


Agenda Item No. B-2

DATE SUBMITTED 6/30/2021




SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR

DATE ACTION REQUIRED 7/21/2021

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED (X)
 RESOLUTION (X)

ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING (X)
 CITY CLERK'S INITIALS (X) 

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

<p>SUBJECT: 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.</p> <p>1. ADOPTION/2nd READING BY TITLE ONLY OF ORD. NO. <u>802</u> APPROVING THE ZONE CHANGE AND GENERAL PLAN AMENDMENT FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO OP (OPEN SPACE)</p> <p>2. ADOPTION OF RESOLUTION 2021 <u>48</u> REAFFIRMING THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND GENERAL PLAN AMENDMENT.</p>	
<p>DEPARTMENT INVOLVED:</p>	<p>COMMUNITY DEVELOPMENT</p>
<p>BACKGROUND/SUMMARY:</p> <p>SEE STAFF REPORT ATTACHED</p>	
<p>FISCAL IMPACT: N/A</p>	<p>ADMIN SERVICES SIGN INITIALS <u></u></p>
<p>STAFF RECOMMENDATION: Approval</p>	<p>DEPT. INITIALS <u></u></p>
<p>MANAGER'S RECOMMENDATION: <u>approve</u></p>	<p>CITY MANAGER'S INITIALS <u></u></p>
<p>MOTION:</p> <p>SECONDED: APPROVED () REJECTED () AYES: DISAPPROVE () DEFERRED () NAYES: ABSENT: REFERRED TO:</p>	

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 Imperial City Code Section 24.19.600 *et seq.*, 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 4: Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

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

Karin Eugenio, Mayor

ATTEST:

Debra Jackson, City Clerk



Staff Report

Agenda Item No.

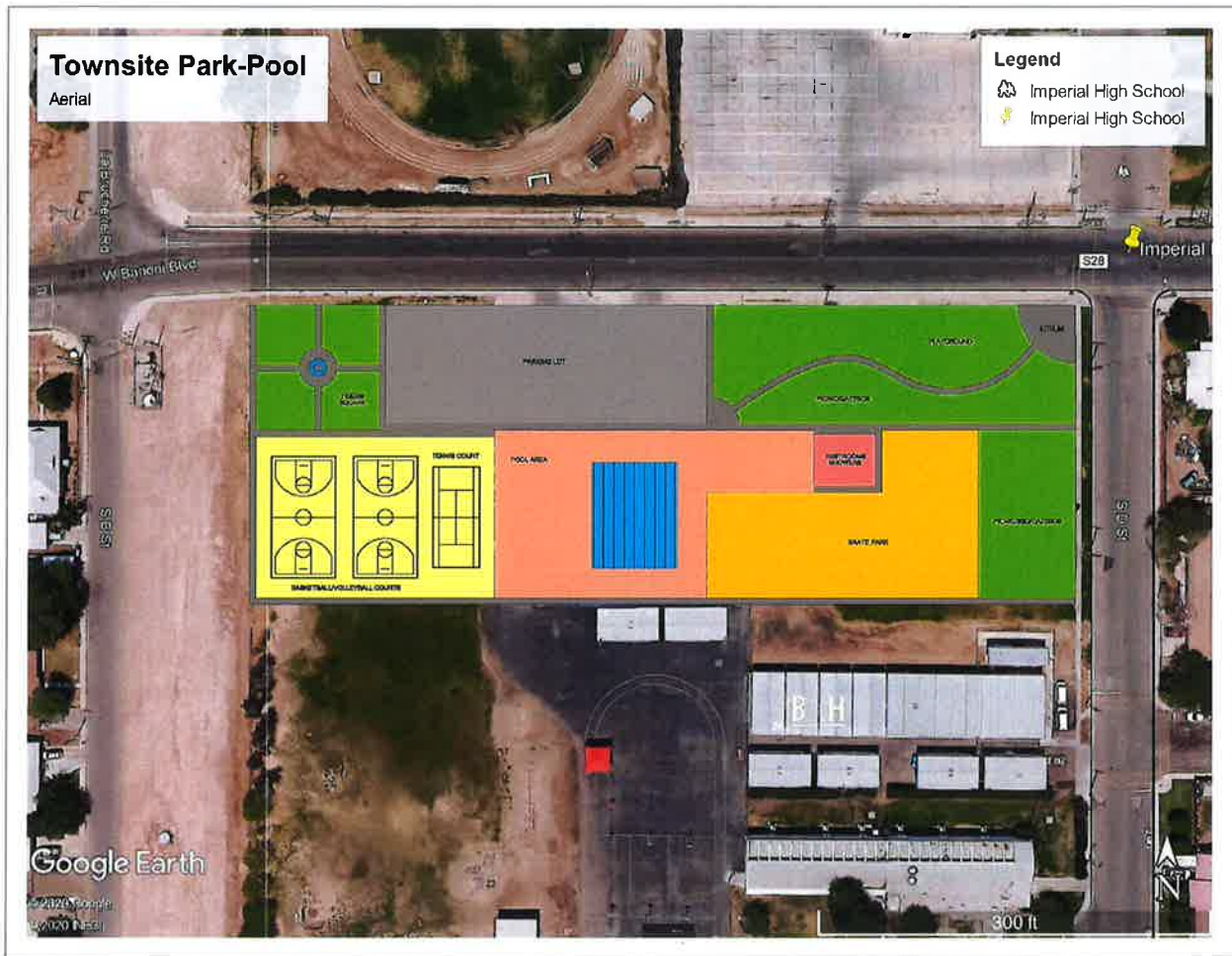
To: City Council
From: Othon Mora, Community Development Director
Date: June 30, 2021
Subject: Zone Change and General Plan Amendment
Town Site Park Project

Summary:

Applicant:	City of Imperial
Project Location:	618 Barioni Blvd; Imperial, CA 92251
Current Zoning:	R-1 (Residential Single-Family)
Proposed Zoning:	OP (Open Space)
General Plan:	Residential
Environmental:	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.

City Council Public Hearing and Action

One July 7, 2021, the City Council introduced Ordinance No. 812 to approve the proposed zone change and adopted Resolution No. 2021—38 adopting a Mitigated Negative Declaration for the project, as well as the General Plan amendment. In taking this action, the City Council considered testimonies and comments received during the public hearing, as well as the recommendation from the Planning Commission. The City Council considered the intent of the General Plan in providing recreational uses to the nearby residential uses.


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 through adoption of Ordinance No. 812, as well as adopting Resolution No. 2021-38 reaffirming the City Council's July 7, 2021 actions to adopt the 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

RESOLUTION NO. 2021- 4 8

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, REAFFIRMING ITS ADOPTION OF A MITIGATED
NEGATIVE DECLARATION AND GENERAL PLAN AMENDMENT RELATED
TO THE 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 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^t, 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 and approved Resolution No. 2021-38 (Resolution) to adopt a Mitigated Negative Declaration and General Plan Amendment related to the proposed zone change.

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 July 7, 2021 public hearing, the City Council found and now reaffirms its finding 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 based on the July 7, 2021 findings as reaffirmed above, the City Council adopted and hereby reaffirms the adoption of the Mitigated Negative Declaration and General Plan amendment, subject to the conditions of approval attached hereto; and
- D) That based on the evidence presented at the on July 7, 2021 public hearing, the City Council approved and hereby reaffirms the approval of the Mitigated Negative Declaration and General Plan amendment, subject to the conditions of approval attached hereto; and
- E) All actions made by the City Council on July 7, 2021 and reaffirmed through this Resolution 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 21st day of July 2021.

Mayor, City Council

ATTEST:

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.

ORDINANCE NO. 785

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA,
APPROVING THE PRE-ZONING OF THE IMPERIAL REGIONAL PARK AND EQUESTRIAN
CENTER PROJECT AREA IN CONFORMANCE WITH THE LAND USE POLICIES OF THE
IMPERIAL GENERAL PLAN AND IN PREPARATION OF AN APPLICATION FOR AN
ANNEXATION INTO THE CITY OF IMPERIAL**

WHEREAS, the City Council of the City of Imperial, California considered all of the evidence, including, but not limited to, the City Planning Commission Resolution, staff report and attachments, and public testimony at a duly notified public hearing on June 17, 2015; and

WHEREAS, the City Council finds that the Pre-zoning is consistent with the goals, objectives and policies of the City of Imperial General Plan and will not conflict with the General Plan; and

WHEREAS, the City Council finds that the Pre-zoning will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed action complies with the provisions of the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was adopted for the project.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES ORDAIN AS
FOLLOWS:**

Section 1. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Pre-zoning of the Imperial Regional Park and Equestrian Center Project Area as shown on the attached map (Exhibit A), for the purpose of establishing applicable zoning districts in accordance with the land use policies of the Imperial General Plan, in preparation for submission of an application to the Imperial County Local Area Formation Commission seeking annexation of the project area into the City of Imperial.

Section 2. Chapter 24 of the City of Imperial Municipal Code (Zoning Code) is hereby amended as follows:

Section 24.20.100 - O-S OPEN SPACE ZONE

24.20.110 - Intent and purpose. It is the intent of this chapter to provide for the preservation, maintenance and enhancement of valuable natural, environmental and recreational resources while permitting reasonable and compatible uses of land. In order to properly manage these resources, criteria and regulations must be formulated to guide uses in the following open space capacities as defined in the open space element: productive, protective, structural, recreational and scenic preservation. The purpose and intent of this chapter shall be the advancement of the following objectives:

1. To protect and preserve land areas for the managed production of natural resources;
2. To protect, maintain and enhance air quality;
3. To assure the continued availability of open space lands for the enjoyment of outdoor recreation;

4. To preserve and enhance areas of significant scenic amenity, unique natural features, and areas of educational and scientific research;
5. To implement the conservation and open space elements of the general plan;

24.20.120 - Uses permitted. Uses permitted within the open space zone are as follows:

1. Agricultural uses as follows:
 - a. Trees for fruit, nut or timber;
 - b. Bushes or vines for berries and grapes;
 - c. Field, vegetable, and truck or row crops;
 - d. Orchards, vineyards, and bushes for fruit or nuts;
 - e. Drying of crops, hay, straw and seed;
 - f. Storage and wholesaling of crops grown on the property;
 - g. Animal breeding, pasturing or ranching;
 - h. The growing and harvesting of flowers, ornamentals and turf;
 - i. The keeping of farm animals and fowl for recreation, agricultural and school projects;
 - j. Agricultural stand on forty or more acres of land is permitted for the sale of agricultural, horticultural, floricultural or farming products, grown or produced on the premises.
2. Parks and Recreational facilities owned by public agencies;
3. Nurseries and greenhouses without retail sales;
4. Commercial or private stables and riding academies; boarding and care of horses, including living quarters for grooms and caretakers located within the same building;
5. Year-round roadside produce stands and Certified Farmers Market.
6. Seasonal stands (including Christmas trees and pumpkins).
7. Eating Establishments as an accessory use
8. Equestrian Facilities
9. Outdoor Recreation Facilities
10. RV Parks
11. Campsites

24.20.130 - Uses subject to a conditional use permit. The following uses may be permitted if a conditional use permit is obtained in the manner provided in the zoning ordinance and such use conforms to every term and condition of the permit. A permit for any of these uses may be granted by the planning commission if the applicant produces sufficient proof that the use will not be injurious or detrimental to the public health, safety or welfare, or to the property in the vicinity or zone in which the use will be situated; that the effects can be prevented with the imposition of conditions, and that the permit is necessary for the owner of the property to make reasonable use of the property:

1. Radio and television towers and related facilities excluding studios;
2. Hotels and Motels
3. Retail Facilities

4. Eating Establishments as a primary use
5. Residential Structures

24.20.140 - Development standards.

The following development standards shall apply to all developments within the O-S open space zone and all buildings or structures hereinafter erected shall conform to the following:

1. **Lot Area.** No minimum required
2. **Setbacks.** All buildings shall be setback a minimum of twenty feet.
3. **Building Height.** Buildings and structures located within 50' of any public right-of-way shall not exceed 25' in height. There are no height limits when the building or structure is located more than 50' away from any public right-of-way.
4. **Utilities.** All utilities shall be placed underground. This requirement may be waived where the utility agency will not allow the installation of their facilities underground.
5. **Signs.** Signs shall specifically relate to the use of the parcel and shall be approved by the Planning Commission.
6. **Animals and Fowl Maintenance.** The keeping of animals and fowl shall be maintained in accordance with the following:
 - a. The area where animals and fowl are maintained shall not create a nuisance in relation to adjoining property and shall be kept in a healthful manner.
 - b. The animals and fowl shall be contained in such a manner to restrict their movement onto the public right-of-way or adjoining property.
 - c. The area where animals or fowl are maintained shall be a minimum of fifty feet from any building used for human habitation excepting domestic pets such as dogs or cats.

Section 3. Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Imperial ordinance.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2015.



Mayor

ATTEST:



City Clerk

**STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)ss
CITY OF IMPERIAL)**

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 785 had its 1st reading on June 17, 2015 and was passed by the following roll call vote:

**AYES: COX, SAMPSON, AND GRAN
NOES: NONE
ABSENT: DALE AND TUCKER
ABSTAIN: NONE MOTION CARRIED 3-0**

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 785 had its 2nd reading on July 15, 2015 and was passed by the following roll call vote:

**AYES: COX, SAMPSON, TUCKER, AND GRAN
NOES: NONE
ABSENT: DALE
ABSTAIN: NONE MOTION CARRIED 4-0**



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA