry cleaning with or without cleaning machinery on-site	P	P	P
19. Commercial Recreation Facilities not otherwise listed	C	C	C
20. Eating and drinking establishments			
a. Bars (no entertainment)	X	C	C
b. Night Clubs, cabarets, restaurants, coffee shops, delicatessens:			
1. With alcoholic beverages and/or entertainment	C	C	C

B. General Commercial Uses (cont.)	C-1	C-2	VC
2. Without alcoholic beverage but including entertainment	C	C	C
3. Without alcoholic beverage	P	P	P
c. Snack bars, take-out only, refreshment stands contained within a building	P	P	P
d. Fast food restaurants with drive-in or drive through	C	C	X
e. Fast food restaurants with drive through in conjunction with a shopping center development	C	C	C
21. Equipment rental yards including, but not limited to, trucks, trailers, hitches, service thereof	C	C	X
22. Feed and tack stores (outdoor storage shall be consistent with Section 24.05.140)	C	P	C
23. Florist shops	P	P	P
24. Furniture stores, with or without repair and upholster	C	P	P
25. Hardware stores	P	P	C
26. Hobby shops	P	P	P
27. Hotels and motels with meeting rooms	C	P	P
28. Janitorial services and supplies	C	P	X
29. Jewelry stores	P	P	P
30. Junior department, department stores, discount department stores and membership stores	C	P	P
31. Food stores and supermarkets, drug stores with and/or without pharmacies, variety stores, sporting goods store, shoe stores (sales and/or repair), toy stores	P	P	P

B. General Commercial Uses (cont.)	C-1	C-2	VC
32. Kiosks, including, but not limited to photo sales located in parking lots	C	C	C
33. Charity drop off, recycling drop off located in the parking lot or other suitable area with property owners' permission.	C	C	X
34. Liquor stores	C	C	C
35. Medical Cannabis Dispensaries and uses outlined in Chapter 15, Article XII "Medical Cannabis and Adult Use Dispensaries" of the City of Imperials' Municipal Code.	X	C	X
36. Mortuaries	C	P	X
37. Motorcycle sales and services including motorized vehicles	C	C	X
38. Newspaper and magazine stores, including printing and publishing	P	P	P
39. Nurseries and garden supply stores; provided, all equipment and supplies shall be kept within an enclosed area	P	P	P
40. Parking facilities (commercial) where fees are charged	C	P	C
41. Pharmacies	P	P	P
42. Printing shop	C	P	X
43. Gasoline dispensing and/or automotive service stations	C	C	C
44. Sign painting shop within a completely enclosed building	C	P	X
45. Stamp and coin shops	P	P	P
46. Swap Meet (See City Code Chap. 12 Art. V)	X	P	C
47. Swimming pool supplies (outdoor storage shall comply with Section 24.05.140J)	P	P	P
48. Television, radio sales and repair	P	P	P
49. Theatres (motion picture and playhouse)	C	C	C
50. Tire sales and service	C	C	X

51. Travel agencies	P	P	P

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
52. Animal hospitals or veterinary offices			
a. Small animal	C	C	X
b. Large animal	X	C	X
53. Vehicle storage yard	X	C	X

<i>C. Public and Semi-Public Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Day nurseries, day care schools	C	C	C
2. Convalescent homes and hospitals on sites two net acres or greater in size	X	C	X
3. Clubs and lodges including YMCA, YWCA, and similar youth group uses	C	C	C
4. Educational institutions, public or private, including vocational schools	C	C	C
5. Post office branch	P	P	P
6. Churches, convents, monasteries, and other religious institutions	C	C	C
7. Group care facilities and residential retirement hotels	X	C	C
8. Public facilities including, but not limited to City headquarters, libraries, public offices, sub-stations, reservoirs, pumping plants, and similar installations.	C	C	C

D. Mixed Uses	C-1	C-2	VC
1. The mixing of residential uses with office and/or commercial uses is encouraged within the Village Commercial Zone. On any parcel within the Village Commercial Zone, the mixing of residential and nonresidential uses as outlined above under “Permitted Uses” shall be permitted by right subject to the following requirements: a. All residential components of a mixed use project shall be located either above at least one story of a nonresidential use or to the rear of a nonresidential use building; residential uses shall not be permitted on the ground floor unless they are located behind a nonresidential use.	X	X	P

E. Accessory Uses	C-1	C-2	VC
1. Accessory structures and uses located on the same site as a permitted use.	P	P	P
2. Accessory structures and uses located on the same site as a Conditional Use	C	C	C

F. Temporary Uses	C-1	C-2	VC
2. Temporary uses as prescribed in Section 24.11.120	P	P	P

SECTION 3: Section 24.05.130 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

24.05.130 PROPERTY DEVELOPMENT STANDARDS: C ZONES

Prior to the construction of any building or structure on any lot within the C Zones a Site Plan Review is required, pursuant to Section 24.19.500. The following property development standards shall apply to all land and building permitted in their respective commercial zones. Any legal lot/parcel may be used as a building site, except no building permit shall be issues for

any lot having lot size of less than 3,000 square feet. Each building site shall have a minimum 20-foot wide vehicular access to a public street.

The following requirements are minimums unless otherwise stated.

A. General Requirements	C-1	C-2	VC
1. Lot area, sq. ft. or acres	N/A	N/A	N/A
2. Lot width, in feet	50	60	25
3. Lot depth, in feet	135	100	100
4. Front yard setback, in feet	12	12	0
5. Side yard setback each side, in feet. Total of combined side yard setbacks must equal 10 feet.	0/10	0/10	0
6. Side yard setback, street side, in feet	20	12	0
7. Rear yard, in feet	0	0	0
8. Side and rear yards abutting any residential zones	20	20	0
9. Lot coverage, maximum	60%	60%	40%
10. Building height	35 feet maximum or three stories whichever is less		
11. Off-street parking In all C-1 and C-2 Zones, all provisions of Section 24.13 shall apply. Within the VC Zones, 50% percent of the required parking for the same use under Section 24.13 shall apply. On-street parking and off-site parking may be counted towards the parking requirement for all uses within the VC Zone.			
12. Signs In all C-1 and C-2 Zones, all provisions of Section 24.16 shall apply. Within the VC Zones, Section 24.16 shall also apply, except that projecting signs and hanging signs are permitted for ground floor uses. The size and location of projecting and hanging signs shall be reviewed by the Downtown Review Committee.			

SECTION 4: Section 24.05.140 of Chapter 24 of the Imperial Municipal Code is hereby created to read as follows:

24.05.140 SPECIAL REQUIREMENTS FOR THE VILLAGE COMMERCIAL ZONE

The City recognizes that architectural design and treatment of buildings and structures, integrity of design, orientation and configuration of buildings and structures upon a site, compatibility of development with adjacent development, traffic circulation and parking, and landscaping and open areas are all factors which should be addressed with respect to development of any property within the City's downtown village area. The City's objective is to create attractive, desirable and healthy neighborhoods for work and residence by encouraging and to promoting development which is not only functional and attractive, but is also functionally and aesthetically compatible with surrounding development and enhancing to the area in which it is located.

- A. Downtown Imperial Redevelopment Master Plan.** The Downtown Imperial Redevelopment Master Plan is hereby incorporated as reference.
- B. Downtown Review Committee.** There is created a Downtown Review Committee consisting of members appointed by the Mayor; the City Manager; the Public Works Director; and the Planning Director; or their designated representatives. The purpose of the Downtown Review Committee is to promote and implement the Downtown Imperial Redevelopment Master Plan and to ensure diverse and high quality architecture in the Village Commercial Zone. The Committee shall meet regularly in open meetings at a time to be determined by the Downtown Review Committee. The decision of the Downtown Review Committee may be appealed to the City Council.
- C. Review Required.** No person shall construct any building or structure, or relocate, rebuild, alter, enlarge or modify any existing building or structure, until a development plan has been reviewed and approved by the Downtown Review Committee, and no building permit, relocation permit or business license shall be issued until the requirements of this chapter are met. In furtherance of the Downtown Imperial Master Plan, this Zoning Ordinance and other regulations of the City, the Downtown Review Committee may impose such conditions as the Committee deems necessary.
- D. Submission of Development Plan.** Application for any development activity in the Village Commercial Zone shall be filed with the Planning Director on a form prescribed by the Downtown Review Committee and shall include the following information:
 - 1. Parcel or lot dimensions;
 - 2. Walls and Fences: Location, height, materials and colors;

3. Off-Street Parking and Loading: Location, number of spaces, dimensions of parking area and loading facilities, internal circulation pattern;
4. Access and Circulation: Pedestrian, vehicular, service; points of ingress and egress, internal circulation;
5. Buildings and Structures: Location, floor plans, elevations, size, height, proposed use; type and pitch of roofs; size and spacing of windows, doors and other openings; materials, colors and architectural treatment;
6. Spaces Between Buildings: Location, size and dimension; yards and setbacks;
7. Open spaces, recreation areas or greenbelts; location, size and facilities;
8. Public improvements; street dedications and improvements; public utilities installations including poles, transformers, vaults and meters; design and location;
9. Signs: Location, size, color, design and materials;
10. Lighting: Location and general nature; hooding devices;
11. Towers, chimneys, roof structures, flagpoles, radio and television masts, all mechanical equipment external to main or accessory structures; location, design, size, height, materials, colors and architectural treatment;
12. Such other data as the planning staff or Committee may require to make necessary findings.

E. Architectural Design Standards. New construction and reconstruction or rehabilitation of existing buildings and/or sites shall be reflective of high quality in design. One or more of the following architectural styles shall be utilized: Mission, Spanish, Monterey, Western, and Traditional Downtown. Contemporary styles may be used where local materials are incorporated and design elements from surrounding structures are likewise incorporated. Creative interpretations of traditional design elements will be reviewed on a case-by-case basis. All development activity within the Village Commercial Zone shall adhere to the design guidelines outlined in the Downtown Imperial Redevelopment Master Plan as it relates to the following:

1. Site planning;
2. Architecture;
3. Architectural form and composition;
4. Compatibility;
5. Roof articulation;
6. Storefronts;
7. Porticos, colonnades, arcades, and awnings;
8. Rear entrances;
9. Lighting;
10. Building materials;

11. Building color; and
12. Landscaping and public spaces.

F. Sidewalk Cafes, Porticos and Other Structures Located in the Public Right-of-Way

1. The Downtown Review Committee may approve a sidewalk permit for sidewalk cafes and other structures located in the public right-of-way provided they are in compliance with the regulations of this Section. A sidewalk permit shall be a license to use the sidewalk and shall not grant nor shall it be construed or considered to grant any person any property right or interest in the sidewalk.
2. Sidewalk cafes and other structures located in the public right-of-way shall be located in a manner that promotes efficient and direct pedestrian movement. A minimum of one unobstructed pedestrian path at least five feet wide shall be maintained at all times. In areas of congested pedestrian activity, the Downtown Review Committee may require a wider pedestrian path.
3. The perimeter around the sidewalk cafe or permanent outdoor display area may be delineated using nonpermanent fixtures such as railings, potted plants, decorative chains, or other approved fixtures. Tables, chairs, umbrellas, canopies, awnings and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
4. By use of any permit granted hereunder, the permittee agrees to indemnify, defend, save, and hold harmless any government agency and its agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of this permit or the permittee's activity regarding the sidewalk. The permittee shall enter into a written agreement with the City to evidence this indemnification.
5. Tables, chairs, and other fixtures located within the sidewalk must be secured or anchored to one another or removed from the sidewalk at the close of business to ensure that the fixtures will be stable during inclement weather conditions and to deter theft. No tables, chairs, or any other fixtures used in connection with a sidewalk permit shall be attached, chained, or in any manner affixed to any tree, post, sign, or other public fixture.
6. The sidewalk cafe or permanent outdoor display area including the area extending from the sidewalk cafe area to the street and five feet beyond either end, shall be maintained by the permittee in a neat and orderly appearance at all times and shall be cleared of all debris on a periodic basis during the day and at the close of each business day.
7. The permittee is responsible for repair of any damage to the sidewalk caused by the sidewalk cafe or permanent outdoor display.

RESOLUTION NO. PC2020-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL RECOMMENDING AN AMENDMENT OF THE ZONING CODE RELATED TO CANNABIS RECREATIONAL

WHEREAS, the current zoning requirements do not allow the use of recreational cannabis

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial to recommend the amendment of Section 24.05.120 of the Imperial Zoning Ordinance as follows:

24.05.120 PERMITTED AND CONDITIONAL USES: C ZONES

The following uses shall be permitted uses where the symbol "P" appears and shall be permitted uses subject to a Conditional Use Permit where the symbol "C" appears in the column beneath each zone designation; where the symbol "X" appears the use is prohibited.

<i>A. Administrative and Professional Services</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
Including, but not limited to administrative offices; financial institutions, accounting and auditing services; clerical and legal services; counseling services; public utility company offices; medical dental, and related health services.	P	P	P

<i>B. General Commercial Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Adult Businesses (see Section 24.11.800)	X	C	X
2. Antique shops (sale of previously owned goods)	X	P	X
3. Apparel stores	P	P	P
4. Art, music, and photographic studios and supply stores	P	P	P
5. Appliance stores and repair	C	P	P

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
6. Arcades and electronic games (see Section 24.11.600)	C	C	X
7. Athletic and Health Club	P	P	P
8. Automobile and or truck services, including, but not limited to, sales, rental agencies, body repair, painting, and car washes.	C	P	X
9. Bakeries – retail only	P	P	P
10. Barber and beauty shops	P	P	P
11. Bicycle shops, non-motorized	P	P	P
12. Blueprint and photocopy services when operated in conjunction with a professional office of engineering, planning, surveying, architecture, drafting.	P	P	P
13. Boat and camper sales and services	X	C	X
14. Book, gift, and stationery stores	P	P	P
15. Candy stores and confectioneries	P	P	P
16. Carpet and flooring stores	P	P	P
17. Catering establishments	P	P	X
18. Cleaners including dry cleaning with or without cleaning machinery on-site	P	P	P
19. Commercial Recreation Facilities not otherwise listed	C	C	C
20. Eating and drinking establishments			
a. Bars (no entertainment)	X	C	C
b. Night Clubs, cabarets, restaurants, coffee shops, delicatessens:			
1. With alcoholic beverages and/or entertainment	C	C	C

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
2. Without alcoholic beverage but including entertainment	C	C	C
3. Without alcoholic beverage	P	P	P
c. Snack bars, take-out only, refreshment stands contained within a building	P	P	P
d. Fast food restaurants with drive-in or drive through	C	C	X
e. Fast food restaurants with drive through in conjunction with a shopping center development	C	C	C
21. Equipment rental yards including, but not limited to, trucks, trailers, hitches, service thereof	C	C	X
22. Feed and tack stores (outdoor storage shall be consistent with Section 24.05.140)	C	P	C
23. Florist shops	P	P	P
24. Furniture stores, with or without repair and upholster	C	P	P
25. Hardware stores	P	P	C
26. Hobby shops	P	P	P
27. Hotels and motels with meeting rooms	C	P	P
28. Janitorial services and supplies	C	P	X
29. Jewelry stores	P	P	P
30. Junior department, department stores, discount department stores and membership stores	C	P	P
31. Food stores and supermarkets, drug stores with and/or without pharmacies, variety stores, sporting goods store, shoe stores (sales and/or repair), toy stores	P	P	P

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
32. Kiosks, including, but not limited to photo sales located in parking lots	C	C	C
33. Charity drop off, recycling drop off located in the parking lot or other suitable area with property owners' permission.	C	C	X
34. Liquor stores	C	C	C
35. Medical Cannabis Dispensaries and uses outlined in Chapter 15, Article XII "Medical Cannabis and Adult Use Dispensaries" of the City of Imperials' Municipal Code.	X	C	X
36. Mortuaries	C	P	X
37. Motorcycle sales and services including motorized vehicles	C	C	X
38. Newspaper and magazine stores, including printing and publishing	P	P	P
39. Nurseries and garden supply stores; provided, all equipment and supplies shall be kept within an enclosed area	P	P	P
40. Parking facilities (commercial) where fees are charged	C	P	C
41. Pharmacies	P	P	P
42. Printing shop	C	P	X
43. Gasoline dispensing and/or automotive service stations	C	C	C
44. Sign painting shop within a completely enclosed building	C	P	X
45. Stamp and coin shops	P	P	P
46. Swap Meet (See City Code Chap. 12 Art. V)	X	P	C
47. Swimming pool supplies (outdoor storage shall comply with Section 24.05.140J)	P	P	P
48. Television, radio sales and repair	P	P	P
49. Theatres (motion picture and playhouse)	C	C	C
50. Tire sales and service	C	C	X
51. Travel agencies	P	P	P

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
52. Animal hospitals or veterinary offices			
a. Small animal	C	C	X
b. Large animal	X	C	X
53. Vehicle storage yard	X	C	X

<i>C. Public and Semi-Public Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Day nurseries, day care schools	C	C	C
2. Convalescent homes and hospitals on sites two net acres or greater in size	X	C	X
3. Clubs and lodges including YMCA, YWCA, and similar youth group uses	C	C	C
4. Educational institutions, public or private, including vocational schools	C	C	C
5. Post office branch	P	P	P
6. Churches, convents, monasteries, and other religious institutions	C	C	C
7. Group care facilities and residential retirement hotels	X	C	C
8. Public facilities including, but not limited to City headquarters, libraries, public offices, sub-stations, reservoirs, pumping plants, and similar installations.	C	C	C

<i>D. Mixed Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. The mixing of residential uses with office and/or commercial uses is encouraged within the Village Commercial Zone. On any parcel within the Village Commercial Zone, the mixing of residential and nonresidential uses as outlined above under "Permitted Uses" shall be permitted by right subject to the following requirements: a. All residential components of a mixed use project shall be located either above at least one story of a nonresidential use or to the rear of a nonresidential use building; residential uses shall not be permitted on the ground floor unless they are located behind a nonresidential use.	X	X	P

<i>E. Accessory Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Accessory structures and uses located on the same site as a permitted use.	P	P	P
2. Accessory structures and uses located on the same site as a Conditional Use	C	C	C

<i>F. Temporary Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
2. Temporary uses as prescribed in Section 24.11.120	P	P	P

PASSED AND ADOPTED by the Planning Commission of the City of Imperial at a regular meeting duly held on June 10, 2020.

Planning Commission Chairman

ATTEST:

Planning Secretary



Date: June 5, 2020
Item: Signs
Location: Residential, Commercial, and Industrial Zones
Applicant: City of Imperial
From: Lisa Tylenda, Planner

Summary:

Per the direction of the City Council, staff at the Community Development Department has reviewed the current Sign Ordinance within the City of Imperials General Plan. Staff has identified areas within the current ordinance, that would benefit the community immensely if amended, in order to make for a more business friendly advertising experience, especially during these economically impacted times. The changes are outlined below and range from the inclusion of new definitions to permitted signs that were previously prohibited and includes outlines of performance standards as well.

Environmental:

The following zoning ordinance and text amendment is categorically exempt from the California Environmental Quality Act per section 15183.

Notice:

Notice was provided by advertisement in the Imperial Valley Press.

Recommendations:

- If certain signs are to be allowed during certain seasons, the yearly permit for the identified temporary signs should run with the holidays as observed by the City of Imperial (please see attached). The formula used to calculate the permitted days is:
- $16 \text{ (holidays observed by city)} \times 3 \text{ (treated as a three-day weekend)} = 48 \text{ permitted days}$
- It is recommended to increase the temporary sign permitted days. In order to give the businesses, the ability to utilize the signs more due to initial investment. Possibly adding seasonal dates as well to the formula.

Attachments:

- Draft Sign Ordinance Amendments
- Currently Adopted Sign Ordinance
- Resolution PC 2020-07

DRAFT

Section 24.16.080 Permitted Signs

SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIZE	NUMBER OF SIGNS	COMMENTS
Business Identification (Commercial and Industrial Zones Only)	Outdoor Advertisement	15 feet	150 sq. ft.	Maximum of 3 per business	Must obtain City Sign Permit before placement of signs
	Mobile Signs	Depends on Sign	Requires administrative review and approval	Depends on Mobile	Must obtain City Sign Permit before placement of signs Mobile signs may be allowed with a mobile food vendor or sidewalk vendor permit.
	Temporary Sign	15 feet	150 sq. ft.	Maximum of 3 signs per business or event	Must obtain City Sign Permit before placement of signs. Any commercial or non-commercial sign, banner, pennant, valance, balloon, poster or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material with or without frames, intended to be displayed for a limited period only

DRAFT

Outdoor Advertisement

Any advertising done outdoors that publicizes a business' or entities' position, products or services. Types of outdoor advertisement include, but are not limited to, billboards, private bus bench signs, interiors and exteriors of private buses, taxis and business vehicles and signs posted on the outside of the entities' place of business.

Mobile Signs

added Mobile signs are prohibited on a vehicle unless the permanent signage on the vehicle serves as an identification sign. Mobile signs may be allowed with a mobile food vendor or sidewalk vendor permit.

Temporary Sign

Any commercial or non-commercial sign, banner, pennant, valance, balloon, poster or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material with or without frames, intended to be displayed for a limited period only - not to exceed sixty (60) days within a twelve-month (12) period. A temporary event sign must be removed within 10 days of the event it publicizes.

Section 24.16.050 Prohibited signs.

Except as otherwise provided in this chapter, the following prohibitions apply to all signs:

- (1) Signs that obstruct any window, door or other opening used as means of regular ingress and egress, or for required legal light and ventilation; or fire escapes and other openings for emergency access and escape; or that create a safety hazard by obstructing clear view of pedestrians or vehicular traffic.
- (2) Signs placed on public property or within the public street right-of-way, (e.g., snipe signs, human directional, etc.) except for marquee signs and signs for neighborhood watch, contingent upon review and approval of a sign permit by the assistant community development director.
- (3) Signs with an intensity of illumination or location that interferes with the proper operation of motor vehicles on a public street.
- (4) Signs that are lewd, indecent or otherwise offensive to the public morals.
- (5) Murals of any kind, unless approved by the administrative committee and community services commission, where applicable.

- (6) Signs that identify or advertise a product or business not located on the property on which said sign is located
- (7) Revolving signs. Any sign or portion thereof that physically rotates about an axis.

DRAFT

- (8) Painted wall signs. Any sign painted on the wall of a building or structure, with the exposed face of the sign in plane parallel to the plane of said wall.

Existing 24.16.050 Prohibited Signs

- 1. Animated, flashing, audible and intermittent signs. ~~2. Billboards~~
- 2. Bench signs, except at designated public bus stops when the proposed advertising will pay for the construction use and maintenance of said bench.
- 3. Exposed lamps, spot lights and "goose neck" reflectors.
- ~~4. Flags, banners, streamers and pennants, unless specified different under specific design criteria in the Master Sign Program.~~
- ~~5. Portable signs.~~
- ~~6. Poster Signs.~~
- 7. Roof signs.
- ~~8. Signs located in or projecting into the public right of way.~~
- 9. Signs that by color, wording, design, location, illumination resemble or conflict with any traffic control device or with safe and efficient flow of traffic.
- 10. Signs that create a safety hazard by obstructing clear view of pedestrian and/or vehicular traffic.
- 11. Signs that project above a parapet or the highest point of a roof.
- 12. Sign Appendages
- 13. Signs which use guy wires or cables.
- ~~14. Vehicle-mounted signs.~~

Section 24.16.030 Definitions

- 27. Mobile billboard: Any permanent or temporary advertisement on the side of a truck, trailer, bus or any moving or stationary vehicle or equipment. Stationary mobile billboards are prohibited, excepting public transit.

28. Mobile sign: Any permanent or temporary advertisement painted, wrap, or marquee sign mounted on a vehicle, trailer, or on portable supports, includes moving advertisement vehicles.

44. Temporary sign: Any sign, banner, pennant, valance, balloon, poster, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only, not to exceed forty-five (45) days within a twelve-month period or as specified in table 22.1-1. Temporary signs, such as political, real estate, or special event, are short-term, impermanent communication devices that do not possess a real property interest; they are considered personal property. These signs may be either on-premise or off-premise.

RESOLUTION NO. PC2020-07

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL RECOMMENDING AN
AMENDMENT OF THE ZONING CODE RELATED TO ZONING ORDINANCE-SIGN PERFORMANCE STANDARDS**

WHEREAS, certain previously prohibited signs for advertisement and temporary uses are to now be allowed as outlined below.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial to recommend the amendment of Section 24.16.080 of the Imperial Zoning Ordinance as follows:

Section 24.16.080 Permitted Signs

SIGN USE	SIGN TYPE	MAXIMUM HEIGHT	MAXIMUM SIZE	NUMBER OF SIGNS	COMMENTS
Business Identification (Commercial and Industrial Zones Only)	Outdoor Advertisement	15 feet	150 sq. ft.	Maximum of 3 per business	Must obtain City Sign Permit before placement of signs
	Mobile Signs	Depends on Sign	Requires administerial review and approval	Depends on Mobile	Must obtain City Sign Permit before placement of signs Mobile signs may be allowed with a mobile food vendor or sidewalk vendor permit.
	Temporary Sign	15 feet	150 sq. ft.	Maximum of 3 signs per business or event	Must obtain City Sign Permit before placement of signs. Any commercial or non-commercial sign, banner,

					pennant, valance, balloon, poster or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material with or without frames, intended to be displayed for a limited period only
--	--	--	--	--	--

Outdoor Advertisement

Any advertising done outdoors that publicizes a business' or entities' position, products or services. Types of outdoor advertisement include, but are not limited to, billboards, private bus bench signs, interiors and exteriors of private buses, taxis and business vehicles and signs posted on the outside of the entities' place of business.

Mobile Signs

added Mobile signs are prohibited on a vehicle unless the permanent signage on the vehicle serves as an identification sign. Mobile signs may be allowed with a mobile food vendor or sidewalk vendor permit.

Temporary Sign

Any commercial or non-commercial sign, banner, pennant, valance, balloon, poster or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material with or without frames, intended to be displayed for a limited period only - not to exceed sixty (60) days within a twelve-month (12) period. A temporary event sign must be removed within 10 days of the event it publicizes.

Section 24.16.050 Prohibited signs.

Except as otherwise provided in this chapter, the following prohibitions apply to all signs:

- (1) Signs that obstruct any window, door or other opening used as means of regular ingress and egress, or for required legal light and ventilation; or fire escapes and other openings for emergency access and escape; or that create a safety hazard by obstructing clear view of pedestrians or vehicular traffic.
- (2) Signs placed on public property or within the public street right-of-way, (e.g., snipe signs, human directional, etc.) except for marquee signs and signs for neighborhood watch, contingent upon review and approval of a sign permit by the assistant community development director.
- (3) Signs with an intensity of illumination or location that interferes with the proper operation of motor vehicles on a public street.
- (4) Signs that are lewd, indecent or otherwise offensive to the public morals.
- (5) Murals of any kind, unless approved by the administrative committee and community services commission, where applicable.
- (6) Signs that identify or advertise a product or business not located on the property on which said sign is located
- (7) Revolving signs. Any sign or portion thereof that physically rotates about an axis.
- (8) Painted wall signs. Any sign painted on the wall of a building or structure, with the exposed face of the sign in plane parallel to the plane of said wall.

Existing 24.16.050 Prohibited Signs

1. Animated, flashing, audible and intermittent signs. ~~2. Billboards~~
2. Bench signs, except at designated public bus stops when the proposed advertising will pay for the construction use and maintenance of said bench.
3. Exposed lamps, spot lights and "goose neck" reflectors.

- ~~4. Flags, banners, streamers and pennants, unless specified different under specific design criteria in the Master Sign Program.~~
- ~~5. Portable signs.~~
- ~~6. Poster Signs.~~
7. Roof signs.
- ~~8. Signs located in or projecting into the public right-of-way.~~
9. Signs that by color, wording, design, location, illumination resemble or conflict with any traffic control device or with safe and efficient flow of traffic.
10. Signs that create a safety hazard by obstructing clear view of pedestrian and/or vehicular traffic.
11. Signs that project above a parapet or the highest point of a roof.
12. Sign Appendages
13. Signs which use guy wires or cables.
- ~~14. Vehicle-mounted signs.~~

Section 24.16.030 Definitions

27. Mobile billboard: Any permanent or temporary advertisement on the side of a truck, trailer, bus or any moving or stationary vehicle or equipment. Stationary mobile billboards are prohibited, excepting public transit.
28. Mobile sign: Any permanent or temporary advertisement painted, wrap, or marquee sign mounted on a vehicle, trailer, or on portable supports, includes moving advertisement vehicles.
44. Temporary sign: Any sign, banner, pennant, valance, balloon, poster, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only, not to exceed forty-five (45) days within a twelve-month period or as specified in table 22.1-1. Temporary signs, such as political, real estate, or special event, are short-term, impermanent communication devices that do not possess a real property interest; they are considered personal property. These signs may be either on-premise or off-premise.

PASSED AND ADOPTED by the Planning Commission of the City of Imperial at a regular meeting duly held on June 10, 2020.

Planning Commission Chairman

ATTEST:

Planning Secretary



Staff Report

Agenda Item No.

D-3

To: Imperial City Planning Commission

From: Othon Mora

Date: June 5, 2020

Project: LaBrucherie Widening Project

Summary:

Project Location: LaBrucherie Road, From Treshill Road to Aten Boulevard

Zoning: Existing C-1 Neighborhood Commercial
R-1 Residential Single Family

General Plan: **Existing:** Residential Single Family
Commercial Neighborhood

Environmental: Initial Study/Negative Declaration

Project Description:

The proposed project will involve the widening of an existing roadway making the southern part of LaBrucherie Road, within City limits of Imperial, a four lane street (two lanes heading northbound and two lanes heading southbound). The project site is located within City limits of the City of Imperial within existing right-of-way. The proposed segment of LaBrucherie Road is half (0.5) a mile long. The proposed portion of the street, between Treshill Road and Aten Boulevard, receives heavy traffic from residents who live in the subdivision (west of LaBrucherie Road) and traffic from local businesses and residents who live in the apartment complex (east of LaBrucherie Road). The proposed project will accommodate the traffic demand that the street currently receives. There is an existing sidewalk on the west side of LaBrucherie Road giving the residents safe pedestrian access to the local businesses and Aten Boulevard.

The proposed street widening project also involves of pipelining portion of the existing concrete Dahlia Canal, located along the East side of LaBrucherie Road from Treshill

Road to Aten Boulevard. The work includes importing suitable material from an approved borrow site to the jobsite (FOB site), demolishing and removing existing concrete lining and structures, trenching, pipelining, installation of concrete transitions, final grading, and cleanup. The proposed Dahlia Canal Pipeline distance is approximately, 2505 linear feet (0.47 miles). The new pipelining is proposed to be a 72"Ø RCP x 2505 lineal feet. All work will be done within existing IID right of way. The staging area will be located on the west side of the proposed pipeline and will include the closure of LaBrucherie Road from Treshill Road to Aten Boulevard throughout the completion of the project.

California Environmental Quality Act (CEQA): The City is the lead agency for the CEQA review of the project. The Development Review Committee and the Environmental Assessment Committee, reviewed an Initial Study/ Negative Declaration (IS/ND) for the subject project. The IS/ND determined that the proposed project would not result in any significant on effect on the environment.

A Draft IS/ND for the project was prepared and circulated for public review from November 19, 2019 to December 20, 2019, and it was recirculated from May 8th, 2020 to May 28th, 2020 to include the underground of Dahlia Canal. The Final Negative Declaration (ND), included as an Attachment; and comment letters from stakeholders are also included and made part of the IS/ND.

Recommendation:

Staff recommends the Planning Commission approve Resolution No. PC2020-08 Adopting and Certifying the Negative Declaration for the LaBrucherie Widening Project.

RESOLUTION PC2020-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
IMPERIAL ADOPTING AND CERTIFYING A NEGATIVE DECLARATION
FOR THE LABRUCHERIE WIDENING PROJECT BETWEEN TRESHILL
ROAD AND ATEN BOULEVARD.**

WHEREAS, The City is the lead agency for the CEQA review of projects; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on June 10, 2020; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for the Initial Study/Negative Declaration.

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) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) 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; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby Adopts and Certifies the Negative Declaration under the California Environmental Quality Act;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this June 10, 2020.

Planning Commission Chairman

ATTEST:

Planning Secretary

DRAFT

- ☒ **NEGATIVE DECLARATION**
☐ **MITIGATED NEGATIVE DECLARATION**

***Initial Study & Environmental
Analysis For:***

City of Imperial



**LaBrucherie
Widening Project**

Prepared By:

CITY OF IMPERIAL
400 S. Imperial Avenue, Suite 101
Imperial, CA 92251
(760) 355-1152
www.cityofimperial.org

May 2020

TABLE OF CONTENTS

PAGE

SECTION 1

I. INTRODUCTION	3
-----------------	---

SECTION 2

II. ENVIRONMENTAL CHECKLIST	8
PROJECT SUMMARY	12
ENVIRONMENTAL ANALYSIS	19
I. AESTHETICS	19
II. AGRICULTURE AND FOREST RESOURCES	20
III. AIR QUALITY	22
IV. BIOLOGICAL RESOURCES	23
V. CULTURAL RESOURCES	25
VI. ENERGY	26
VII. GEOLOGY AND SOILS	26
VIII. GREENHOUSE GAS EMISSION	29
IX. HAZARDS AND HAZARDOUS MATERIALS	30
X. HYDROLOGY AND WATER QUALITY	32
XI. LAND USE AND PLANNING	34
XII. MINERAL RESOURCES	35
XIII. NOISE	36
XIV. POPULATION AND HOUSING	37
XV. PUBLIC SERVICES	38
XVI. RECREATION	39
XVII. TRANSPORTATION	40
XVIII. TRIBAL CULTURAL RESOURCES	42
XIX. UTILITIES AND SERVICE SYSTEMS	423
XX. WILDFIRE	425

SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE	47
IV. PERSONS AND ORGANIZATIONS CONSULTED	48
V. REFERENCES	48
VI. NEGATIVE DECLARATION – CITY OF IMPERIAL	49
27 FINDINGS	49

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)	50
IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)	50



SECTION 1

INTRODUCTION

A. PURPOSE

This document is a ☐ policy-level, ☒ project level Initial Study for evaluation of potential environmental impacts resulting with the proposed roadway widening project from two lanes to four lanes, curb and gutter, and sidewalks. The project will also include pipelining the existing Imperial Irrigation District (IID) Dahlia Canal. (Refer to Exhibit "A" & "B").

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines, an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

☐ According to Section 15065, an **EIR** is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

☒ According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

☐ According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental



Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the City jurisdiction by law.

Pursuant to the Guidelines for Implementing CEQA, depending on the project scope, the City of Imperial is designated the Lead Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the City.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are intended to inform decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (*30-days if submitted to the State Clearinghouse for a project of area-wide significance*) for public and agency review and comments. At the conclusion, if comments are received, the City will prepare a document entitled “Responses to Comments” which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the City’s Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a significant impact, potentially significant impact, or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements



and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES list bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A “No Impact” response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation



measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”.

4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a ☐ policy-level, ☒ project level analysis. Regarding mitigation measures, it is not the intent of this document to “overlap” or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the City’s jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

“Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.”

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

“Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration.”

Further, Section 15152(d) of the CEQA Guidelines states:



“Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.”

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the “Final Environmental Impact Report and Environmental Assessment for the “City of Imperial’s General Plan EIR” prepared by The Holt Group, INC in 1992.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the City of Imperial, 420 S. Imperial Avenue, Imperial, CA 92251 Ph. (760) 355-4371.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the City of Imperial, 420 S. Imperial Avenue, Imperial, CA 92251 Ph. (760) 355-4371.
- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150[c]). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150[d]).
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150[f]). This has been previously discussed in this document.



II. *Environmental Checklist*

1. **Project Title:** La Brucherie Widening Project
2. **Lead Agency:** City of Imperial
3. **Contact person and phone number:**
City of Imperial
400 South Imperial Avenue, Suite 101
Imperial, CA 92251

Contact: Othon Mora, Community Development Director
(760) 355-1152
omora@cityofimperial.org
4. **Address** 400 South Imperial Avenue, Suite 101
Imperial, CA 92251
5. **E-mail:** omora@cityofimperial.org
6. **Project location:** The project is proposed to be located on the northern portion of La Brucherie Road, from Treshill Road to Aten Boulevard, within the southern City Limits of the City of Imperial. For more information regarding project location refer to Exhibit A and B – Regional Location Map and Vicinity Map, respectively.
7. **Project sponsor's name and address:** City of Imperial
400 South Imperial Avenue, Suite 101
Imperial, CA 92251
8. **General Plan designation:** **Existing: Residential Single Family
Commercial Neighborhood**
Proposed: No Change
9. **Zoning:** **Existing: C– 1 Neighborhood Commercial
R – 1 Residential Single Family**
Proposed: No Change
10. **Description of project:** The City of Imperial is contemplating the widening of La Brucherie Road from the existing two-lane configuration. All proposed improvements will be completed within existing City right-of-way. The proposed improvements will result in two northbound lanes and two southbound lanes. The proposed



segment of the road extends about 0.5 miles. The proposed project will also include the undergrounding Dahlia Canal from Treshill Road to Aten Boulevard. The project is located in the Residential Single Family and Commercial Neighborhood. La Brucherie Road is adjacent to the Dahlia Canal, which is owned by the Imperial Irrigation District, therefore, an Encroachment Permit will be required.

11. Surrounding land uses and setting:

The proposed project is located in a residential and neighborhood commercial area. There is an existing single-family residential subdivision and a church to the west and an apartment complex to the east of La Brucherie Road. There is also a small multi-tenant office complex on the east side of La Brucherie at Wall Road. The project is consistent with the City of Imperial's adopted General Plan and Zoning Ordinance. The City of Imperial's General Plan identifies La Brucherie Road as one of the primary north-south roadways in the City connecting local roadways in the southwestern portion of the City and the northwestern portion of the City. It should be noted that La Brucherie Road is not a continuous roadway throughout the City as it is interrupted by the Imperial County Airport.

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

a.) Imperial Irrigation District (IID)

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

The City of Imperial has not received request for consultation from Tribes.

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



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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



ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

☒ Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE DE MINIMIS IMPACT FINDING: ☐ Yes ☐ No

<u>EEC VOTES</u>	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
PUBLIC WORKS	☐	☐	☐
PLANNING	☐	☐	☐
FINANCE	☐	☐	☐
POLICE DEPARTMENT	☐	☐	☐
FIRE DEPARTMENT	☐	☐	☐

Othon Mora, Community Development Department

Date:



PROJECT SUMMARY

A. Project Location:

The proposed project is located on the northern portion of La Brucherie Road between Treshill Road and Aten Boulevard. La Brucherie Road is west of Highway 86, a major arterial. Exhibit A on page 15 shows a Vicinity map which illustrates the location of the proposed project.

B. Project Summary:

The proposed project will involve the widening of an existing roadway making the southern part of La Brucherie Road, within City limits of Imperial, a four lane street (two lanes heading northbound and two lanes heading southbound). The project site is located within City limits of the City of Imperial within existing right-of-way. The proposed segment of La Brucherie Road is half a mile long. The proposed portion of the street, between Treshill Road and Aten Boulevard, receives heavy traffic from residents who live in the subdivision (west of La Brucherie Road) and traffic from local businesses and residents who live in the apartment complex (east of La Brucherie Road). The proposed project will accommodate the traffic demand that the street currently receives. There is an existing sidewalk on the west side of La Brucherie Road giving the residents safe pedestrian access to the local businesses and Aten Boulevard.

The proposed street widening project also involves of pipelining portion of the existing concrete Dahlia Canal, located along the East side of La Brucherie Road from Treshill Road to Aten Boulevard. The work includes importing suitable material from an approved borrow site to the jobsite (FOB site), demolishing and removing existing concrete lining and structures, trenching, pipelining, installation of concrete transitions, final grading, and cleanup. The Contractor shall furnish all safety equipment, tools, and supplies to ensure compliance with design and all OSHA regulations, both State and Federal.

The proposed Dahlia Canal Pipeline distance is approximately, 2505 linear feet (0.47 miles). The existing concrete lined Dahlia Canal between Treshill Road and Aten Boulevard will require removal of existing lining, re-grade and import material to fill area of removed lined canal and additional material as backfill for new pipelining. The new pipelining is proposed to be a 72"Ø RCP x 2505 lineal feet. All work will be done within existing IID right of way. The staging area will be located on the west side of the proposed pipeline and will include the closure of La Brucherie Road from Treshill Road to Aten Boulevard throughout the completion of the project.

C. Environmental Setting:

The area within the immediate vicinity of the project site is largely developed and urbanized. The west side of La Brucherie Road is predominantly developed with single-family residences and a church.



The east side of La Brucherie is intended for neighborhood commercial development with areas designated for multi-family residential development. There are pockets of underdeveloped parcels along the east side of the project site. The area to the north of the project site is also largely developed with light industrial and neighborhood commercial uses. La Brucherie Road terminates less than half a mile north of the project site but continues on to the south to the City of El Centro and beyond. La Brucherie Road in the City of El Centro is a four-lane undivided roadway with a center turn-lane. There are no pedestrian facilities south of the project site.

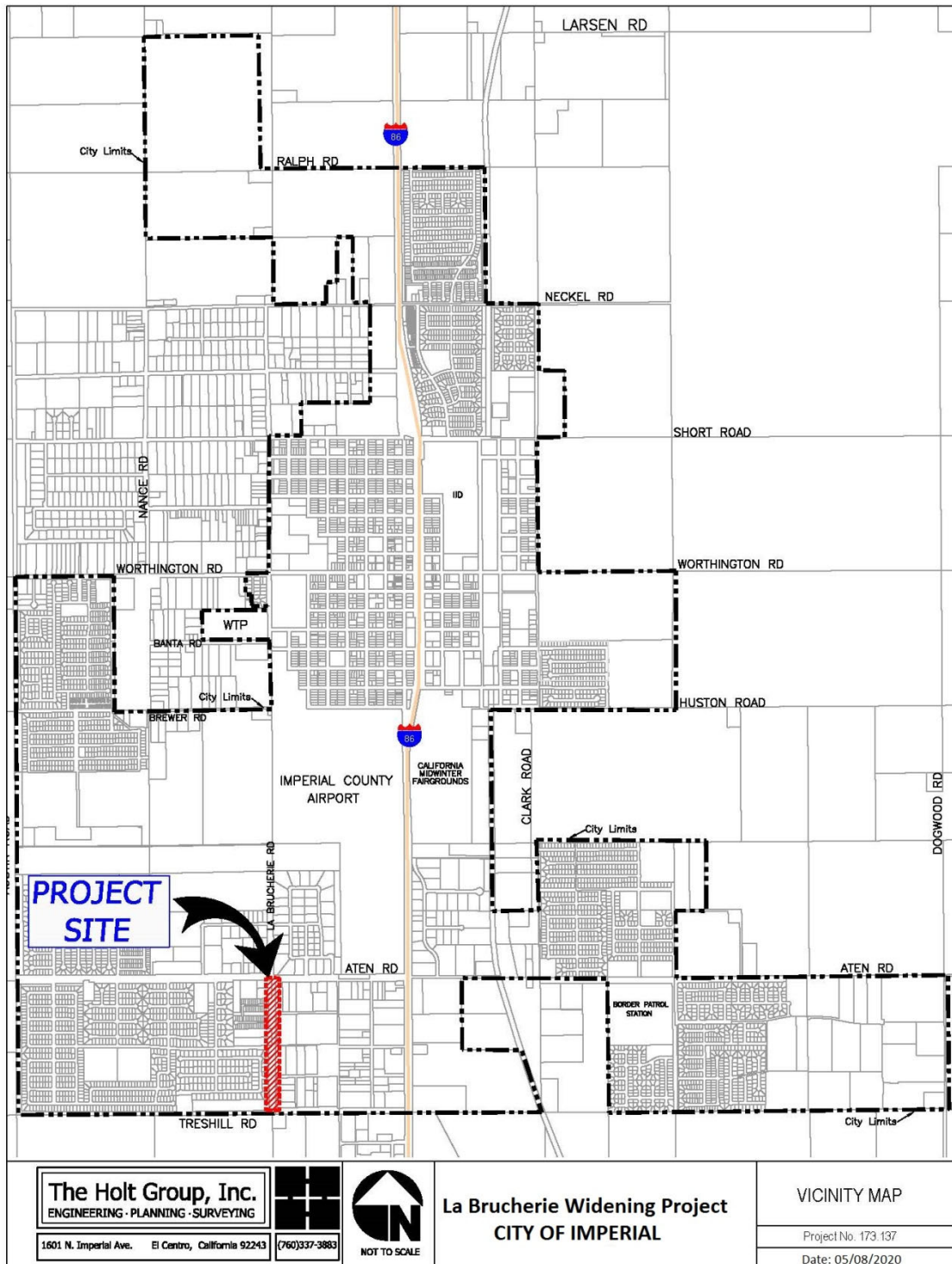
D. General Plan Consistency:

The City of Imperial General Plan Circulation Element identifies La Brucherie Road as a primary north-south roadway in the City. The Circulation Element identifies La Brucherie as a collector meant to serve as an intermediate facility connecting local areas to regional circulation corridors. La Brucherie Road connects to Aten Boulevard which ultimately connects to Highway 86 which serves as the primary north-south roadway in the County. La Brucherie Road is an auto-oriented roadway which prioritizes vehicle but also provides for pedestrian and bicycle linkages. The proposed project is the first phase in a long term, multi-phase project. South of the project site, the City of El Centro designates La Brucherie as a 4-lane arterial. The proposed improvements are intended to match the existing 4-lane configuration in El Centro. The proposed project is in furtherance of the goals, objectives, and policies of the City of Imperial General Plan in providing an efficient movement of people and goods.

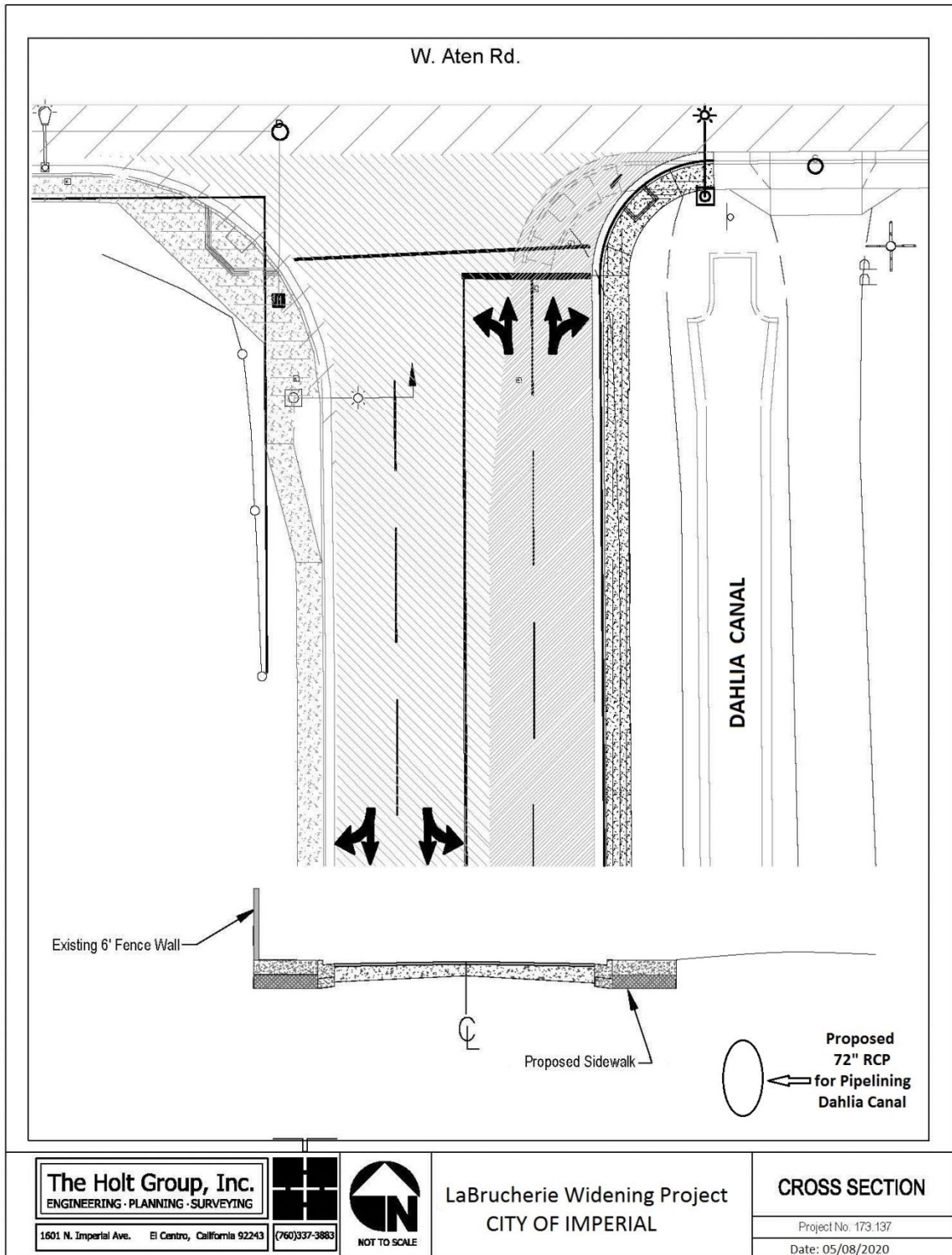


Exhibit "A"
Vicinity Map









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 may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier 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.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

I. AESTHETICS

Background

The proposed project will be located at a portion of La Brucherie Road, between Treshill Road and Aten Boulevard. The proposed segment of the street traverses through a subdivision with single family homes to the west and local business establishments to the east. There are no existing aesthetic resources along this portion of La Brucherie Road. La Brucherie Road is widely used by the community as it serves as a connector to Aten Boulevard, which gives access to the major arterial, Highway 86. La Brucherie serves as an alternate route connecting to and from Highway 86 and the City's commercial centers. Many residents use La Brucherie Road as an alternate route, while commuting to work, to avoid heavy traffic volume from Highway 86 during peak hours. As such, La Brucherie serves as a gateway into the City of Imperial.

The construction phase of the project could result in visual impacts with the presence of construction vehicles and equipment. However, the visual impact would be temporary and would end when construction is complete. The proposed project will produce minor changes in the existing visual character along La Brucherie Road through widening the existing pavement from a two-lane roadway to a four-lane roadway. This change would only occur in the proposed segment of the street, Treshill and Aten Boulevard.

Analysis

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway? ☐ ☐ ☐ ☒

No Impact. The proposed project is not within a mapped/designated scenic vista or scenic resources area as identified by any adopted plans. The project will not cause any adverse effect on a scenic vista or scenic highway.

- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? ☐ ☐ ☐ ☒

No Impact. The project area is not mapped as a scenic resource and will not affect trees, rock outcroppings or historic buildings within a state scenic highway. Therefore, no impact to scenic resources would occur upon project implementation.

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

governing scenic quality?

No Impact. The site is an existing road that has deteriorated over the years. The proposed project would improve the visual character and quality of the site and prove accessibility for the community. The project will not negatively impact the existing visual character of the site and its surroundings.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☐ ☒

No Impact. The proposed project site has existing shielded street lighting. The project will not result in any adverse impacts.

II. **AGRICULTURE AND FOREST RESOURCES**

Background

The proposed project is located in an urbanized area within the City of Imperial. The California Farmland Mapping and Monitoring Program has identified the project site as Urban and Built-up Land and Other Land. The project is not located near or within a forest resource area. Thus, the project will not negatively impact agricultural or forest resources. The staging of the area will not occur on agricultural land and agricultural parcels would not be otherwise significantly impacted during project construction.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Analysis

Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

No Impact. The California Farmland Mapping and Monitoring Program has identified the project site as Urban and Built-up Land and other land; therefore, it will not convert farmland to a non-agricultural land use.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? ☐ ☐ ☐ ☒

No Impact. The site is not party to any Williamson Act Contract nor will it conflict with existing zoning for agricultural use as the project site is zoned for commercial neighborhood.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? ☐ ☐ ☐ ☒

No Impact. The proposed project would not conflict with existing forest zoning or cause the rezoning of forest land. There is no land within the City of Imperial zoned for forest land as the City is located in the Sonoran Desert.

- d) Result in the loss of forest land or conversion of forest land to non-forest use? ☐ ☐ ☐ ☒

No Impact. The proposed project would not result in the loss of forest land. There is no forest land within the vicinity of the project.

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? ☐ ☐ ☐ ☒

No Impact. The construction of the proposed project could not result in the conversion of farmland as it is proposed to be constructed in urban vacant site.



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

III. AIR QUALITY

Background

The project site is located in the southern-central portion of the Salton Sea Air Basin in the Imperial County. The County of Imperial is a non-attainment area for both Particulate Matter (PM10) and Ozone. Ozone is primarily generated by automobile traffic, trains, and the aircraft from the Naval Air Facility and Imperial County Airport. The Imperial County Airport is a negligible contributor.

The widening of the roadway would have the potential to generate particulate contaminants (dust) during grading and construction activities. The applicant would need to develop and implement a Dust Control Plan, consistent with Imperial County Air Pollution Control District Manual. The project would be located in an urban site as an infill development and will incorporate features to reduce gas greenhouse gas emissions.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations.

Analysis

Would the Project:

- a) Conflict with or obstruct implementation of the applicable air quality plan? ☐ ☐ ☒ ☐

No Impact. The proposed project must adhere to the Imperial County Air Pollution Control District (ICAPCD) Rules and Regulations, revised 2017, the ICAPCD CEQA Handbook, and the standard best management's practices for construction projects. The project must provide a Dust Control Plan. Therefore, the quality impacts of the project is less than significant.

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? ☐ ☐ ☒ ☐

Less Than Significant Impact. Imperial County is a non-attainment area for both particulate matter (PM10) and ozone. Impacts to air quality from the construction activities and cumulative projects for the entire region may result in a net increase of these pollutants. The project however, incorporates Best Management Practices which would include the following: watering of the truck roadways as necessary to control fugitive dust, telescoping load discharge chutes, enclosed storage areas and flood loading of receiving conveyors. During operation any impacts would also be less than significant as this is not considered a growth-inducing project and will not result in additional vehicle trips.



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
c) Expose sensitive receptors to substantial pollutants concentrations?	☐	☐	☒	☐

Less Than Significant Impact. Sensitive receptors are typically land uses such as schools, hospitals, parks, or residential communities. The proposed project is adjacent to residential land uses which are considered sensitive receptors. The project, however, is small in scale as it will only be a portion of the street which is about half a mile long. The project is not growth-inducing and will not result in additional trip generation. Thus, the project will not impact sensitive receptors to substantial pollutant concentrations during long-term operation but is a low risk for PM 10 during construction activities. The Dust Mitigation Plan will bring any potential impacts to a level below significance.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Less Than Significant Impact. Potential sources that may emit odors during construction activities include equipment exhaust. Odors from these sources would be temporary, localized and generally confined to the project site. The proposed project would utilize typical construction techniques and the odors emitted would be typical of most construction sites. During operation, no objectionable odors will be emitted.

IV. **BIOLOGICAL RESOURCES**

Background

The project site is an urban, vacant site located within the light manufacturing zone. The subject site and surrounding sites consist of disturbed land used for residential land uses and other public uses. The project contains wind blown debris, weeds, other noxious plants and native material. Due to these conditions, the project site is not suitable for habitat or wildlife.

Analysis

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The proposed project will not have an adverse effect on any species of special concern or their habitat as the site holds no habitat value. The project site is currently disturbed, vacant land that is not suitable for wildlife.



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

No Impact. There are no sensitive habitats present at the site as it is an existing roadway, thus there will be no impact.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

No Impact. The proposed project site does not contain areas defined as protected wetlands (Section 404 of the Clean Water Act), therefore, there will be no impact to wetlands.

- d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

No Impact. Although there is an existing canal There are no waterways near the site, thus, the proposed project would not interfere with the movement of migratory fish. Additionally, there will not be removal of trees given that none exist at the site, thus, migratory wildlife such as birds will not be disturbed.

- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------

No Impact. There are no local ordinances or policies in effect protecting biological resources for the subject area and therefore, there will be no impact.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☐	☐	☐	☒
--------------------------	--------------------------	--------------------------	-------------------------------------



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

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

Background

The project site is located in an urban area on an existing roadway between a residential subdivision and local business establishments. Approximately 200 historic sites have been recorded in Imperial County; however, none have been identified on-site or within close proximity. Therefore, no additional archeological studies are warranted at this time however, despite the unlikelihood of cultural resources at the site, it is a practice to include on all construction specifications that if any cultural evidence of stone, bone or wood is discovered during site development, all work at the point of discovery would be ceased until a qualified archaeologist can examine the discovered material.

Analysis

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ☐ ☐ ☐ ☒

No Impact. The project site is within existing right-of-way which has been previously disturbed. As such, no historic or archaeological sites are identified on the property. No significant impacts are anticipated to occur to cultural resource sites as a result of the proposed project. However, if any historic resource is discovered during site development, all work at the point of discovery would be ceased until a qualified archaeologist can examine the discovered material.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ☐ ☐ ☐ ☒

No Impact. No archeological resources were identified on the proposed project site. As such, no impacts would occur relative to a change in the significance of an archeological resource. However, if any cultural evidence of stone, bone or wood is discovered during site development, all work at the point of discovery would be ceased until a qualified archaeologist can examine the discovered material.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries? ☐ ☐ ☐ ☒



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

No Impact. There is no evidence that the proposed project site has been used as a cemetery, either formal or informal; therefore, it is unlikely that the proposed project would disturb human remains. However, if any discoveries occur during construction, all work at the point of discovery would be ceased until a qualified archaeologist can examine the discovered material.

VI. **ENERGY**

Energy Background

The proposed project site is located in an area that receives sunlight year round, on average 309 days per year it is sunny in the Imperial County where the City of Imperial is located.

Analysis

Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? ☐ ☐ ☐ ☒

No Impact. The proposed project is not growth-inducing and would not result in additional trip generation or vehicle miles traveled. The proposed project would not have any significant potential to impact the environment due to wasteful, inefficient, or unnecessary consumptions of energy resources, during construction or operation.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ☐ ☐ ☐ ☒

No Impact. Energy demands are de minimis and therefore would not conflict or obstruct local plans.

VII. **GEOLOGY AND SOILS**

Background

The project site is located in the Imperial Valley portion of the Salton Sea Trough, a topographic and geologic depression resulting from large scale regional faulting. Although there is no known earthquake fault at the project site as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the project site, tectonic activity that formed the Trough continues at a high rate. The City of Imperial as well as the entire Imperial Valley is considered to be a seismically active area. The project site has a potential for strong ground shaking because of the nearby Brawley, Superstition Hills, and Imperial Faults. Significant impacts are not expected to result from the proposed project. The proposed project involves the widening of an existing roadway and the construction of a 2 foot high masonry wall. The project would involve grading which will have minor



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

temporary impacts.

A geotechnical report for the subject site has not been prepared. The project proponent is required to prepare a Geotechnical Study in order to identify any impacts that could result from being within a seismically active area and to identify the soil conditions at the site.

Analysis

Would the project:

- a) Directly or indirectly cause 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?

☐
☐
☒
☐

Less Than Significant Impact. The project is not within an earthquake fault, as delineated on the most recent Alquist-Priolo fault zone. Although there is no known earthquake fault at the project site as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the project site, tectonic activity that formed the Trough continues at a high rate. The City of Imperial, as well as the entire Imperial Valley, is considered to be a seismically active area. The project site has a potential for strong ground shaking because of the nearby Brawley, Superstition Hills, and Imperial Faults. Impacts are less than significant as the project only involves at-grade roadway improvements which will not result in hazards to human lives.

- 2) Strong Seismic ground shaking?

☐
☐
☒
☐

Less Than Significant Impact. The City of Imperial, as well as the entire Imperial Valley, are considered to be a seismically active area. The project site is susceptible to potentially strong seismic ground shaking because of the nearby Brawley, Superstition Hills, and Imperial Faults. All recommendations set forth by the Geotechnical Study shall be strictly adhered to. Impacts are less than significant as the project only involves at-grade roadway improvements which will not result in hazards to human lives.

- 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?

☐
☐
☒
☐


	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

Potentially Significant Unless Mitigation Incorporated. The City of Imperial, as well as the entire Imperial Valley, are considered to be a seismically active area. A soils report/geotechnical report has not been prepared for the subject site. A geotechnical investigation will need to be prepared and all recommendations will be strictly adhered to. Impacts are less than significant as the project only involves at-grade roadway improvements which will not result in hazards to human lives.

- 4) Landslides? ☐ ☐ ☐ ☒

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

- b) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☒ ☐

Less Than Significant Impact. The construction of the proposed road widening project would involve grading of the land. Best Management Practices are required to be in place when improvement plans are being reviewed and the project is subject to an approved grading plan; therefore any potential impacts that would result in soil erosion or loss of topsoil would be less than significant.

- c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? ☐ ☐ ☒ ☐

Less Than Significant Impact. Since a portion of the proposed site is an existing road, the project site is relatively flat, stable terrain and the project will not alter the existing flat slope. There will be less than significant impacts from seismic-related ground failure, including liquefaction.

- d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? ☐ ☐ ☒ ☐

Less Than Significant Impact. Grading for the proposed project is minimal with up to three feet of excavation to accommodate the road base and surface pavement. As the project only involves roadway construction, the risk of exposing people or structures is less than significant.

- e) Have soils incapable of adequately supporting ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The proposed project is a roadway widening project and does not require disposal of wastewater.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☐ ☐ ☒

No Impact. There are no paleontological resources or unique geologic features within the vicinity of the project site and therefore would not result in any adverse impacts.

VIII. GREENHOUSE GAS EMISSION

Background

The proposed project involves the widening of an existing roadway, La Brucherie Road, with two new lanes for both northbound and southbound traffic. Along with the installation of the new lanes, curb and gutter is also proposed. The project site is located within the City of Imperial. The project is considered infill development and would be located near residential areas and business establishments. The widening of La Brucherie Road will improve circulation and transportation for the community.

Analysis

Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ☐ ☐ ☒ ☐

Less Than Significant Impact. The proposed project would generate Greenhouse Gas (GHG) emissions as a result from onsite construction equipment, emissions arising from traffic delays that may result from construction, and through vehicle trips generated from construction workers traveling to and from the project site. Long-term emission from the proposed project are not expected to be a significant source of emission since the proposed widening of La Brucherie Road will reduce the amount of Greenhouse Gas emissions by increasing traffic flow and reducing idling of vehicles.

These emissions are produced at different levels throughout the construction phase. The frequency and occurrence of the temporary impacts for the Project would be reduced through best practices to be incorporated into the plans and specifications, and by implementing better traffic management during construction. In addition, with innovations such as longer pavement lives and improved traffic



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

management plans, the GHG emissions produced during construction of the proposed Project would be mitigated to some degree by longer intervals between maintenance and rehabilitation events. Based on these considerations, the construction phase of the Project would result in less than significant impacts based on proposed avoidance, minimization, and mitigation measures.

- b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ☐ ☐ ☐ ☒

No Impact. The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emission of greenhouse gases.

IX. HAZARDS AND HAZARDOUS MATERIALS

Background

The proposed project involves the widening of an existing street, La Brucherie Road, between Treshill and Aten Boulevard. During construction, there is a potential for encountering hazardous materials or waste at the project site while doing routine transporting of materials. The materials, however, would not create significant hazard to the public or environment. All materials will be stored and disposed of according to Local, State and Federal regulations.

Analysis

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☐ ☒

No Impact. Transport of hazardous materials and hazardous waste are governed by the US Department of Transportation and the California Department of Transportation. La Brucherie Road is not designated as a truck route as identified in the City of Imperial General Plan Circulation Element. The proposed improvements will not change this designation. The widening of La Brucherie Road will not result in the generation of hazardous materials or directly result in the routine use of hazardous materials.

- 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? ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

No Impact. Although there is always the potential for upset and accident conditions during construction of any development project, there will be no significant release of hazardous materials into the environment.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☐ ☒

No Impact. The proposed project is located approximately 0.02 – miles from Knowledge Tree Preschool & Childcare Center, east of the project area. The other nearest school is TL Waggoner Elementary School located 0.5 miles west of the project site. The proposed project would not emit hazardous emissions or handle acutely hazardous material, or waste, thus there will be no impact.

- d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ☐ ☐ ☐ ☒

No Impact. The proposed project is not located on a site that is included in the State list of hazardous material sites per Government Code §65962.5. The California Department of Substance Control, EnviroStor database was consulted and did not reveal the project as a Federal Superfund site, State Response site, Voluntary Cleanup site, or School Cleanup site.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ☐ ☐ ☒ ☐

Less Than Significant Impact. The project site is located at a distance of 0.80 miles of the Imperial County Airport runway, however, the project site is within the D zone of Imperial County Airport Land Use Compatibility Plan (ALUCP), an area where there is negligible risk, with a potential for annoyance from overflights. The annoyance for overflights is negligible given that the airport is infrequently used. Furthermore, there are no direct safety hazards to the proposed project. There are no development restrictions identified in the ALUCP

- f) Impair implementation of or physically interfere with an adopted emergency response plan or ☐ ☐ ☒ ☐



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

emergency evacuation plan?

No Impact. The proposed project would not adversely impact the movement of emergency response vehicles in the area. Additionally, the proposed project would not significantly interfere with emergency response or evacuation plans. During construction, however, minor delays may be experienced by emergency personnel. Delays will be minimal and other alternative routes exist

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☐ ☒

No Impact. The proposed project site is located in a predominantly developed region of the Imperial Valley. Risk of wildfires in the area is minimal due to the location of the proposed project and its surrounding land uses.

X. **HYDROLOGY AND WATER QUALITY**

Background

The proposed project involves the road widening of a portion of an existing roadway, La Brucherie Road. The proposed project is located at an existing street where there will be no water quality impacts. The proposed project will have short-term water quality impacts associated with construction activities. Best Management Practices are required during construction and operation to minimize any hydrology and water quality impacts.

Analysis

Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? ☐ ☐ ☐ ☒

No Impact. There is no evidence that indicates that the proposed project would violate water quality standards, or waste water discharge requirements. The project would strictly adhere to Best Management Practice and the adopted standards and specifications established by the City, therefore, there would be no adverse impacts to hydrology and quality.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

No Impact. Groundwater supplies would not be depleted or interfered with because the project does not include the use of on-site wells or foundation work which may be at depths that interfere with groundwater.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- (i) result in substantial erosion or siltation on or off-site;

☐
☐
☒
☐

Less Than Significant Impact. The proposed project would involve the roadway widening of one additional lane in each direction along the existing roadway. The project would not directly or indirectly alter the existing drainage pattern within the project site. Given the scope and location of the project, a stormwater Pollution Prevention Plan will be required and any siltation or erosion impacts would be less than significant.

- (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

☐
☐
☒
☐

Less Than Significant Impact. There are no streams or rivers located nearby the project site. Surface runoff would not increase significantly where it could result in a flooding situation off-site. The proposed project location is not identified as a flood zone. On-site drainage and erosion would be addressed through Best Management Practices implemented during construction.

- (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;

☐
☐
☒
☐

Less Than Significant Impact. The proposed project has the potential to contribute to an increase in stormwater runoff due to an increase in impervious surfaces from the additional two lanes proposed, however, the project will not create or contribute runoff water exceeding the capacity of existing drainage systems. The proposed project site has not been classified as a flood zone.



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

(iv) Impede or redirect flood flow?

☐
☐
☐
☒

No Impact. Design of roadway and curb and gutter elevation slopes are intended to direct stormwater runoff away from the project site so as not to impede flood flows. There will be no adverse impacts to flood flows.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

☐
☐
☐
☒

No Impact. The project site is not located within a low-lying coastal region and therefore would not be subject to tsunami. The closest body of water to the project site is the Salton Sea which is not within the project vicinity, meaning no risk of pollutant release due to project inundation.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

☐
☐
☐
☒

No Impact. The project is subject to compliance with all local, state and federal laws. No component of the project conflicts with or obstructs the implementation of a water quality control plan or sustainable groundwater management plan.

XI. LAND USE AND PLANNING

Background

The proposed project site is zoned C – 1 (Commercial Neighborhood) and R – 1 Residential Single Family, by the City of Imperial's Zoning Ordinance. The City of Imperial General Plan designates land to the north as I – 1 (General Industrial). The existing abutting land uses are the following: to the north, commercial businesses; to the south, vacant land and the City of El Centro's Wastewater Treatment Plant; to the east are commercial businesses and apartment units; to the west, residential subdivision. The proposed project is consistent with the abutting land uses.

Analysis

Would the project:

a) Physically divide an established community?

☐
☐
☐
☒

No Impact. The proposed project would improve the existing roadway from two lanes to four lanes. The proposed project is within the incorporated City Limits and would not physically divide an established community. The road widening would not construct new streets or otherwise alter the existing surroundings of the residential subdivision and commercial businesses. The proposed project would only



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

widen the existing roadway, therefore, no impact would occur.

- b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ☐ | ☐ | ☐ | ☒ |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. The proposed project will not conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project, therefore, there will be no impact.

XII. MINERAL RESOURCES

Background

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

Analysis

Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ☐ | ☐ | ☐ | ☒ |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. No mineral resources that would be of value to the region have been identified on or near the project site.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ☐ | ☐ | ☐ | ☒ |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

No Impact. There are no locally important mineral resource recovery sites delineated on any local plans in the vicinity of the proposed project.



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

XIII. **NOISE**

Noise Background

The proposed project site is located at the southern City Limits portion of La Brucherie Road, between Treshill Road and Aten Boulevard. Land uses within the project's vicinity include residential land uses to the west, local businesses to the east and vacant land to the south. The proposed project is east of Highway 86 and south of the Imperial County Airport. The Imperial County Airport is 0.80 miles away from the project site. Noise impacts to the existing residential land uses would be less than significant.

Analysis

Would the project result in:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ☐ ☐ ☒ ☐

Less Than Significant Impact. The project would be at an existing roadway which generates minimal levels of noise, thus, the widening of the street is negligible. The project will not increase ambient noise levels substantially. The widening will result in additional vehicles on this portion of La Brucherie Road which will result in minor increases to noise. Increased noise levels were contemplated as part of the development review process for the various residential projects in the area. Noise mitigation measures were incorporated as part of those projects, therefore long term noise impacts are less than significant. Construction activities for the proposed project are to include demolition of existing curb and gutter, roadway restriping and paving of new lanes. Noise impacts will be associated with the equipment used during construction activities. The residential subdivision to the west and the apartment units to the east are the nearest sensitive receptors to the proposed project. The construction activities will be restricted between the hours of 8:00 p.m. and 7:00 a.m. to protect nearby sensitive receptors, for a less than significant impact.

- b) Generation of excessive groundborne vibration or groundborne noise levels? ☐ ☐ ☒ ☐

Less Than Significant Impact. Short-term construction activities associated with the proposed project will not generate significant groundborne vibration or groundborne noise levels that travel significant distances, any construction related noise vibrations would be less than significant.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or ☐ ☐ ☒ ☐



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

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?

Less Than Significant Impact. The nearest airport from the project site is as near as 0.80 miles in the northerly part of the project site, an area where there is negligible risk for excessive noise levels. Given that the Imperial County Airport is infrequently used, there is minimal noise from overflights.

XIV. **POPULATION AND HOUSING**

Population and Housing Background

The proposed population involves the widening of an existing roadway from two lanes to four lanes. The project will not propose housing or induce population growth.

Analysis

Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)? ☐ ☐ ☐ ☒

No Impact. The proposed project will not induce population growth, given that it does not propose housing. The proposed project does not involve the extensions of roads, however, it would involve the widening of an existing road to accommodate existing and future growth. Therefore, no impact would occur.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? ☐ ☐ ☐ ☒

No Impact. The proposed project occurs within existing right-of-way and would not displace any existing housing or people necessitating the construction of replacement of housing elsewhere. The proposed project does not involve the addition of new roads or other infrastructures, but would widen the existing roadway to accommodate existing traffic and future growth.



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

XV. PUBLIC SERVICES

Background

- 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:

a1) Fire Protection? ☐ ☐ ☐ ☒

Less Than Significant Impact. There are no existing fire protection facilities within the project vicinity, thus the proposed widening of La Brucherie Road will not have a significant impact on fire protection facilities. The City of Imperial is under an agreement with the Imperial County for fire-protection services. The City's engine company is located at 2514 La Brucherie Road, which is 0.25 miles away from the proposed project site. The department has an engine crew of three (3) on duty at all times. The City of Imperial's response time is 5 minutes for medical emergencies and 7 minutes for structural fires. The nearest fire hydrant to the project site is located on Wall Road, about 370 feet west of La Brucherie Road. In addition, the proposed project would not result in the intensification of land use, therefore, no additional demand for fire protection is needed.

2) Police Protection? ☐ ☐ ☐ ☒

Less Than Significant Impact. There are no police protection facilities within the project vicinity, thus the proposed widening of La Brucherie Road will not have a significant impact on police protection facilities. The City of Imperial's police station is located at 424 South Imperial Avenue, about 1.80 miles from the proposed project site. The department is employed by 27 officers with a three (3) minute emergency response time. The proposed project will increase traffic flow which is susceptible to accidents increasing the demand for police protection and emergency services, however, the demand would not exceed the current department's capabilities.

3) Schools? ☐ ☐ ☐ ☒

No Impact. The proposed project would be located approximately 0.02 – miles from Knowledge Tree Preschool & Childcare Center, east of the project area and 0.5 – miles from TL Waggoner west of the project area, however, the proposed project is not anticipated to increase the service demand as it does not propose new housing.



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

4) Parks?

☐
☐
☐
☒

No Impact. The proposed project is not located within the vicinity of any parks. The proposed project is a non-residential use that would not involve the addition of any housing units that would increase population. Thus, no impact would occur.

5) Other Public Facilities?

☐
☐
☐
☒

No Impact. There are no other public facilities such as libraries or community centers within the project site. Thus, there will be no impact.

XVI. **RECREATION**

The proposed project involves the widening of an existing roadway. The proposed project would not create a recreational park or increase the demand for the recreational facilities. The proposed project does not involve the production of housing that would increase population.

- 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?

☐
☐
☐
☒

No Impact. The proposed project is a non-residential use that would not involve the addition of any housing units that would increase population. Thus, there would be no additional demand for park facilities.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

☐
☐
☒
☐

Less Than Significant. The proposed project will not require the construction of expansion of recreational facilities since it is a non-residential project and would not increase population or demand of recreational activities.



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

XVII. **TRANSPORTATION**

Background

The proposed project involves the widening of an existing roadway, La Brucherie Road to maximize traffic circulation. The proposed segment of La Brucherie Road is currently a two lane road classified as a Collector providing vehicle access to adjacent properties. Although the proposed portion of La Brucherie Road is designated as a residential collector, the proposed segment receives higher traffic volume from residents, within the subdivision and the region, commuting to work. The portion of La Brucherie Road, northern City Limits between Barioni Boulevard and Larsen Road, is classified as a Major Arterial, thus, often times traffic from the northern portion is often received from the southern portion. La Brucherie Road is often used as an alternative road to connect to Highway 86, a major four lane Expressway west of project site. The project proposes to widen the road to a four-lane road. The proposed roadway project is compliant with the City's General Plan.

Analysis

Would the project:

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? ☐ ☐ ☒ ☐

Less Than Significant Impact. Long term operation of the proposed project is consistent with the City's General Plan Circulation Element and will not conflict with any other applicable plan, ordinance or policy, establishing measures for circulation effectiveness. During the construction phase of the project, the traffic level of service may be temporarily impacted.

Average daily traffic (ADT) counts were using machine traffic counters were conducted during a two-week period between September 19, 2019 and October 20, 2019. Traffic counters were placed on La Brucherie Road approximately 200' north of Joshua Tree Street and 250' north of Treshill Road. The results of the traffic count are shown in the table below.



			Average Daily Trips	
Location	Direction	Week 1	Week 2	
La Brucherie Road				
North of Joshua Tree Street	NB	3,368	3,168	
	SB	4,076	4,267	
	Total	7,444	7,435	
La Brucherie Road				
North of Treshill Road	NB	3,081	3,187	
	SB	4,195	4,096	
	Total	7,276	7,283	

The traffic count shows that the peak morning traffic occurs at 7:00AM with an average of 334 vehicles traveling northbound and 468 vehicles traveling south bound. Afternoon peak hour occurs at 5:00PM with an average of 381 vehicles traveling northbound and 419 vehicles traveling southbound. The traffic count also shows that a majority of the vehicles traveling on La Brucherie occur between the hours of 6:00AM and 7:00 PM. Levels of service is generally free flowing and falls within LOS A and B which are acceptable levels of service as required by the City's General Plan.

La Brucherie will remain open during construction but levels of service will be affected and will decrease to LOS C or D during peak hours. Delays will only occur during the construction period. It is estimated that approximately 50% of the traffic will choose to use other routes to avoid delays. This will impact Highway 86 and Austin Road which will see a minimal increase in traffic loads. Levels of service on both roads currently operate at LOS A. Increase in traffic will be minimal and will not result in a degradation of the level of service.

During its long-term operation, the project is intended to improve traffic flow in the area. The project is not a residential or commercial project that would generate traffic. Because of the travel time savings that could be facilitated by the project, the project would be expected to absorb some, but a less than significant amount, of traffic from paralleling and adjacent streets such as Austin Road, and Highway 86. Accordingly, the project, as a road improvement project with the objective of accommodating existing and future traffic conditions in the area, would not be expected to directly cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

- b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)? ☐ ☐ ☐ ☒

	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

No Impact. The project will not conflict or be inconsistent with the CEQA Guidelines. The project is not a land use development project which will not result in additional vehicle miles traveled.

- c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ☐ ☐ ☐ ☒

Less Than Significant Impact. The proposed project will widen the existing two lane road to four lanes. Although the proposed project includes modifications of turning lanes, it will not substantially increase hazards due to design features such as sharp curves. All uses of the proposed project are compatible with the current design of the existing lanes. Thus, impacts would be less than significant.

- d) Result in inadequate emergency access? ☐ ☐ ☒ ☐

Less Than Significant Impact. The proposed project would have temporary traffic disturbance during construction hours, however, the proposed widening of the road would improve traffic flow due to the lane expansion. Therefore, emergency access would improve along with vehicle response times.

XVIII. **TRIBAL CULTURAL RESOURCES**

Background

The proposed project is not on or near tribal cultural resources, the nearest one in the Imperial County is located within the City of El Centro. The area was extensively farmed during the early 1900's with the Dahlia canal and roadway existing at its current location since the early part of the 20th Century. During the phase of construction if anything is found that shows to have cultural significance, the proper evaluation would be conducted by a qualified archaeologist before construction continues.

- 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 define in Public Resources Code Section 5020.1(k), or ☐ ☐ ☐ ☒



Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
---	--	--	-------------------

No Impact. The proposed project does not cause any substantial adverse change in any cultural site, feature, place, cultural landscape or a place of cultural value to a California Native American tribe. There are eleven cultural resources listed in the National Register of Historic Places in Imperial County. The closest resources to the project site are located in Salton Sea and El Centro, approximately 25 miles west and 30 miles south of the site. Resource surveys and studies have been conducted within the area which resulted in no effects to any Historical Resources. Therefore, the project would not create impacts and no mitigation measures are required.

(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.

☐
☐
☐
☒

No Impact. The proposed project applies the criteria set forth in subdivision 5024.1. The design/construction plans shall incorporate language that stipulates that if buried cultural materials are encountered during construction, work in the area must halt until a qualified archaeologist can evaluate the nature and significance of the finding.

XIX. UTILITIES AND SERVICE SYSTEMS

Background

The proposed project would involve the widening of the existing roadway, La Brucherie Road, south of City Limits. The project site is an existing street west of the Imperial Irrigation District canal. Expansion of the road would not result in the relocation of any existing facilities.

Water Services – The City of Imperial owns and operates its own water treatment and distribution system. The nearest fire hydrant to the project site is located on Wall Road, about 370 feet west of La Brucherie Road. The City of Imperial Water Treatment Plant is located on the southwest section of the City. The Imperial Irrigation District supplies surface water from the Colorado River via the All American Canal to the Imperial Valley. The City of Imperial operates a Conventional Treatment Plant and maintains approximately 63 miles of distribution piping.

Wastewater Services – The project is located within the Service Area of the City of Imperial Wastewater Treatment Plant which also falls under the jurisdiction of the Colorado Regional Water Quality Control Board. The Imperial Wastewater Treatment Plant is located at 701 East 14th Street, east of the railroad tracks. The Treatment Plant has



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

a total treatment design capacity of 2.4 million gallons per day (MGD). The existing wastewater treatment plant is located on a 4.68 acre site (net acreage) and services the entire City Limits. The Performance standards and requirements for the Imperial Wastewater Treatment Plant are further governed by the National Pollution Discharge Elimination System (NPDES) discharge permit number CA0104400 adopted by the California Regional Water Quality Control Board, Colorado River Basin Region on September 16, 2010, by Board Order Number R7-2010-0020.

Stormwater Drainage Facilities – The City of Imperial’s stormwater drainage facility is maintained within the incorporated City Limits via municipal collection systems that are ultimately conveyed into a regional irrigation drainage system maintained by the Imperial Irrigation District.

Electrical Power – Electrical Power is provided by the Imperial Irrigation District (IID).

Communication Lines – The proposed project would not require an extension or installation of new communication lines.

Analysis

Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☐ ☒

No Impact. The proposed project would not require new water treatment facilities nor new stormwater facilities.

- b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years? ☐ ☐ ☐ ☒

No Impact. The proposed project is a roadway project which will not require additional water.

- c) 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? ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

No Impact. The proposed project includes the widening of the existing roadway. Although the road would increase the width of the street, increasing the amount of impervious area, the impact would not be substantial. The proposed project would have sufficient water supply available to serve the proposed project.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ☐ ☐ ☒ ☐

Less than Significant Impact. The proposed project would not constitute a significant amount of solid waste. All waste will be transported off site to the Allied Imperial Landfill. The proposed project would be subject to existing policies which would help reduce any potential impacts related to solid waste.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☐ ☒

No Impact. The proposed project will comply with all state, federal, and local management regulations related to solid waste.

XX. **WILDFIRE**

Wildfire Background

During the construction phase the materials and machinery used does not expose the site to the risk of a fire.

The proposed project is located in the R-1 (Residential Single Family) and C-1 (Commercial Neighborhood) zone. Thus, wildfire risk is minimal.

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

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒

No Impact. The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Therefore, the project would not create impacts and no mitigation measures are required.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose ☐ ☐ ☐ ☒



	Potentially Significant Impact (PSI)	Potentially Significant Unless Mitigation Incorporated (PSUMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
--	---	--	--	-------------------

project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The proposed project does not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire. Therefore, the project would not create impacts and no mitigation measures are required.

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- ☐ ☐ ☐ ☒

No Impact. The proposed project does not require the installation or maintenance of associated infrastructure that can exacerbate fire risks or result in temporary or on going impacts to the environment. Therefore, the project would not create impacts and no mitigation measures are required.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?
- ☐ ☐ ☐ ☒

No Impact. The proposed project does not expose people or structure to significant risks as stated. There is no potential for landslides due to the relatively flat topography of the site and vicinity. Therefore, the project would not create impacts and no mitigation measures are required.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA

Revised 2011- ICPDS

Revised 2016 – ICPDS

Revised 2017 – ICPDS

Revised 2019 – ICPDS



SECTION 3

III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, eliminate tribal cultural resources or eliminate important examples of the major periods of California history or prehistory? ☐ ☐ ☐ ☒
- 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.) ☐ ☐ ☐ ☒
- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? ☐ ☐ ☐ ☒



IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. THE CITY OF IMPERIAL

V. REFERENCES

1. Air Pollution Control District CEQA Air Quality Handbook
2. City of Imperial General Plan
3. City of Imperial Service Area Plan, 2015
4. Imperial County Airport Land Use Compatibility Plan
5. Imperial County General Plan and Updates
6. City of El Centro General Plan



1. **NEGATIVE DECLARATION – City of Imperial**

The following Negative Declaration is being circulated for public review in accordance with the Imperial Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: City of Imperial

Project Applicant: City of Imperial

Project Location: The project is proposed to be located on La Brucherie Road, from Treshill Road to Aten Boulevard, within the southern City Limits of the City of Imperial.

Description of Project: La Brucherie Road, within City Limits of the City of Imperial, is widely used by the community as it serves as a connector to Aten Boulevard, which gives access to the major arterial, Highway 86. The proposed project adds an additional northbound and southbound lane and the undergrounding of the Dahlia Canal. La Brucherie Road connects the City of Imperial residents to local businesses and residential homes. The proposed segment of the road extends about 0.5 miles. Temporary construction easements would be required during construction of the retaining wall. The proposed project will also include the undergrounding Dahlia Canal from Treshill Road to Aten Boulevard

V. FINDINGS

This is to advise that the City of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environmental and is proposing this Negative Declaration based upon the following findings:



The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.



The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect



on the environment.

- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the City of Imperial, City Hall, 400 S. Imperial Avenue, Imperial, CA 92251 (760) 355-1152.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

Date of Determination

Othon Mora, Community Development Director

SECTION 4

VIII. RESPONSE TO COMMENTS

Comments from stakeholders are also included and made part of the IS/ND

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)





IID

A century of service.

www.iid.com

Since 1911

May 27, 2020

Mr. Othon Mora
Director
Community Development Department
City of Imperial
400 South Imperial Avenue, Suite 101
Imperial, California 92251

SUBJECT: NOI to Adopt a (Revised) Negative Declaration for the La Brucherie Avenue
Widening Project from Treshill Road to Aten Road

Dear Mr. Mora:

On May 13, 2020, the Imperial Irrigation District received from the City of Imperial, a request for agency comments on the Notice of Intent to adopt a revised Negative Declaration for the La Brucherie Avenue widening project. La Brucherie Avenue is a two-lane road that due to a high volume of traffic, the City proposes to improve its circulation by adding two additional lanes going northbound and southbound from Treshill Road to Aten Road. The revised ND includes the pipelining of Dahlia Canal.

The IID has reviewed the revised ND and finds that the comments provided in the December 18, 2019 district letter on the original ND (see attached letter) continue to apply.

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

Respectfully,

Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Sandra Blain – Deputy Manager, Energy Dept.,
Jesus Martinez – Engineer Principal, Energy Dept., Transmission Planning
Jamie Asbury – Asst. General Counsel
Vance Taylor – Asst. General Counsel
Robert Laurie – Outside Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



IID

A century of service.

www.iid.com

Since 1911

December 18, 2019

Mr. Othon Mora
Director
Community Development Department
City of Imperial
400 South Imperial Avenue, Suite 101
Imperial, California 92251

SUBJECT: NOI to Adopt Negative Declaration La Brucherie Avenue Widening Project
from Treshill Road to Aten Road

Dear Mr. Mora:

On November 25, 2019, the Imperial Irrigation District received from the City of Imperial, a request for agency comments on the Notice of Intent to adopt a Negative Declaration for the La Brucherie Avenue widening project. The City is proposing to widen La Brucherie Ave. from Treshill Road to Aten Road by adding two additional lanes going northbound and southbound to improve traffic circulation.

The IID has reviewed the NDs and has the following comments:

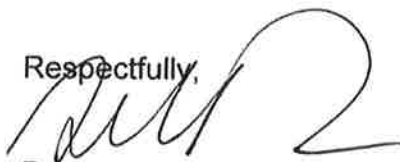
1. IID water facilities that may be impacted include the Dahlia Canal, Dahlia Lateral, and the Dahlia Pipeline.
2. To insure there are no impacts to IID water facilities, the project's plans should be submitted to IID Water Department Engineering Services prior to finalization. IID Water Engineering can be contacted at (760) 339-9265 for further information. Currently City of Imperial staff is working with IID WDES on this project.
3. IID canal or drain banks may not be used to access the project site. Any abandonment of easements or facilities will be approved by IID based on systems (irrigation, drainage, power, etc.) needs.
4. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <http://www.iid.com/departments/real->

estate. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.

5. In addition to IID's recorded easements, IID claims, at a minimum, a prescriptive right of way to the toe of slope of all existing canals and drains. Where space is limited and depending upon the specifics of adjacent modifications, the IID may claim additional secondary easements/prescriptive rights of ways to ensure operation and maintenance of IID's facilities can be maintained and are not impacted and if impacted mitigated. Thus, IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.
6. Any new, relocated, modified or reconstructed IID facilities (including off-site improvements) required for and by the subdivision or any future project within the subdivision (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, canals, drains, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. **Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**

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

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Jamie Asbury – Deputy Manager, Energy Dept., Operations
Matt MacDonald – Asst. Mgr., Energy Dept.
Vance Taylor – Asst. General Counsel
Robert Laurie – Outside Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



December 18, 2019

Mr. Othon Mora
Community Development Director
400 South Imperial Avenue
Suite 101
Imperial, CA 92251

SUBJECT: Initial Study determination for a Negative Declaration for La Brucherie Avenue
Road Widening Project

Dear Mr. Mora:

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity to review the Initial Study for the proposed La Brucherie Avenue Road Widening Project ("Project") that would increase the present two-lane roadway to four lanes. The proposed segment of additional roadway will extend for approximately 0.5 miles between Treshill Road and Aten Boulevard. The Project also includes the installation of a 2-foot high retention wall on the east side of La Brucherie Avenue.

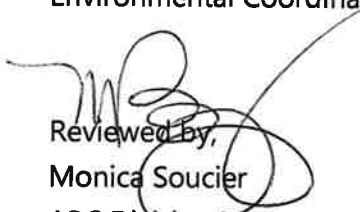
After review, the Air District offers the following administrative comments to clarify the distinction between Regulation VIII and the Air District's CEQA (California Environmental Quality Act) Handbook. The Air District's CEQA Handbook (revised 2017) functions to provide guidance for analysis of air quality impacts created by a project. Regulation VIII (revised 2012) is a collection of specific rules designed to mitigate emissions of fugitive (PM₁₀) dust that must be adhered to during the life of a project. Failure to adhere to these rules can result in a violation. A Dust Control Plan is required under Rule 801 of Regulation VIII. Further, the Air District finds that, due to the amount of dust (PM₁₀) created during the construction of a Paved or Unpaved Roadway (Rule 805), the "No Impact" finding in Section III (a) should most appropriately be termed a "Less Than Significant Impact." Finally, the Air District also requests the submittal of a Construction Notification 10 days prior to any construction activity.

The Air District's Rules & Regulations can be found on its website (www.co.imperial.ca.us/AirPollution). Should the applicant have any questions, please contact our office at (442) 265-1800.

Sincerely,



Curtis Blondell
Environmental Coordinator



Reviewed by,
Monica Soucier
APC Division Manager

RESOLUTION PC2020-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
ADOPTING AND CERTIFYING A NEGATIVE DECLARATION FOR THE
LABRUCHERIE WIDENING PROJECT BETWEEN TRESHILL ROAD AND ATEN
BOULEVARD.**

WHEREAS, The City is the lead agency for the CEQA review of projects; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on June 10, 2020; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for the Initial Study/Negative Declaration.

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) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) 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; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby Adopts and Certifies the Negative Declaration under the California Environmental Quality Act;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this June 10, 2020.

Kristopher Haugh,
Planning Commission Chairman

ATTEST:

Debra Jackson,
City Clerk/Planning Secretary