

DATE SUBMITTED 6/30/2021  
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
 DATE ACTION REQUIRED 7/7/2022

COUNCIL ACTION (X)  
 PUBLIC HEARING REQUIRED (X)  
 RESOLUTION (X)  
 ORDINANCE 1<sup>ST</sup> READING (X)  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS [Signature]

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

<b>SUBJECT:</b> DISCUSSION/ACTION: ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO OP (OPEN SPACE) ON THE FOLLOWING ASSESSOR PARCEL NUMBERS: 063-250-011, AND ADOPTION OF NEGATIVE DECLARATION.	
1. INTRODUCTION/1 <sup>ST</sup> READING BY TITLE ONLY OF ORD. NO ____ APPROVING THE ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO OP (OPEN SPACE) 2. ADOPTION OF RESOLUTION 2021 ____ FOR THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION.	
<b>DEPARTMENT INVOLVED:</b>	COMMUNITY DEVELOPMENT
<b>BACKGROUND/SUMMARY:</b>  SEE STAFF REPORT ATTACHED	
<b>FISCAL IMPACT:</b> N/A	ADMIN SERVICES SIGN INITIALS <u>[Signature]</u>
<b>STAFF RECOMMENDATION:</b> Approval	DEPT. INITIALS <u>[Signature]</u>
<b>MANAGER'S RECOMMENDATION:</b> <u>approve</u>	CITY MANAGER'S INITIALS <u>[Signature]</u>
<b>MOTION:</b> SECONDED: _____ AYES: _____ NAYES: _____ ABSENT: _____	
APPROVED ( )      REJECTED ( ) DISAPPROVE ( )      DEFERRED ( ) D REFERRED TO: _____	



# Staff Report

Agenda Item No. *2-4*

**To:** City Council  
**From:** Othon Mora, Community Development Director  
**Date:** June 30, 2021  
**Subject:** Zone Change and General Plan Amendment  
Town Site Park Project

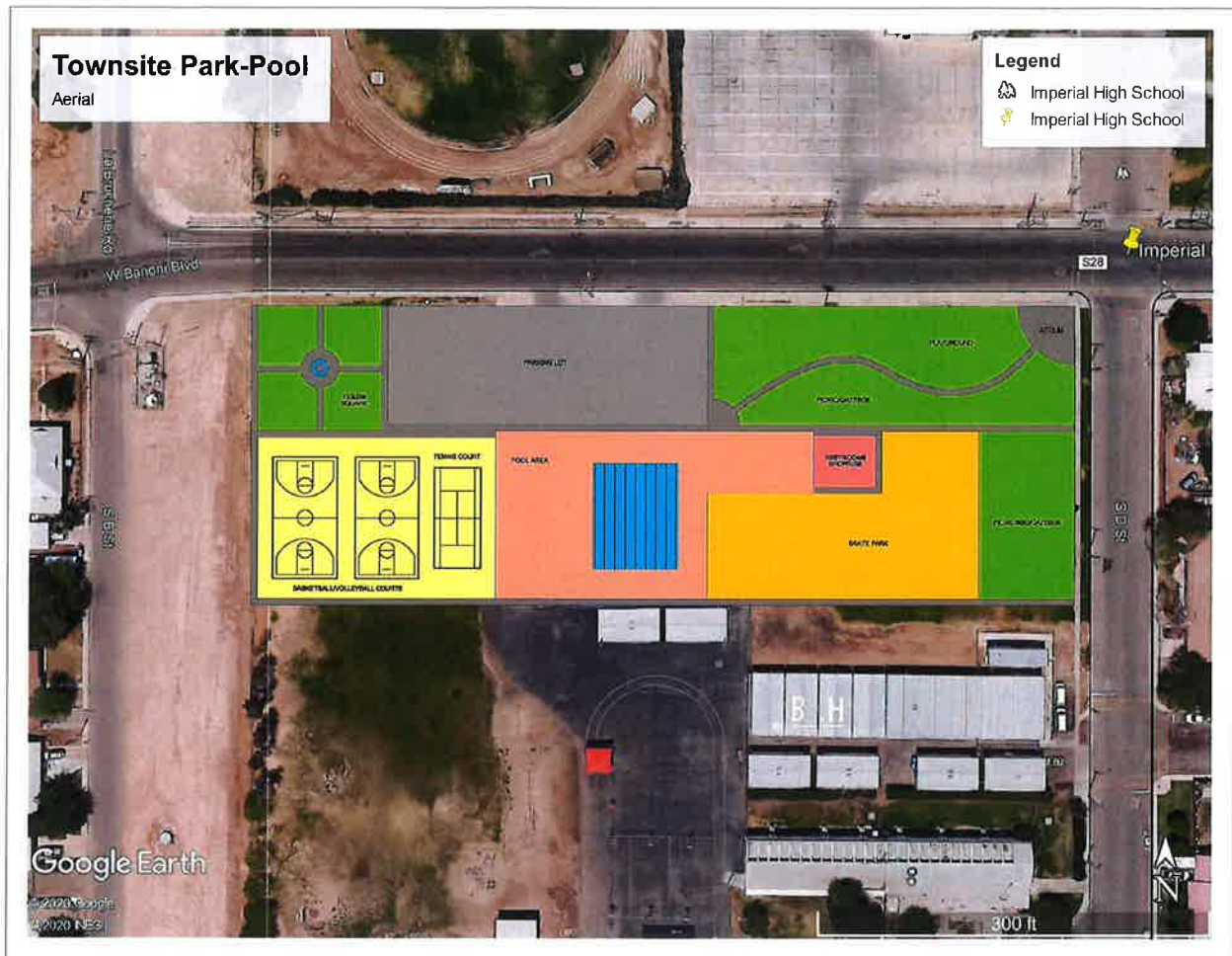
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## Summary:

<b>Applicant:</b>	City of Imperial
<b>Project Location:</b>	618 Barioni Blvd; Imperial, CA 92251
<b>Current Zoning:</b>	R-1 (Residential Single-Family)
<b>Proposed Zoning:</b>	OP (Open Space)
<b>General Plan:</b>	Residential
<b>Environmental:</b>	Mitigated Negative Declaration

## Background:

Town site park project is a community driven project that would be funded by Prop 68 funds available in round 4 of California state parks grant. City of Imperial in partnership with Imperial High school District and has submitted an application to the state seeking the maximum funds available to develop new recreational features for this proposed park project site. The rezone is proposed to be approximately 4.16 AC. The parcel in question is entirely surrounded by residential zoned properties.



**Discussion:**

The City of Imperial is proposing to utilize the property as open space recreational. The proposed Zone Change and General Plan Amendment from R-1 (Residential Single Family) to OP (Open Space), is to allow for the conversion of “educational uses” to “outdoor recreational uses”. The proposed use of the site is a Community Park. If the grant is awarded to the City, construction is expected to include, but is not limited to the following proposed and existing items:

- Proposed new playground area to include canopy shade and ADA compliant Wood fibers.
- Proposed new skate park features.
- Proposed ADA compliant multiuse walking trails surrounding the perimeter and connecting amenities.
- Proposed basketball court and volley ball courts.
- Demolition, renovation and expansion of existing pool amenities and parking to include LED lighting, grand stand seating, canopy shading, rinse/ shower station.
- Pool will be built to be competition size.
- Parking is proposed to be expanded in order to create additional spaces to support amenities being built for this project.

- Support/lighting amenities will also be included in way of benches, gazebos, security LED lighting for park features and parking areas.
- Repurposing of the current band storage room to an ADA compliant bathroom for men and women.
- Landscape will be placed throughout the project to include drought tolerant trees, shrubs, and will be placed on a type of "drip irrigation" system
- The project will require the mobilization of grading, excavating and trenching equipment as well as trucking in materials.
- Onsite improvements of electrical, plumbing and other foreseen and possibly unforeseen items will be needs.

### **Planning Commission Public Hearing and Action**

The Planning Commission is an advisory board in matters regarding Zone Changes and General Plan Amendment. In making their recommendation, the Commission considered testimonies and comments received during the public hearing. The Commission considered the intent of the General Plan in providing recreational uses to the nearby residential uses. On June 23, 2021, The Planning Commission recommended approval of the Zone Change, general plan amendment and Mitigated Negative Declaration.

### **Environmental Compliance:**

The project is proposed to be a Mitigated Negative Declaration in regards to the California Environmental Quality Act (CEQA). Please see attached the proposed Mitigated Negative Declaration prepared for the study.

### **Recommendation:**

Staff recommends the City Council conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approving the zone change and general plan amendment from R-1 (Residential Single Family) to OP (Open Space) and Mitigated Negative Declaration for the 4.16 AC on parcel number 063-250-011.

Respectfully Submitted,

Othon Mora  
Community Development Director

### **Attachments:**

- Open Space Ordinance of the City of Imperial
- Resolution with Conditions of Approval

ORDINANCE NO. 812

**AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE IMPERIAL CITY CODE TO CHANGE THE ZONING DESIGNATION AND GENERAL PLAN AMENDMENT FROM R-1 (RESIDENTIAL SINGLE FAMILY) TO OP (OPEN SPACE) FOR THE FOLLOWING APN: 063-250-011**

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

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

SECTION 2: The property affected by this ordinance is shown in Exhibit A, specifically known as APN: 063-250-011

SECTION 3: The new zone for said property is hereby changed from R-1 (Residential Single Family) to OP (OPEN SPACE).

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this \_\_\_ day of \_\_\_ 2021.

\_\_\_\_\_  
Karin Eugenio, Mayor

ATTEST:

\_\_\_\_\_  
Debra Jackson, City Clerk

**RESOLUTION NO. 2021- 3g**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR 4.16 ACRES OF ASSESSOR PARCEL NUMBER 063-250-011 FROM R-1 (RESIDENTIAL SINGLE FAMILY) TO OP (OPEN SPACE) TO ALLOW FOR THE DEVELOPMENT OF A NEW OUTDOOR RECREATIONAL PARK SITE**

**WHEREAS**, the Imperial Unified School District jointly with the City of Imperial have applied for a General Plan Amendment and Zone Change from R-1 (Residential Single Family) to OP (Open Space) **4.16 AC** for certain real property described as follows:

ASSESSOR PARCEL NUMBER: 063-250-011

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on June 23, 2021; and

**WHEREAS**, a duly notified public hearing was held by the City Council on July 7<sup>th</sup>, 2021; and

**WHEREAS**, upon hearing and considering all testimony and arguments, examining the Initial Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the City Council considered all facts relating to the Environmental Assessment for the proposed General Plan Amendment and Zone Change project.

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

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the City Council hereby finds as follows:
  - 1. The proposed zone change and general plan amendment are consistent with the goals, objectives and policies of the General Plan;
  - 2. The proposed zone change, general plan amendment, and Outdoor Recreational Park is compatible with the surrounding environment;

3. Public facilities and services can be provided to the proposed Park Site development without placing undue additional burden on existing residents and businesses; and
- C) That on the findings made above, the City Council recommends **ADOPTION** of the Mitigated Negative Declaration; and
- D) That based on the evidence presented at the public hearing, the City Council hereby recommends **APPROVAL** of a Mitigated Negative Declaration; and
- E) All recommendations made by the City Council are based on the following findings:
1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act.
  2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21174 of the Public Resources Code.
  3. The initial environmental assessment shows that there is no substantial evidence that the zone change and general plan amendment may have a significant impact on the environment.
  4. There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project.
  5. The proposed Zone Change and General Plan Amendment are consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
  6. The proposed Zone Change and General Plan Amendment are consistent with the policies and the land uses of the existing City of Imperial General Plan.
  7. The proposed General Plan Amendment and Zone Change are consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 7<sup>th</sup> day of July 2021.

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Mayor, City Council

ATTEST:

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City Clerk



**RESOLUTION NO CC 2021-\_\_\_\_\_**

**CONDITIONS OF APPROVAL**

**for**

**ZONE CHANGE AND GENERAL PLAN AMENDMENT #21\_02**

**(ZC/GPA 21\_02)**

**R-1 (Residential Single Family) to OP (OPEN SPACE)**

**FOR 4.16 AC OF ASSESSOR PARCEL NUMBER 063-250-011**

1. The Zone Change and General Plan amendment approve 4.16 AC of assessor parcel number: 063-250-011 from R-1 (Residential Single Family) to OP (Open Space) contingent upon receipt of official lot split “legal descriptions” and “meets-and-bounds” prepared by a certificated land surveyor and submitted to the City of Imperial’s Community Development Department for review, approval, and recording the approved “Legal Descriptions” at the Imperial County Recorder’s Office.
2. These conditions of approval only cover the zone change and general plan amendment. Applicant must still apply for Site Plan Review and Building Permit Process prior to the commence of any work and can be bound by future conditions of approval if required by the City of Imperial’s Community Development Department
3. The Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
4. The Developer/Applicant shall pay all applicable impact and capacity fees.
5. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of this zone change and general plan amendment. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney’s fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the zone change and general plan amendment including any claim for private attorney general fees claimed by, or awarded to any party from the City.

6. All conditions of approval for this zone change and general plan amendment shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
7. The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
8. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the zone change and general plan amendment, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the then the matter shall be referred to the Planning Commission for modification to conditions of approval, suspension, or termination, or to the appropriate enforcement authority.
9. As between the City and the Permittee, any violation of the conditions of approval may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
10. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the project.