

# EXECUTIVE OFFICER'S REPORT

To The  
Local Agency Formation Commission

TO:

**COMMISSIONERS:**

*Michael W. Kelley, Supervisor, Chair  
Ray Castillo, Supervisor  
David H. West, Public, Vice-Chair  
Maria Nava-Froelich, City  
Javier Moreno, City*

**ALTERNATE COMMISSIONERS:**

*Jesus E. Escobar, Alternate Supervisor  
(Vacant) Alternate Public  
Robert Amparano, Alternate City*

**REPORT DATE:** May 3, 2021

**FROM:** Jurg Heuberger, Executive Officer

Paula Graf, Analyst

**PROJECT:** EC 1-19 South Dogwood Annexation

**HEARING DATE:** May 27, 2021 **TIME:** 08:40 a.m.

**AGENDA ITEM NO:** 10

**HEARING LOCATION:** El Centro City Council Chambers, 1275 Main St., El Centro, CA 92243

**RECOMMENDATION(S) BY THE EXECUTIVE OFFICER** (In Summary & Order)

- OPTION #1:** Approve the proposed Annexation as presented by the Executive Officer.
- OPTION #2:** Approve the proposed Annexation as requested with modifications, following the hearing by the Commission.
- OPTION #3:** Continue the hearing for not to exceed 70 days.
- OPTION #4:** Deny the Annexation.

## Project Data:

<b>Project ID:</b>	EC 1-19	
<b>Project Name:</b>	South Dogwood Annexation	
<b>Applicant/Proponent:</b>	GS Lyon Consultants	
<b>Application Type:</b>	Petition by Landowners	<b>EXHIBIT A</b>
<b>Application Received:</b>	May 2, 2019	
<b>Certificate of Filing:</b>	May 20, 2019	<b>EXHIBIT B</b>
<b>Area/Size:</b>	67.78 +/- acres	
<b>Location/Legal Description:</b>	See attached Map & Legal description	<b>EXHIBIT C</b>
<b>Proposed Project:</b>	Annexation to the City of El Centro	
<b>CEQA:</b>	Mitigated Negative Declaration	
<b>APN's:</b>	054-360-058, 054-360-032, 054-360-052, 054-360-053, 054-360-054, 054-360-055, 054-360-056, 054-360-057, 054-360-036, 054-390-044, 054-390-089, 054-390-050, 054-390-051, 054-390-052	
<b>SOI:</b>	Within the City of El Centro's Sphere of Influence	

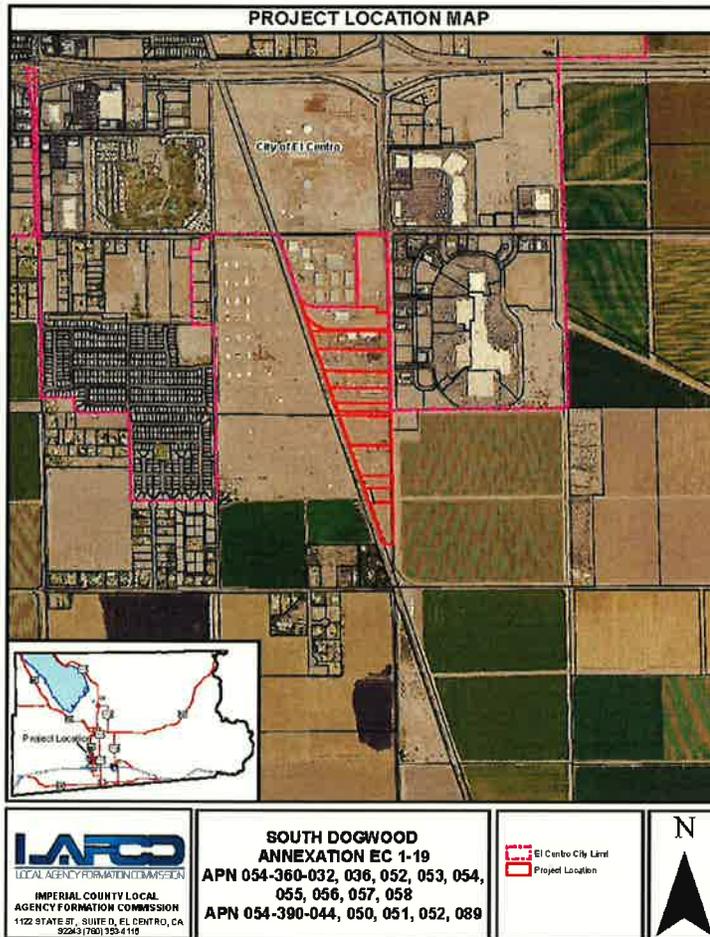
# ANALYSIS

## I: Project Description:

### **Annexation to the City of El Centro EC 1-19 South Dogwood**

GS Lyon Consultants on behalf of the property owners (listed below) submitted an application on May 2, 2019 to annex approximately 68 acres of land. The project is located at the west side of South Dogwood Avenue, from Danenberg Drive to 600 feet north of McCabe Road.

The annexation area has been pre-zoned by the City of El Centro to General Commercial, except for the southern 11.97 acres which has been pre-zoned High Density Residential. The southern area proposed for High Density Residential consists of assessor parcel numbers 054-390-089, 054-390-050, 054-390-051, and 054-390-052.



<b>APN #</b>	<b>Acres</b>	<b>Owner</b>	<b>Proposed Zoning</b>
054-360-058	12	Menvielle Sharon Trustee	General Commercial
054-360-032	9.15	Rolfe Roger H & Stacy K Trustees	General Commercial
054-360-053	7.06	Mostrong Michael Trustee	General Commercial
054-360-054	7.77	Mostrong Michael Trustee	General Commercial
054-360-055	5.27	Mostrong Michael Trustee	General Commercial
054-360-056	4.7	Rooshar Enterprises LLC	General Commercial
054-360-057	2.39	Sylvester Sharon Trustee	General Commercial
054-360-036	1.44	Sylvester Sharon Trustee	General Commercial
054-390-044	7.28	Mostrong Michael Trustee	General Commercial
054-390-089	6.21	Sylvester Richard Allen & Sharon Gail Trustees	High Density Residential
054-390-050	1.94	Mostrong Michael C & Julie L Trustees	High Density Residential
054-390-051	2.01	Sylvester Sharon Trustee	High Density Residential
054-390-052	3.83	Sylvester Sharon Trustee	High Density Residential

**II: City Council Approvals:**

- 1) **Resolution # 21-15:** dated March 16, 2021 approving annexation **EXHIBIT D**
- 2) **Resolution # 21-14:** dated March 16, 2021 approving a General Plan Amendment and Land Use Designation **EXHIBIT E**
- 3) **Resolution #21-13:** dated March 16, 2021 adopting a Mitigated Negative Declaration **EXHIBIT F**
- 4) **Pre-Annexation Agreement** **EXHIBIT G**

**III: Tax & Fiscal Impact Agreement:**

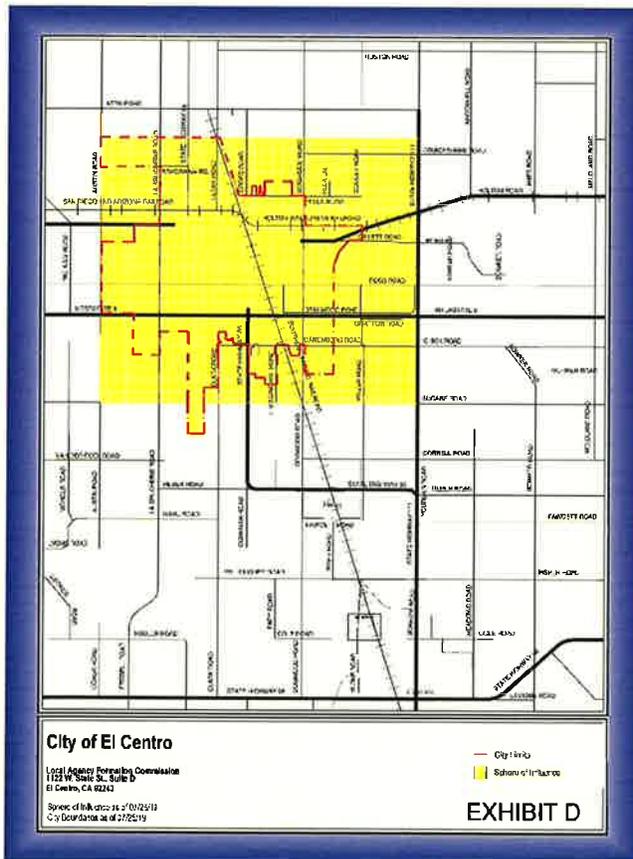
- 1) **Board of Supervisors Action:** Minute Order dated March 23, 2021 approving a Tax and Fiscal Impact Agreement between the City of El Centro and the County of Imperial. **EXHIBIT H**
- 2) **Tax Split:** Auditor-Controller letter dated May 1, 2020 **EXHIBIT I**

**IV: County Land Use:**

- 1) **County General Plan:** Under the County’s General Plan, the area being proposed for annexation is shown to be Urban for the future expansion of the City of El Centro.
- 2) **Surrounding Land Uses:** Fertilizer storage/distribution to the north, hay storage and compress facility to the west, mall to the east, light to medium industrial developments within the project area, and two rural residences.

**V: Sphere of Influence:**

The proposed annexation is within the Sphere of Influence of the City of El Centro.



**VI: CEQA:**

**Lead Agency:** City of El Centro

**Documentation:** Mitigated Negative Declaration

**EXHIBIT J**

**VII: State Law:**

**Cortese Knox Hertzberg Reorganization Act of 2000:**

**Government Code Section 56668 specifically requires that certain factors be considered in the review of any proposal, and shall include but not limited to Items A through P.**

- (A) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area; and in adjacent incorporated and unincorporated areas, during the next 10 years.

**Comment: The proposed project as identified in the staff analysis and the MND prepared by the City of El Centro would rezone the southern 11.97 acres of the project from Medium Industrial Development to High Density Residential.**

The project would have the potential to add 191 dwelling units, with an estimated increase of 697 in population at a density of 3.65 people per household.

The current land uses of the project area include vacant land, developed land with light to medium industrial properties, a mini-storage facility and two rural single-family residences.

The natural boundary of the project is; Danenberg Drive to the north, Dogwood Avenue and Imperial Valley Mall to the east, McCabe Road and agricultural land to the south, and Farnsworth Ln to the West.

- (B) Need for municipal services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

*'Services', as used in this subdivision, refers to governmental services whether or not the services would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.*

**Comment: The City of El Centro would assume municipal service responsibilities for the affected territory and the anticipated development thereafter and has indicated that it has the capacity and sufficient and available financial resources to provide services to the annexation area without adversely impacting existing ratepayers.**

- (C) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

**Comment: The annexation area lies within the City of El Centro's sphere of influence, and as such has established relevant economic and social ties with respect to other services provided by the city. Approving the annexation would recognize these existing ties and formally establish El Centro as the single governing body responsible for municipal services.**

- (D) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.

**Comment: The proposed project is considered consistent with the Commission policies on providing planned, orderly, and efficient patterns of urban development.**

- (E) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

**Comment: The annexation area does not convert agricultural land. The current land uses of the project area include vacant land, developed land with light to medium industrial properties, a mini-storage facility and two rural single-family residences.**

- (F) The definiteness and certainty of the territory, the nonconformance of proposed boundaries with lines of assessment of ownership, the creation of islands or of corridors of unincorporated territory and other similar matters affecting the proposed boundaries.

**Comment: LAFCO is in receipt of a draft map and geographic description of the annexation area that details metes and bounds consistent with the standard of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on submittal of a final map and description conforming to the referenced standards and addressing any proposal area modifications enacted by the Commission. The final map shall be reviewed by the Surveyor of the County of Imperial and the Public Works Director of the City to of Holtville to assure that the map complies with the correct boundary and surveying requirements, as well as legal descriptions. Project shall not record until both County and City Public Works Directors have provided a letter stating compliance.**

- (G) A regional transportation plan adopted pursuant to Section 65080.

**Comment: The project in and of itself is considered consistent with the Imperial County General Plan and the General Plan by the City.**

- (H) The proposal's consistency with city or county general and specific plans.

**Comment: The project is considered consistent with the Imperial County General Plan and with the GPA by the City, the project will be consistent with the City's plan.**

- (I) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

**Comment: The annexation is within the Sphere of Influence of the City of El Centro.**

- (J) The comments of any affected local agency which may be applicable to the proposal being reviewed.

**Comment: No significant adverse comments have been received for this project by any responsible agency.**

- (K) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

**Comment: The City of El Centro would assume municipal service responsibilities for the affected territory and the anticipated development thereafter and has indicated that it has the capacity and sufficient and available financial resources to provide services to the annexation area without adversely impacting existing ratepayers.**

- (L) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

**Comment: The project as analyzed by the City of El Centro indicates that the City does have adequate and available water for this project.**

- (M) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

**Comment: The proposed project would add 191 dwelling units to the City of El Centro. The City's Housing Element (2013-2021) shows adequate land capacity for an additional 191 R-3 zoned dwelling units.**

- (N) Any information or comments from the landowner or landowners, voters, or residents in the affected territory.

**Comment: No comments received as of the writing of this report.**

- (O) Any information relating to existing land use designations.

**Comment: The current land uses of the project area include vacant land, developed land with light to medium industrial properties, a mini-storage facility and two rural single-family residences.**

- (P) The extent to which the proposal will promote environmental justice. As used in this subdivision "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

**Comment: To the knowledge of LAFCO, the proposed project has no imposed conditions or proposed development standards that adversely affect any group of individuals.**

- (Q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is subject of the proposal.

**Comment: Page 64-65 of the MND identifies the project site and surrounding areas as designated by the California Department of Forestry and Fire Protection as Moderate Fire Hazard Severity Zone (2007).**

**VIII: Public Notice**

Public notice for the proposed annexation hearing before the LAFCO Commission has been given, according to Section 56660 and 56661. Notice was issued in the form of a publication in the Imperial Valley Press at least 21-days prior to said hearing and posted on our webpage. In addition, direct mail notices were at least sent to all property owners within 500 ft in the incorporated territory and within ½ mile of the unincorporated area.

**IX: Report:**

In accordance with Section 56665, the Executive Officer has prepared a report, and presented said report to your Commission and to any public member requesting such report.

**X: Conflict of Interest Statement:**

To date, (at the writing of this report) no Commissioner has indicated that there is any conflict of interest with regard to this project. The Executive Officer does not have any known conflict of interest, does not own any property within the project area.

## EXECUTIVE OFFICERS RECOMMENDATION

It is the recommendation of the Executive Officer that LAFCO conduct a public hearing and consider all information presented in both written and oral form. The Executive Officer then recommends, assuming no significant public input warrants to the contrary, that LAFCO take the following action:

**OPTION #1: Approve the proposed Annexation as presented by the Executive Officer.**

- 1: Certify the CEQA Document as prepared and certified by the City.
- 2: Make the finding that this project with the conditions imposed herein (or as modified) is in substantial compliance with the provisions of the Cortese-Knox-Hertzberg Reorganization Act of 2000 and the Imperial LAFCO policy and procedures.
- 3: **Make the findings pursuant to Gov. Code Section 56375 that:**
  - a. The project has been pre-zoned under the City of El Centro's current zoning ordinance.
  - b. The project is prohibited per section 56375(e) from being "re-zoned" for a period of two years following annexation.
  - c. The project is contiguous to the City, does not create an island, and is a logical extension of the City within the sphere of influence, and an urban plan area.
  - d. The protest proceedings pursuant to Part 4 commencing with Section 57000 are hereby initiated, and in compliance with the resolution of approval by the Commission.
4. **Approve the Annexation subject to the following conditions:**
  - A. Authorize the Executive Officer to forward the Resolution of approval to the City, as an informational item and for compliance with all relevant conditions imposed herein. (Pursuant to the CKH Act of 2000, enacted through AB 2838, a conducting authority process, i.e. the City being the Conducting Authority, no longer exists and the LAFCO has been delegated the Conducting Authority Process).
  - B. Pursuant to CKH, authorize the Executive Officer to record the annexation with the County Recorder and the State Board of Equalization, **ONLY** upon compliance by the applicant and the City, with all applicable conditions, payment of requisite fees, and receipt of all documents necessary and required from the proponents, the City and/or other agencies.
  - C. The Annexation boundary shall be as per map and legal description attached hereto. The annexation shall include all contiguous Roads; Road Right of Ways; Canals, Canal Right of Ways; and Public Easements. The final annexation map shall be prepared by a California Licensed Engineer licensed to practice in the Category of work to be performed. **Said final map shall be reviewed by the Surveyor of the County of Imperial and the Public Works Director of the City to assure that the map complies with the correct boundary and surveying requirements, as well as legal descriptions. Project shall not record until both County and City Public Works Directors have provided a letter stating compliance.**

- D: The City shall transmit to the Executive Officer certified copies of all approvals given or required to be given by the City in approving the land use projects reported herein, including tax agreements unless that information has already been submitted.
- E: The City shall within 90 days of the hearing by LAFCO, approving the annexation, submit to LAFCO a full **City Boundary Map & Legal Description** depicting the new annexation as part of the overall City Boundary. This City Boundary map shall be signed by a Licensed Engineer and shall be submitted as follows:
- a. A digital copy in AutoCAD 2009 or later format
  - b. A 24" x 36" copy
  - c. A pdf copy
- F: The applicant (petitioner) and/or the City as appropriate shall provide to LAFCO the following items in order to complete the processing of the annexation:
- 1) Eight (8) copies of the Annexation maps and Legal descriptions prepared by the licensed engineer, and one (1) Mylar copy meeting the size established by the County Recorder's office, including a letter from the Surveyor of the County of Imperial and Public Works Director of the City to assure the map complies with the correct boundary and surveying requirements, as well as legal descriptions.
  - 2) One (1) copy of a Vicinity Map size 8 ½ x 11 and a pdf
  - 3) Check made payable to the State Board of Equalization as required by Statute.
  - 4) Check made payable to LAFCO as determined by the Executive Officer to fully offset the cost of processing the application, including all costs incurred by the County or City departments charged with the responsibility to review any portion of this project.
  - 5) A letter from the applicant (petitioners) agreeing to the terms and conditions of the LAFCO and waiving all rights to an appeal, or reconsideration of the LAFCO decision, unless petitioner can show that a technical error occurred that would have or could have altered the decision of the LAFCO.
  - 6) The City shall provide to LAFCO a hard copy as well as a digital copy of the "mitigation" measures that will be required to be implemented for this project. These mitigation measures will be made a part of the Resolution of approval by LAFCO and to the extent applicable will be required to be implemented or bonded for as appropriate.
- H: The annexation shall not be recorded until all conditions have been completed and all costs paid in full.
- I: The City shall not change any of the zone(s) within the boundary of the project annexation area for a period of two years from the date of recordation, subject to CKH. The City shall notify the LAFCO and the County of any proposed

change of zone within the boundary area at least 90 days prior to any such Council Hearing, if such is requested prior to the termination of 24 months from recordation. If the City does change the zone or the envisioned land use analyzed within this land use process, in the future and it affects any tax split agreements with other agencies, then the City shall be required to make the appropriate adjustments with the County.

- J: The City shall not enter this property into any type of “redevelopment” program or such other program that would adversely change the Fiscal impacts or in any way affect the fiscal impacts or tax sharing agreements with other agencies. If the City, following annexation and after recordation, does change the project so as to change the Fiscal information/outcome upon with LAFCO and/or other agencies relied, the City shall be required to fund any deficit that may occur as a result of their change.
- K: All conditions of approval made by or given by the City as evidenced by the Resolutions of Ordinances adopted by the City shall be part of the Conditions of LAFCO in this annexation as if written herein.
- L: The City shall require all IID canals and drains that are within or contiguous to the project, to be undergrounded (or eliminated), except for the Canals and Drains identified by the IID as not feasible, such as the Central Main Canal. Applicant and/or IID shall provide to LAFCO assurance acceptance to the Executive Officer which may include bonds or other certificates that said conditions shall be complied with. If IID determines that a canal shall not be undergrounded, it must do so in writing to LAFCO, stating the reasons for its decision and accepting full responsibility in the event a safety issue.

## LAFCO Policy

The proposed Annexation appears to be consistent with the Cortese-Knox-Hertzberg Reorganization Act of 2000, the Imperial LAFCO Policies and Procedures and the County of Imperial General Plan.

**Note: All “cc” submittals are the Executive Officer’s Report only. Attachments are generally too voluminous and are only supplied on CD. Information about the project may also be found on the LAFCO web page at [www.iclafco.com](http://www.iclafco.com).**

### Attachments:

- EXHIBIT A: Application
- EXHIBIT B: Certificate of Filing
- EXHIBIT C: Annexation Map
- EXHIBIT D: Resolution #21-15
- EXHIBIT E: Resolution #21-14
- EXHIBIT F: Resolution #21-13
- EXHIBIT G: Pre-Annexation Agreement
- EXHIBIT H: Tax & Fiscal Impact Agreement
- EXHIBIT I: Auditor-Controller Letter
- EXHIBIT J: Mitigated Negative Declaration

### CC:

Applicant  
City of El Centro, City Manager  
City of El Centro, Planning  
County of Imperial, CEO  
County of Imperial, County Counsel  
County of Imperial, Auditor-Controller  
County of Imperial, Planning & Development Services  
County of Imperial, Public Works

# EXHIBIT A

**EC 1-19 Application**

# APPLICATION

## PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:

OWNER INFORMATION	
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS
APPLICANT INFORMATION (IF DIFFERENT FROM THE OWNER)	
NAME <b>JEFF LYON</b>	COMPANY <b>GS LYON CONSULTANTS</b>
MAILING ADDRESS <b>780 NORTH 4TH ST.</b>	TELEPHONE NUMBER <b>760.337.1100</b>
CITY, STATE, ZIP <b>EL CENTRO, CA 92243</b>	EMAIL ADDRESS <b>jlyon@landmark-ca.com</b>
PROJECT INFORMATION	
NAME OF PROPOSAL <b>SOUTH DOGWOOD ANNEXATION</b>	DATE <b>4/15/19</b>
PROJECT ADDRESS <b>SEE LIST</b>	APN(S) <b>SEE LIST</b>
CITY, STATE, ZIP	TOTAL LAND AREA (ACRES) <b>68</b>
<p><b>THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).</b></p>	
1	PROPOSED CHANGE(S) OF ORGANIZATION: <input checked="" type="checkbox"/> ANNEXATION <input type="checkbox"/> SPHERE OF INFLUENCE <input type="checkbox"/> OTHER <input type="checkbox"/> DETACHMENT <input type="checkbox"/> CONSOLIDATION <input type="checkbox"/> EXTENSION OF SERVICES <input type="checkbox"/> INCORPORATION <input type="checkbox"/> FORMATION OF _____
2	NAME OF THE CITY/SPECIAL DISTRICT BEING AFFECTED <b>CITY OF EL CENTRO</b>
3	THE PROPOSED BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN THE EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED THEREIN. <input checked="" type="checkbox"/> YES, BOUNDARY EXHIBITS ARE ATTACHED



14	WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY? <u>GENERAL COMMERCIAL (CURRENTLY PLANNED AS GENERAL INDUSTRIAL - GENERAL PLAN AMENDMENT IN PROCESS)</u>
15	DESCRIBE ANY SPECIAL LAND USE CONCERNS EXPRESSED IN THE ABOVE PLANS <u>N/A</u>
16	SPECIFY ANY AND ALL EXISTING LAND USES: <u>LIGHT MANUFACTURING, STORAGE YARDS, MINI-STORAGE AND 2 SINGLE FAMILY RESIDENCES</u> WHAT ARE THE PROPOSED LAND USES? <u>GENERAL COMMERCIAL</u> DESCRIBE YOUR PROJECT IN DETAIL: <u>PREPARE AREA FOR GENERAL COMMERCIAL DEVELOPMENT (SIMILAR TO I.V. MALL AND I.V. PLAZA).</u>
17	DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH PROPERTY OWNER IN THE SUBJECT TERRITORY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
19	WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF THE ANNEXING TERRITORY? PLEASE SPECIFY.  
20	IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED NAME OF THE CONSOLIDATED DISTRICT IS: <u>N/A</u>
21	IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL: (A) THE NAME PROPOSED FOR THE NEW CITY IS: <u>N/A</u> (B) PROVISIONS ARE REQUESTED FOR APPOINTMENT OF: (i) CITY MANAGER <input type="checkbox"/> YES <input type="checkbox"/> NO (ii) THE CITY CLERK AND CITY TREASURER <input type="checkbox"/> YES <input type="checkbox"/> NO



**NOTICE:**

Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, BY RESOLUTION, to accept the negotiated exchange of property tax revenues.

**NOTE:**

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

SHARON SYLVESTER  
PRINT NAME  
*Sharon Sylvester*  
SIGNATURE

4/19/2019  
DATE  
7703 CORTINA COURT CARLSBAD CA 92009  
RESIDENCE ADDRESS

RICHARD SYLVESTER  
PRINT NAME  
*[Signature]*  
SIGNATURE

4/19/19  
DATE  
7703 CORTINA CT CARLSBAD, CA  
RESIDENCE ADDRESS  
92009

\_\_\_\_\_  
PRINT NAME  
\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE  
\_\_\_\_\_  
RESIDENCE ADDRESS

**NOTICE:**

*Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.*

**NOTE:**

*The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.*

*Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:*

*Chief Petitioners (not to exceed three):*

<u>Sharon Menvielle</u> PRINT NAME	<u>4-25-19</u> DATE
<u>Sharon Menvielle</u> SIGNATURE	<u>864 W. Ross Road</u> RESIDENCE ADDRESS <u>El Centro, CA 92243</u>
_____ PRINT NAME	_____ DATE
_____ SIGNATURE	_____ RESIDENCE ADDRESS
_____ PRINT NAME	_____ DATE
_____ SIGNATURE	_____ RESIDENCE ADDRESS

**NOTICE:**

Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.

**NOTE:**

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

ROGER H ROLFE  
PRINT NAME

5/1/19  
DATE

[Signature]  
SIGNATURE

1764 CITRUS LN. EC  
RESIDENCE ADDRESS

Tracy Rolfe  
PRINT NAME

5/1/19  
DATE

[Signature]  
SIGNATURE

1764 Citrus Ln EC  
RESIDENCE ADDRESS

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
RESIDENCE ADDRESS

**NOTICE:**

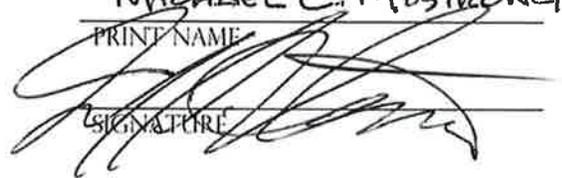
Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, BY RESOLUTION, to accept the negotiated exchange of property tax revenues.

**NOTE:**

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

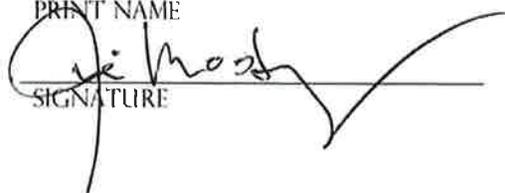
Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

MICHAEL C. MOSTRONG  
PRINT NAME  
  
SIGNATURE

4/23/19  
DATE

1828 LOTUS AVE EL CENTRO, CA 92243  
RESIDENCE ADDRESS

JULIE L. MOSTRONG  
PRINT NAME  
  
SIGNATURE

4/23/19  
DATE

1828 LOTUS AVE EL CENTRO, CA 92243  
RESIDENCE ADDRESS

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
RESIDENCE ADDRESS

## INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Executive Officer shall promptly notify the Commission of any claim, action or proceeding brought by an applicant challenging the Commission's action. The Commission, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The Commission shall have final determination on how to best defend the case and may defend it with in-house counsel, or by retaining outside counsel. In either case applicant shall be fully responsible for all costs incurred. Applicant may request to provide his or her own counsel to defend the case, however prior written approval of the Commission shall be obtained. Said independent counsel shall work with LAFCO counsel to provide a joint defense and shall include a complete defense of LAFCO to the satisfaction of the Commission.

EXECUTED IN CARLSBAD CALIFORNIA ON APRIL 18, 20 19  
(CITY) (MONTH) (DAY) (YEAR)

APPLICANT	REAL PARTY IN INTEREST / PROPERTY OWNER <small>(IF DIFFERENT FROM APPLICANT)</small>
NAME (PRINT): <u>SHARON ANN RICH &amp; SUGGESTER</u>	NAME (PRINT): _____
TITLE: <u>OWNER</u>	TITLE: _____
SIGNATURE: <u>[Signature]</u>	SIGNATURE: _____
MAILING ADDRESS: <u>7703 CORTINA Ct. Carlsbad CA 92009</u>	MAILING ADDRESS: _____

**FOR LAFCO USE ONLY**

RECEIVED BY: Paula Graf DATE RECEIVED: 5.2.19  
 PROJECT NO. EC 1.19

ACKNOWLEDGMENT

RECEIVED  
MAY 02 2019

Imperial County  
Local Agency Formation Commission

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On April 18, 2019 before me, Casey Madeira Wilcox

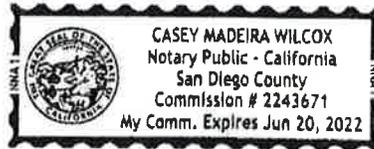
A Notary Public personally appeared Sharon Sylvester and Richard Sylvester

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



(Seal)



RECEIVED

MAY 02 2019

Imperial County  
Local Agency Formation Commission

# INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Executive Officer shall promptly notify the Commission of any claim, action or proceeding brought by an applicant challenging the Commission's action. The Commission, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The Commission shall have final determination on how to best defend the case and may defend it with in-house counsel, or by retaining outside counsel. In either case applicant shall be fully responsible for all costs incurred. Applicant may request to provide his or her own counsel to defend the case, however prior written approval of the Commission shall be obtained. Said independent counsel shall work with LAFCO counsel to provide a joint defense and shall include a complete defense of LAFCO to the satisfaction of the Commission.

EXECUTED IN ELCENTRO CALIFORNIA ON APRIL 23 2019  
(CITY) (MONTH) (DAY) (YEAR)

### APPLICANT

NAME (PRINT): MICHAEL C. MOSTRONGI  
 TITLE: OWNER / TRUSTEE  
 SIGNATURE: [Signature]  
 MAILING ADDRESS: 1828 LOTUS AVENUE  
ELCENTRO, CA 92243

### REAL PARTY IN INTEREST / PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)

NAME (PRINT): JULIE L. MOSTRONGI  
 TITLE: OWNER / TRUSTEE  
 SIGNATURE: [Signature]  
 MAILING ADDRESS: 1828 LOTUS AVENUE  
ELCENTRO, CA 92243

### FOR LAFCO USE ONLY

RECEIVED BY: Paula Graf DATE RECEIVED: 5.2.19  
 PROJECT NO. EC 1.19

**ACKNOWLEDGMENT**

RECEIVED

MAY 02 2019

Imperial County  
Local Agency Formation Commission

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

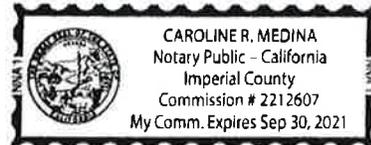
State of California  
County of Imperial

On April 22, 2019 before me, Caroline R. Medina  
(insert name and title of the officer)

personally appeared Michael C. Mostrong and Julie L. Mostrong  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Caroline R. Medina (Seal)



RECEIVED

MAY 02 2019

Imperial County  
Local Agency Formation Commission

# INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Executive Officer shall promptly notify the Commission of any claim, action or proceeding brought by an applicant challenging the Commission's action. The Commission, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
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EXECUTED IN EL CENTRO CALIFORNIA ON May 1, 2019  
(CITY) (MONTH) (DAY) (YEAR)

**APPLICANT**

NAME (PRINT): Roger A Rolfe  
 TITLE: \_\_\_\_\_  
 SIGNATURE: [Signature]  
 MAILING ADDRESS:  
1764 Citrus Ln.  
El Centro CA 92243

**REAL PARTY IN INTEREST / PROPERTY OWNER**  
(IF DIFFERENT FROM APPLICANT)

NAME (PRINT): Stacy Rolfe  
 TITLE: \_\_\_\_\_  
 SIGNATURE: [Signature]  
 MAILING ADDRESS:  
1764 Citrus Ln  
El Centro, Ca 92243

**FOR LAFCO USE ONLY**

RECEIVED BY: Paula Graf DATE RECEIVED: 5-2-19  
 PROJECT NO. EC 1-19

ACKNOWLEDGMENT

RECEIVED

MAY 02 2019

Imperial County  
Local Agency Formation Commission

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Imperial

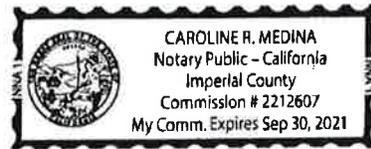
On May 1, 2019 before me, Caroline R. Medina  
(insert name and title of the officer)

personally appeared Roger H. and Stacy K. Rolfe  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Caroline R Medina (Seal)



RECEIVED  
MAY 02 2019

Imperial County  
Local Agency Formation Commission

## INDEMNIFICATION AGREEMENT

As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, and employees (including consultants) from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent negligence on the part of the Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees (including consultants).

If any claim, action, or proceeding is brought against Imperial County Local Agency Formation Commission, its agents, officers, attorneys, or employees, to attack, set aside, void, or annul the approval of the application or adoption of the environmental document which accompanies it, then the following procedures shall apply:

1. The Executive Officer shall promptly notify the Commission of any claim, action or proceeding brought by an applicant challenging the Commission's action. The Commission, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The Commission shall have final determination on how to best defend the case and may defend it with in-house counsel, or by retaining outside counsel. In either case applicant shall be fully responsible for all costs incurred. Applicant may request to provide his or her own counsel to defend the case, however prior written approval of the Commission shall be obtained. Said independent counsel shall work with LAFCO counsel to provide a joint defense and shall include a complete defense of LAFCO to the satisfaction of the Commission.

EXECUTED IN El Centro CALIFORNIA ON February 28, 2019  
(CITY) (MONTH) (DAY) (YEAR)

APPLICANT	REAL PARTY IN INTEREST / PROPERTY OWNER (IF DIFFERENT FROM APPLICANT)
NAME (PRINT): <u>Ralph and Sharon Menvielle Trust</u>	NAME (PRINT): _____
TITLE: <u>Land Owner</u>	TITLE: _____
SIGNATURE: <u>Sharon Menvielle</u>	SIGNATURE: _____
MAILING ADDRESS: <u>P.O. Box 3727</u> <u>El Centro, CA 92244</u>	MAILING ADDRESS: _____ _____

FOR LAFCO USE ONLY

RECEIVED BY: Paula Graf DATE RECEIVED: 5-2-19  
PROJECT NO. EC 1-19

**ACKNOWLEDGMENT**

RECEIVED

MAY 02 2019

Imperial County  
Local Agency Formation Commission

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Imperial

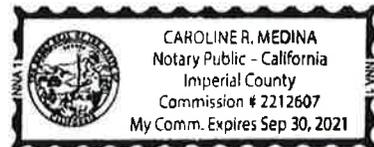
On April 25, 2019 before me, Caroline R Medina  
(insert name and title of the officer)

personally appeared Sharon Menvielle  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Caroline R Medina (Seal)



# EXHIBIT B

EC 1-19 Certificate of Filing

## **CERTIFICATE OF FILING**

(Government Code 56658 (f) Cortese-Knox-Hertzberg Reorganization Act of 2000)

### **CONDITIONAL**

I, JURG HEUBERGER, AICP, CEP, as the Executive Officer to the Local Agency Formation Commission of the County of Imperial (LAFCO), do hereby certify that:

1. The APPLICATION referenced and described below has been submitted to me and has been found to be in the form prescribed by the Local Agency Formation Commission of Imperial County, and in substantial conformity with the Act.
2. The APPLICATION contains the information and the data and signatures as required by this Commission and applicable provisions of State law and has been accepted for filing.

EFFECTIVE DATE: May 20, 2019

APPLICATION TITLE: **LAFCO File No. EC 1-19**  
South Dogwood Annexation

APPLICANT(S): GS Lyon Consultants on behalf of landowners  
(by Petition)

LEGAL DESCRIPTION: APN #'s: 054-360-058, 054-360-032, 054-360-052,  
054-360-053, 054-360-054, 054-360-055, 054-360-  
056, 054-360-057, 054-360-036, 054-390-044, 054-  
390-089, 054-390-050, 054-390-051, 054-390-052  
**(See attached map and legal description)**

GENERAL LOCATION: +/- 68 acres  
Project is located at the Northwest corner of  
Danenberg and Dogwood Rd. in El Centro

DATE OF HEARING: **Tentative date is unknown-dependant on City  
land use time and may vary**

AFFECTED AGENCIES: **(See listing at the end of notice)**

CEQA LEAD AGENCY: The City of El Centro and LAFCO are Co-Lead agency  
for CEQA!

**NOTICE TO READER & EACH SUBJECT AGENCY & RESPONSIBLE AGENCY:**

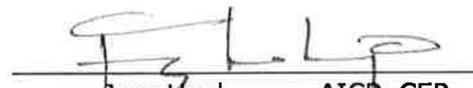
Under the provisions of the CORTESE-KNOX-HERTZBERG REORGANIZATION ACT OF 2000 (Gov. Code 56000 et. seq.) you have certain responsibilities as well as opportunities to respond to this application. **You must respond to the Executive Officer in a timely manner in order for your concerns or comments to be addressed!**

**SPECIAL NOTE:**

The Executive Officer has determined that the information contained within the application is substantially complete for purposes of evaluation by LAFCO staff. In addition, this project is subject to a tax exchange, which likewise must be processed through the County Agencies, and a report from the County must be available to the LAFCO and the public prior to any hearing.

The timelines listed herein are general and may not be adhered to unless **all documentation** is received.

**For legal reasons, the processing time limits imposed on LAFCO do not start until the CEQA documentation and the Tax Exchange resolution are in the possession of LAFCO.**

  
Jurg Heuberger, AICP, CEP  
Executive Officer to LAFCO

**Notification listing:**

Applicant/LAFCO Files	IID Clerk to the Board	Southern CA. Gas Co.	County Planning Commission
City Clerk	IID General Manager	County Clerk to the Board	County Planning Director
City Manager	California Highway Patrol	County Sheriff	County Public Works Director
City Planning Director	CALTRANS	County Executive Officer	County Assessor
City Public Works Director	ICOE Superintendent	County Counsel	County Auditor

**Attachments:**

- Application
- Annexation Map
- Project Location Map
- Landowner List/APN's

# EXHIBIT C

**EC 1-19 Annexation Map**



# EXHIBIT D

**EC 1-19 Resolution #21-15**

RESOLUTION NO. 21-15

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF EL CENTRO APPROVING ANNEXATION  
EC 1-19 (South Dogwood Annexation)

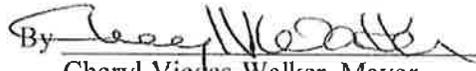
WHEREAS, the property owners of approximately 67.78 acres of property, known as the South Dogwood Annexation, have petitioned for the annexation of the property, as described in Exhibit "A", which is attached hereto and made a part hereof; and

WHEREAS, the Local Agency Formation Commission for the County of Imperial (hereinafter referred to as "LAFCO") has requested that the City conduct its proceedings prior to LAFCO conducting its proceedings regarding said application and has designated the territory proposed to be annexed as Annexation EC 1-19 (South Dogwood Annexation); and

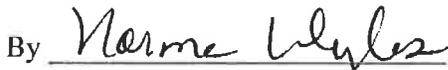
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the foregoing is true, correct and adopted.
2. That the City Council does hereby approve Annexation EC 1-19 (South Dogwood Annexation).

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 16th day of March 2021.

By   
Cheryl Viegas-Walker, Mayor

ATTEST:

By   
Norma Wyles, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

By   
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) ss  
CITY OF EL CENTRO )

I, Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Resolution No. 21-15 was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California held on the 16<sup>th</sup> day of Mar., 2021, by the following vote:

AYES: Cardenas-Singh, Oliva, Viegas-Walker, Marroquin, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

By Norma Wyles  
Norma Wyles, City Clerk





ORDINANCE NO. 21-02

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING THE ZONING MAP OF THE CITY OF EL CENTRO PERTAINING TO CHANGE OF ZONE 19-01

THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Zoning Map of the City of El Centro, California is hereby amended to provide:

“The following property which consists of an approximate 67.78-acre parcel of land, generally located at the southwest corner of Dogwood Avenue and Danenberg Drive further identified by APNs 054-360-032, 054-360-036, 054-360-052, 054-360-053, 054-360-054, 054-360-055, 054-360-056, 054-360-057, 054-360-058, and 054-390-044, is hereby pre-zoned to CG (General Commercial) and APNs 054-390-050, 054-390-051, 054-390-052, and 054-390-089 to R3 (Multiple Family Residential)”

Section 2. This Amendment shall be given appropriate enumeration in the files of the City Clerk regarding the Zoning Map.

Section 3. This Ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15) days after adoption, it shall be published once in a newspaper, published and circulated within the City of El Centro, California.

INTRODUCED at a regular meeting of the City Council of the City of El Centro, California, held on the 16<sup>th</sup> day of March, 2021.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 6<sup>th</sup> day of April, 2021.

CITY OF EL CENTRO

BY   
Cheryl Viegas-Walker, Mayor

ATTEST:

By Norma Wyles  
Norma Wyles, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

By Elizabeth L. Martyn  
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) ss  
CITY OF EL CENTRO )

I, Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 21-02 had its first reading on the 16<sup>th</sup> day of March, 2021, and had its second reading on 6<sup>th</sup> day of April, 2021, and was passed by the following vote:

AYES: Cardenas-Singh, Oliva, Viegas-Walker, Marroquin, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

AYES: Cardenas-Singh, Oliva, Viegas-Walker, Marroquin, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

By Norma Wyles  
Norma Wyles, City Clerk

# EXHIBIT E

EC 1-19 Resolution #21-14

RESOLUTION NO. 21-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO APPROVING GENERAL PLAN AMENDMENT 19-01 CHANGING THE LAND USE DESIGNATION TO GENERAL COMMERCIAL AND HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF DOGWOOD AVENUE AND DANNENBERG DRIVE, AND DECLARING SAME TO BE THE FIRST GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2021

**WHEREAS**, the City of El Centro received a request for a General Plan Amendment for 67.78 acres of land situated along the western side of Dogwood Avenue, between Danenberg Drive and 660 ft. north of the Union Pacific Railroad, further identified by APNs 054-360-032, 054-360-036, 054-360-052, 054-360-053, 054-360-054, 054-360-055, 054-360-056, 054-360-057, 054-360-058, 054-390-044, 054-390-050, 054-390-051, 054-390-052, and 054-390-089, proposed to be annexed into the City of El Centro; and

**WHEREAS**, the proposed general plan amendment would change the adopted Land Use Map from Planned Industrial to General Commercial for APNs 054-360-032, 054-360-036, 054-360-052, 054-360-053, 054-360-054, 054-360-055, 054-360-056, 054-360-057, and 054-360-058; and

**WHEREAS**, the proposed general plan amendment would change the adopted Land Use Map from Planned Industrial to High-Medium Density Residential for APNs 054-390-050, 054-390-051, 054-390-052, and 054-390-089; and

**WHEREAS**, a public hearing was held by the Planning Commission on the proposed General Plan Amendment 19-01 on June 30, 2021 and no objections were filed with the Commission; and

**WHEREAS**, the Planning Commission, adopted a resolution to recommended the approval of General Plan Amendment 19-01; and

**WHEREAS**, the proposed General Plan Amendment would not have a deleterious effect on the environment and is necessary and proper at this time for consistency with the City's Zoning Map; and

**WHEREAS**, Mitigated Negative Declaration No. 19-01 was prepared and considered for the proposal pursuant to the California Environmental Quality Act, as amended; and

**WHEREAS**, a public hearing was advertised in accordance with the law; and

WHEREAS, a public hearing was held on the 16<sup>th</sup> day of March, 2021 and the petitioner was present, and heard, and no one was present to object to the petition nor were any objections filed with the City Council; and

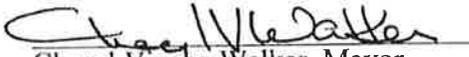
WHEREAS, the proposed amendment would be compatible with the existing and planned land uses of the surrounding areas and would be in the best interest of the general health, safety, and welfare of the community.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The foregoing is true, correct, and adopted.
2. That the City Council considers the recommendation of the Planning Commission and does hereby approve General Plan Amendment 19-01, a proposed amendment affecting 67.78 acres of land situated along the western side of Dogwood Avenue, between Danenberg Drive and 660 ft. north of the Union Pacific Railroad, further identified by APNs 054-360-032, 054-360-036, 054-360-052, 054-360-053, 054-360-054, 054-360-055, 054-360-056, 054-360-057, 054-360-058, 054-390-044, 054-390-050, 054-390-051, 054-390-052, and 054-390-089..

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 16<sup>th</sup> day of Mar., 2021.

CITY OF EL CENTRO

  
Cheryl Vieglas-Walker, Mayor

ATTEST:

By:   
Norma Wyles, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) ss  
CITY OF EL CENTRO )

I, L. Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Resolution No. 21-14 was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the 16<sup>th</sup> day of Mar., 2021, by the following vote:

AYES: Cardenas-Singh, Oliva, Viegas-Walker, Marroquin, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

By Norma Wyles  
Norma Wyles, City Clerk

# EXHIBIT F

EC 1-19 Resolution #21-13

RESOLUTION NO. 21-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ADOPTING MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING & REPORTING PROGRAM FOR

PROJECT: South Dogwood Annexation (EC 1-19), General Plan Amendment 19-01 and Change of Zone 19-01 – A proposed annexation and Pre-Zone of land to General Commercial (CG) and Multi-family Residential (R3) and a General Plan Amendment for consistency with the Zoning Map, consisting of approximately 67.78 acres of land, located at the southwest corner of Dogwood Avenue and Danenberg Drive.

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines of 1970, as amended, a Mitigated Negative Declaration with mitigation measures is appropriate for the above-named project; and

WHEREAS, on the basis of the whole record, including the Initial Study for the above-named project and comments received, the City Council of the City of El Centro, California (“the City Council”) finds that after mitigation there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City of El Centro, California’s independent judgment and analysis; and

WHEREAS, the City Clerk and the Director of Community Development, both located at 1275 West Main Street, El Centro, California, are the custodians of the records of material which constitute the record of proceedings upon which the City Council’s decision is based in this matter.

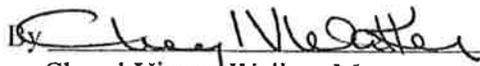
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

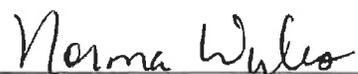
1. That the foregoing is true, correct and adopted.
2. That Mitigated Negative Declaration No. 19-01 with Mitigation Monitoring and Reporting Program, a copy of which is on file at the Office of the City Clerk, on the above-named project is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 16<sup>th</sup> day of Mar. 2021.

CITY OF EL CENTRO

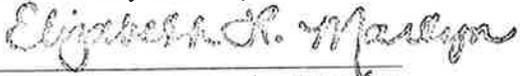
ATTEST:

By   
Cheryl Viegas Walker, Mayor

By   
Norma Wyles, City Clerk

APPROVED AS TO FORM:

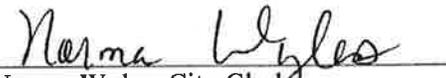
Office of the City Attorney

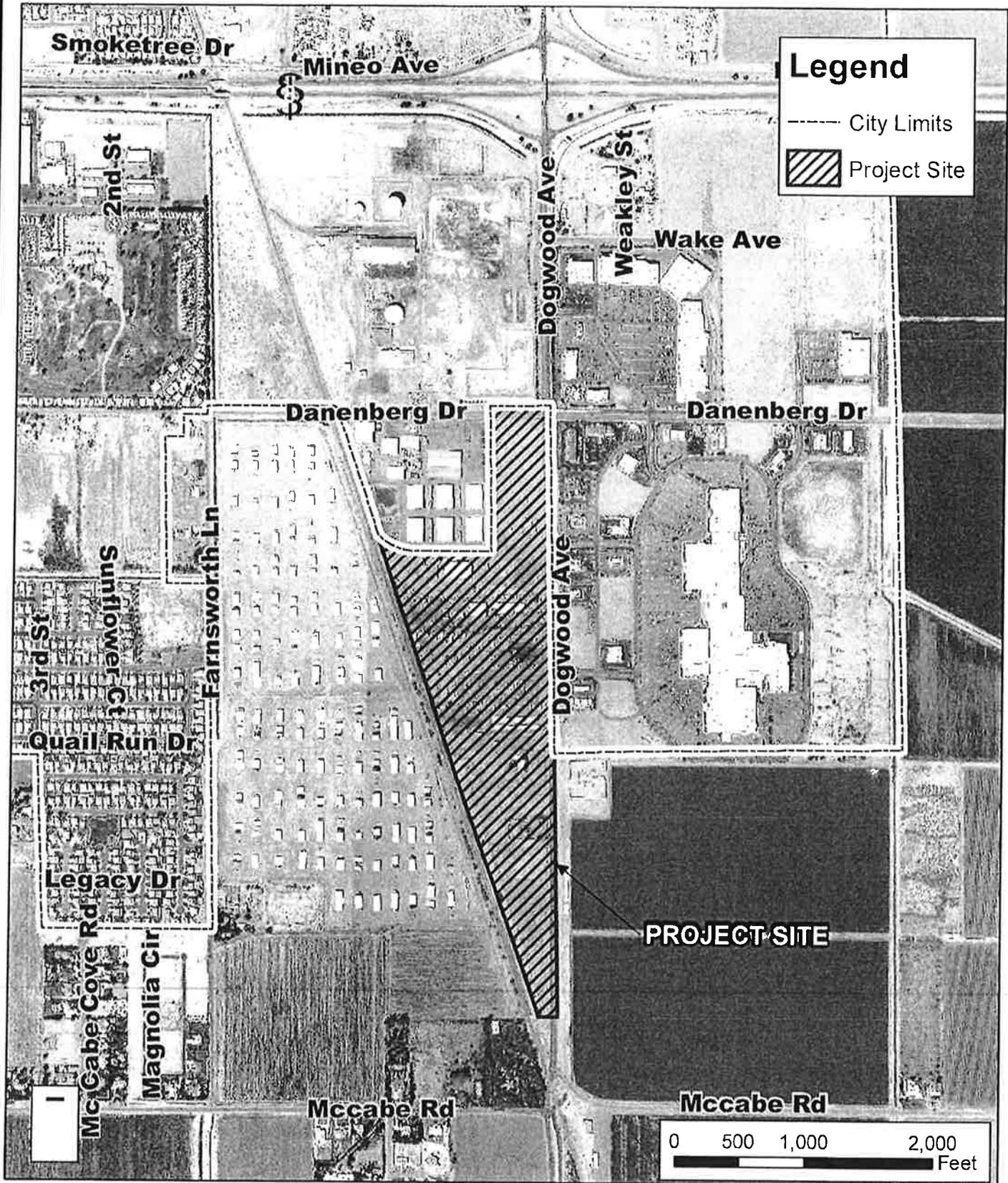
By   
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) ss  
CITY OF EL CENTRO )

I, Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Resolution No. 21-13 was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the 16th day of Mar. 2021, by the following vote:

AYES: Cardenas-Singh, Oliva, Viegas-Walker, Marroquin, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

By   
Norma Wyles, City Clerk



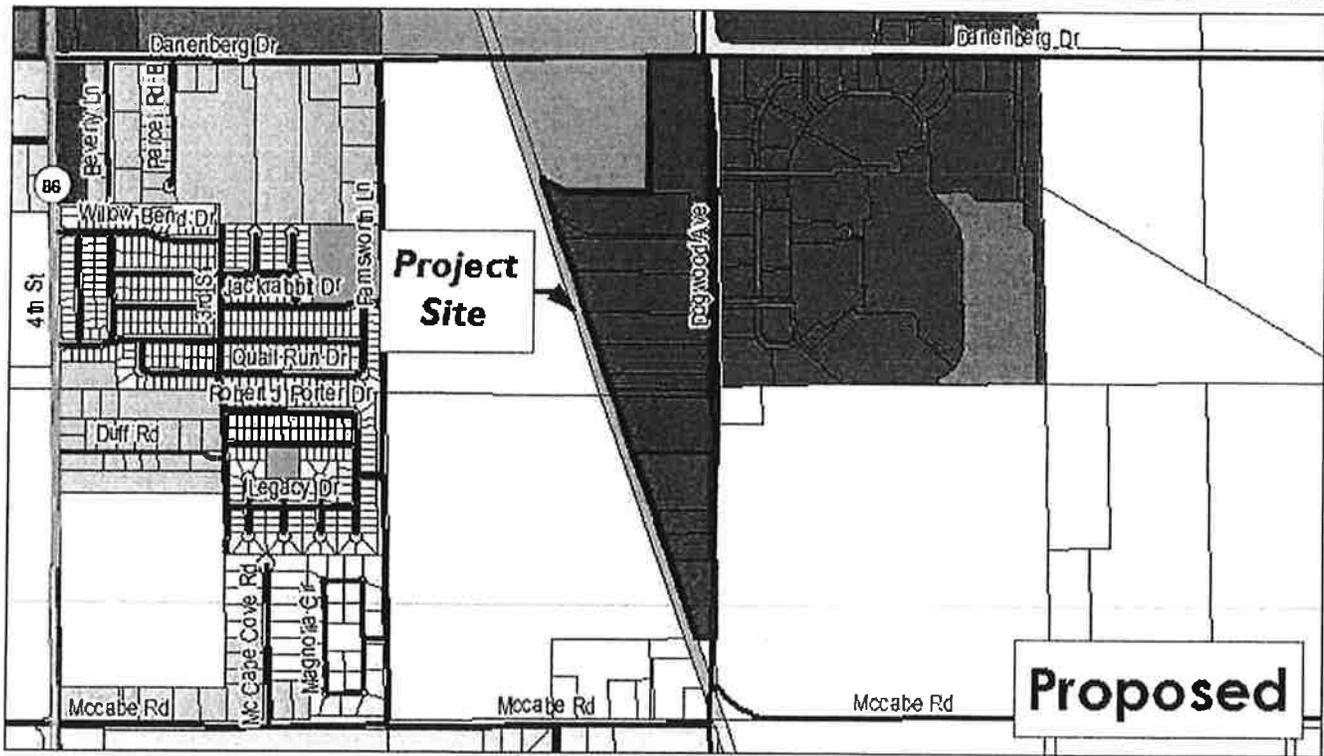
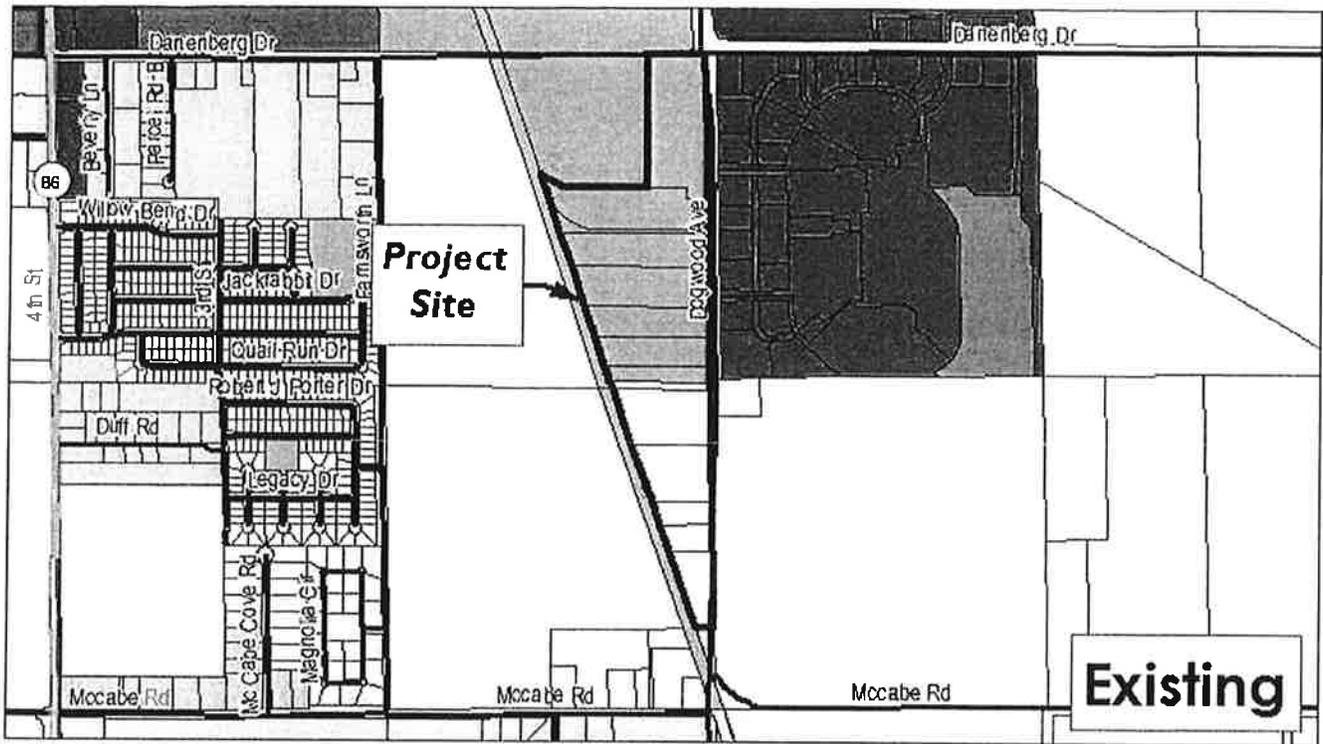
**Legend**

- City Limits
-  Project Site



# Project Location Map

**South Dogwood Annexation  
SEC Dogwood and Danenberg  
El Centro, CA 92243**

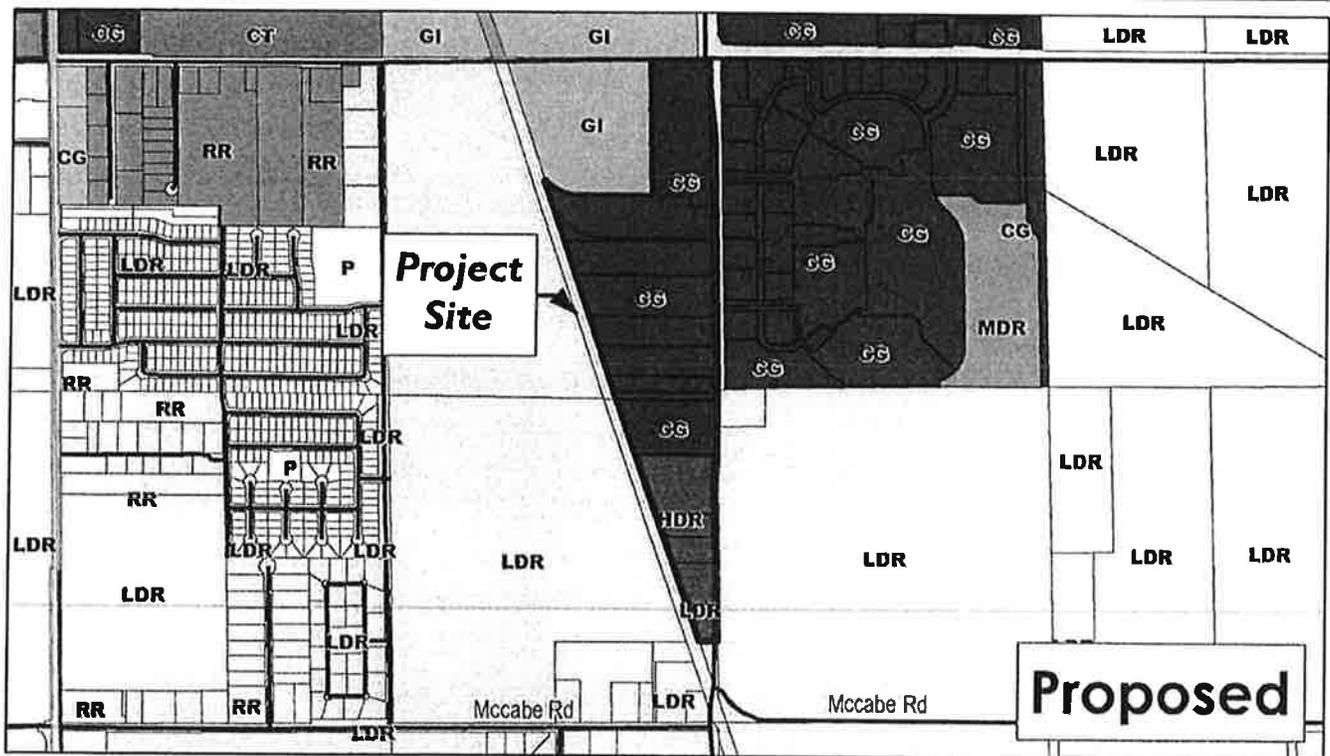
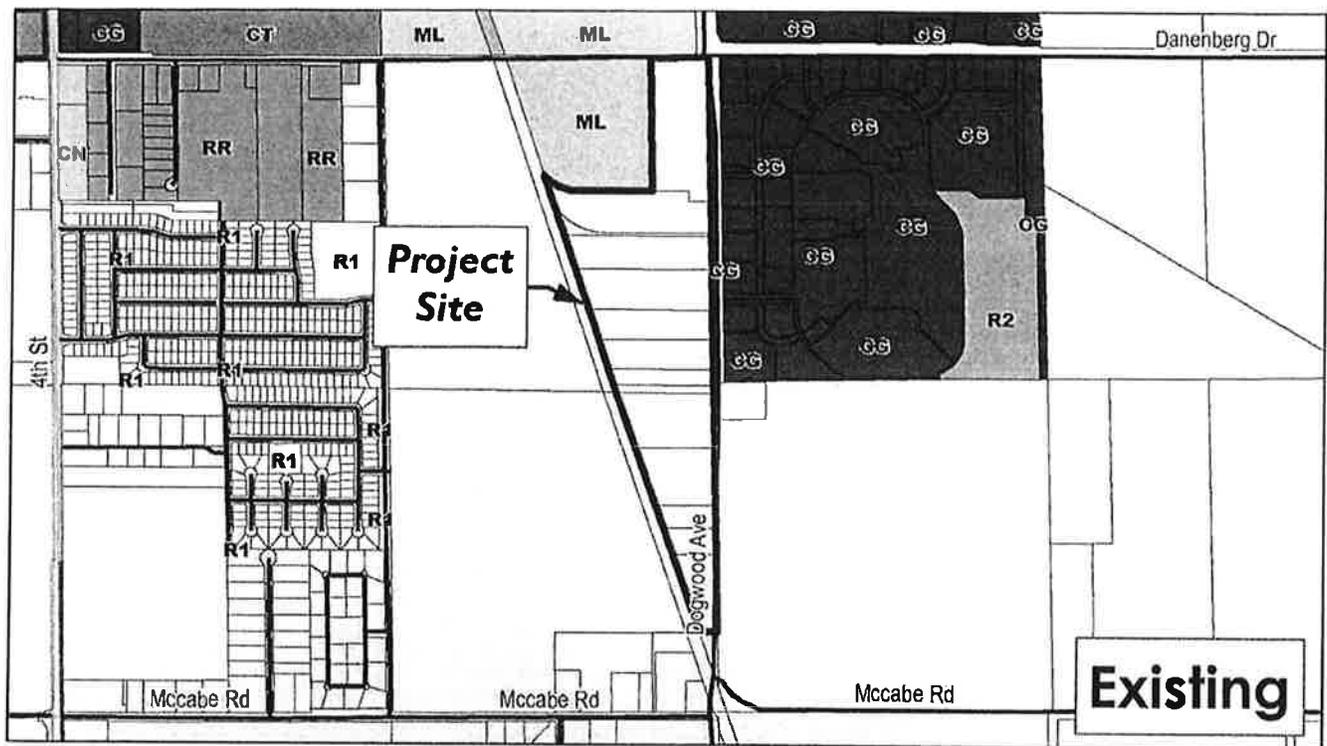


# Land Use Map

## South Dogwood Annexation



Legend	
	Project Sites
	City SOI Streets
Land Use Designation	
	Rural Residential
	Low Density Residential
	Medium Density Residential
	High Medium Density Residential
	Tourist Commercial
	General Commercial
	Downtown Commercial
	General Industrial
	Planned Industrial
	Civic
	Public



# Zoning Map

## South Dogwood Annexation



### Legend

Project_Sites	CD   Downtown Commercial
City/Street	CO   Office Commercial
<b>Land Use Designation</b>	CG   General Commercial
RR   Rural Residential	CH   Heavy Commercial
RAP   Residential Airport	ML   Light Manufacturing
R1   Single-Family Residential	MG   General Manufacturing
R2   Variable Residential	MBP   Manufacturing Business Park
R3   Multiple Family Residential	CC   Civic Center
CN   Neighborhood Commercial	LU   Limited Use
CT   Tourist Commercial	



# EXHIBIT G

**EC 1-19 Pre-Annexation Agreement**

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

City of El Centro  
1275 W. Main St.  
El Centro, CA 92243  
Attn: City Clerk

Exempt from Recording Fee  
pursuant to Gov't Code §6103

(Space above for Recorder's use)

**PRE-ANNEXATION AGREEMENT**

**between**

**CITY OF EL CENTRO**

**a California municipal corporation**

**and**

**Sharon Menvielle, Trustee of the Ralph and Sharon Menvielle Trust UDT 9.12.17; Roger and Stacy Rolfe, Trustees of the Roger and Stacy Rolfe Revocable Trust UDT 3/19/04; Michael and Julie Mostrom, Trustees of the Mostrom Family Living Trust UDT 5/30/07; and Richard and Sharon Sylvester, Trustees of the Sylvester Family Living Trust UDT 11.08.2000**

## RECITALS.

A. Landowners named herein have fee title to certain properties in unincorporated Imperial County, consisting of approximately 67.78 acres of improved and unimproved property, located at the southwest corner of Dogwood Avenue and Danenberg Avenue, bounded by the Union Pacific Railroad to the southwest, commonly known as the South Dogwood Properties more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference (the "South Dogwood Properties").

B. Landowners operate or lease industrial and rural residential properties and intend to continue to occupy the properties in their current uses. At some point in the future, Landowners may wish to develop the South Dogwood Properties and have entered into this Agreement to insure that City will provide sewer, water and other services to the South Dogwood Properties in the event and at the time of such development

C. The Landowners have requested and the City has agreed to the annexation of the South Dogwood Properties into the City of El Centro.

D. City has amended the General Plan for the South Dogwood Properties and has rezoned it as General Commercial Use (CG) and High Density Residential (R3).

### 1. RECITALS.

The Recitals set out above are true and correct

### 2. PARTIES AND EFFECTIVE DATE.

2. A. **Parties.** This Pre-annexation Agreement ("Agreement") is entered into as of this 16th day of March 2021, between the City of El Centro, a California municipal corporation ("City") and the Landowners named herein. City and Landowners named herein are sometimes individually referred to herein as "Party" and collectively as the "Parties."

2. B. **Effective Date.** This Agreement will become effective on the date on which it has been approved by both the City Council and the Landowners (the "Effective Date"). City shall deliver a fully executed counterpart original of this Agreement to Landowner within ten (10) calendar days from City's execution of this Agreement.

### 3. TERMS.

In order to facilitate the annexation and the development of the South Dogwood Properties, the City and Landowners agree to the following:

#### 3. A. City's Obligations.

(a) **Annexation.** Subject to Section 3. A. (c) noted below, upon completion of the annexation, the South Dogwood Properties shall be subject to the same benefits and obligations as other properties zoned “General Commercial-CG” and “High Density Residential-R3” by the City.

(b) **No Representation or Warranty Regarding Annexation.** Nothing herein shall be deemed as a representation or warranty by City that the annexation of the South Dogwood Properties will be completed.

(c) **Zoning.** The Parties acknowledge that the City has pre-zoned the South Dogwood Properties, and upon annexation, the Property will be zoned General Commercial (CG) and High Density Residential (R3) in accordance with the Change of Zone 19-01.

(d) **Development Standards.** The proposed development shall comply with the City development requirements in accordance with Section 29-86 of the City Code as well as all other applicable building or related codes, which are subject to change. Landowners understand and agree that any development of the South Dogwood Properties will require environmental review.

(e) **Subdivision Regulations.** The proposed development shall comply with the City subdivision regulations in accordance with Chapter 24 of the City Code as well as all other applicable building or related codes, which are subject to change. Attention is drawn to Section 24-35 of the City Code for dedication of easements and right-of-way. Landowners shall dedicate all needed public roads and public utility easements.

**3. B. Landowner’s Obligations.**

(a) **Building Permit, Grading Permit, and Development Impact Fees.** Landowners shall pay all fees and charges and make all deposits adopted by and in effect by the then applicable City ordinance or resolution, as those may be amended from time to time, for any and all proposed construction on the Landowner’s property. The amount of the building permit, grading permit, and development impact fees to be paid to the City by the Landowners in connection with the proposed development shall be paid to the City at the time of construction permit issuance for the proposed development, unless otherwise herein stated.

(b) **Dogwood Avenue Widening.** For each development within the South Dogwood Properties, each Landowner shall pay for widening of Danenberg Drive and Dogwood Avenue along the frontage of the Landowner’s property. There shall be no reimbursement from the City or adjacent Landowners for the cost of street improvements along the frontage of their properties. The costs for widening shall include the relocation of any existing utilities, street lights, traffic signals or other structures that may be within the area being widened

(c) **Dogwood Avenue Fair Share fees.** The Landowner shall pay a fair share fee to the City in connection with the proposed development. Full payment of the fair share fees from Landowners, as set forth below, shall be due to the City prior to certificate of occupancy of each development that occurs within the proposed annexation area. Those fees are as follows:

(i) for each development within the South Dogwood Properties, the Landowner shall contribute to the widening of Dogwood Avenue: to a 4-lane arterial road from Aurora Drive to the I-8 Overpass; and providing a third northbound through lane as a right-turn lane from Plaza

Drive to the I-8 Overpass eastbound on-ramp, by depositing with the City a monetary fair share contribution that is proportional to the trips generated by that development as compared to the Property's traffic impact analysis, dated March 27, 2020, and based upon an updated estimate of costs as agreed upon by the City and Landowners. Improvements on other segments of Dogwood Avenue and Danenberg Drive that are direct impacts shall not be used to offset fair share costs calculations. The estimated overall "fair share" of Dogwood Avenue improvements attributed to this project area is 5.5% for the lane addition improvements from the I-8 Overpass to Aurora Drive and 23.7% for the lane addition improvements from Plaza Drive to the I-8 Overpass. In the event that such "fair shares" are replaced by duly adopted City impact fees, the Landowner shall pay such impact fees.

**(d) City Provision of Sewer Service.** City agrees to provide gravity sewer service in Danenberg Drive up to the Dogwood Avenue intersection as part of a regional improvement project. Landowners shall be responsible for the extension of the 12-inch gravity sewer main as projects develop to the south of Danenberg Drive. The landowners shall pay all associated fees and charges and make all deposits required by City to connect to and use the sewer line. Those fees shall include, but not be limited to, the following:

Sewer Connection Fee (i.e., "Hook-Up" Fee)

Sewer Capacity Fee

**(e) City Provision of Water Service.** City agrees to provide water service to the Property from existing water mains in Danenberg Drive and Dogwood Avenue. Landowners shall pay for all connections fees from the existing water mains, including any potential costs associated with jack and bore crossings of Dogwood Avenue, to provide fire protection and water service as required for each project. Landowners shall additionally pay for the installation of a 12-inch diameter water main, extended westerly from the terminus of the existing 12-inch water main along the east side of Dogwood Avenue at the southern end of the Imperial Valley Mall to the eastern right of way of the Union Pacific Railroad, as applicable per project. This extension is for a future connection to the water main located in Farnsworth Drive. A 20-foot wide right of way to the City of El Centro shall be provided for the water main installation. The existing 12-inch water main along the east side of Dogwood Avenue shall be extended southerly from the Imperial Valley Mall to the southern boundary of the South Dogwood Properties at such time as the properties south of the existing terminus of the 12-inch water main on the east side of Dogwood Avenue develops. Any projects developing areas of private interior roads to consists of private water distribution pipelines shall be isolated from the City distribution system with backflow prevention devices. Landowner shall pay all fees and charges and make all deposits required by City to connect to and use the water lines. Those fees shall include, but not be limited to, the following :

Water Connection Fee

Water Capacity Fee

City further agrees to continue to allow the use of raw, untreated water and related service to the existing Properties from the Imperial Irrigation District (IID) for non-potable water supply,

dust control, fire protection and landscape irrigation purposes to the extent allowed by IID and by law, until a property is connected to the City water distribution system.

**(f) City Provision of Storm Drainage Pipelines.** City agrees to accept storm drainage improvements installed on the public right-of-way and fronting the Property required for compliance with City and State storm water requirements. The Landowners shall pay for and install storm drain infrastructure and pipeline along Danenberg Drive and Dogwood Avenue to allow drainage of storm water basins and other storm water appurtenant improvements placed within each development of the Property. Public storm water pipeline connecting the South Dogwood Properties to an approved storm water outlet that is installed at the expense of an owner of property within the South Dogwood Properties, is eligible for a reimbursement agreement for the portion of stormwater pipeline that may benefit other property owners within the South Dogwood Properties. Any drainage conveyed in public storm water facilities being directed to private drainage facilities shall have the property owner(s) secure an easement to benefit the City of El Centro. Any storm drainage method shall be approved by the City Engineer.

**(g) Development and other Fees.** Landowner shall be responsible for the payment of any and all other applicable development impact fees, fair share fees or other such charges at the times and in the amounts adopted by the City by resolution or ordinance.

**(h) Mitigation Under the California Environmental Quality Act.** Landowner shall be responsible for complying with any mitigation measures and requirements that are part of an adopted environmental review document prepared in compliance with the California Environmental Quality Act.

**(i) LAFCo Fees.** Landowner also agrees to pay any additional fees that may be charged by the Local Agency Formation Commission (LAFCO).

**3. C Event of Default.** For purposes of Section 3, C., an “Event of Default” shall mean the occurrence of any of the following during the term hereof:

**(a)** Landowners or City materially breaches any of the obligations of this Agreement;

**(b)** Landowners or City makes a material misrepresentation of any fact or item in any document executed by the Parties or a Party with respect to this Agreement.

**3. D. Consent to Annexation.** In exchange for the City’s commitments hereunder to make the sewer, water and storm drain connections available to Landowners, Landowners hereby consent to the annexation of the South Dogwood Properties to the City. Provided that City has fully complied with its obligations under this Agreement, Landowners agree to covenant for themselves, their agents, employees, contractors, heirs, successors and assigns (“Successors”) not in any way object to, protest, delay, frustrate or otherwise impede any annexation proceedings concerning the annexation of the South Dogwood Properties to the City. Provided that City has fully complied with its obligations under this Agreement, Landowners and their Successors shall cooperate in every reasonable way with the requests of the City, the Imperial County Local Agency Formation Commission (“LAFCO”), or any other public agency in any proceedings to annex the South Dogwood Properties to the City. The Landowners and their Successor’s cooperation shall include, but not be limited to, the filing of all necessary applications, petitions, plans, drawings,

and any other documentation or information required by the City, LAFCO, or any other public agency at no cost or expense to Landowners or their Successors. Landowners reserve the right to request abandonment of the annexation proceedings in the event that Landowners determine, in their sole discretion, that they will not be able to develop the South Dogwood Properties at any time prior to LAFCO approval and recordation of a tentative map on connection with the South Dogwood Properties.

**3. E. Duration of Agreement.** This Agreement shall remain in effect for a term of ten (10) years from the Effective Date.

**3. F. Property Maintenance.** Landowners agrees to maintain the Property in good condition and in compliance with City standards for the type of use. Reasonable standards are defined as the level of maintenance service necessary to keep the appearance and operation of the Property free from visible defects, deterioration, dirt and debris.

**3. G. Amendments/Time Extensions.** City and Landowners may amend this Agreement by written amendment mutually executed by both parties. Such amendments shall not invalidate this Agreement or relieve or release any Party from its obligations under this Agreement unless expressly stated so by such amendment. No waiver of any term or condition of this Agreement shall be a continuing waiver thereof.

#### **4. GENERAL PROVISIONS.**

**4. A. General Compliance.** Landowners agree to comply with all applicable, federal, state and local laws and regulations, including but not limited to the City's Building, Planning, Fire, and Code Enforcement Divisions for the property.

**4. B. Waiver of Liability.** Accordingly, Landowners hereby releases the City from all liability resulting from any damage to property or unfinished or poor quality work caused by a contractor engaged by the Landowners, except to the extent of the City's (including its respective directors, officials, officers, attorneys, employees, agents, representatives and volunteers) negligence or willful misconduct in connection therewith.

**4. C. Hold Harmless.** Landowners, at their sole expense, cost and risk shall hold harmless, defend and indemnify City, and City's respective directors, officials, officers, attorneys, employees, agents, representatives and volunteers from and against any and all actual or alleged claims, actions, suits, charges, demands, judgments, and expenses (including reasonable attorney's fees, expert witness fees and court costs) whatsoever that arise out of Landowners or any of their contractors' performance or nonperformance of this Agreement. In the event that the Landowners and/or the City are found to be comparatively at fault for any claim, action, loss or damage that results from their respective obligations under the Agreement, the Landowners and/or the City shall indemnify the other to the extent of its comparative fault.

**4. D. Suspension or Termination.** City may suspend or terminate this Agreement, in whole or in part, if Landowner materially fails to comply with any term of this Agreement or with any of the rules, regulations or provisions referred to herein. The City also may declare Landowners ineligible for any further participation in City contracts, in addition to other remedies as provided by law.

Landowners may suspend or terminate this Agreement, in whole or in part, if City materially fails to comply with any term of this Agreement or with any of the rules, regulations or provisions referred to herein.

**4. E. Attorneys' Fees.** In the event of the bringing of an action or suit by a Party against another Party by reason of any breach of any of the covenants contained in this Agreement or any other dispute between the Parties concerning this Agreement, then, in that event, the prevailing party in such action or dispute, whether by final judgment or out of court settlement shall be entitled to have and recover of and from the other Party all reasonable costs and expenses of suit or claim, including actual attorneys' fees. Any judgment or order entered in any final judgment shall contain a specific provision providing for the recovery of all costs and expenses of suit or claim, including actual attorneys' fees (collectively, the "Costs") incurred in enforcing, perfecting and executing such judgment. For the purposes of this Section, Costs shall include, without limitation, attorneys' and experts' fees, costs and expenses incurred in the following: (i) post judgment motions, (ii) contempt proceedings, (iii) garnishment, levy, and debtor and third party examination; (iv) discovery; and (v) bankruptcy litigation. This Section shall survive any expiration or termination of this Agreement.

**4. F. Interpretation.** City and Landowners acknowledge that this Agreement is the product of mutual arms-length negotiation and drafting. Accordingly, the rule of construction that provides the ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Agreement. In any action or proceeding to interpret or enforce this Agreement, the finder of fact may refer to any extrinsic evidence not in direct conflict with any specific provision of this Agreement to determine and give effect to the intention of the Parties.

**4. G. Counterpart Originals; Integration; Modification.** This Agreement may be executed by the Parties in counterparts, all of which together shall constitute a single Agreement. This Agreement constitutes the entire understanding of the Parties with respect to the matters set forth in this Agreement and supersedes any and all writings and oral discussions concerning the same. The performances of City's and Landowner's respective obligations under this Agreement are not intended to benefit any party other than the City or Landowners, except as expressly provided otherwise herein. The foregoing notwithstanding, the City is declared to be an intended third party beneficiary of the Landowner's obligations hereunder.

**4. H. No Waiver.** Failure to insist on any one occasion upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment of such other right or power at any other time or times.

**4. I. Non Assignability.** Landowners may not assign any of their rights or obligations under this Agreement without the express written consent of the City, which may not be unreasonably withheld or delayed. No unpermitted successor or assign of Landowner's rights under this Agreement shall be deemed to possess or be entitled to exercise any such right; provided, however, that the obligations of this Agreement shall nonetheless be binding upon such unpermitted successor or assign.

**4. J. Force Majeure.** Landowners shall be excused for the period of any delay in the performance of its obligations hereunder, when prevented from so doing by any cause beyond its control including, but not limited to, construction, labor unrest, litigation, unavailability of material, weather, war, acts of God, and refusal or failure of governmental authorities to grant necessary approvals and permits for construction of the Improvements in the manner contemplated herein ("Force Majeure").

**4. K. Notices.** All notices required or allowed by this Agreement shall be in writing and addressed as set forth below. Notices shall be deemed received upon (i) actual receipt by the intended recipient if the method of delivery is personal service, messenger service or facsimile transmission, (ii) actual receipt by the intended recipient if the method of delivery is overnight delivery service such as Federal Express or the like, or (iii) three business days after deposit in the United States mail, postage prepaid, return receipt requested. Notices shall be addressed as follows:

If to City:                   City of El Centro  
                                  1275 W. Main St.  
                                  El Centro, CA 92243  
                                  Telephone: (760) 337-4540  
                                  Attn: City Manager

If to Landowners:        KC Welding and Rentals  
                                  1549 Dogwood Road  
                                  El Centro, CA 92243  
                                  Attn: Michael C. Mostrong

Any party's address for notices may be changed by written notice as provided above.

The parties signing below are authorized to do so.

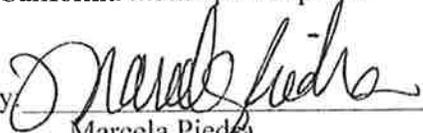
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**CITY:**

CITY OF EI CENTRO  
a California municipal corporation

Dated: 3/23/2021

By:   
Marcela Piedra  
City Manager

ATTEST:

  
Norma Wyles, City Clerk

**APPROVED AS TO LEGAL FORM:**

By: Elizabeth L. Martyn  
Elizabeth L. Martyn, City Attorney

**LANDOWNERS:**

RALPH AND SHARON MENVIELLE TRUST UDT 9/12/17

Dated: 3/11/21

By: Sharon Menvielle  
SHARON MENVIELLE, TRUSTEE

UDT 3/19/04

ROGER AND STACY ROLFE REVOCABLE TRUST

Dated: 3/11/21

By: [Signature]  
ROGER ROLFE, TRUSTEE

Dated: 3/11/21

By: [Signature]  
STACY ROLFE, TRUSTEE

Dated: 3/12/21

MOSTRONG FAMILY LIVING TRUST UDT 5/30/07

By: [Signature]  
MICHAEL C. MOSTRONG, TRUSTEE

Dated: 3-12-21

By: [Signature]  
JULIE L. MOSTRONG, TRUSTEE

Dated: 3/15/21

SYLVESTER FAMILY LIVING TRUST UDT 11/08/2000

By: [Signature]  
RICHARD SYLVESTER, TRUSTEE

Dated: 3/15/21

By: [Signature]  
SHARON SYLVESTER, TRUSTEE

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Imperial

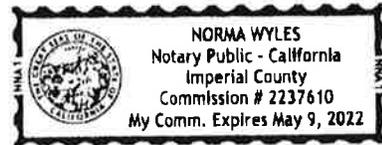
On March 22, 2021 before me, Norma Wyles, Notary Public  
(insert name and title of the officer)

personally appeared Marcela Piedra, City Manager  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Norma Wyles (Seal)



Pre-Annexation Agreement - South Dogwood Annexation

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Imperial )

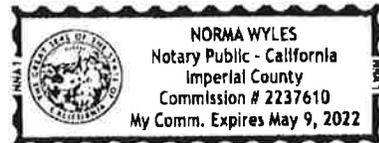
On March 11, 2021 before me, Norma Wyles, Notary Public  
(insert name and title of the officer)

personally appeared Sharon Menvielle  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Norma Wyles (Seal)



Pre-Annexation Agreement - South Dogwood Annex Project

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Imperial)

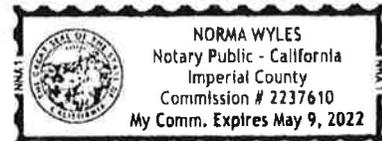
On March 11, 2021 before me, Norma Wyles, Notary Public  
(insert name and title of the officer)

personally appeared Roger and Stacy Rolfe  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Norma Wyles (Seal)



Pre-Annexation Agreement - South Dogwood Annex Project

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Imperial

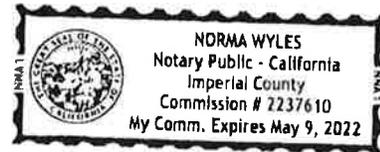
On March 12, 2021 before me, Norma Wyles, Notary Public  
(insert name and title of the officer)

personally appeared Michael C. and Julie L. Mostrong  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Norma Wyles (Seal)



Pre-Annexation Agreement - South Dogwood Annex Project

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Imperial

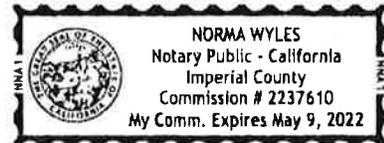
On March 15, 2021 before me, Norma Wyles, Notary Public  
(insert name and title of the officer)

personally appeared Richard and Sharon Sylvester  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Norma Wyles (Seal)



Pre-Annexation Agreement - South Dogwood Annex Project

# EXHIBIT H

**EC 1-19 Tax & Fiscal Impact Agreement**

**TAX AND FISCAL IMPACT AGREEMENT**

**Annexation EC 1-19**

1  
2  
3 THIS TAX AND FISCAL IMPACT AGREEMENT (“Agreement”), made and entered into by and  
4 between the COUNTY OF IMPERIAL, a political subdivision of the state of California (“County”), and the  
5 CITY OF EL CENTRO, a municipal corporation of the state of California (“City”) (individually, “Party;”  
6 collectively, “Parties”) shall be as follows:

7 **WHEREAS**, Section 99 of the California Revenue and Taxation Code provides that in case of a  
8 jurisdictional change, the governmental bodies of all agencies whose service areas or responsibilities would  
9 be altered by such jurisdictional change must agree, by resolution, to accept the negotiated exchange of  
10 property tax revenues; and

11 **WHEREAS**, Section 56668 of the California Government Code requires that certain factors be  
12 considered in reviewing any Proposal before the Local Agency Formation Commission (“LAFCO”),  
13 including the, “effect of the proposed action and of alternative actions on adjacent areas, on mutual social  
14 and economic interests and on the local government structure of the county;” and

15 **WHEREAS**, Section 56069 of the California Government Code defines “Proposal” as a request or  
16 statement of intention made by petition, or by resolution of application of a legislative body, proposing  
17 proceedings for the Change of Organization or reorganization described in the request or statement of  
18 intention; and

19 **WHEREAS**, Section 56021 of the California Government Code defines “Change of  
20 Organization” to mean any of the following: (a) a city incorporation; (b) a district formation; (c) an  
21 annexation to, or detachment from, a city or district; (d) a disincorporation of a city; (e) a district  
22 dissolution; (f) a consolidation of cities or special districts; or (g) a merger or establishment of a  
23 subsidiary district; and

24 **WHEREAS**, City desires to annex approximately sixty eight (68) acres of land currently within  
25 the County’s jurisdiction and more particularly described in **Exhibit “A”**, attached hereto and  
26 incorporated herein by this reference (“Annexation EC 1-19”); and

27 **WHEREAS**, Annexation EC 1-19 is necessary in order for the City to prepare the land for general  
28 commercial development; and

1           **WHEREAS**, the current assessed value for the territory within Annexation EC 1-19, including  
2 improvements, is one million nine hundred forty nine thousand one hundred twenty two dollars  
3 (\$1,949,122.00); and

4           **WHEREAS**, LAFCO requires a written agreement between the affected governmental bodies  
5 prior to the approval of any annexation to offset any negative fiscal impacts; and

6           **WHEREAS**, in order to offset the negative fiscal impacts to County resulting from Annexation  
7 EC 1-19, the Parties are entering into this Agreement, in which City agrees to exchange property tax  
8 revenues and make certain payments to County, as further detailed below.

9           **NOW, THEREFORE**, the Parties agree as follows:

10    **1.    DEFINITIONS.**

11           **1.1.**    “Base year revenues” means property tax revenues accruing to each agency in the current  
12 fiscal year, being defined as the fiscal year in which the annexation is accepted by the State  
13 Board of Equalization.

14           **1.2.**    “Tax increment” means that the amount of property tax revenues in excess of base year  
15 revenues accruing to each agency (by Tax Rate Area) and resulting from the increase in  
16 assessed valuation from one year to the next.

17    **2.    APPORTIONMENT.**

18           **2.1.**    When a special district, including County Fire and Library Districts, gives up its service  
19 responsibility in a territory, upon annexation of such territory to a City, the affected special  
20 districts shall transfer to the City all of its base year revenues and tax increment attributable  
21 to the annexed territory, effective in the fiscal year following the calendar year in which  
22 annexation is completed.

23           **2.2.**    For jurisdictional changes where the proposed area is agreed to by County and City to be  
24 substantially developed (as more particularly described in **Exhibit “A”**), no transfer of the  
25 base year revenues is required. The aggregate amount of the tax increment that would accrue  
26 to County, as a result of the aforesaid base year revenue apportionment, shall be distributed  
27 in the amount of fifty percent (50%) of the increment to the City and fifty percent (50%) of  
28 the increment to the County.

1           2.3. For all other jurisdictional changes, the County shall transfer to the City forty percent (40%)  
2           of the base year revenues. The aggregate amount of the tax increment that would accrue to  
3           County and City, as a result of the aforesaid base year revenue apportionment, shall be  
4           distributed in the amount of fifty percent (50%) of the increment to the City and fifty percent  
5           (50%) of the increment to the County.

6   **3.    APPLICATION.**

7           The provisions of this Agreement shall apply to the apportionment of all secured and unsecured  
8   property tax revenues resulting from Annexation EC 1-19.

9   **4.    FISCAL IMPACT PAYMENT.**

10          4.1. To offset the negative impact to County of Annexation EC 1-19, City shall require developer,  
11          as compensation for the discounted negative impacts for the first twenty (20) years of project  
12          development, to pay the County the County Impact fees for Sheriff (Countywide), which are  
13          described on the *Schedule of Maximum Supportable Impact Fees Per Unit (residential) and*  
14          *per Square Foot (nonresidential) – Countywide* attached hereto as **Exhibit “B”** (“Fee  
15          Schedule”). Said Fee Schedule is pursuant to the Impact Fee Study prepared for the County  
16          of Imperial, California by Tischler Bise dated August 17, 2006. A copy of said Impact Fee  
17          Study is available upon request.

18          4.2. In the event that the developer fails to pay the County the applicable County Impact Fees  
19          required to be paid in respect of any building permits related to Annexation EC 1-19 for  
20          which the developer is making application to the City, City shall deny the application for the  
21          said building permits until such time as the developer pays the required County Impact Fees  
22          applicable to such building permits as provided for pursuant to the Fee Schedule.

23          4.3. Said payment of County Impact Fees shall be made by the developer to the County in the  
24          appropriate and applicable amount depending upon the number of building permits for which  
25          the developer is making application to the City at any given time. Upon payment by the  
26          developer of the County Impact Fees applicable to any building permits for which the  
27          developer is making application to the City as provided for above, the County shall issue a  
28          receipt and/or other form of documentation evidencing that the developer has made the

1 required payment and the City shall be entitled to rely upon such receipt and/or other  
2 documentation issued by the County that the required County Impact Fees in respect of such  
3 building permits have been paid for the purposes of this Agreement.

4 **4.4.** In the event that 1) the developer fails to pay the County the applicable County Impact Fees  
5 required to be paid in respect of any building permits related to Annexation EC 1-19 for  
6 which the developer is making application to the City and 2) the City approves the application  
7 for the said building permits despite the failure of developer to pay the applicable County  
8 Impact Fees, then City shall pay County the applicable County Impact Fees. Such payment  
9 shall be due within thirty (30) days of the approval of the application for building permits.

10 **5. TERM OF AGREEMENT.**

11 This Agreement shall become effective upon execution by both Parties. The terms and conditions  
12 for Annexation EC 1-19 shall remain in full force and effect until each term or condition is completely and  
13 fully satisfied.

14 **6. ADVERSE PROPERTY TAX IMPACTS.**

15 Prior to the City including any portion of Annexation EC 1-19, in the next twenty (20) years  
16 covered by this Agreement, into any program which adversely fiscally impacts County, the Parties shall  
17 renegotiate and enter into a new and separate agreement which addresses said negative fiscal impacts.

18 **7. INTENT OF AGREEMENT.**

19 By entering into this Agreement, the parties mutually assume the continuation of a statutory scheme  
20 for the distribution of tax revenues that is compatible with the provisions contained herein, and such  
21 assumption is a basic intent of this Agreement.

22 **8. SEVERABILITY.**

23 If any term or provision of this Agreement is held by a court of competent jurisdiction to be void,  
24 invalid or otherwise unenforceable, the remaining terms and provisions shall continue in full force and effect.

25 **9. GOVERNING LAW.**

26 This Agreement is made and entered into in Imperial County, California. This agreement shall be  
27 construed and enforced in accordance with the laws of the State of California, except that the Parties agree  
28

1 that any action brought by either Party regarding this Agreement shall be brought in a court of competent  
2 jurisdiction in Imperial County, or if appropriate, in the Federal District Court serving Imperial County.

3 **10. GOOD FAITH.**

4 The Parties hereto agree to act in good faith and deal fairly with the other Party in the performance  
5 of this Agreement.

6 **11. NOTICES.**

7 Notices required hereunder shall be in writing and may be given either personally or by registered  
8 or certified mail, postage prepaid, return receipt requested. If given by registered or certified mail, such  
9 notice shall be addressed as indicated below, and shall be deemed given and received upon the earlier of  
10 actual receipt by the Party to whom the notice was sent, or return of the requested receipt to the Party  
11 giving notice. Notice personally given shall be deemed given when delivered to the Party to whom the  
12 notice is addressed. Any party may upon ten (10) days written notice to the other Party, change the  
13 address where notices are to be sent.

14 **Notice to County**

15 County of Imperial  
16 County Executive Office  
17 Attention: County Executive Officer  
18 940 Main Street, Suite #208  
19 El Centro, CA 92243

20 **With Copies To**

21 Imperial County LAFCO  
22 Attention: Executive Officer  
23 1122 State St., Suite D  
24 El Centro, CA 92243

25 **Notice to City**

26 City of El Centro  
27 Attention: City Manager  
28 1275 W. Main Street  
El Centro, CA 92243

**12. COUNTERPARTS.**

The Parties herein agree that this Agreement may be executed in counterparts.

**13. AUTHORITY.**

1 The Parties herein each warrant and represent that they are authorized to execute this Agreement and  
2 bind City or County to the terms and conditions of this Agreement.

3  
4 **IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be executed the  
5 day and year written below.

6 **COUNTY OF IMPERIAL:**

**CITY OF EL CENTRO**

7  
8  
9 By: Michael W. Kelley  
10 Michael W. Kelley, Chairman  
Imperial County Board of Supervisors

By: Cheryl Viegas-Walker  
Cheryl Viegas-Walker, Mayor  
El Centro City Council

11  
12 Date: 3/25/21

Date: 3/17/21

13  
14 **ATTEST:**

**ATTEST:**

15  
16 By: Blanca Acosta  
Blanca Acosta, Clerk  
of the Board of Supervisors

By: Norma Wyles  
Norma Wyles, Clerk  
of the City of El Centro

17  
18  
19 **Approved as to Form:**

**Approved as to Form**

20  
21 ADAM G. CROOK  
County Counsel

By: Elizabeth L. Martyn  
Elizabeth L. Martyn  
City Attorney

22  
23 By: Eric Havens  
Eric Havens  
Assistant County Counsel

# Exhibit “A”

EXHIBIT A

SOUTH DOGWOOD ANNEXATION

<u>OWNER</u>	<u>APN</u>	<u>ADDRESS</u>	<u>LEGAL</u>
MENVIELLE	054-360-058	1571 Dogwood Rd.	PAR 1 OF COC (LA #19) Doc 88-18674 (Bk. 1614/Pg. 1204)
ROLFE	054-360-032	1553 Dogwood Rd.	PAR 2 of PM 3-57
MOSTRONG	054-360-052	1549 Dogwood Rd.	PAR 1 of PM 6-50
MOSTRONG	054-360-053	1549 Dogwood Rd.	PAR 2 of PM 6-50
MOSTRONG	054-360-054	1547 Dogwood Rd.	PAR 3 of PM 6-50
MOSTRONG	054-360-055	----	PAR 4 of PM 6-50
SYLVESTER	054-360-056	1540 Dogwood Rd.	PAR 5 of PM 6-50
SYLVESTER	054-360-057	1501 Dogwood Rd.	PAR 6 of PM 6-50
MOSTRONG	054-360-036 / 054-390-044	1499 Dogwood Rd.	PAR 2 of PM 5-60
SYLVESTER	054-390-089	1431 Dogwood Rd.	PAR 3 of PM 5-60 & PAR 1 of PM 6-15
SYLVESTER	054-390-050	----	PAR 2 of PM 6-15
SYLVESTER	054-390-051	----	PAR 3 of PM 6-15
SYLVESTER	054-390-052	----	PAR 4 of PM 6-15

# Exhibit “B”

# EXHIBIT B

Imperial County, California – Impact Fee Study – August 17, 2006

**Figure 1a: Schedule of Maximum Supportable Impact Fees Per Unit (residential) and per Square Foot (nonresidential) – Countywide**

	<i>Sheriff (Countywide)</i>	<i>General Government (Countywide)</i>	<i>Parks and Recreation (Countywide)</i>	<i>TOTAL</i>
<b>Residential</b>				
<i>Per Housing Unit</i>				
Single Family	\$619	\$1,350	\$452	\$2,421
Multi-Family	\$484	\$1,057	\$354	\$1,894
Mobile Home	\$415	\$906	\$304	\$1,625
<b>Nonresidential</b>				
<i>Per Square Foot</i>				
820 Com / Shop Ctr 50,000 SF or less	\$0.41	\$0.26	N/A	\$0.67
820 Com / Shop Ctr 50,001-100,000 SF	\$0.36	\$0.23	N/A	\$0.59
820 Com / Shop Ctr 100,001-200,000 SF	\$0.31	\$0.21	N/A	\$0.51
820 Com / Shop Ctr over 200,000 SF	\$0.26	\$0.18	N/A	\$0.45
710 Office / Inst 25,000 SF or less	\$0.17	\$0.38	N/A	\$0.55
710 Office / Inst 25,001-50,000 SF	\$0.14	\$0.36	N/A	\$0.50
710 Office / Inst 50,001-100,000 SF	\$0.12	\$0.34	N/A	\$0.46
720 Medical-Dental Office	\$0.33	\$0.37	N/A	\$0.70
610 Hospital	\$0.16	\$0.31	N/A	\$0.47
770 Business Park	\$0.12	\$0.29	N/A	\$0.41
110 Light Industrial	\$0.06	\$0.21	N/A	\$0.28
140 Manufacturing	\$0.03	\$0.17	N/A	\$0.20
150 Warehousing	\$0.04	\$0.12	N/A	\$0.16
520 Elementary School	\$0.13	\$0.08	N/A	\$0.22
<b>Other Nonresidential</b>				
320 Lodging (per room)	\$0.05	\$0.04	N/A	\$0.09
565 Day Care (per student)	\$0.04	\$0.01	N/A	\$0.05
620 Nursing Home (per bed)	\$0.02	\$0.03	N/A	\$0.05
<b>Other Nonresidential</b>				
320 Lodging (per room)	\$50	\$41		\$91
565 Day Care (per student)	\$40	\$15		\$55
620 Nursing Home (per bed)	\$21	\$33		\$54

# EXHIBIT I

**EC 1-19 Auditor-Controller Letter**

Josue Mercado, CPA  
Auditor-Controller  
josuemercado@co imperial.ca.us



County Administration Center  
940 Main Street, Suite 108  
El Centro, California 92243  
Telephone: 442-265-1277  
FAX: 442-265-1296

**AUDITOR-CONTROLLER**

May 1, 2020

Tony Rouhotas Jr.  
County Executive Officer  
County of Imperial  
Administration Center  
El Centro, CA 92243



Subject: Annexation - LAFCO File No. EC 1-19 South Dogwood

Dear Mr. Rouhotas:

Pursuant to Section 99(B) of the Revenue and Taxation Code the estimated amount of property tax revenue generated within the territory which is subject to jurisdictional changes for the current fiscal year are as follows:

County General Fund	\$ 3,703
County Library	\$ 195
County Fire Protection	\$ 1,169

The estimated proportion of property tax revenue are:

County General Fund	19%
County Library	1%
County Fire Protection	6%

The total assessed valuation for the territory subject to jurisdictional change is \$1,949,122.

Sincerely,

Josue Mercado, CPA  
Auditor-Controller

By: *Ivonne Ramirez*

Ivonne Ramirez  
Special Accounting Manager

cc: LAFCO Executive Officer

# EXHIBIT J

**EC 1-19 Mitigated Negative Declaration**



RECON

**Final Mitigated Negative Declaration  
for the South Dogwood Annexation  
Project  
El Centro, California**

*Prepared for*  
City of El Centro  
Community Development Department  
1275 Main Street  
El Centro, CA 92243

*Prepared by*  
RECON Environmental, Inc.  
1927 Fifth Avenue  
San Diego, CA 92101  
P 619.308.9333

RECON Number 9489  
May 8, 2020

**City of El Centro**  
**Final Mitigated Negative Declaration for the**  
**South Dogwood Annexation Project**

**Letters of Comment and Responses**

Two letters of comment to the Draft MND were received from state and local agencies. The comment letters received during the Draft MND public review period contained comments that resulted in changes to the Final MND text. These changes to the text are indicated by ~~strikeout~~ (deleted) and underline (inserted) markings. Revisions to the Final MND are intended to correct minor discrepancies and provide additional clarification. The revisions do not constitute significant changes to the project or environmental setting, or the conclusions regarding environmental impacts. The letters received during the public review period are listed as follows:

***State and Local Agencies***

Caltrans (District 11) .....	RTC-2
Imperial County Air Pollution Control District (APCD) .....	RTC-7



LETTER

Mr. Angel Hernandez  
March 6, 2020  
Page 2

trips of 484 AM PHV and 1,632 PM PHV. This may have a great impact to local streets and freeway intersections.

i. Caltrans request that the Synchro files used to analyze traffic be submitted to us for review. We need to verify that the traffic analysis model that it's based on is correct.

b. Figure 7-1, Project Trip Distribution is not adequate for the location of the project site. Since the densification of homes is to the north of the project location and to the south there is vast agricultural land with a few home developments and the community of Heber, then the distribution needs to change to better represent where the trips are generated, in addition, it is the Caltrans belief that the I-8 freeway will be utilized as the main corridor to get to the project's location.

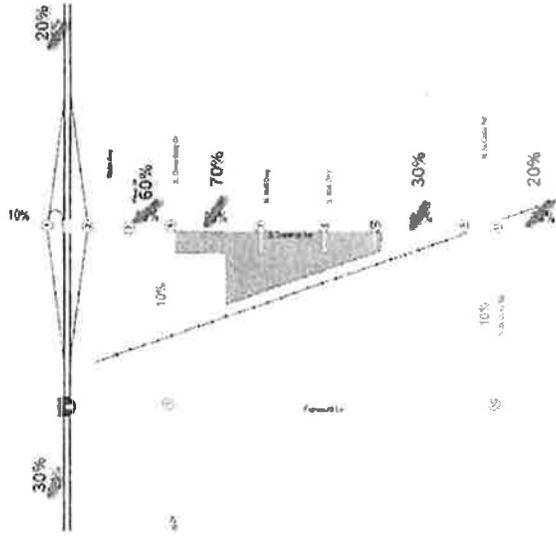


Figure 7-1: Project Trip Distribution. Provides a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

RESPONSE

A-3 These comments and recommendations regarding trip generation are acknowledged. However, the project traffic engineer, LLG, disagrees with the suggested changes as they would not reflect the actual conditions in the project area. The trip generation used by LLG was based on actual counts at the Imperial Valley Mall driveways which show 40 percent of current traffic oriented to/from the south, and not as suggested in this comment.

RESPONSE

LETTER

Mr. Angel Hernandez  
 March 6, 2020  
 Page 3

i. The edits in the figure above are what Caltrans recommends for this project's distribution. If agreed, update the traffic impact analysis report with the new distribution. Please explain if you do not agree with the recommendations. (see next page)

3. Page 37, Section 9: Capacity Analysis:

- a. This section states "The Existing + Project peak hour analysis worksheets are included in Appendix C" but were not included in the submittal. Please provide Appendix C of the traffic impact analysis to Caltrans so we may complete the review.
- b. This Capacity Analysis section needs to revise and declare direct impacts for all analysis scenarios of this page since Table 9-1 and Table 9-2 show direct and cumulative impacts. (See comment #1)
- c. Table 9-1 needs to be revised to show direct impacts to those intersections that went to LOS D, highlighted below:

**TABLE 9-1  
NEAR-TERM INTERSECTION OVERSIGHTS**

Intersections	Current Type	Peak Hour	Existing + Project		Existing + Project + Queue		LOS	Priority	LOS	Duty	Notes
			PM	AM	PM	AM					
1. Dogwood Ave + 14th St	Signal	12:30	A	A	A	A	A	A	A	17	OK
2. Dogwood Ave + 14th St	Signal	11:15	A	A	B	B	B	B	B	21	OK
3. Dogwood Ave + 14th St	Signal	10:00	B	B	C	C	C	C	C	25	OK
4. Dogwood Ave + 14th St	Signal	8:45	B	B	D	D	D	D	D	29	OK
5. Dogwood Ave + 14th St	Signal	7:30	C	C	E	E	E	E	E	33	OK
6. Dogwood Ave + 14th St	Signal	6:15	D	D	F	F	F	F	F	37	OK
7. Dogwood Ave + 14th St	Signal	5:00	E	E	G	G	G	G	G	41	OK
8. Dogwood Ave + 14th St	Signal	3:45	F	F	H	H	H	H	H	45	OK
9. Dogwood Ave + 14th St	Signal	2:30	G	G	I	I	I	I	I	49	OK
10. Dogwood Ave + 14th St	Signal	1:15	H	H	J	J	J	J	J	53	OK
11. Dogwood Ave + 14th St	Signal	0:00	I	I	K	K	K	K	K	57	OK
12. Dogwood Ave + 14th St	Signal	11:45	J	J	L	L	L	L	L	61	OK
13. Dogwood Ave + 14th St	Signal	10:30	K	K	M	M	M	M	M	65	OK
14. Dogwood Ave + 14th St	Signal	9:15	L	L	N	N	N	N	N	69	OK
15. Dogwood Ave + 14th St	Signal	8:00	M	M	O	O	O	O	O	73	OK
16. Dogwood Ave + 14th St	Signal	6:45	N	N	P	P	P	P	P	77	OK
17. Dogwood Ave + 14th St	Signal	5:30	O	O	Q	Q	Q	Q	Q	81	OK
18. Dogwood Ave + 14th St	Signal	4:15	P	P	R	R	R	R	R	85	OK
19. Dogwood Ave + 14th St	Signal	3:00	Q	Q	S	S	S	S	S	89	OK
20. Dogwood Ave + 14th St	Signal	1:45	R	R	T	T	T	T	T	93	OK
21. Dogwood Ave + 14th St	Signal	0:30	S	S	U	U	U	U	U	97	OK

\*Provide a safe, sustainable, integrated and efficient transportation system to enhance California's security and mobility.

- A-4 LLG submitted Appendix C of the traffic study to Caltrans (Mark McCumsey) on March 15, 2020.
- A-5 Based on City of El Centro significance criteria, LOS D is acceptable on Dogwood Road and no significant impacts would occur. No changes are required to the Capacity Analysis or Table 9-1 for the project's direct and cumulative impacts.

A-6 See response A-5 above.

Mr. Angel Hernandez  
 March 6, 2020  
 Page 4

TABLE 5-1 (CONTINUED)  
 NEAR TERM IMPROVEMENT OPERATIONS

Improvement	County Type	Existing		Proposed		Example Impacts Comparison	Impacts Type
		Volume	LOS	Volume	LOS		
18. Signalized Interchange (I-15/101)	Central	100	LOS C	145	B	144	B
19. Signalized Interchange (SR 99/101)	MSJ	100	C	120	B	121	B
20. Signalized Interchange (SR 99/101)	MSJ	100	C	150	B	147	B
21. Signalized Interchange (SR 99/101)	MSJ	100	C	165	B	157	B
22. Signalized Interchange (SR 99/101)	MSJ	100	C	170	B	171	B
23. Signalized Interchange (SR 99/101)	MSJ	100	C	175	B	176	B
24. Signalized Interchange (SR 99/101)	MSJ	100	C	180	B	181	B
25. Signalized Interchange (SR 99/101)	MSJ	100	C	185	B	186	B
26. Signalized Interchange (SR 99/101)	MSJ	100	C	190	B	191	B
27. Signalized Interchange (SR 99/101)	MSJ	100	C	195	B	196	B
28. Signalized Interchange (SR 99/101)	MSJ	100	C	200	B	201	B
29. Signalized Interchange (SR 99/101)	MSJ	100	C	205	B	206	B
30. Signalized Interchange (SR 99/101)	MSJ	100	C	210	B	211	B
31. Signalized Interchange (SR 99/101)	MSJ	100	C	215	B	216	B
32. Signalized Interchange (SR 99/101)	MSJ	100	C	220	B	221	B
33. Signalized Interchange (SR 99/101)	MSJ	100	C	225	B	226	B
34. Signalized Interchange (SR 99/101)	MSJ	100	C	230	B	231	B
35. Signalized Interchange (SR 99/101)	MSJ	100	C	235	B	236	B
36. Signalized Interchange (SR 99/101)	MSJ	100	C	240	B	241	B
37. Signalized Interchange (SR 99/101)	MSJ	100	C	245	B	246	B
38. Signalized Interchange (SR 99/101)	MSJ	100	C	250	B	251	B
39. Signalized Interchange (SR 99/101)	MSJ	100	C	255	B	256	B
40. Signalized Interchange (SR 99/101)	MSJ	100	C	260	B	261	B
41. Signalized Interchange (SR 99/101)	MSJ	100	C	265	B	266	B
42. Signalized Interchange (SR 99/101)	MSJ	100	C	270	B	271	B
43. Signalized Interchange (SR 99/101)	MSJ	100	C	275	B	276	B
44. Signalized Interchange (SR 99/101)	MSJ	100	C	280	B	281	B
45. Signalized Interchange (SR 99/101)	MSJ	100	C	285	B	286	B
46. Signalized Interchange (SR 99/101)	MSJ	100	C	290	B	291	B
47. Signalized Interchange (SR 99/101)	MSJ	100	C	295	B	296	B
48. Signalized Interchange (SR 99/101)	MSJ	100	C	300	B	301	B
49. Signalized Interchange (SR 99/101)	MSJ	100	C	305	B	306	B
50. Signalized Interchange (SR 99/101)	MSJ	100	C	310	B	311	B
51. Signalized Interchange (SR 99/101)	MSJ	100	C	315	B	316	B
52. Signalized Interchange (SR 99/101)	MSJ	100	C	320	B	321	B
53. Signalized Interchange (SR 99/101)	MSJ	100	C	325	B	326	B
54. Signalized Interchange (SR 99/101)	MSJ	100	C	330	B	331	B
55. Signalized Interchange (SR 99/101)	MSJ	100	C	335	B	336	B
56. Signalized Interchange (SR 99/101)	MSJ	100	C	340	B	341	B
57. Signalized Interchange (SR 99/101)	MSJ	100	C	345	B	346	B
58. Signalized Interchange (SR 99/101)	MSJ	100	C	350	B	351	B
59. Signalized Interchange (SR 99/101)	MSJ	100	C	355	B	356	B
60. Signalized Interchange (SR 99/101)	MSJ	100	C	360	B	361	B
61. Signalized Interchange (SR 99/101)	MSJ	100	C	365	B	366	B
62. Signalized Interchange (SR 99/101)	MSJ	100	C	370	B	371	B
63. Signalized Interchange (SR 99/101)	MSJ	100	C	375	B	376	B
64. Signalized Interchange (SR 99/101)	MSJ	100	C	380	B	381	B
65. Signalized Interchange (SR 99/101)	MSJ	100	C	385	B	386	B
66. Signalized Interchange (SR 99/101)	MSJ	100	C	390	B	391	B
67. Signalized Interchange (SR 99/101)	MSJ	100	C	395	B	396	B
68. Signalized Interchange (SR 99/101)	MSJ	100	C	400	B	401	B
69. Signalized Interchange (SR 99/101)	MSJ	100	C	405	B	406	B
70. Signalized Interchange (SR 99/101)	MSJ	100	C	410	B	411	B
71. Signalized Interchange (SR 99/101)	MSJ	100	C	415	B	416	B
72. Signalized Interchange (SR 99/101)	MSJ	100	C	420	B	421	B
73. Signalized Interchange (SR 99/101)	MSJ	100	C	425	B	426	B
74. Signalized Interchange (SR 99/101)	MSJ	100	C	430	B	431	B
75. Signalized Interchange (SR 99/101)	MSJ	100	C	435	B	436	B
76. Signalized Interchange (SR 99/101)	MSJ	100	C	440	B	441	B
77. Signalized Interchange (SR 99/101)	MSJ	100	C	445	B	446	B
78. Signalized Interchange (SR 99/101)	MSJ	100	C	450	B	451	B
79. Signalized Interchange (SR 99/101)	MSJ	100	C	455	B	456	B
80. Signalized Interchange (SR 99/101)	MSJ	100	C	460	B	461	B
81. Signalized Interchange (SR 99/101)	MSJ	100	C	465	B	466	B
82. Signalized Interchange (SR 99/101)	MSJ	100	C	470	B	471	B
83. Signalized Interchange (SR 99/101)	MSJ	100	C	475	B	476	B
84. Signalized Interchange (SR 99/101)	MSJ	100	C	480	B	481	B
85. Signalized Interchange (SR 99/101)	MSJ	100	C	485	B	486	B
86. Signalized Interchange (SR 99/101)	MSJ	100	C	490	B	491	B
87. Signalized Interchange (SR 99/101)	MSJ	100	C	495	B	496	B
88. Signalized Interchange (SR 99/101)	MSJ	100	C	500	B	501	B
89. Signalized Interchange (SR 99/101)	MSJ	100	C	505	B	506	B
90. Signalized Interchange (SR 99/101)	MSJ	100	C	510	B	511	B
91. Signalized Interchange (SR 99/101)	MSJ	100	C	515	B	516	B
92. Signalized Interchange (SR 99/101)	MSJ	100	C	520	B	521	B
93. Signalized Interchange (SR 99/101)	MSJ	100	C	525	B	526	B
94. Signalized Interchange (SR 99/101)	MSJ	100	C	530	B	531	B
95. Signalized Interchange (SR 99/101)	MSJ	100	C	535	B	536	B
96. Signalized Interchange (SR 99/101)	MSJ	100	C	540	B	541	B
97. Signalized Interchange (SR 99/101)	MSJ	100	C	545	B	546	B
98. Signalized Interchange (SR 99/101)	MSJ	100	C	550	B	551	B
99. Signalized Interchange (SR 99/101)	MSJ	100	C	555	B	556	B
100. Signalized Interchange (SR 99/101)	MSJ	100	C	560	B	561	B

TABLE 5-2  
 NEAR TERM ESCORT OPERATIONS

Project	Impacted Classification	LOS	LOS C	Existing		Proposed		Escort + Escort		Direct Impact		SG
				Volume	LOS	Volume	LOS	Volume	LOS	Volume	LOS	
Downtown Street	1. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	2. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	3. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	4. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	5. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	6. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	7. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	8. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	9. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	10. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
Downtown Street	1. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	2. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	3. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	4. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	5. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	6. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	7. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	8. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	9. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C
	10. Signalized Interchange (SR 99/101)	LOS C	LOS C	100	C	100	C	100	C	100	C	LOS C

A-7 4. Section 11. "Significance of impacts and mitigation measures" will change after all the previous comments are addressed, correctly. This section should show all direct impacts.

A-7 Please see responses A-1 through A-3 above. No change to the significant impacts and mitigation measures would be required as the significance criteria and trip distribution are correct as presented in the traffic analysis.

\* Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and mobility.

LETTER

RESPONSE

Mr. Angel Hernandez  
March 6, 2020  
Page 5

A-8 5. The "Draft Mitigated Negative Declaration for the South Dogwood Annexation Project El Centro, California" will change since there are direct impacts to several intersections and segments in the Traffic Impact Analysis.  
If you have any questions, please contact Mark McCumsey, of the Caltrans Development Review Branch, at (619) 688-6802 or by e-mail sent to [mark.mccumsey@dot.ca.gov](mailto:mark.mccumsey@dot.ca.gov).

Sincerely,



MAURICE EATON, Branch Chief  
Local Development and Intergovernmental Review

A-8 Please see responses A-1 through A-3 above. No change to the significant impacts and mitigation measures in the MND would be required as the significance criteria and trip distribution are correct as presented in the traffic analysis.

LETTER

RESPONSE

156 SOUTH NINTH STREET  
EL CENTRO, CALIFORNIA 92530-2980

Letter B

TELEPHONE: (951) 365-1160  
FAX: (951) 365-1779



March 10, 2019

Ms Norma Villaliza  
Community Development Director  
1275 Main Street  
El Centro, CA 92243

SUBJECT: Draft Mitigated Negative Declaration 19-01—South Dogwood Avenue Annexation

Dear Ms. Norma Villaliza:

The Imperial County Air Pollution Control District ("Air District") would like to thank you for the opportunity given to the Air District to review the Draft Mitigated Negative Declaration (MND) for the South Dogwood Avenue Annexation ("Project"). The objective of the Project is to amend the City of El Centro's General Plan and annex an approximate 67.78 acre site to allow for future commercial and high density residential development.

The Air District took to task to review the Draft MND for the Project, the Air Quality Analysis (AQA) and the Greenhouse Gas Analysis (GHG) for consistency and accuracy. The Air District found the analysis and information consistent with the Imperial County CEQA Air Quality Handbook and with inventory projections as applicable within the State Implementation Plans (SIPs) for Ozone, PM<sub>2.5</sub> (both the annual and 24-hour standards) and PM<sub>10</sub>. As to the aspect of accuracy the Air District looked at the proposed mitigation measures MM-AIR-1, MM-AIR-2, MM-AIR-3, and MM-AIR-4. To these mitigation measures the Air District has the following clarifying and/or additional comments:

- B-1 MM-AIR-1 Because formal SCAG updates can be offset from any SIP development the Air District requests a copy of the submittal of the revised General Plan land use map in order to properly include growth assessments. For example, currently the Air District is working on a precursor SIP analysis for the 2015 Ozone standard, due by the end of this year. SCAG will not include this update until its next revision of its conformity analysis.
- B-2 MM-AIR-2 Please clarify who the applicant will be submitting the Mitigation Project Report.
- B-1 Comment noted. MM-AIR-1 has been revised to address this comment regarding the SIP development and request for the revised General Plan land use map to be provided to the District.
- B-2 The applicant for the actual development of the site would submit the Mitigation Project Report to the Imperial County Air Pollution Control District (ICAPCD). This clarification has been added to MM-AIR-2.

LETTER

RESPONSE

<p>B-3 MM-AIR-3</p>	<p>Please keep in mind, although a construction contractor or subcontractor has an approved or verified Dust Control Plan, this does not limit the authority of the Air District to enforce compliance efforts upon any violation of Regulation VIII requirements, including but not limited to violations of opacity and stabilization.</p>	<p>Comment acknowledged. This note has been added to MM-AIR-3.</p>
<p>B-4</p>	<p>In addition, some of these measures may be infeasible under certain circumstances and are only made feasible when additional information or alternatives are provided. Please explain how the city will apply 1) contingencies when mitigations are not feasible and 2) will the city allow for additional procedural measures that assist in compliance for some of the mitigation measures. For example, the curtailment requirement and the Tier 4 equipment requirement have inherently difficult compliance issues if recordkeeping and submittal of information is not part of the mitigation making the mitigations infeasible.</p>	<p>The Final MND has been revised to provide the requested contingencies to and additional procedures that will assist in compliance with the measures outlined in MM-AIR-3, which will include future consultation with the ICAPCD at the time specific development is proposed.</p>
<p>B-5 MM-AIR-4</p>	<p>It is unclear how submitting a roadway improvement schedule to the City Engineer will assure reduced emissions. The information provided indicates that "...MM-AIR-4 would require implementation of ICAPCD recommended standard, discretionary, and enhanced operation mitigation measures."<sup>1</sup> Please define what the City considers as "heavy-duty construction equipment." In addition, the off-road construction fleet rules do not allow NEW lower tiered equipment however the rules have grandfathered dirtier older equipment placed within the state inventories within California. As such, there still are some fleets that use older dirtier pieces of construction equipment.</p>	<p>The language following MM-AIR-4 has been further clarified to explain that the intent of the roadway improvement schedules is to reduce mobile emissions.</p>
<p>B-6</p>	<p>In order to assure these mitigation measures are effective the Air District recommends consultation to address specific site construction and operations. Second, recordkeeping requirements should be made part of the mitigation process to assure emissions are controlled. This need not be a difficult process as an effective Dust Control Plan with enhanced measures, known through application to reduce or control emissions may be made part of the mitigation to assure emissions are controlled. Third, the Air District has recently adopted a new Rule 428 address emissions from fireplaces and permanently installed wood burning devices that may affect new residential.</p>	<p>A definition of heavy-duty construction equipment, which is based in part on CARB regulations, has been added to the discussion of construction emission calculations. Also, the comment about the construction fleet rules is noted, and information about engine tiers in new fleets is provided in Section 2.1.2 of the Final MND. It should be noted that as a conservative analysis, no emission reductions due to increase engine tiers were included in the calculation of construction equipment emissions.</p>
<p>B-7</p>	<p>Finally, as to odors. The AQA on page 2 quickly acknowledges that the project "...does not include heavy industrial or agricultural uses...typically associated with odor complaints." While this is true, the Air District strongly urges the City of El Centro to consider the recommendation found in the Imperial County CEQA Handbook section 4.6 Special Conditions. Here already existing industrial type operations are within a five mile radius. There is a geothermal plant and a large confined animal facility that maybe sources of odors. This will affect new owners and a disclosure requirement should be made part of the mitigation process.</p>	<p>This request for consultation with the District at the time site-specific development construction occurs is acknowledged and has been added to the Final MND.</p>
<p>B-8</p>	<p></p>	<p>The Final MND has been revised to include a Dust Control Plan outlined in MM-Air-3.</p>
<p>B-9</p>	<p></p>	<p>It is not anticipated that fireplaces would be a part of any future High Medium Density Residential development on the project site. However, a discussion of the applicability of Rule 428 to future development has been added to the analysis.</p>
<p>B-10</p>	<p></p>	<p>This comment is noted and the requested potential odor disclosure from the County CEQA Handbook has been added to the Final MND.</p>

<sup>1</sup> Draft Mitigated Negative Declaration for the South Daguerre Annabation Project, RECON, pg. 26, (Jan. 2020)

LETTER

RESPONSE

Once again the Air District thanks you for the opportunity to comment on your Draft MND for the South Dogwood Annexation Project. The Air District's Rules & Regulations can be found on its website ([www.ca-imperial.ca.us/AirPollution](http://www.ca-imperial.ca.us/AirPollution)). Should the applicant have any questions, please contact our office at (442) 265-1800.

Sincerely,



Curtis Blondell  
Environmental Coordinator



Mickey Sauder  
APC Division Manager

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A:	Air Quality Analysis
B:	Greenhouse Gas Analysis
C:	Noise Analysis
D:	Traffic Impact Analysis

## Acronyms and Abbreviations

AB	Assembly Bill
ADT	average daily traffic
CAL FIRE	California Department of Forestry and Fire Protection
CARB	California Air Resources Board
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of El Centro
CNPS	California Native Plant Society
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> E	carbon dioxide equivalent
County	County of Imperial
dB	decibel
dB(A)	A-weighted decibel
DPM	diesel particulate matter
General Plan	City of El Centro General Plan
GHG	greenhouse gas
GPA	General Plan Amendment
ICAPCD	Imperial County Air Pollution Control District
IID	Imperial Irrigation District
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
IWSP	Interim Water Supply Policy
L <sub>eq</sub>	equivalent noise level
LOS	level of service
MHFP	Multihazard Functional Plan
MND	Mitigated Negative Declaration
MT	metric ton
NAF	Naval Air Facility
PM <sub>10</sub>	particulates 10 microns or less in diameter
PM <sub>2.5</sub>	particulates 2.5 microns or less in diameter
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCS	Sustainable Communities Strategy
SEMS	Standardized Emergency Management System
SYCL	South Yuma County Landfill
TDM	Transportation Demand Management
TIA	Traffic Impact Analysis
UPRR	Union Pacific Railroad
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle miles traveled

## **1.0 Introduction**

### **1.1 Project Needs and Objectives**

The approximately 67.78-acre project site (65.1 net acres after road right-of-way exclusions) is located in the county of Imperial (County), adjacent to the city of El Centro (City). The site is currently designated by the County as Urban Area, which is an area anticipated to be annexed or incorporated into the adjacent city (i.e., El Centro). The County created this designation to reduce duplicated planning efforts and possible planning conflicts between the County and cities, and to allow cities to plan for the development of these areas. Consistent with the County designation, the site is located within the City's Sphere of Influence (SOI) and annexation of the site from the County to the City is proposed in anticipation of future development. In order to coordinate this interjurisdictional effort, the project would require processing through the Imperial County Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §§ 56000, et seq.) (LAFCO Act).

As indicated above, the primary objective of the proposed South Dogwood project (hereafter project) is to amend the City's General Plan and annex an approximately 67.78-acre site in order to allow for future commercial and high density residential development within the City.

### **1.2 Project Location and Setting**

The proposed project is located along the west side of South Dogwood Avenue, from Danenberg Drive to 660 feet north of McCabe Road. The regional location is identified in Figure 1. Figure 2 identifies the project location on a United States Geological Survey (USGS) map and Figure 3 identifies the project location on an aerial photograph. The project properties are largely vacant or developed land with light to medium industrial properties, a mini-storage facility and two rural single-family residences. There are 14 individual parcels included within the proposed annexation area, owned by four different landowners (Figure 4). The parcels lie between the Imperial Valley Mall (east) and the Union Pacific Railroad (UPRR) tracks (west). There are no current plans for commercial or residential projects to be developed on these parcels. Future development of these parcels is anticipated to conform to the allowed uses with each of the proposed zone designations and would require future discretionary review by the City.

#### **1.2.1 Surrounding Land Uses**

Land uses surrounding the project site include a fertilizer storage and distribution facility to the north (across Danenberg Drive) and a hay storage and compress facility (Wilbur-Ellis) to the west (on the south side of Danenberg Drive). The hay storage and compress facility (22.95 acres) was annexed to the City of El Centro in 2015 (Annexation EC 1-13). Other light to medium industrial developments within the project area include Quality Hay

Scales (1960s), Rolfe truck parking yard (early 1980s), KC Welding and Rentals (1963), AKC Mini-Storage Facility (2002), several fenced equipment storage yards and two rural residences. All of the properties within the project area are currently served with raw (untreated) water from the Imperial Irrigation District (IID) Dogwood Canal pipeline. Each property has its own on-site water cisterns for water storage, sand filtration system, and pumping system. Wastewater is disposed on each property with on-site wastewater treatment systems (septic tanks and leach fields). The Union Pacific Railroad tracks along the west side of the project area are lightly utilized, with one to two trains passing the project sites on a daily basis. Existing surrounding uses are further described in Table 1.

**Table 1**  
**Surrounding Land Uses**

Location	Existing Use	City's General Plan Designation <sup>1</sup>	Zone
North	Fertilizer Storage and Distribution Facility	General Industrial	ML (City)
East (upper half)	Imperial Valley Mall	General Commercial	CG (City)
East (lower half)	Farmland	Low Density Residential	A2 (County)
South	Residential and Farmland	Specific Plan Area (County)	McRa2SPA (County)
Southwest	Residential and Farmland	Low Density Residential	A1U (County)
West	Hay Storage and Compress Facility	General Industrial	ML (City)
	Union Pacific Railroad Tracks	Low Density Residential	A2U (County)

<sup>1</sup>The County General Plan designates surrounding County land to the north, east, west and the site as Urban Area. Land to the south is designated as Urban Area and Specific Plan area (County of Imperial 2015).

## 1.3 Project Description

The project consists of the annexation of approximately 67.78 gross acres (65.1 net acres after road right-of-way exclusions) of unincorporated lands to the City, a General Plan Amendment (GPA) and a Pre-zone. No specific development is proposed at this time, but future development at the site is anticipated to include infrastructure improvements and design features in order to meet regulatory requirements and provide sufficient infrastructure to serve the future development.

### 1.3.1 General Plan Amendment

The County designates the project site as Urban Area, a designation that is intended to cover areas anticipated to be annexed or incorporated into neighboring cities. As the project area is within the City's SOI, the El Centro General Plan indicates the site to be planned for general industrial development (northern portion of site) and low density residential (southern portion of site) (Figure 5a). Concurrent with the application for annexation, the landowners have applied for a GPA to allow for General Commercial development within

the northern and central areas and High Medium Density Residential development in the southern four parcels (Figure 5b). Table 2 outlines the existing and proposed General Plan designation.

Existing General Plan Designation	Proposed General Plan Designation	Net Acres	Proposed General Plan Description
General Industrial Development (northern and central areas)	General Commercial Development	53.13	The General Commercial Designation contains the following three categories: Neighborhood Commercial, Office Commercial, and Heavy Commercial.
Low Density Residential (southern four parcels)	High Medium Density Residential Development	11.97	The High Medium Density residential designation provides for a variety of multi-family housing types.

SOURCE: City of El Centro General Plan Land Use Element (2004)

### 1.3.2 Pre-zone

The site is currently zoned Medium Industrial Development by the County (Figure 6a). As the site is not currently in the City, there is no existing City zoning for the site. The project area is proposed to be pre-zoned CG (General Commercial), except for the southern 1,528 feet (11.97 acres), which is proposed to be pre-zoned R-3 (High Density Residential) (Figure 6b). The southern area proposed for R-3 (High Density Residential) consists of assessor parcel numbers 054-390-089, 054-390-050, 054-390-051 and 054-390-052. Table 3 outlines what is allowed in these two zones per the City's Municipal Code.

Existing Zoning	Proposed Zoning	Net Acres	Average Density/Floor Area Ratio	Build Assumption	Proposed Zoning Descriptions
Medium Industrial Development (northern and central areas)	CG (General Commercial)	53.13	0.3	694,303	commercial square footage
Medium Industrial Development (southern four parcels)	R-3 (High Density Residential)	11.97	16	191	dwelling units

SOURCE: City of El Centro Municipal Code 1980.

At this time, no specific project is proposed. For the purpose of this Initial Study/Mitigated Negative Declaration (IS/MND), technical analyses are based on the assumption of future retail/commercial and multi-family land uses. The amount of retail/commercial and residential uses was estimated based on the acreages and assumed coverage shown in Table 3. The total project area is 65.1 acres, with 53.13 acres for retail commercial and 11.97 acres for residential uses. The retail/commercial square footage and number of residential units were estimated as follows:

- **Retail/Commercial** – It is assumed that the retail/commercial square footage is 30% of the total acreage (53.13 acres), or 30% x 53.13 acres x 43,560 square feet = 694,303 square feet.
- **Residential** – A density of 16 units per acre is assumed for the residential, or 16 units x 11.97 acres = 191 dwelling units.

### **1.3.2 Infrastructure Improvements**

At the time specific development proposals are brought forward, additional right-of-way, pavements, curbs, sidewalk, and street lights will be required along the Danenberg Drive and Dogwood Avenue frontages for full buildout of the 4- and 6-lane arterial streets. There are also existing pressurized city water lines in Danenberg Drive and Dogwood Avenue, to the south end of the Imperial Valley Mall, and a water line extension will be needed for future development to the south of the existing water main. It is anticipated that a water line loop will be required to connect to a water main in Farnsworth Lane, and new gravity flow sewer mains will be needed in Dogwood Avenue (flowing north) and Danenberg Drive (flowing west to the UPRR tracks).

The City is in the planning stages for a regional sewer lift station (Southern Lift Station) along Danenberg Drive, west of the UPRR tracks, that will include a gravity sewer main extension to the east side of the UPRR tracks, where a new sewer main from the newly annexed lands would be required to connect at the time specific development plans are proposed in the future. In addition, the properties within the proposed annexation area have natural ground surface elevations that drain to the north and the west.

### **1.3.3 Project Access**

The Imperial Valley Mall is located opposite the project site, on the east side of Dogwood Avenue. Currently, there are two signalized access intersections, the Dogwood Avenue/North Mall Driveway (Chili's) and the Dogwood Avenue/South Mall Driveway (ARCO) along the project frontage providing access to the Imperial Valley Mall. It is anticipated that the fourth (west leg) of these signalized intersections will provide access to the retail/commercial portion of the project. A third, new access driveway would be required to provide access to the residential portion of the project (Linscott, Law & Greenspan [LLG] 2019).

## **2.0 Mitigated Negative Declaration**

### **2.1 Authority to Prepare a Mitigated Negative Declaration**

As provided in California Environmental Quality Act (CEQA) Section 21064.5, a MND may be prepared for a project “when the Initial Study has identified potentially significant

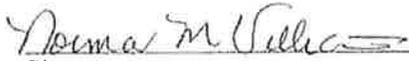
effects on the environment, but revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.”

The City is the Lead Agency under CEQA. Based on the findings of the Initial Study/Environmental Checklist for this project, the City has determined that preparation of a MND is the appropriate method by which to obtain compliance with CEQA. The Initial Study/Environmental Checklist is included as Section 4.0 of this report.

## 2.2 Results of Public Review

- ( ) No comments were received during the public input period.
- ( ) Comments were received during the public input period, but they do not address the Draft Mitigated Negative Declaration findings or the accuracy or completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the Draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses are presented at the beginning of this Final MND.

Copies of the Draft Mitigated Negative Declaration and any Initial Study support material are available for review at the City of El Centro, 1275 Main Street, El Centro, California 92243.

  
\_\_\_\_\_  
Signature

Norma Villicaña, Community Development Director  
City of El Centro

February 7, 2020  
Date of Draft MND

May 8, 2020  
Date of Final MND

## 3.0 Mitigation Monitoring and Reporting Program

The following project features and mitigation measures would be implemented via the Development Agreement to reduce impacts to below a level of significance.

### 3.1 Air Quality

In order to provide consistency with Imperial County Air Pollution Control District (ICAPCD) air quality planning documents, the following shall be implemented:

#### *Air Quality Plan Consistency*

**MM-AIR-1:** Within six months of project approval, the City Community Development Director shall provide a revised General Plan land use map to the Southern California Association of Governments to ensure that regional population and vehicle miles travelled (VMT) projections are updated and thereby ensure the next air quality plan updates will accurately reflect anticipated growth associated with future development of the project site. A copy shall also be submitted to the ICAPCD.

At the time a site-specific development is brought forward, the following ICAPCD regulatory compliance measures shall be required:

#### *Imperial County Air Pollution Control District Compliance*

**MM-AIR-2:** Prior to the issuance of a building permit for construction on the project site, the City shall verify the Project Applicant for development of the site has submitted a Mitigation Project Report to the ICAPCD and contributed to the ICAPCD Operational Development Fees Program in accordance with Rule 310 and its associated criteria.

**MM-AIR-3:** Prior to the issuance of a grading or construction permit for the project site, the Project Applicant shall provide documentation (such as a Dust Control Plan, contract or other legally binding document) to the City proving that contractors and subcontractors will implement the following measures in accordance with the ICAPCD CEQA Air Quality Handbook performance criteria: The Dust Control Plan shall include all feasible standard and discretionary measures and construction equipment measures. The City shall consult with the ICAPCD at the time future specific development is proposed to determine applicability and feasibility of dust control and construction equipment measures. Note that although the construction contractor may have an approved or verified Dust Control Plan, this does not limit the authority of the ICAPCD to enforce compliance efforts upon any violation of

Regulation VIII requirements, including but not limited to violations of opacity and stabilization.

Measures for Fugitive 10-micron Particulate Matter (PM<sub>10</sub>) Control

- All disturbed areas, including bulk material storage which is not being actively utilized, shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by using water, chemical stabilizers, dust suppressants, tarps, or other suitable material such as vegetative ground cover.
- All on-site and off-site unpaved roads will be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
- All unpaved traffic areas 1 acre or more with 75 or more average vehicle trips per day will be effectively stabilized and visible emission shall be limited to no greater than 20 percent opacity for dust emissions by paving, chemical stabilizers, dust suppressants and/or watering.
- The transport of bulk materials shall be completely covered unless six inches of freeboard space from the top of the container is maintained with no spillage and loss of bulk material. In addition, the cargo compartment of all haul trucks is to be cleaned and/or washed at delivery site after removal of bulk material.
- All track-out or carry-out will be cleaned at the end of each workday or immediately when mud or dirt extends a cumulative distance of 50 linear feet or more.
- Movement of bulk material handling or transfer shall be stabilized prior to handling or at points of transfer with application of sufficient water, chemical stabilizers, or by sheltering or enclosing the operation and transfer line.
- The construction of any new unpaved road is prohibited unless the road meets the ICAPCD definition of a temporary unpaved road. Any temporary unpaved road shall be effectively stabilized and visible emissions shall be limited to no greater than 20 percent opacity for dust emission by paving, chemical stabilizers, dust suppressants and/or watering.
- Water exposed soil with adequate frequency for continued moist soil.
- Replace ground cover in disturbed areas as quickly as possible.
- Automatic sprinkler system installed on all soil piles.
- Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
- Develop a trip reduction plan to achieve a 1.5 average vehicle ridership for construction employees.

- Implement a shuttle service to and from retail services and food establishments during lunch hours.
- Install pipe-grid track-out control device to reduce mud/dirt track-out from unpaved truck exit routes.

Measures for Construction Combustion Equipment

- Use of alternative fueled or catalyst equipped diesel construction equipment, including all off-road and portable diesel powered equipment.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes as a maximum.
- Limit, to the extent feasible, the hours of operation of heavy duty equipment and/or the amount of equipment in use.
- Replace fossil fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts).
- Require the use of construction equipment that meets Tier 4 CARB In-Use Off-Road Diesel Fueled Fleets Regulations.

**MM-AIR-4:** On any given day, heavy-duty construction equipment use shall be limited to a single road segment or intersection improvement. Prior to the issuance of any road segment and intersection improvement building permit associated with the project, the applicant shall demonstrate to the satisfaction of the City Engineer that the off-site roadway improvement schedules would not overlap.

## 3.2 Biological Resources

At the time a site-specific development is brought forward, the following biological mitigation shall be required:

*Nesting Birds*

**MM-BIO-1:** Prior to issuance of a grading permit for any future on- or off-site improvement, the grading plan shall identify the following mitigation requirement:

If grading is to occur between January 1 and September 15, a preconstruction survey shall be performed within three days prior to initiating ground disturbance to survey for nesting birds. If nesting birds are located, than avoidance measures shall be implemented as determined by a qualified

biologist and in accordance with the California Fish and Game Code Section 3503.

### 3.3 Geological Resources

At the time a site-specific development is brought forward, the following geological mitigation shall be required:

#### *Geotechnical Investigation*

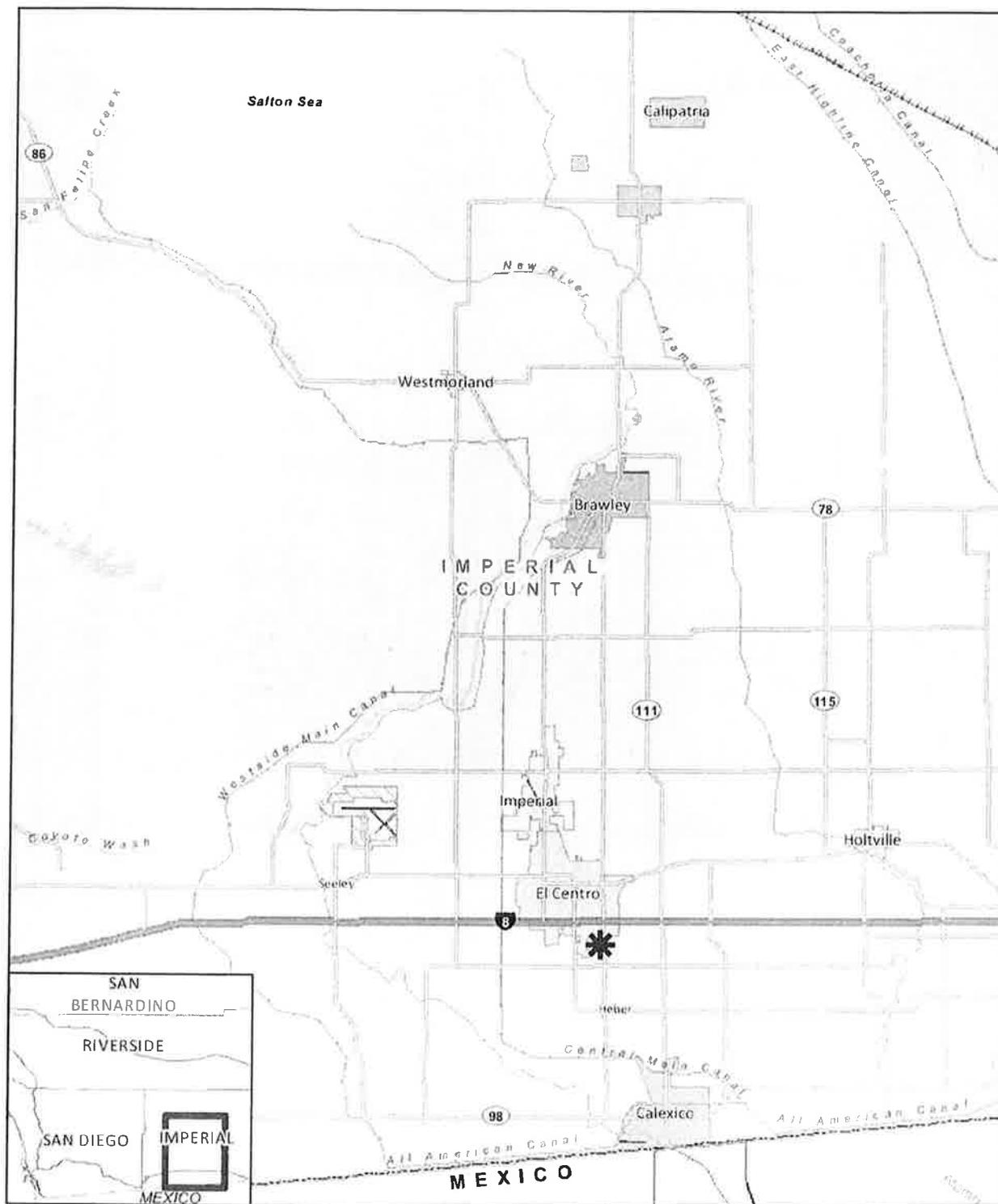
**MM-GEO-1:** Prior to issuance of grading permits for future development, a final development-specific geotechnical investigation shall be completed to the satisfaction of the City Engineer and Building Official. The final development-specific geotechnical investigation shall include the percolation rate information as needed for storm water quality systems such as bioretention basins. The geotechnical investigation shall also address seismic design parameters related to foundation and footing requirements, expansive clay soil conditions, liquefaction, and groundwater in accordance with the California Building Code. The site preparation and grading measures identified in the final development specific geotechnical investigation shall be identified on the grading plans prior to grading permit approval. The foundation, slab, wall, and other building design measures identified in the final development-specific geotechnical investigation shall be identified on building plans prior to building permit issuance.

### 3.4 Transportation

At the time a site-specific development is brought forward, the following transportation mitigation shall be required:

**MM-TRA-1:** Prior to issuance of building permits for future development, the project applicant shall contribute a fair share toward widening Dogwood Avenue, specifically East Aurora Drive to I-8 ramps into a 4-lane major road.

**MM-TRA-2:** Prior to issuance of building permits for future development, the project applicant shall contribute a fair share towards providing a third northbound through lane on Dogwood Road between Wake Avenue and the I-8 eastbound on-ramp, trapping the lane as a right-turn onto the I-8 eastbound on-ramp.



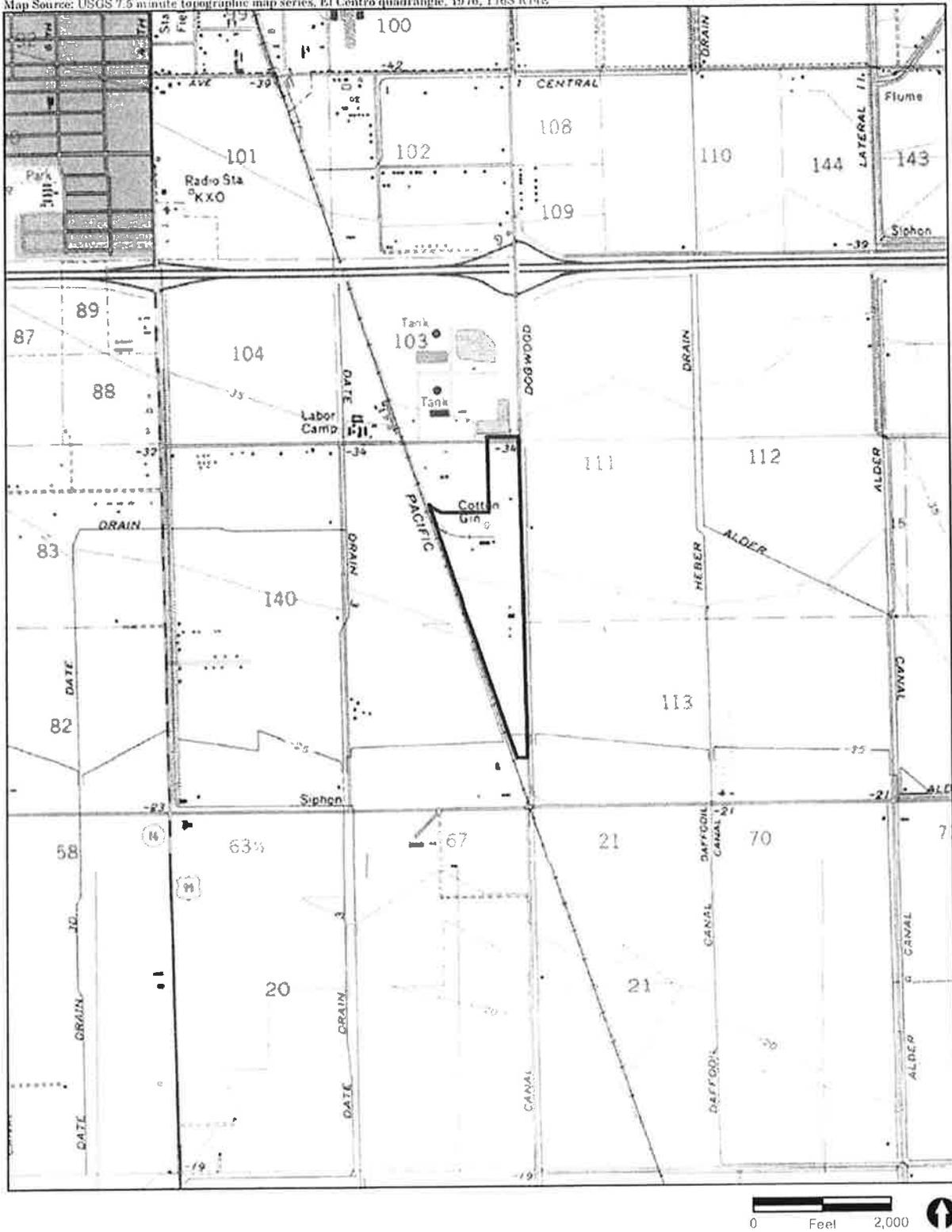
 Project Location

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FIGURE 1  
Regional Location

Map Source: USGS 7.5 minute topographic map series, El Centro quadrangle, 1976, T16S R14E



 Project Boundary

FIGURE 2  
Project Location on USGS Map

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Image Source: Nearmap (flown September 2019)



- Project Boundary
- Railroad

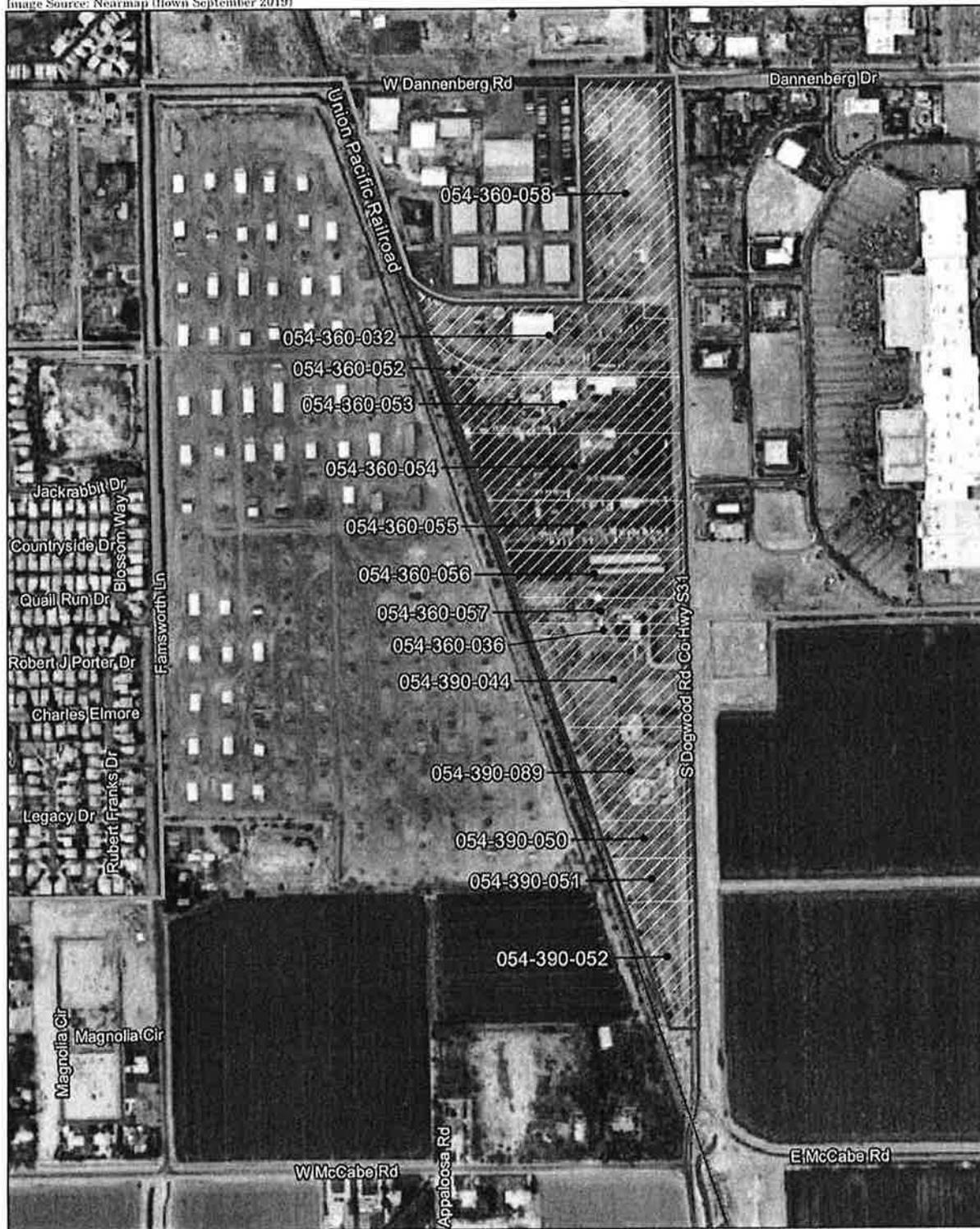


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FIGURE 3  
Project Location on Aerial Photograph

Image Source: Nearmap (flown September 2019)



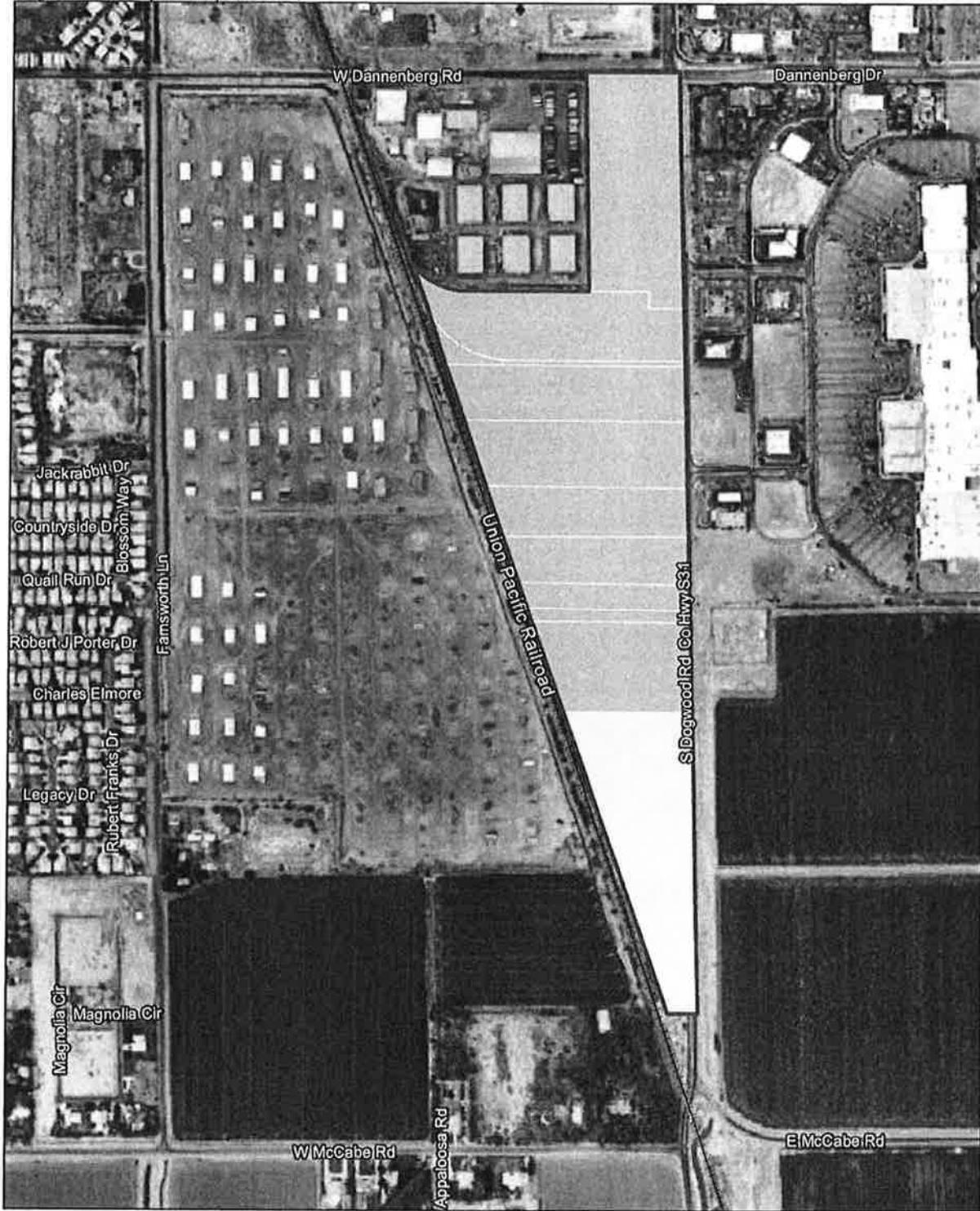
-  Project Boundary
-  Project Parcels
-  City of El Centro Boundary
-  Railroad



FIGURE 4  
Proposed Annexation of Project Parcels

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Image Source: Nearmap (flown September 2019)



Project Boundary

Railroad

**Existing General Plan Designation**

Low Density Residential

General Industrial

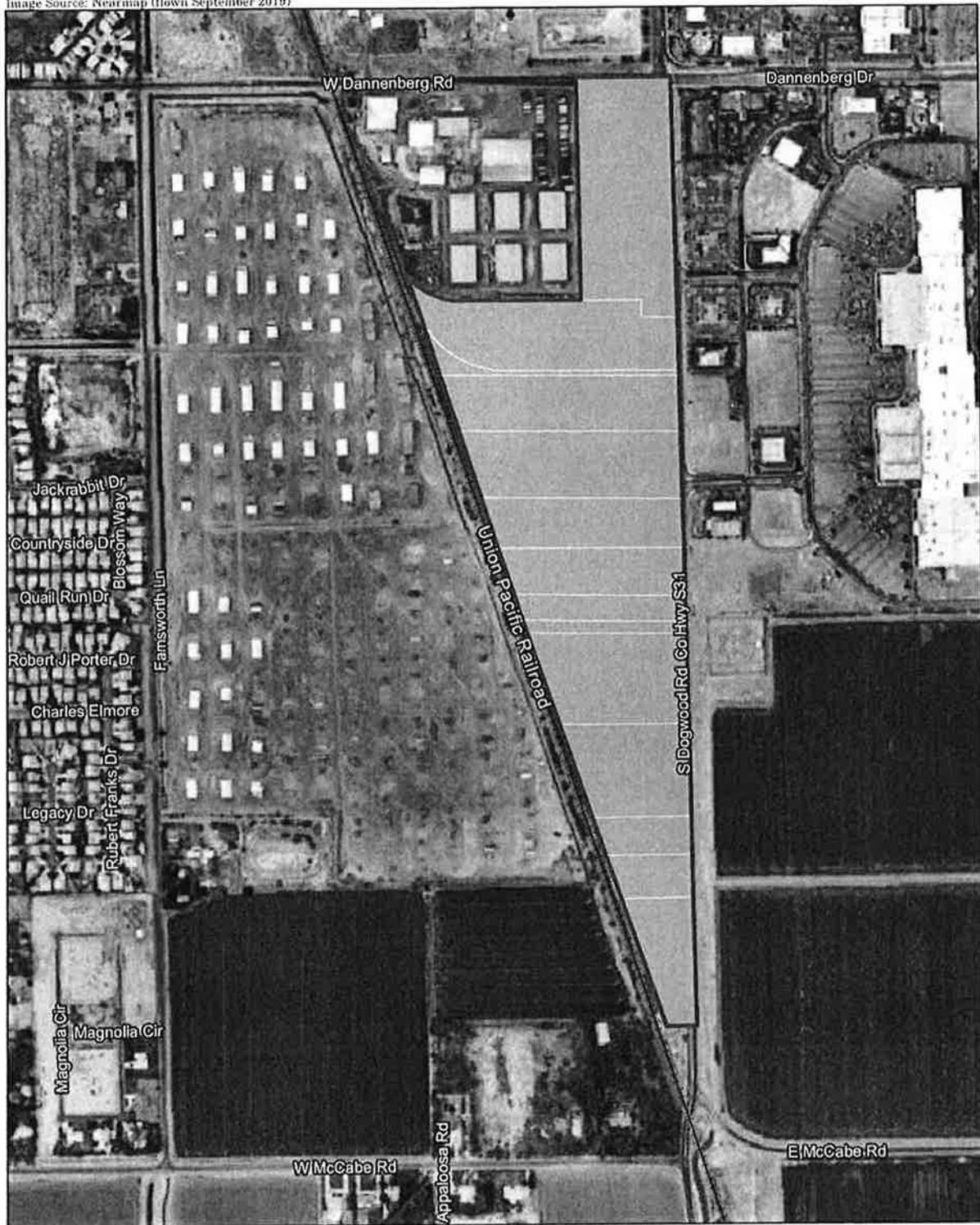


**FIGURE 5a**  
Existing City of El Centro  
General Plan Designations

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Image Source: Nearmap (flown September 2019)



Project Boundary

Railroad

**Proposed General Plan Designation**

High Medium Density Residential

General Commercial



**FIGURE 5b**  
Proposed City of El Centro  
General Plan Designations

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Image Source: Nearmap (flown September 2019)



Project Boundary

Railroad

Zoning Designation

Medium Industrial Development

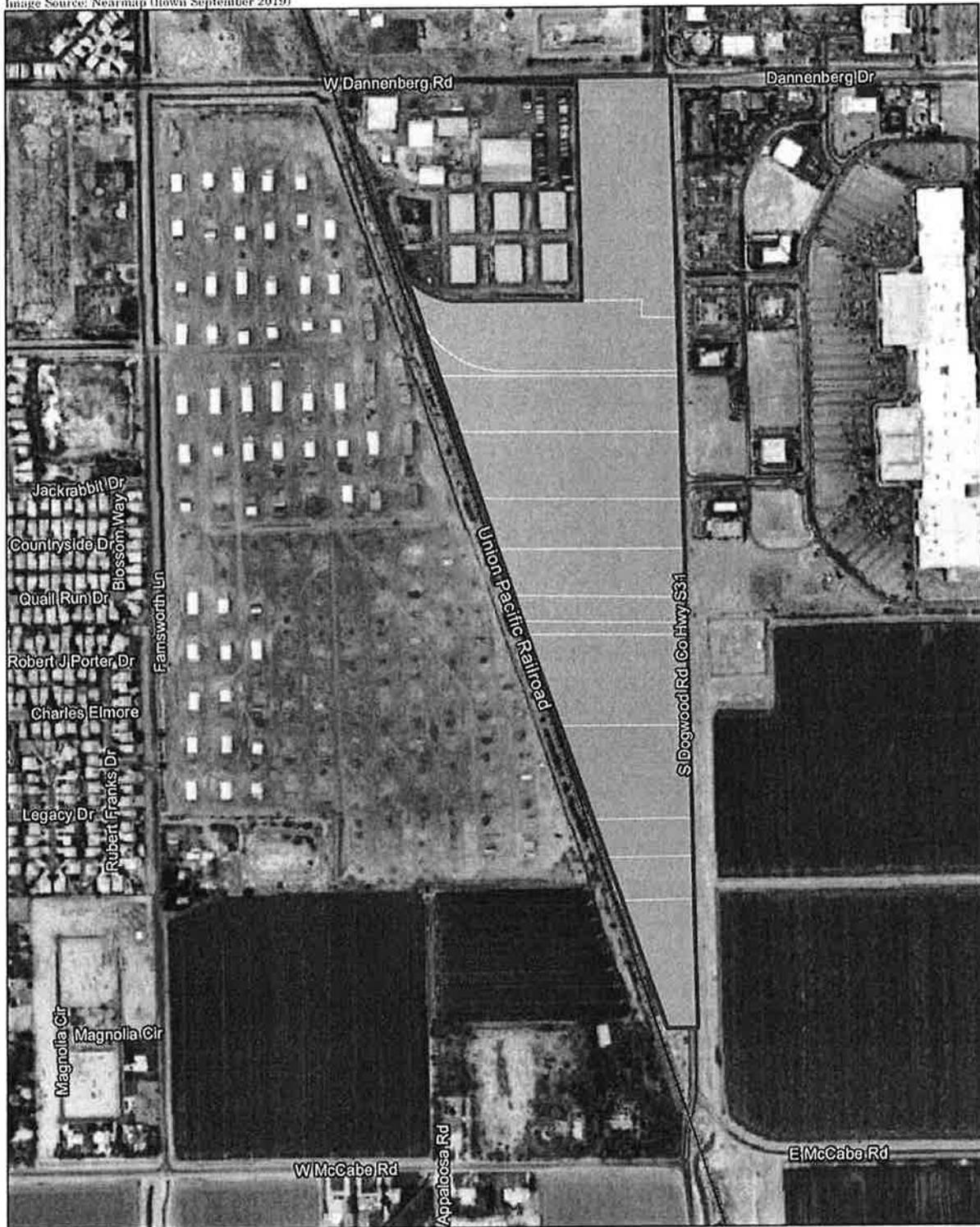


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FIGURE 6a  
Existing County of Imperial Zoning

Image Source: Nearmap (flown September 2019)



Project Boundary

Railroad

**Proposed Zoning Designation**

R-3 (High Density Residential)

CG (General Commercial)



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FIGURE 6b  
Proposed City of El Centro Zoning

## 4.0 Initial Study

1. Project Title: South Dogwood Annexation Project

2. Lead agency name and address:

City of El Centro  
Community Development Department  
1275 Main Street  
El Centro, California 92243

3. Contact person and phone number:

Norma Villicaña, AICP, Community Development Director  
City of El Centro  
(760) 337-4543

4. Project location:

The proposed project is located along the west side of Dogwood Avenue, from Danenberg Drive to 660 feet north of McCabe Road.

5. Project Applicant/Sponsor's name and address:

Jeff Lyon, P.E.  
GS Lyon Consultants, Inc.  
780 N. 4<sup>th</sup> Street  
El Centro, California 92243

6. General Plan designation: The project area is currently within the County of Imperial and is shown as Urban Area in the General Plan. The project area is also within the City of El Centro SOI and is shown as general industrial development (northern portion of site) and low density residential (southern portion of site). A General Plan Amendment is proposed which would allow for General Commercial development within the northern and central areas and Multi-family Residential development in the southern four parcels.

7. Zoning: The property is currently zoned for medium industrial development in the County. The project proposes a Zone Change to CG (General Commercial) within the northern and central areas and a Zone Change to R-3 (High Density Residential) in the southern four parcels.

8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.): See Section 1.0.
9. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):
  - County of Imperial
  - Imperial County Local Agency Formation Commission
  - California Department of Transportation
  - Imperial Irrigation District

**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.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality             |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input checked="" type="checkbox"/> Geology/Soils        | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials      |
| <input type="checkbox"/> Hydrology/Water Quality         | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                      | <input checked="" type="checkbox"/> Transportation          | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION (To be completed by Lead Agency):**

On the basis of this initial evaluation:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- 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.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- 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 (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

**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, 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 California Environmental Quality Act process, an effect has been adequately analyzed in an earlier EIR or (mitigated) 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 that 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 significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. AESTHETICS</b>				
Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** Scenic vistas include natural features such as topography, watercourses, rock outcrops, natural vegetation, and man-made alterations to the landscape. The proposed annexation site consists of both vacant and already developed land. The developed northern portion of the site contains light to medium industrial properties, a mini-storage facility and two rural single-family residences. The southern portion of the site has been disturbed and is currently vacant with little vegetative cover. Given the existing on-site characteristics, the future development of the site resulting from the proposed GPA and annexation would not cause a substantial adverse effect on a scenic vista. No impacts would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** While there are Eligible State Scenic Highways, there are no officially designated State Scenic Highways in Imperial County (California Department of Transportation 2017). Eligible highways include Interstate 8 and Highway 98 west of their intersection, Highway 78 to the east of Highway 86, and a portion of Highway 111 north of the Salton Sea. The project site is not located in the viewshed of any of these eligible highways. As the site is not within a scenic highway viewshed, no impact associated with obstructed views from a scenic highway would result. Thus, future development consistent with the project would have no impact to scenic resources within a state scenic highway.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The proposed project site consists of largely vacant or developed land with light to medium industrial properties, a mini-storage facility, and two rural single-family residences. The project site lies between the Imperial Valley Mall (east) and the Union

Pacific Railroad tracks (west). The existing disturbed character of the project site does not possess a strong scenic quality.

Future development consistent with the GPA would be similar to the urban character surrounding the project site. Future projects would not introduce new structures with heights that would block views from residential homes west of the site or otherwise substantially change the scenic character of the area. Overall, future development of the site would not degrade visual quality or character; thus, no impacts would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** Light and glare generated by future projects would be consistent with the proposed General Commercial and High Density Residential zones. General Commercial lighting would comply with Article II, Division 3, Sec 29-63 (n) requirements to provide illumination for the security and safety of on-site areas such as parking, loading, shipping and receiving, walkways, and working areas. High Density Residential Zone lighting would comply with Article II, Division 2, Sec 29-71 (I) requirements to provide illumination for the security and safety of on-site areas such as parking lots, walkways, entrances, exits, and related areas. Therefore, future projects due to implementation of the proposed GPA would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area, and impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**II. AGRICULTURAL/FORESTRY RESOURCES**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**No Impact.** Figure 5.2-1 from the City of El Centro General Plan EIR (2004) classifies the site as containing lands designated Urban and Built up Land and Other Land. The project properties are currently zoned for medium industrial development and the El Centro General Plan indicates the land to be planned for general industrial development (northern portion of site) and low density residential (southern portion of site). Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** Imperial County filed non-renewal on all Williamson Act contracts, effective January 2011; however, pursuant to Government Code Section 51246 the contracts remain in full force and effect until the contracts terminate (California Department of Conservation 2016). According to Figure 5.2-2 within the City of El Centro General Plan EIR (2013) the project site and adjacent agricultural areas are not covered by a Williamson Act contract. (California Department of Conservation 2016). Therefore, the project would not conflict with zoning for agricultural use or Williamson Act Contract.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 1220[g]), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project site is not zoned as forest land or timberland and does not include any forest land or timberland. No impact to forest land or timberland would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project site and surrounding area does not include any forest land. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project site and surrounding area does not include any forest land. The project properties currently contain largely vacant lands or are

developed with light to medium industrial properties, a mini-storage facility, and two rural single-family residences.

As shown by the presence of active farmland adjacent to commercial and residential development throughout Imperial County, the proposed project would not adversely affect existing agricultural use. Active farmland is located east, south, and west of the project site. Active farmland near the project site is currently located adjacent to existing residential homes or commercial properties. As such the potential future development of the site with commercial and residential uses would not preclude use of the adjacent lands for agricultural purposes.

In addition, future growth in the surrounding area that would occur independent of the project could convert active farmland to other uses. Therefore, the project would not result in other changes in the existing environment that would convert farmland to non-agricultural uses, and impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**III. AIR QUALITY**

Would the project:

- a. Conflict with or obstruct implementation of the applicable air quality plan?

**Less than Significant with Mitigation Incorporated.** This section is based on the Air Quality Analysis prepared by RECON in November 2019 (Appendix A).

The project was evaluated for consistency with the ICAPCD ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> air quality plans. The project would include annexation of the project site, removing it from the County Land Use Plan, and changing the City land use designation to General Commercial and High Medium Density Residential. Thus, the project would be inconsistent with the existing land use and zoning designation. As compared to the General Industrial and Low Density Residential land use designation, future development of the project site with General Commercial and High Medium Density Residential uses would result in greater trip generation. Thus, without mitigation the project would result in air emissions that were not accounted for in the ICAPCD air quality plans and thus would be inconsistent with ICAPCD air quality plans. Mitigation measures MM-AIR-1 and MM-AIR-2 would require that the City provide the ICAPCD with revised land use plan so that these emissions may be accounted for in the next air quality plan updates and would require that the Project Applicant contribute to the ICAPCD Operational Development Fee Mitigation Program. Payment to the Operational Development Fee Program would fund local emission reduction projects in the County to offset the increased air emissions associated with the future development of the project site through off-site mitigation. As contribution to the program, the project would offset ozone precursor and PM<sub>10</sub> emissions. The project would not result in a net increase in criteria pollutant emissions that is not accounted for in the air quality plans. The project would be consistent with applicable air quality plans after the

implementation of mitigation measures MM-AIR-1 and MM-AIR-2. Impacts would be reduced to a level that is less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Less than Significant with Mitigation Incorporated.** As shown in Table 6 in Appendix A, construction emissions associated with future construction of the project site would be less than all applicable ICAPCD significance thresholds. The ICAPCD requires that, regardless of the size of a project, all feasible standard measures for fugitive PM<sub>10</sub> and construction equipment must be implemented at construction sites. Additionally, all feasible discretionary measures for PM<sub>10</sub> apply to those construction sites which are 5 acres or more for non-residential developments or 10 acres or more in size for residential developments. With implementation of these standards and measures (MM-AIR-3), project construction would not result in a cumulatively considerable increase in non-attainment pollutants, and impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** As shown in Table 7 in Appendix A, air emissions associated with project operation would exceed the applicable ICAPCD significance thresholds for NO<sub>x</sub>, an ozone precursor. Therefore the project would be required to incorporate mitigation. Mitigation measure MM-AIR-4 would require implementation of ICAPCD recommended standard, discretionary, and enhanced operation mitigation measures and would thereby substantially reduce air emissions associated with operation. Additionally, as required by mitigation measure MM-AIR-2, the project would contribute to the ICAPCD Operational Development Fee Mitigation Program to offset remaining operations emissions. With the implementation of measures to reduce operational emissions and participation in the local air emission offset program, operations would not result in a cumulatively considerable net increase in non-attainment criteria pollutant emissions. Impacts would be reduced to a level that is less than significant.

Future development of the project site may expose sensitive receptors to increased pollutant concentrations including diesel particulate matter (DPM) from construction equipment use and hauling trips and carbon monoxide (CO) hotspots from traffic generated by future development of the project site. However, due to the temporary nature of construction activities, the fact that the duration of construction activities near any specific sensitive receptor would be temporary and short term, as well as ongoing implementation

of United States Environmental Protection Agency (U.S. EPA) and California Air Resources Control Board (CARB) requirements for cleaner construction equipment, impacts associated with temporary DPM emissions would be less than significant. Once operational, all signalized intersections are projected to operate at level of service (LOS) D or better; therefore, it is not anticipated to result in a CO hot spot. Therefore, localized air quality impacts to sensitive receptors would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project does not include heavy industrial or agricultural uses that are typically associated with odor complaints. During construction, diesel equipment may generate some nuisance odors. Sensitive receptors near the project site include residential uses; however, exposure to odors associated with project construction would be short term and temporary in nature. Additionally, the measures outlined above would reduce construction exhaust emissions, which would also reduce construction-related odors. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**IV. BIOLOGICAL RESOURCES**

Would the project:

a. Have substantial adverse effects, 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 (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Less than Significant with Mitigation Incorporated.** Future grading and construction activities have the potential to result in significant impacts to protected nesting birds as there are multiple mature trees on the property. To ensure compliance, any future development proposal would be required to implement mitigation measure MM-BIO-1. This mitigation requires the completion of preconstruction nesting bird surveys and, if needed, nest avoidance measures. Mitigation in accordance with the California Fish and Game Code Section 3503 requirements would ensure impacts to nesting birds would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The site does contain any riparian habitats or agricultural drains or canals that would be considered wetland or non-wetland waters under the jurisdiction of the United States Army Corps of Engineers, Regional Water Quality Control Board, and/or the California Department of Fish and Wildlife. As such, no impacts to riparian habitats would not occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** Refer to above response.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d. Interfere substantially with the movement of any native 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project site does not serve as a nursery site. The area is not within or near an established wildlife corridor. The project would result in no impact related to wildlife corridors or nursery sites.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The proposed improvements would not conflict with any of these plans because the project site is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project site is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**V. CULTURAL RESOURCES**

Would the project:

a. Cause a substantial adverse change in the significance of an historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**No Impact.** Given the developed and disturbed nature of the project site, no historical resources as defined in Section 15064.5 are found on the project site. Future development due to the proposed project would not affect properties outside of the project site and the project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. Therefore, no impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The City is required to initiate consultation with the Native American tribes who are traditionally and culturally affiliated with the project area pursuant to Assembly Bill (AB) 52 under CEQA and Section 106 of the National Historic Preservation Act under the National Environmental Policy Act. The City sent a letter to the Native American Heritage Commission requesting a list of tribes culturally affiliated with the project area and a Sacred Lands File Search on December 5, 2019. The Native American Heritage Commission responded with a letter stating that the Sacred Lands File Search of the project's area of potential effect was negative, and provided a list of tribes who are traditionally and culturally affiliated with the geographic area of the project site. On January 13, 2020 the City sent a formal notification letter to the authorized representative of these traditionally and culturally affiliated tribes containing a written description of the project and lead agency contact information.

The integrity of the project site has been compromised through development of a variety of land uses on the northern 53.13 acres and the existing ground disturbance of the southern 11.97 acres. Consequently, it is considered unlikely that unknown archaeological resources would be encountered during any future project construction. Therefore, the future development as a result of the project would not cause a substantial adverse change in the significance of a tribal cultural resource, and impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. Disturb human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** No cemeteries, formal or informal, have been identified on-site or within the project vicinity. In the unlikely event that remains are located on-site, the project would be required to comply with California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5) that require proper handling of human remains. Compliance with these regulations would ensure any unforeseen impacts related to human remains would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**VI. ENERGY**

Would the project:

a. Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Less than Significant Impact.** For the last two decades, California has emerged as a leader in promoting policies designed to grow the state's portfolio of renewable energy generation and use. Most recently, California passed two bills further increasing the state's commitment to reductions in greenhouse gas (GHG) emissions through reductions in fossil fuels and increases in renewable energy: Senate Bill (SB) 350 requiring retail sellers and publicly owned utilities to procure half of their electricity from renewable sources by 2030. This requirement is known as the Renewable Portfolio Standard or "RPS." In 2016, the Legislature passed SB 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels.

The State of California has adopted efficiency design standards within the Title 24 Building Standards and CALGreen requirements. Title 24 of the California Code of Regulations (CCR), specifically Part 6, is California's Energy Efficiency Standards for Residential and Non-residential Buildings. Title 24 was established by the California Energy Commission in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and to provide energy efficiency standards for residential

and non-residential buildings. The 2016 Title 24 energy are the currently mandated building standards. The upcoming 2019 Title 24 Building Standards become effective for projects that obtain their building permits on or after January 1, 2020.

The 2016 CALGreen Standards Code (24 CCR 11), also known as the CALGreen Code, contains mandatory requirements for new residential and nonresidential buildings throughout California. The development of the CALGreen Code is intended to (1) cause a reduction in GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the directives by the Governor. The code is established to reduce construction waste; make buildings more efficient in the use of materials and energy; and reduce environmental impacts during and after construction. Future projects due to implementation of the proposed GPA project would be required to be consistent with these objectives and policies. Thus, impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The future development of the site consistent with the proposed GPA would be required to comply with the State of California's Title 24 Building Standards and CALGreen requirements for energy efficiency. As such, the project would be consistent with the energy efficiency and transportation goals established within the City's Open Space and Conservation Element, Green Action Plan, and Economic Prosperity Action Plan and Climate Action Plan. Because the project complies with the latest applicable energy efficiency standards, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VII. GEOLOGY/SOILS</b>				
Would the project:				
c. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** As with the entirety of Imperial County, the project site is located in the seismically active southern California region, and fault zones in the area include the San Andreas, San Jacinto, and Elsinore. As shown in Figure S-1 of the General Plan, the Safety Element determined that the project site is not located within a known Alquist-Priolo Earthquake Fault Zone, and there are no known regional faults located beneath the project site. Therefore, the risk of earthquake ground rupture is low, and impacts related to the exposure of people or structures to rupture of a known earthquake fault would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** As indicated above, the site is located in the seismically active Imperial Valley of the southern California region. As such, the project site is considered likely to be subjected to moderate to strong ground motion from earthquakes in the region, especially from earthquakes along the Imperial, Brawley, and Superstition Hills faults.

Ground motions are dependent primarily on the earthquake magnitude and distance to the rupture zone. Acceleration magnitudes are also dependent upon attenuation by rock and soil deposits, direction or rupture, and type of fault. As a result, ground motions may vary considerably in the same general area.

The project consists of a GPA and Pre-zone and annexation of the site from the County to the City. While no specific development is proposed at this time, any future development within the project site would be required to comply with the California Building Code. In addition, future development within the project site would be required to comply with the City's General Plan, which includes policies related to seismicity and Implementation

Programs S-1 to S-3 related to seismic safety. The City's General Plan policies include the following:

- **City Seismicity Policy 1.1:** Reduce the risk of impacts from seismic hazards by applying proper development engineering, building construction, and retrofitting requirements.
- **City Seismicity Policy 1.2:** Restrict land uses in areas determined to be subject to seismic hazards and require adequate environmental review and mitigation measures for development proposed within a geological hazard area.

In compliance with the City's General Plan policies and implementation programs (S-1 to S-3), any future development proposal within the project area shall implement mitigation measure MM-GEO-1. MM-GEO-1 requires that future site development comply with a project-specific geotechnical report that addresses these building codes. With adherence to the California Building Code and the associated recommendations set forth in a project-specific geotechnical report, potential risks associated with strong seismic ground shaking would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Less than Significant with Mitigation Incorporated.** Liquefaction generally occurs when granular soil below the water table is subjected to vibratory motions, such as those produced by earthquakes. Four conditions are generally required for liquefaction to occur: the soil must be saturated; the soil must be loosely packed; the soil must be relatively cohesionless; and ground shaking of sufficient intensity must occur to function as a trigger mechanism. All four of these conditions exist to some degree within the project site. As such, there is the potential for liquefaction induced settlements and ground failure from future development.

As indicated above, the project proposes land use changes, but no site-specific development. To ensure compliance with the California Building Code and in accordance with the City's policies, future development proposals within the project site would be required to implement mitigation measure MM-GEO-1. Mitigation measure MM-GEO-1 requires that future site development comply with a project-specific geotechnical report that addresses these building codes, included seismic requirements. With adherence to the California Building Code and the associated recommendations set forth in a project-specific geotechnical report, potential risks associated with liquefaction would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project site and surrounding area is generally flat and there are no steep slopes or other features surrounding the project site that could be subject to a landslide. The project site is not located within a landslide activity area as shown on Figure 2 within the County's General Plan Safety Element (1997). Future development would not result in any impacts related to landslides.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project site is relatively flat, and consists of disturbed land. The United States Department of Agriculture (USDA) identifies soils on the project site as Holtville silty clay, Imperial silty clay, and Imperial-Glenbar silty clay loams. While no specific development is proposed at this time, any future construction activities would temporarily disturb on-site soils, thereby increasing the potential for soil erosion to occur. In addition, future development would increase impervious area, which has potential to result in an increase in runoff volume and rates.

The City's General Plan Implementation Program PF-12 and S-6 require the implementation of BMPs in accordance with the National Pollutant Discharge Elimination System Permit and proper drainage facilities to handle runoff. This program is implemented via the City's Municipal Code grading regulations that require the preparation of an erosion control plan prior to the issuance of a grading permit (Article XIX, section 7-124) and that any future construction implement BMPs to control soil erosion ((Article VII, Division 1, Section 22-707; Ord. No. 15-05, §1, 4-21-15). As compliance with these regulations ensure that no significant soil erosion impacts would occur and future development at the project site would be subject to these regulations, the project would have a less than significant impact related to substantial soil erosion.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e. 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 landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** Refer to responses VI(i) to VI(iv), above. In addition to those previously identified conditions, it is noted that the native surface clays have a

moderate to high swell potential, as the clay is expansive when wetted and can shrink with moisture loss. Future grading and construction at the site would be required to comply with the California Building Code. As indicated above, future development proposals within the project site would implement mitigation measure MM-GEO-1 to ensure compliance and avoid potential impacts related to unstable soils. With the implementation of mitigation measure MM-GEO-1, future development within the project site would have a less than significant impact related to soil stability.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Less than Significant with Mitigation Incorporated.** Refer to responses VI(i) to VI(iv) and V(c), above. The surface soils within the project site consist primarily of silty clay and silty clay loams including Holtville silty clay, Imperial silty clay, and Imperial-Glenbar silty clay loams. Due to the clay content, the surface soils have potential to be considered expansive, as they exhibit a moderate to high swell potential.

As indicated in the response above, the project proposes land use changes, but no site-specific development. To ensure compliance with the California Building Code and in accordance with the City's policies, future development within the project site would be required to implement mitigation measure MM-GEO-1, which requires that future site development comply with a project-specific geotechnical report that addresses these building codes, including seismic requirements. With adherence to the California Building Code and the associated recommendations set forth in a project-specific geotechnical report, potential risks associated with expansive soils would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** Future development of the site with commercial and residential uses is not anticipated to use septic systems and would tie into the existing sewer system.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The significance of paleontological resources is based on the potential to yield fossils that can provide research information regarding earth's chronology and history. The surface soils within the project site consist primarily of silty clay and silty clay loams including Holtville silty clay, Imperial silty clay, and Imperial-Glenbar silty clay loams, which have a low potential to yield significant paleontological resources. In addition, the integrity of the project area has been compromised through previous uses. Overall, the potential for significant paleontological resources to be present on-site is considered low, and future development of the site would have a less than significant impact to significant paleontological resources.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**VIII. GREENHOUSE GAS EMISSIONS**

Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Less than Significant Impact.** A GHG Analysis report (Appendix B) was completed to address the change in GHG emissions that would result from implementation of the future development allowed by the proposed project. The following analysis is based on this report.

The existing land uses on the varies parcels would emit 1,096 metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>E) in 2025 and the proposed project would result in 22,235 MT CO<sub>2</sub>E in 2025 for a net increase of 21,139 MT CO<sub>2</sub>E. Emissions associated with each project phase would be less than the 90,718 MT CO<sub>2</sub>E threshold of significance for GHG emissions. Therefore, the project's contribution of GHG emissions to cumulative emissions would be less than cumulatively considerable. Additionally, as addressed in Table 6 of Appendix B, the project would not conflict with implementation of an applicable state plan, policy, or regulation. Future development of the project site would be conditioned to include several transportation-related features that would support achievement of the regional goals outlined by the 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** State GHG emissions reduction policy was established by Executive Orders S-3-05 and B-30-15 and subsequently codified by AB 32 and SB 32. As directed by AB 32 and SB 32, CARB developed the Original Scoping Plan that outlined the state regulatory programs needed to reach these goals and has subsequently updated the Scoping Plan. As detailed in the project GHG Analysis, the project would not conflict with state regulatory programs intended to reduce GHG emissions.

Regional GHG emissions reduction policy includes the Southern California Association of Governments' (SCAG) 2016 RTP/SCS, which is intended to create more compact communities in existing urban areas, providing neighborhoods with efficient and plentiful public transit, abundant and safe opportunities to walk, bike and pursue other forms of active transportation, and preserving more of the region's remaining natural lands.

Future development of the project site would be required to include a Transportation Demand Management (TDM) plan in accordance with the City's standard practice that would reduce single-passenger vehicle ridership and encourage other modes of transportation. These required measures include preparation of a TDM plan (see Section 3.0, Mitigation Monitoring and Reporting Program), provision of shower and locker facilities, bicycle and motorcycle parking, extension of sidewalks, construction of a transit stop, and improvements to on-site circulation elements. Through incorporation of these features the future development of the project site would support achievement of the goals of the 2016 RTP/SCS. Therefore, the project would not conflict with the 2016 RTP/SCS.

The project would not conflict with state or regional GHG emissions reduction policies. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**IX. HAZARDS/HAZARDOUS MATERIALS**

Would the project:

a. Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Less than Significant Impact.** At the time commercial and residential site plans consistent with the GPA are brought forward, future construction would likely involve small amounts of hazardous materials such as fuels, lubricants, solvents, and architectural

coating materials. During the operational phase, hazardous materials may be used for cleaning and maintenance as well as manufacturing activities.

Hazardous materials and wastes would be managed and used in accordance with all applicable federal, state, and local laws and regulations. This includes handling of any soils with potential for asbestos-containing materials and lead-based paint contamination in accordance with California Occupational Safety and Health Administration requirements. In addition, disposal of any contaminated material would be in accordance with state and County regulations.

All future activities that would involve hazardous materials would be required to comply with the Imperial County Certified Unified Program Agency (CUPA) requirements. The County Certified Unified Program Agency has developed a Hazardous Waste Generator and Tiered Permitting Program, Hazardous Materials Release Response Plans and Inventory Program, California Accidental Release Prevention Program, Underground Storage Tanks Program, and Aboveground Storage Tanks programs (California Department of Toxic Substances Control 2017). This would include obtaining a hazardous materials inventory that is certified annually and a hazardous materials business plan that is certified tri-annually if the hazardous materials quantities exceed those amounts identified in Health and Safety Code Chapter 6.95, Section 25503.5, and a Risk Management Plan pursuant to the California Accidental Release Prevention Program if quantities exceed those listed in California Code of Regulations, Title 19, Division 2, Chapter 4, Section 2770.5. These regulations are intended to address proper transport, handling, use, storage, and disposal of hazardous materials as well as methods to address accidental spills in order to avoid impacts to people and the environment. With regulatory compliance, hazards impacts to the public and the environment would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** See response to IX(a) above.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project site is not located within 0.25 mile of a school. The closest school is Washington Elementary School, located approximately 2.5 miles northwest of the project site. Therefore, no impact would result.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** According to the Department of Toxic Substances Control EnviroStor database (2019), the proposed project site is not listed as a hazardous materials site. Therefore, no impacts related to hazardous materials sites would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project site is located approximately 7 miles southeast of Imperial County Airport. The project site is located approximately 11 miles southeast of Naval Air Facility (NAF) El Centro and is located under approach and departure flight paths for this airfield. According to Figure LU-5 of the City's General Plan, the project site is not located within the land use compatibility zones of either facility and would not create a safety hazard. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project would not interfere with the implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan. The City of El Centro Standardized Emergency Management System (SEMS) Multihazard Functional Plan addresses the City's planned response. The project would not impair implementation of this plan. The future development of the site would result in paving of additional roadways as well as roadway improvements that would improve access in accordance with the General Plan. The future allowed development would be subject to City regulations regarding street design, site access, and internal emergency access. Therefore, there would be no impacts associated with the physical interference of an emergency evacuation plan.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project site is located in an agricultural and urban setting. The site is not proximate to large areas of wildland, and thus people would not be exposed to wildland fires.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**X. HYDROLOGY/WATER QUALITY**

Would the project:

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**No Impact.** The project consists of the annexation of the site from the County to the City, a GPA, and a Pre-zone. While no specific development is proposed at this time, any future development would be required to comply with all applicable water quality standards. Any future development within the project site would be subject to the federal and state Clean Water Act, which is established through compliance with the requirements of the National Pollutant Discharge Elimination System General Permit for the City of El Centro (Municipal Permit), State Water Resources Control Board Order No. 2013-0001-DWG. The project would be required to comply with the City's storm water requirements (Ordinance Chapter 22, Article VII), which consist of the City's Jurisdictional Runoff Management Plan (City of El Centro 2015) and the associated City of El Centro Post-Construction Storm Water Best Management Practice Standards Manual for Development Projects. More specifically, any future development allowed by the project would be required to implement BMPs in accordance with the City Municipal Code (Article VII, Division 1, Section 22-707). As the future development of the site consistent with the GPA would be required to comply with City and state regulations, the project would not violate any water quality standards or waste discharge requirements.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** While no specific development is proposed at this time, future development within the project site would not require the construction of wells or the use of groundwater as a water source. Water service to future development would be provided by the City of El Centro. Future construction within the project site would result in additional hardscape that would incrementally reduce groundwater recharge; however, this would have negligible effects to the groundwater levels. Thus, the project would have a less than significant impact on groundwater levels.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** See response to X(a) above. Any proposed future construction and development activities would be required to comply with City and state regulations [see response IV(a) above], which include runoff controls to prevent substantial erosion and siltation. Future development would be required to prepare a project-specific hydrology and storm water quality report and a stormwater pollution prevention plan (SWPPP), and adhere to all City storm water requirements. With adherence to these measures and City storm water requirements, no adverse impacts to the downstream conveyance system would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d. 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** See responses to X(a and c) above. In addition, the project site is not located within a 100-year flood hazard area and is not located near a levee or dam that could fail and result in flooding. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** As previously stated, there are existing pressurized city water lines in Danenberg Drive and Dogwood Avenue, to the south end of the Imperial Valley Mall. A water line extension will be needed for future development to the south of the existing water main and it is likely that a 2,650-foot water line loop will be required to the west (to connect to a water main in Farnsworth Lane) (City of El Centro Water Master Plan 2008). New gravity flow sewer mains will be needed in Dogwood Avenue (flowing north) and Danenberg Drive (flowing west to the UPRR tracks).

The City is planning to construct a regional sewer lift station (Southern Lift Station) along Danenberg Drive, west of the UPRR tracks, that will include a gravity sewer main extension to the east side of the UPRR tracks, where a new sewer main from the newly annexed lands will connect. The properties within the proposed annexation area have natural ground surface elevations that drain to the north and the west. While no specific development is proposed at this time, any future development would be required to comply with the City's storm water regulations during construction and after construction, including measures to control runoff rates and control pollution in runoff. During construction, future development would be required to comply with the Construction General Permit Order 2009-0009-DWQ, and the associated requirement to prepare a SWPPP with BMPs. In addition, the future operations would comply with the National Pollutant Discharge Elimination System and the City's storm water protection program as discussed in response IX(c) above. As discussed above, compliance with these regulations ensure that storm water runoff rates are controlled to existing conditions levels, and, therefore, the project would not exceed the capacity of the existing or planned storm water drainage systems. Based on typical development, it would be feasible for future development to control runoff rates via on-site retention basins in accordance with the City's 2005 Retention Basin Standards. These regulations also require that potential sources of water pollution be identified for the future development and requires those pollutants of concern be addressed through BMPs. Thus, project impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
f. 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 create or contribute runoff water which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** See responses to IX(a and c), above. Any future development within the project site would be required to comply with all City storm water quality standards during and after construction. A less than significant impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** There would be no risk associated with tsunami due to the project site's distance of approximately 100 miles east of the Pacific Ocean. Similarly, there would be no risk associated with seiche because there are no lakes or other large bodies of water near the project site. The project site and surrounding area is generally flat and there are no steep slopes or other features surrounding the project site that could create mudflows. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
h. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** Review of Figure 4 of the General Plan Safety Element determined that the project site is not located within a 100-year flood hazard area. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**XI. LAND USE/PLANNING**

Would the project:

- a. Physically divide an established community?

**No Impact.** The project proposes a GPA to allow for General Commercial development and to pre-zone the parcels to CG (General Commercial) and R-3 (Multiple-Family Residential). The project site is currently zoned for medium industrial development and the City's General Plan indicates the land to be planned for general industrial development (northern portion of site) and low density residential (southern portion of site).

The project site lies between the Imperial Valley Mall (east) and the UPRR tracks (west). As the site is located in an area transitioning from rural and agricultural uses to an urbanized area, the proposed GPA and Pre-zone would not divide an established community. In addition, no public roadways exist on the sites that provide connections through the community. Thus, the project would not physically divide an established community.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. The project consists of the annexation of the site from the County of Imperial to the City of El Centro, and would include a GPA and Pre-zone. As identified in Figure LU-1 within the City's General Plan (2004), the parcels proposed for annexation are within the City's sphere of influence, which consists of areas that are currently under the jurisdiction of Imperial County but are anticipated to be incorporated into the City at some time in the future. Figure LU-1 identifies the parcels within the northern half of the project area to be designated as General Industrial Development and the southern half of the project area to be designated as Low Density Residential. The project proposes a GPA from General Industrial Development to General Commercial Development and Low Density Residential to High Medium Density Residential Development. In addition, the project would include a Pre-zone to General Commercial and Multiple-Family Residential.

While no specific building or site plans are proposed at this time, future development would be required to comply with all City land use plans, policies, and regulations. This includes the General Commercial and Multi-Family Residential Zones design standards (Municipal Code Chapter 29, Article II, Division 2, Residential Zones and Division 3 Commercial

Zones), as well as Building and Construction Regulations (Municipal Code Chapter 7). Thus, there are no land use plan or policy conflicts that would result in environmental impacts. Further analysis is provided below.

***County of Imperial General Plan***

The County designates the site as Urban Area. Per the adopted County General Plan (County of Imperial 2015), the Urban Area designation is characterized by a full level of urban services, in particular public water and sewer systems, and contain or propose a broad range of residential, commercial, and industrial uses. It is anticipated that these areas will eventually be annexed or incorporated and should be provided with the full range of public infrastructure normally associated with cities. Therefore, development in these areas, while allowed in the County, shall provide for the extension or development of full urban services such as public sewer and water, drainage improvements, street lights, fire hydrants, and fully improved paved streets with curbs and, in many cases, sidewalks.

***County of Imperial Zoning***

The County's Zoning Ordinance (Title 9, Division 5: Zoning Areas Established) has zoned the northern portion of the site as Medium Industrial (M-2-U) and Limited Agriculture Within Urban Boundaries Only (A-1).

The project consists of the annexation of the site from the County to the City. Thus, the County's Zoning would no longer apply to the site with the implementation of the project. No inconsistency would occur. Furthermore, the proposed pre-zoning would not create land use conflicts with the surrounding land uses in the County.

***City of El Centro General Plan***

The site is located within the City's Sphere of Influence and was included in the City's 2003 General Plan. The City designated the northern portion of the site for General Industrial and the southern portion for Low Density Residential. Per the adopted City General Plan, the General Industrial designation "provides for the development of manufacturing process, fabrication, and assembly of goods. A maximum floor area ratio of 0.45:1 is allowed." The Low Density Residential designation "provides for the development of single-family home and accessory buildings. Uses such as mobile and modular homes, accessory dwelling units, public facilities and others which are compatible with and oriented toward serving the needs of low density single-family neighborhoods may also be allowed." This designation allows for a maximum density of 6 dwelling units per net acre.

The project proposes a GPA to redesignate the site as General Commercial Development (northern half) and High Medium Density Residential Development (southern half).

A consistency analysis with the General Plan Land Use Element applicable goals and policies is provided below.

General Plan Goal or Policy	Project Consistency
<b>Land Use</b>	
LU-Goal 1: Provide planning and strategies for physical land use to create a healthy and aesthetically pleasing environment that balances the social and economic needs of the community.	<b>Consistent:</b> The proposed General Commercial designation would allow for commercial uses adjacent to High Medium Density Residential designated land. These uses would allow for a walkable and healthy neighborhood that is also adjacent to the Imperial Valley Mall.
Policy 1.1: Ensure that new development is consistent and compatible with the existing character of the community and meets development standards	<b>Consistent.</b> The site is located in an area where the community character is surrounded by rural agricultural, commercial, and residential uses. The project would allow for the future development of commercial and residential uses. Future development would be required to meet <b>the City's development standards.</b>
Policy 1.3: Ensure that new residential development is compatible with surrounding existing residential development.	<b>Consistent:</b> Although the site is not immediately surrounded by multi-family housing, Imperial Valley Mall border the site to the east. Placing higher density housing near commercial development is beneficial to create a walkable neighborhood.
Policy 1.7 Encourage the development of neighborhood convenience shopping centers to serve the needs of adjacent residential neighborhoods.	<b>Consistent:</b> The proposed General Commercial designation would allow for commercial uses adjacent to High Medium Density Residential designated land.

The General Plan also includes an Urban Development Program to direct growth over the next 20 years (2004 to 2024). This program designates three tiers of growth areas in the City Sphere of Influence, consisting of Tiers I, II, and III. Tier I was considered within the current service area, Tier II was considered within the planned urban service area for the future 10 years, and Tier III was within the future urban service area. The project site is located within a Tier II area.

***City of El Centro Zoning***

The site is currently not subject to the City of El Centro Zoning Code. With the implementation of the project, the site would be pre-zoned for General Commercial and Multiple-Family Residential. The following is an excerpt from Municipal Code Chapter 29 - Zoning, Article II. - Zones, Division 3. - Commercial Zones:

*CG general commercial zone.* This zone is intended for general business, light service and retail uses, as well as large-scale planned shopping districts and, where appropriate, hotel and public assembly uses. The CG zone is intended to implement the general commercial general plan land use designation.

The Municipal Code includes General Commercial Zone development standards pertaining to site planning, natural surveillance, architecture, roof treatments, parking and circulation, loading facilities, landscaping, walls and fences, screening, and lighting.

The following is an excerpt from Municipal Code Chapter 29 - Zoning, Article II. - Zones, Division 2. - Residential Zones:

*R3 multiple-family residential zone.* This zone is intended to permit the development of medium high density apartment and condominium dwellings with a maximum density of twenty-five (25) dwelling units per net acre, on lots not less than seven thousand two hundred (7,200) square feet in net area. For single-family detached dwellings, lots shall not be less than three thousand six hundred (3,600) square feet in net area. The R3 zone is intended to implement the high medium density residential general plan land use designation.

The Municipal Code includes Multiple-Family Residential Zone development standards pertaining to site planning, natural surveillance, architecture, roof treatments, parking and circulation, landscaping, walls and fences, screening, and lighting.

The future development at the site would be in conformance with the Municipal Code and would comply with the design standards of both the General Commercial and Multiple-Family Residential zones. Thus, impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**XII. MINERAL RESOURCES**

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

**No Impact.** The project site is surrounded by residential, agricultural, public, and roadway uses. No known mineral resources exist on the project site or surrounding properties. Additionally, the project site is not within a mineral resource zone as designated by the California Department of Conservation's Division of Miner Reclamation, Mineral Land Classification map (2019). Therefore, implementation of the project would not result in loss of availability of a known mineral resource. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

**No Impact.** The project site and surrounding properties are not designated or zoned for mineral extraction uses in the El Centro General Plan. No impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**XIII. NOISE**

Would the project result in:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Less than Significant Impact.** The following noise analysis is based on the Noise Analysis report prepared by RECON in November 2019 (Appendix C). This report addresses construction noise (on-site and off-site roadway), land use compatibility, and on-site stationary noise sources, as summarized below.

*Project Site Development Construction*

Construction noise would be generated by diesel engine-driven construction equipment used for site preparation and grading, building construction, loading, unloading, and placing materials and paving. Construction noise would potentially result in short-term impacts to surrounding properties. Nearby receivers include residential, hotel, and retail uses. For this analysis, construction noise was modeled with six large pieces of construction equipment operating simultaneously throughout the project site. Common construction equipment associated with grading activities include graders, scrapers, and dozers, all of which generate a maximum noise level of 85 A-weighted decibels average sound level [dB(A)  $L_{eq}$ ] at 50 feet with a typical duty cycle of 40 percent. Assuming the simultaneous operation of six pieces of equipment, the average hourly noise level would be approximately 89 dB(A)  $L_{eq}$  at 50 feet from the center of construction activities. This noise level was modeled as an area source across the entire project site.

The City's Noise Abatement and Control Ordinance establishes construction time of day restrictions and noise level limits. Construction activities may only occur Monday through Saturday between the hours of 6:00 a.m. and 7:00 p.m., excluding holidays. The County's Noise Abatement and Control Ordinance limits construction hours to 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Additionally, in both the City and the County, construction noise may not exceed 75 dB(A)  $L_{eq}$  at or beyond the property line of a property that is developed and used for residential purposes.

As shown in Table 9 of Appendix C, construction noise levels are not anticipated to exceed 75 dB(A)  $L_{eq}$  at the adjacent uses. Although the existing adjacent residences would be exposed to construction noise levels that may be heard above ambient conditions, the exposure would be temporary. Additionally, construction activities are not anticipated to exceed 75 dB(A)  $L_{eq}$ . As construction activities associated with the project would comply with noise level limits from the City's and the County's Noise Abatement and Control

Ordinances, temporary increases in noise levels from construction activities would be less than significant.

*Off-site Traffic Noise*

Project-generated traffic would increase volumes on local roadways and thereby increase traffic noise levels. Existing and future traffic noise levels with and without the project were calculated at specific off-site receivers located at the uses adjacent to the analyzed roadway segments. As shown in Table 10 of Appendix C, a 3 dB(A) or more noise level increase would occur at the hotel located at the corner of South Dogwood Road and Danenberg Drive (Receiver 11) and at the retail uses located east of South Dogwood Road and west of the Imperial Valley Mall (Receivers 12 and 15). The noise increases at these receivers would range from 3.2 to 3.4 dB(A). While these increases may be barely perceptible, they would not exceed the City's normally acceptable (Zone A) compatibility level of 60 CNEL for hotels. Further, these noise increases would not be considered "substantial", which Caltrans defines as a 12 dB(A) increase over existing noise levels. Noise level increases at all other off-site receivers would be less than 3 dB(A) and would, therefore, not be perceptible. Impacts associated with off-site noise level increases would be less than significant.

*On-Site Generated Noise*

The proposed General Commercial zoning for the northern portion of the project site accommodates a wide variety of retail and commercial uses. Noise sources would vary depending on the exact type of use that is developed. Common noise sources of concern for retail and commercial uses include, but are not limited to, heating, ventilation, and air conditioning (HVAC) equipment, parking lot activities, and loading docks. The proposed High Density Residential zoning for the southern portion of the project site would allow for multi-family residential uses. Noise sources typical of residential uses include vehicles arriving and leaving, children at play, landscape maintenance activity, and HVAC equipment. All noise sources associated with the project would be similar to noise levels generated at the existing adjacent retail and residential uses. Additionally, City policies are in place to control noise and reduce noise conflicts between various land uses. Given that no specific noise source is proposed and that enforcement of the Municipal Code Section 17.1 limits noise generation, impacts would be less than significant at the program level.

City policies are in place to control noise and reduce noise conflicts between various land uses. Given future development would be required to comply with Municipal Code Section 17.1 that limits noise generation, impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** During construction, use of standard construction equipment associated with project site development and off-site roadway improvements would generate limited groundborne vibration. Future development is not anticipated to include any substantial sources of groundborne vibration such as explosive blasting. Construction activities associated with project site development would not be anticipated to result in substantial vibration at adjacent structures. Due to building setbacks and as standard roadway construction does not generally result in vibration impacts, construction activities associated with off-site roadway improvements would not be anticipated to result in substantial vibration at adjacent structures. Impacts associated with project construction would be less than significant.

No specific development is proposed at this time; however, vibration sources may be present upon buildout of the project site. These vibration sources may vary widely depending on the type of use that is developed. The City has policies in place to control vibration and reduce noise conflict between various land uses. Given that no specific vibration source is proposed and that enforcement of the Municipal Code Section 29-156 limits groundborne vibration, impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project is located approximately 7 miles southeast of the Imperial County Airport; the project site is located outside the affected noise area for the airport. Therefore, noise impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIV. POPULATION/HOUSING</b>				
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project proposes to rezone the southern 11.97 acres from Medium Industrial Development to R-3 (High Density Residential). A density of 16 units per acre is assumed for the residential (16 units x 11.97 acres = 191 dwelling units) or 191 dwelling units. Table 43, Residential Sites Inventory, within the City's Housing Element (2013-2021) shows adequate land capacity for an additional 191 R-3 zoned dwelling units. Thus, impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project site includes two existing rural residences that would be displaced at the time future development proposals occur consistent with the proposed GPA. However, substantial numbers of existing peoples would not be displaced requiring the construction of replacement housing.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**XV. PUBLIC SERVICES**

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:

i) Fire Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Less than Significant Impact.** The project site and surrounding properties outside of the City limits are currently served by the Imperial County Fire Department. The City currently operates three fire stations: Fire Station No.1, located at 775 State Street, Fire Station No. 2, located at 900 Dogwood, and Fire Station No. 3, located at 1910 N. Waterman Avenue, that is also the Fire Department headquarters. The department

consists of 41 safety members and three administrative assistants. The department is led by a Chief and four Battalion Chiefs. According to the City's General Plan Safety Element, the Fire Department has identified the need for a third station with a manned engine.

The proposed project would allow for the future development of 694,303 square feet of retail/commercial development and 191 High-Density Residential dwelling units. According to the United States Census Bureau, from 2013-2017 the City of El Centro averaged 3.65 persons per household. With this average, future residential development would increase the City's population by approximately 697 persons. Pursuant to the City's Municipal Code Section 20-102, future projects would be issued a development impact fee which includes financing the fire department. Thus, impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
ii) Police Protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The project site and surrounding properties outside of the City limits are currently served by the Imperial County Sheriff's Office. The El Centro Police Department is located at 150 North 11th Street and comprises 52 officers, including: Chief of Police, one executive commander, two commanders, eight sergeants, and 40 police officers. The department also has an active reserve officer program, a police auxiliary Team program, and an explorer program. Currently there are 27 civilian employees assigned to records, communication, evidence, animal control, crime prevention, community service officer, crime analysis unit, computer information services, and parking enforcement. In August 1996, the Department expanded and now has a community oriented police office, crime prevention specialist, training office, and volunteer services office located at the community center substation. In addition, the department has two school resource officers. One officer is permanently assigned to high schools (Central and Southwest) and the second officer is assigned to the junior high schools.

The Police Department's goal is to have 1.75 police officers per 1,000 population. Response to calls for service is prioritized based on urgency and need. The proposed project would allow for the future development of 694,303 square feet of retail/commercial development and 191 High-Density Residential dwelling units. According to the United States Census Bureau, from 2013-2017 the City of El Centro averaged 3.65 persons per household. With this average, future residential development would increase the City's population by approximately 697 people. An additional 697 people would require one additional police officer within the City. Pursuant to the City's Municipal Code Section 20-102, future projects would be issued a development impact fee which includes financing the police department. Thus, impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
iii) Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** Future residential development due to implementation of the proposed project would increase the City’s population by approximately 697 people. According to the United States Census Bureau (2018), 29.3 percent of the City’s population is under 18 years old. Thus, it is estimated that approximately 202 people out of the 697 people would be under 18 years old and attend local schools.

The project site would be served by the McCabe Union School District and Central Union High School District. Payment of fees in compliance with Government Code Section 65996 fully mitigates all impacts to school facilities. Thus, impacts to schools would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
iv) Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** There are currently 13 parks within the community. To ensure sufficient parks and recreational opportunities to meet the community’s needs, the City’s goal is to provide five acres of developed public parkland per 1,000 residents. The City currently exceeds three acres per 1,000 residents but an additional 80 acres of park land would be developed to meet the 5 acre per 1,000 resident standard. As indicated in Table PF-5 of the City’s General Plan, the City will need to provide an additional 500 acres of parkland to meet the needs of the population at buildout. Future high-density residential development was accounted for in the General Plan Housing Element. In addition, pursuant to the City’s Municipal Code Section 20-102, future projects would be issued a development impact fee which includes financing City-owned public facilities. Thus, impacts to parks would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
v) Other public facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** Future development due to the proposed project could increase population within the City by 697 people. However, future development would be required to pay a development impact fee pursuant to the City’s Municipal Code Section 20-102. The fee is for all building permits for development in the City, to pay for municipally owned public facilities, including, but not limited to, library, police department, fire department, streets, and other City-owned public facilities (e.g., City Hall, City yard, City parking lots). Thus, impacts to other public facilities would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XVI. RECREATION</b>				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** As described in response to XV(iv), future development due to the proposed project would be issued a development impact fee which includes financing City-owned public facilities. In addition, future high-density residential development was accounted for in the General Plan Housing Element. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** As described in response to XV(iv), future development associated with the proposed project would be issued a development impact fee which includes financing City-owned public facilities. In addition, future high-density residential development was accounted for in the General Plan Housing Element. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**XVII. TRANSPORTATION**

Would the project?

a. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Less than Significant with Mitigation Incorporated.** The analysis below is based on a Traffic Impact Analysis (TIA) prepared for the project by LLG on November 6, 2019 (see Appendix D).

*Methodology*

The measure of effectiveness for intersection and segment operations is LOS which denotes the operating conditions which occur at a given intersection or on a given roadway segment

under various traffic volume loads. It is a qualitative measure used to describe a quantitative analysis taking into account factors such as roadway geometries, signal phasing, speed, travel delay, freedom to maneuver, and safety. LOS provides an index to the operational qualities of a roadway segment or an intersection. LOS designations range from A to F, with LOS A representing the best operating conditions and LOS F representing the worst. LOS designation is reported differently for signalized and unsignalized intersections, as well as for roadway segments.

The following scenarios were analyzed:

- Existing
- Existing + Project
- Existing + Cumulative Projects
- Existing + Project + Cumulative Projects

#### *Existing Conditions*

In order to assess traffic impacts associated with the project, the TIA assessed the existing street network within the project vicinity, or the study area. The TIA analyzed existing conditions at 11 intersections and along 10 roadway segments. All study area intersections and roadway segments currently operate at acceptable LOS C or better.

#### *Project Trip Generation*

The trip rates from the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) were used to estimate the trips generated by the proposed project land uses. The trip rates for Land Use 221 - Multi Family Housing (Mid Rise) was used for the multi-family dwelling units and the trip rates for Land Use 820 - Shopping Center was used for the commercial/retail space. Table 4 summarizes the project's trip generation calculations. The project is estimated to generate a total of 23,492 driveway average daily traffic (ADT) with 564 AM peak hour trips (326 inbound and 238 outbound) and 2,362 PM peak hour trips (1,144 inbound and 1,218 outbound).

**Table 4  
Trip Generation**

Land Use	Size	Daily Trip Ends (ADTs)				AM Peak Hour				PM Peak Hour			
		Rate <sup>a</sup>	Volume	Rate	Volume	In:Out Split <sup>b</sup>	Volume		Rate	In:Out Split <sup>b</sup>	Volume		
							In	Out			In	Out	
Multi-Family Units <sup>c</sup>	191 DU	$T = 5.45(X) \cdot 1.75$	1,039	$\ln(T) = 0.98 \ln(X) - 0.98$	17	48	65	$\ln(T) = 0.96 \ln(X) - 0.63$	61:39	50	32	82	
Commercial/Retail <sup>d</sup>	694,303 KSF	$\ln(T) = 0.68 \ln(X) + 5.57$ 16%	22,453	$T = 0.50(X) + 151.78$	309	190	499	$\ln(T) = 0.74 \ln(X) + 2.89$ 32%	48:52	1,094	1,186	2,280	
Pass-By Trips <sup>e</sup>			3,592	16%	50	30	80		48:52	350	380	730	
Net New Retail Trips			18,861		259	160	419			744	806	1,550	
<b>Total Trips</b>			<b>23,492</b>		<b>326</b>	<b>238</b>	<b>564</b>			<b>1,144</b>	<b>1,218</b>	<b>2,362</b>	
<b>Pass-By Trips</b>			<b>3,592</b>		<b>50</b>	<b>30</b>	<b>80</b>			<b>350</b>	<b>380</b>	<b>730</b>	
<b>Primary Trips</b>			<b>19,900</b>		<b>276</b>	<b>208</b>	<b>484</b>			<b>794</b>	<b>838</b>	<b>1,632</b>	

<sup>a</sup>Land Use 221 - Multi Family Housing (Mid Rise), Trip Generation, Institute of Transportation Engineers (ITE), 10<sup>th</sup> Edition.

<sup>b</sup>Land Use 820 - Shopping Center, Trip Generation, Institute of Transportation Engineers (ITE), 10<sup>th</sup> Edition.

<sup>c</sup>Pass-By trip rates based on data provided in the ITE Handbook, 3<sup>rd</sup> Edition.

### **Cumulative Projects**

Cumulative projects are other projects in the study area that will add traffic to the nearby circulation system in the near future. Cumulative projects considered in this analysis include CHP Station, State Courthouse Office, Home 2 Hilton Hotel, IV Mall Condominiums, Imperial County Office of Education, and Imperial Avenue Extension. Refer to the TIA (LLG 2019; Appendix D) for additional details.

### **Existing + Project Intersection Analysis**

#### **Intersection Analysis**

Table 5 summarizes the existing + project peak hour intersection operations. As seen in Table 5, with the addition of project traffic, all study intersections are calculated to operate at LOS D or better.

#### **Segment Analysis**

Table 6 summarizes the existing + project segment operations. As seen in Table 6 of the TIA, with the addition of project traffic, all study segments are calculated to operate at LOS D or better.

### **Existing + Project + Cumulative Projects Intersection Analysis**

#### ***Intersection Analysis***

Table 5 summarizes the existing + project + cumulative projects peak hour intersection operations. As seen in Table 5, with the addition of cumulative projects traffic, all study intersections are calculated to operate at LOS C or better.

#### ***Segment Analysis***

Table 6 summarizes the existing + project + cumulative projects segment operations. As seen in Table 6 of the TIA, with the addition of cumulative projects traffic, all study intersections are calculated to operate at LOS C or better, except:

- Dogwood Avenue: East Aurora Drive to I-8 Ramps (LOS E)
- Dogwood Avenue: I-8 Ramps to Plaza Drive (LOS E)

The project has a significant cumulative impact on the above segments based on the assumed significance criteria.

**Table 5  
Near-Term Intersection Operations**

Intersection	Control Type	Peak Hour	Existing		Existing + Project		Existing + Project + Cumulative Projects		Δ Delay <sup>e</sup>	Impact Type
			Delay <sup>a</sup>	LOS <sup>b</sup>	Delay <sup>a</sup>	LOS <sup>b</sup>	Delay <sup>a</sup>	LOS <sup>b</sup>		
Dogwood Avenue/I-8 WB Ramps	Signal	AM	7.9	A	9.3	A	9.6	A	1.7	No
		PM	7.1	A	26.2	C	30.2	C	23.1	No
Dogwood Avenue/I-8 EB Ramps	Signal	AM	12.3	B	13.6	B	14.0	B	1.7	No
		PM	16.7	B	44.5	D	49.2	D	32.5	No
Dogwood Avenue/Plaza Drive	Signal	AM	6.5	A	6.5	A	6.5	A	0.0	No
		PM	13.6	B	16.2	B	16.4	B	2.8	No
State Route 86 (4th Avenue)/Danenberg Drive	Signal	AM	9.4	A	10.2	B	10.3	B	0.9	No
		PM	15.8	B	22.6	C	23.1	C	7.3	No
Farnsworth Lane/Danenberg Drive	MSSC <sup>d</sup>	AM	11.1	B	11.6	B	11.7	B	0.6	No
		PM	11.5	B	15.7	C	15.8	C	4.3	No
Dogwood Avenue/Danenberg Drive	Signal	AM	12.5	B	14.8	B	15.0	B	2.5	No
		PM	19.2	B	43.6	D	46.9	D	27.7	No
Dogwood Avenue/North Mall Driveway (Chili's)	Signal	AM	9.8	A	15.3	B	15.9	B	6.1	No
		PM	19.1	B	32.5	C	33.1	C	14.0	No
Dogwood Avenue/South Mall Driveway (ARCO)	Signal	AM	7.7	A	14.8	B	15.0	B	7.3	No
		PM	14.5	B	38.2	D	37.4	D	22.9	No
Dogwood Avenue/McCabe Road (North)	Signal	AM	12.5	B	14.3	B	14.4	B	1.9	No
		PM	9.4	A	12.0	B	12.1	B	2.7	No
Farnsworth Lane/McCabe Road	MSSC	AM	12.1	B	13.0	B	13.5	B	1.4	No
		PM	13.4	B	16.5	B	17.7	B	4.3	No
Dogwood Avenue/McCabe Road (South)	Signal	AM	14.3	B	16.4	B	21.1	C	6.8	No
		PM	14.8	B	38.3	D	43.0	D	28.2	No
Dogwood Avenue/Residential Project Driveway	MSSC	AM	DNE	DNE	15.6	C	15.8	C	NA	No
		PM	DNE	DNE	30.4	D	30.8	D	NA	No

SIGNALIZED		UNSIGNALIZED	
Delay	LOS	Delay	LOS
0.0 ≤ 10.0	A	0.0 ≤ 10.0	A
10.1 to 20.0	B	10.1 to 15.0	B
20.1 to 35.0	C	15.1 to 25.0	C
35.1 to 55.0	D	25.1 to 35.0	D
55.1 to 80.0	E	35.1 to 50.0	E
≥ 80.1	F	≥ 50.1	F

<sup>a</sup>Average delay expressed in seconds per vehicle.

<sup>b</sup>Level of Service.

<sup>c</sup>A denotes an increase in delay due to Project traffic.

<sup>d</sup>MSSC = Minor Street Stop Controlled intersection. Minor street left turn delay is reported.

**Table 6  
Near-Term Segment Operations**

Segment	Functional Classification <sup>a</sup>	LOS E Cap <sup>b</sup>	Existing		Existing + Project		Existing + Project + Cumulative Projects		Δ V/C <sup>c</sup>	Sig?			
			Volume	LOS <sup>d</sup>	Volume	LOS <sup>d</sup>	Volume	LOS <sup>d</sup>					
<b>Dogwood Avenue</b>													
E. Aurora Drive to I-8 Ramps <sup>e</sup>	2-Lane Arterial (w/TWLT) <sup>f</sup>	18,000	13,970	C	0.776	15,960	D	0.887	16,140	E	0.897	0.121	Cumulative
I-8 Ramps to Plaza Drive	4-Lane Arterial	36,000	20,710	A	0.575	32,460	D	0.902	33,970	E	0.944	0.369	Cumulative
Plaza Drive to Danenberg Drive	5-Lane Arterial <sup>g</sup>	45,000	15,290	A	0.340	27,040	A	0.601	27,400	A	0.609	0.269	None
Danenberg Drive to Mall North	4-Lane Arterial	36,000	11,300	A	0.314	25,040	C	0.696	25,480	C	0.708	0.387	None
Mall North to Mall South	5-Lane Arterial <sup>h</sup>	45,000	11,300	A	0.251	18,520	A	0.412	18,960	A	0.421	0.161	None
Mall South to Project (Res) Driveway	4-Lane Arterial	36,000	10,310	A	0.286	24,050	B	0.668	24,490	B	0.680	0.394	None
Project (Res) Driveway to McCabe Road	4-Lane Undivided Arterial	27,000	10,310	A	0.382	18,270	B	0.677	18,710	B	0.693	0.311	None
<b>Danenberg Drive</b>													
SR 86 <sup>th</sup> Street to Farnsworth Lane	2-Lane Collector	12,000	5,110	A	0.426	7,100	B	0.592	7,320	B	0.610	0.184	None
Farnsworth Lane to Dogwood Avenue	2-Lane Collector	12,000	5,730	A	0.478	7,720	C	0.643	7,940	C	0.662	0.184	None
<b>McCabe Road</b>													
Farnsworth Lane to Dogwood Avenue	2-Lane Collector	12,000	5,160	A	0.430	7,150	B	0.596	7,320	B	0.610	0.180	None

<sup>a</sup>The roadway classification at which the road currently operates.

<sup>b</sup>The capacity of the roadway at LOS E.

<sup>c</sup>Level of Service.

<sup>d</sup>Volume/Capacity ratio.

<sup>e</sup>Δ denotes an increase in V/C ratio due to Project traffic.

<sup>f</sup>TWLT: Center Two-Way-Left-Turn Lane

<sup>g</sup>This section of Dogwood Avenue is a 5-lane road with 3 lanes northbound and two lanes southbound. The capacity of this 5-lane Arterial was estimated by increasing the capacity of a 4-lane road by 1/4<sup>th</sup>.

In the near-term, all intersections and segments in the study area would operate acceptably. Future development of the project site would result in two locations where roadway segments would operate unacceptably (Table 6). Changes in operations from acceptable to unacceptable are considered significant impacts. To mitigate these impacts, future development would be required to implement mitigation measures MM-TRA-1 and MM-TRA-2, as outlined in Section 3.0. With the implementation of these measures, roadways and intersections would operate acceptably and impacts would be reduced to below a level of significance.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** Future development allowed by the proposed GPA would include roadway frontage improvements as well as improvements pursuant to mitigation measures MM-TRA-1 and MM-TRA-2. No site-specific development plans have been completed. Roadway designs would comply with the City's standards, which are intended to avoid hazardous roadway design features. Thus, the project would result in no impact related to a design feature hazard.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** Additional right-of-way, pavements, curbs, sidewalk and street lights would be required along the Danenberg Drive and Dogwood Avenue frontages for full buildout of the 4- and 6-lane arterial streets. Thus, future development would construct new roadway that would improve access to areas that are currently under served by the existing roadway network, which would improve emergency response and emergency evacuation. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>				
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:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The City is required to initiate consultation with the Native American tribes who are traditionally and culturally affiliated with the project area pursuant to AB 52 under CEQA and Section 106 of the National Historic Preservation Act under the National Environmental Policy Act. The City sent a letter to the Native American Heritage Commission requesting a list of tribes culturally affiliated with the project area and a Sacred Lands File Search on December 5, 2019. The Native American Heritage Commission responded with a letter stating that the Sacred Lands File Search of the project's area of potential effect was negative, and provided a list of tribes who are traditionally and culturally affiliated with the geographic area of the project site. On January 13, 2020, the City sent a formal notification letter to the authorized representative of these traditionally and culturally affiliated tribes containing a written description of the project and lead agency contact information.

The integrity of the project site has been compromised through agricultural operations. Consequently, it is considered unlikely that unknown archaeological resources would be encountered during project construction. Therefore, the future development as a result of the project would not cause a substantial adverse change in the significance of a tribal cultural resource, and impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**XIX. UTILITIES/SERVICE SYSTEMS**

Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

**Less than Significant Impact.** According to the City's Sewer Master Plan (Carollo Engineers 2008) and a Water, Wastewater, and Storm Water Rate Study (Dynamic Consulting Engineers, Inc. 2012), the City treats its own wastewater at the El Centro Wastewater Facility, which has a capacity to accommodate 8.0 million gallons of wastewater per day. In addition, the City's wastewater demand has been decreasing despite continued growth in the City, and the City is anticipated to continue to have increased connections at a rate of 1 percent per year. Therefore, the project is not anticipated to result in an exceedance of treated wastewater amounts that would go back into the City's wastewater system. Any future development of the site would be required to provide payment of capacity fees prior to issuance of Certificate of Occupancy. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The City of El Centro receives its water supply from the IID. The IID has adopted an Interim Water Supply Policy (IWSP; IID 2009) for new non-agricultural projects. The IWSP sets aside 25,000 acre-feet of water per year of Colorado River water supply to serve IWSP. The project site would also be serviced by the City of El Centro's treated water supply. As stated above, the City's water is provided by the IID. Per the Water System Master Plan (Carollo Engineers 2008), the Colorado River Water Delivery Agreement of October 2003 allows the IID to receive 3.1 million acre-feet of water per year. Considering a possible projected potable water demand of 50 acre-feet of water per year, the project is not anticipated to require a need for additional entitlements. Thus, the City would have enough water supplies available to serve the site.

Considering the above-mentioned factors, the project would have sufficient water supplies, and a less than significant impact would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. Result in a determination by the wastewater treatment provided 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** See response for Utilities/Service Section XIX(a). Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** Solid waste service to the site is provided by CR&R Waste Services, who has a material recovery, transfer, and disposal center located in the City (599 East Main Street). CR&R owns and operates the South Yuma County Landfill (SYCL) in Arizona and currently transports all waste from El Centro to the SYCL. No waste is disposed in Imperial County. The City of El Centro has renewed its contract with CR&R through 2027. The total design/permitted capacity for the SYCL is 46,825,430 cubic yards. Currently, the landfill is operating in Phase I of its development, which has a design/permitted capacity of 19,305,000 cubic yards. Currently, the SYCL under Phase I of its development has more than 14 million cubic yards of remaining capacity (Maria Lazaruk, pers. comm. 10/18/2018).

In an effort to address landfill capacity and solid waste concerns, the California Legislature passed the Integrated Waste Management Act in 1989 (AB 939), which mandated that all cities reduce waste disposed of in landfills from generators within their borders by 50 percent by the year 2000. Recently chaptered AB 341 has increased the diversion target to 75 percent (CalRecycle 2015). The City of El Centro has Municipal Code regulations to ensure compliance with these targets. These regulations include Municipal Code Chapter 12, Articles I and II requires collection, transportation, and disposal of solid waste and green waste. Future development within the project site would be required to comply with these regulations.

While future development of the project site would increase the solid waste generated by the site, future development would be required to comply with recycling regulations and CR&R would continue to transport solid waste to the SYCL, which has capacity to accept the waste generated by the project. Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e. Comply with federal, state, and local management and reduction statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** See response for Utilities/Service Section XIX(f). Impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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**XX. WILDFIRE**

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**No Impact.** The City of El Centro SEMS Multihazard Functional Plan (MHFP) addresses the City's planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies. Future development associated with the proposed project would not substantially impair the SEMS MHFP. Additionally, because Thresholds XIX(a) through XIX(d) apply only to those projects that are "located in or near state responsibility areas or lands classified as very high fire hazard severity zones," no impacts related to these thresholds would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** The project site does not contain steep slopes that may exacerbate the risk of wildfire and thus expose future residents to fire hazards and pollutants from fire. The project site and surrounding areas are designated by the California Department of Forestry and Fire Protection (CAL FIRE; 2007) as Moderate Fire Hazard Severity Zone and within a local responsibility area. As described in Public Services XV(i), future projects would be issued a development impact fee which includes financing the Fire Department. Additionally, because Thresholds XIX(a) through XIX(d) apply only to those projects that are "located in or near state responsibility areas or lands classified as very high fire hazard severity zones," no impacts related to these thresholds would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** As previously described, the proposed project is not within a designated Very High Fire Hazard Severity Zone (VHFHSZ), as defined by CAL FIRE (2007). Any new utility infrastructure at the site would be constructed in accordance with all applicable regulatory standards and would not exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Additionally, because Thresholds XIX(a) through XIX(d) apply only to those projects that are “located in or near state responsibility areas or lands classified as very high fire hazard severity zones,” no impacts related to these thresholds would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No Impact.** As previously described, the proposed project is not within a designated VHFHSZ, as defined by CAL FIRE (2007). Specifically, implementation of the project would not 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 impacts would occur.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
e. 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 or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Less than Significant with Mitigation Incorporated.** Future development due to the proposed project could affect nesting birds. With the implementation of the biological mitigation identified in Section 3.0, the project impacts would be less than significant. Refer to Section IV, Biological Resources, for additional details.

No impacts to historical resources would occur. Refer to Section V, Cultural Resources, for additional details.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b. 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 futures projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Less than Significant with Mitigation Incorporated.** The proposed use would be consistent with the City's planning policies and the regional planned growth. However, the proposed project was determined to result in significant cumulative traffic impacts. With the implementation of the traffic mitigation identified in Section 3.0, the project impacts would be less than significant.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c. Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Less than Significant Impact.** The proposed project would not create conditions that would significantly impact human beings.

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**APPENDICES**  
Under Separate Cover