



# Staff Report

Agenda Item No.

C-1

**To:** City of Imperial Planning Commission  
**From:** Lisa Tylenda, Planner  
**Date:** June 7, 2018  
**Subject:** Morningside Apartments Phase II: Zone Change and General Plan Amendment from C-1 (Neighborhood Commercial) to R-A (Residential Apartments).

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## **Background:**

- Current Zoning: C-1 (Neighborhood Commercial)
- Proposed Zoning: R-A (Residential Apartment)
- Current Land Use: Vacant Parcels
- Total Size of Properties Combined: 342,381.60 sqft./7.86 acres
- Parcel Legal Descriptions:
  1. APN: 064-434-005- S1/2 OF E 1 AC OF LOT 11 TR 40B T15S R13E .50 AC
  2. APN: 064-434-006- LOT 12 TR 40B T15S R13E LS 9 23 5.24 AC
  3. APN: 064-434-016- W2.14AC OF LOT 11 TR40B 15-13 LS 9-23 EXC N7.5FT 2.12AC
- Environmental Clearance (CEQA): An Initial Study has been conducted (please refer to attachment). The initial study indicates that there are potential significant impacts that can be decreased if mitigation measures are incorporated to alleviate potential impacts. A Mitigated Negative Declaration is recommended.

The applicant is requesting that the zoning designation on the following three (3) parcel APN#'s: 064-434-005, 064-434-006, and 064-434-016 be changed from C-1 (Neighborhood Commercial) to R-A (Residential Apartment) to allow for the development of multi-family apartment complexes. This zone change and general plan amendment would allow for Phase II of Morningside Apartments. Morningside Apartments Phase I has been completed and is currently rented out. The owner of the apartment complex currently has a waiting list with over 60 (sixty) applicants waiting for apartment housing.

## **General Plan Compliance and Policies Related to this Application:**

Objective 1 of the General Plan Land Use Element states that:

*“The land use distribution should be such, that the integrity of the existing land use is maintained and/or enhanced. Also, the new land uses should be distributed to encourage the development of residential uses at appropriate*

*densities, to implement the quantified objectives for housing construction as contained in the General Plan Housing Element.”*

Objective 7, Policy 7B of the General Plan Land Use Element states that:

*“Encourages a variety of housing types and styles”- The addition of a Residential Apartments adjacent to conventional single family residential developments, existing residential apartments, and Commercial Neighborhood uses is in furtherance of this General Plan policy.*

Currently, there are 4 (four) multi-family complexes (Imperial Gardens, Villa Lara, Morningside Apartments and Villas Pacificas) are within the vicinity of the project site and the area is predominantly zoned for apartment development. This area is suitable for horizontal and vertical mixed use development. Various parcels along Treshill Road can remain commercial and other areas can be developed with vertical mixed use.

### **Traffic and Circulation Impacts**

If the subject site were to be developed with commercial uses such as convenience stores, gas stations and/or limited retail, the site could generate up to 16,680 average daily trips (ADT). As an R-A zoned parcel, the site could generate up 952 ADT's. All ADT projections are based on San Diego Association of Governments (SANDAG) Trip Generation Rates. Applicant may have to provide a traffic study and will have to develop the rest of the South portion of Wall Road which would intersect with Threshill Road..

### **Environmental Compliance**

An Initial Study that has been conducted has identified the need to proceed with a Mitigated Negative Declaration.

### **Staff Recommendation:**

Staff recommends that the Planning Commission conduct a public hearing to receive testimonies for or against the project. If there are no testimonies to the contrary, Staff recommends that the Planning Commission recommend the attached Resolutions and recommend the adoption of an ordinance to City Council for this proposed zone change and general plan amendment.

### **Attachments:**

- Location map.
- Proposed Conditions of Approval.
- “Will Serve” Letter
- Resolution 2018-07



City of Imperial  
**Initial Study/  
Environmental Checklist**

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- 1. Project Title:** Morningside Apartments Phase II Zone Change and General Plan Amendment
- 2. Lead Agency:** **City of Imperial**  
Name, Address and Phone Number  
420 South Imperial Avenue  
Imperial, CA 92251  
Contact: Lisa Tylenda, Planner  
(760) 355-3326
- 3. Project Sponsor:** **Martin Coyne**  
Name, Address and Phone Number  
2351 S. 4<sup>th</sup> Street  
El Centro, CA 92243  
760-353-2110
- 4. Project Location:** APN#: 064-434-006, 064-434-005 & 064-434-016.
- 5. Project Description:** Proposed Zone Change and General Plan Amendment from C-1 (Commercial Neighborhood) to RA (Residential Apartment) for the purpose of building multi-family apartment homes and potential senior housing section.
- 6. General Plan Designation:** **Existing:** C-1 (Neighborhood commercial)
- 7. Zoning:** **Existing:** C-1 (Commercial Neighborhood)

- 8. Surrounding Land Uses and Setting:**
- North:** RA (Residential Apartment);
- South:** City of El Centro-CG(Commercial General)/City Limit;
- East:** C-1 (Commercial Neighborhood); and
- West:** RA (Residential Apartment)/ Existing Apartments/ Morningside Phase I.
- 9. Other Agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)**
- a) Airport Land Use Commission.


**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**ENVIRONMENTAL ASSESSMENT COMMITTEE DETERMINATION:**

On the basis of the attached Initial Study, the City of Imperial Environmental Review Committee finds that:

<b>Categorically Exempt under section _____ of the California Environmental Quality Act.</b>	
The proposed project could not have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.	
The proposed project could have a significant effect on the environment; there will not be a significant effect in this case because <b>the mitigation measures</b> described on an attached sheet have been added to the project. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.	
The proposed project <b>MAY</b> have a significant effect(s) on the environment and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required	
The proposed project <b>MAY</b> have a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “Potentially Significant Impact” or “Potentially Significant Unless Mitigated.” A <b>FOCUSED ENVIRONMENTAL IMPACT REPORT</b> is required, but it must analyze only the effects that remain to be addressed.	
Although the proposed project could have a significant effect on the environment, there <b>WILL NOT</b> be a significant effect in this case because all potentially significant effects (1) have been analyzed in an earlier EIR pursuant to applicable standards and (2) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. <b>No further action is required.</b>	

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 Othon Mora Date  
 Community Development Director

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e. g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e. g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the follow:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: Public Resources Code Sections 21083 and 21087. Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

<b>I. AESTHETICS – Would the project:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantially adverse affect on a scenic vista or scenic highway?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Impact Discussion**

- a) **No Impact.** The project site is not located within a scenic vista or a scenic highway.
- b) **No Impact.** There are no scenic resources within the vicinity of the project site.
- c) **No Impact.** Surrounding area consists of existing apartments and commercial uses.
- d) **No Impact.** Proposed development would create a new source of light but it would be beneficial to the surrounding area-it would add needed light.

<b>2. AGRICULTURAL RESOURCES – Would the project:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of State-wide Importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future. The lot is currently vacant has not been used for agricultural activities for 10+ years.

**Impact Discussion**

- a) **No Impact.** Current land is vacant and zoned for commercial uses.
- b) **No Impact.** Current zoning is C1 (Commercial Neighborhood) and does not conflict with the Williamson Act nor any agricultural activities.
- c) **No Impact.** The project will not contribute nor cause changes in existing agricultural land conversions to non-agricultural uses.

3. <i>AIR QUALITY</i> – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Impact Discussion**

- a) **No Impact.** If proposed project is approved and development occurs, they will have to meet all the Air Quality requirements that are triggered during the construction phase.



- b) **No Impact.** The proposed zone change and general plan amendment do not at this time pose any potential hazard or conflict with the air quality. The proposed future development of apartments will follow all the required standards having to do with Air Quality Control.
- c) **No Impact.** The proposed Zone Change and General Plan Amendment- nor the future proposed project will not 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.
- d) **No Impact.** The proposed Zone Change and General Plan Amendment are consistent with the current existing surrounding uses and current zoning. The future proposed development of multifamily housing will not expose sensitive receptors to increased levels of pollutants.
- e) **No Impact.** The proposed zone change and general plan amendment will not create odors. The proposed development of multifamily units may in the future create odors usually found in neighborhoods produced by everyday cooking and/or cleaning, laundry products.

4. <b>BIOLOGICAL RESOURCES</b> – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Biological Resources Impact Discussion:**

- a) **No Impact.**
- b) **No Impact.**
- c) **No Impact.**
- d) **No Impact.**
- e) **No Impact.**
- f) **No Impact.**

<i>V. CULTURAL RESOURCES</i> – Would the project:				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				<b>X</b>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				<b>X</b>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				<b>X</b>
d) Disturb any human remains, including those interred outside of formal cemeteries?				<b>X</b>

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Cultural Resources Impact Discussion:**

- a) **No Impact.**
- b) **No Impact.**
- c) **No Impact.**

<b>VI. GEOLOGY AND SOILS – Would the project:</b>				
	<b>Potentially Significant Issues</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
2) Strong seismic ground shaking?		X		
3) Seismic-related ground failure, including liquefaction?		X		
4) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined of the latest Uniform Building Code, creating substantial risk to life or property?		X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Geology and Soils Impact Discussion:**

- a)
  - 1) **No Impact.**
  - 2) **No Impact.**
  - 3) **No Impact.**
  - 4) **No Impact.**
- b) **No Impact.**
- c) **No Impact.**
- d) **No Impact.**
- e) **No Impact.**

<b>VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
	<b>Potentially Significant Issues</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school?				X
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Hazards and Hazardous Materials Impact Discussion:**

- a) **No Impact.**
- b) **No Impact.**
- c) **No Impact.**
- d) **No Impact.**
- e) **No Impact.**
- f) **No Impact.**

g) **No Impact.**

h) **No Impact.**

<b>VIII. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site, including through the alteration of the course of a stream or river, in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood area structures which would impede or redirect the flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Hydrology and Water Quality Impact Discussion:**

a) **No Impact.**

- b) **Mitigation Measures:**
- c) **No Impact.**
- d) **No Impact.**
- e) **Mitigation Measures:**
- f) **Mitigation Measures:**
- g) **No Impact.**
- h) **No Impact.**
- i) **No Impact.**
- j) **No Impact.**

<b>IX. LAND USE AND PLANNING – Would the proposal:</b>				
	<b>Potentially Significant Issues</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?				<b>X</b>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		<b>X</b>		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Land Use and Planning Impact Discussion:**

- a) **No Impact.**
- b) **Mitigation Measures:**
- c) **No Impact.**

<b>X. MINERAL RESOURCES – Would the project:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Mineral Resources Impact Discussion:**

- a) **No Impact.**
- b) **No Impact.**

<b>XI. NOISE – Would the project result in:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?		X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?		X		
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?		X		

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Noise Impact Discussion:**

- a) **Less than significant.**
- b) **Less than significant.**
- c) **Less than significant.**
- d) **Less than significant.**
- e) **Less than significant.**
- f) **Less than significant.**

<b>XII. POPULATION AND HOUSING – Would the project:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?		<b>X</b>		
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Population and Housing Impact Discussion:**

- a) **No Impact.**
- b) **No Impact.**
- c) **No Impact.**

<b>XIII. PUBLIC SERVICES:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?		<b>X</b>		
2) Police protection?		<b>X</b>		
3) Schools?		<b>X</b>		
4) Parks?		<b>X</b>		
5) Other public facilities?		<b>X</b>		



**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Discussion for Impact to Public Services:**

**a): Potentially Significant Unless Mitigation Incorporated**

- 1) Mitigation Measure:
- 2) Mitigation Measure:
- 3) Mitigation Measure:
- 4) Mitigation Measure:
- 5) Mitigation Measure:

<b>XIV. RECREATION:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		X	
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?		X	

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Recreation Impact Discussion:**

- a) Less than Significant:
- b) Less than Significant:

<b>XV. TRANSPORTATION AND TRAFFIC – Would the project:</b>				
	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads or congestion at intersections)?		X	

b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways?		X		
c)	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e)	Result in inadequate emergency access?		X		
f)	Result in insufficient parking capacity?		X		
g)	Conflicts with adopted policies, plans, programs, supporting alternative transportation (e.g., bus turnouts, bicycle racks)?		X		

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Transportation and Traffic Impact Discussion:**

- a) Potentially Significant Unless Mitigation Incorporated
- b) Less than Significant
- c) No Impact
- d) No Impact
- e) Potentially Significant Unless Mitigation Incorporated
- f) Potentially Significant Unless Mitigation Incorporated
- g) Less than Significant

<b>XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>				
	<b>Potentially Significant Issues</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		X		
b) Require or result in the construction of new storm water or water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		X		
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?		X		
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?		X		
g) Comply with federal, state, and local statutes and regulations related to solid waste?		X		

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Utilities and Service Systems Impact Discussion:**

- a)
- b)
- c)
- d)
- e)
- f)
- g)

**XVII. TRIBAL CULTURAL RESOURCES**

<b>XVII. TRIBAL CULTURAL RESOURCES</b> – Would the project:				
	<b>Potentially Significant Issues</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			X
i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X
ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X

<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X	
b)	Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X	
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X	

**Background**

The proposed project is a Zone Change and General Plan Amendment from C1 (Commercial Neighborhood) to RA (Residential Apartment) to allow the development of “Morningside Apartments Phase II” and potential senior housing in the future.

**Mandatory Findings of Significance Discussion**

<b>SOURCE REFERENCES</b>	
The following documents were used as sources of factual data and are hereby incorporated as part of this Environmental Checklist. Because of the voluminous nature of the documents, copies of the following documents are not distributed with this document but may be obtained from the City of Imperial.	
A	City of Imperial Zoning Ordinance
B	City of Imperial General Plan
C	City of Imperial Service Area Plan
D	Air Pollution Control District CEQA Air Quality Handbook
E	County of Imperial Airport Land Use Compatibility Plan



June 7, 2018

Marty Coyne  
2351 S 4<sup>th</sup> street  
El Centro, CA 92243

RE: ***Water and Sewer "Will Serve" Letter  
For APN 064-434-005, 064-434-006 and 064-434-016***

Dear Mr. Coyne:

We are in receipt of your request for a "will serve" letter to develop apartments on the above referenced APN's ("Project"). We understand you anticipate the Project will consist of 244 residential apartment units. As we discussed, the city conducted a sewer capacity study ("Study"). The Study concluded that benefit area No. 1 (which includes your Project, see attached plate 3) does not have sufficient collection capacity to accommodate your Project. The Study recommends an upgrade to a 12-inch diameter line (see attached plate 5). The city's capital improvement program has the upgrade scheduled to be completed within two years. When the upgrade is completed, the city will provide sewer collection and treatment capacity to your Project for a period of 6 years upon completion.

The City of Imperial has capacity to provide domestic water supply service to your Project. There is currently sufficient fire flow to your Project. Please note the existing system cannot sustain a fire flow demand greater than 2,800gpm (see attached water feasibility study). The city will be able to provide domestic water supply service to your Project for a period of 8 years.

The city's ability to serve your Project is contingent upon there being no increase to the number of units set forth herein.

Should you have any questions or need additional information, please do not hesitate to contact me at your earliest possible convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stefan T. Chatwin", is written over a horizontal line.

Stefan T. Chatwin  
City Manager

**RESOLUTION NO. PC 2018-07**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL OF THE ZONE CHANGE AND GENERAL PLAN AMENDMENT FOR THE FOLLOWING ASSESSOR PARCEL NUMBERS 064-434-005, 064-434-006, AND 064-434-016 TO ALLOW FOR THE DEVELOPMENT OF MULTIFAMILY HOUSING.**

**WHEREAS**, Martin Coyne has submitted an application for a General Plan Amendment and Zone Change for certain real property described as follows:

ASSESSOR PARCEL NUMBERS: 064-434-005, 064-434-006, AND 064-434-016

**WHEREAS**, a duly notified public hearing was held by the Planning Commission on June 13, 2018; and

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

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

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby finds as follows:
  - 1. The proposed zone change and general plan amendment are consistent with the goals, objectives and policies of the General Plan;
  - 2. The proposed zone change, general plan amendment, and proposed multifamily housing is compatible with the surrounding environment;
  - 3. Public facilities and services can be provided to the proposed multifamily development without placing undue additional burden on existing residents and businesses; and
- C) That on the findings made above, the Planning Commission recommends **APPROVAL** of the zone change and general plan amendment; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of the zone change and general plan amendment from C-1 (Commercial Neighborhood) to RA-Residential Apartments and;

- E) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of a Mitigated Negative Declaration; and
- F) All recommendations made by the Planning Commission are based on the following findings:
1. The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act.
  2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
  3. The initial environmental assessment shows that there is no substantial evidence that the zone change and general plan amendment may have a significant impact on the environment.
  4. There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project.
  5. The proposed Zone Change and General Plan Amendment are consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
  6. The proposed Zone Change and General Plan Amendment are consistent with the policies and the land uses of the existing City of Imperial General Plan.
  7. The proposed General Plan Amendment and Zone Change are consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13<sup>th</sup> day of June 2018.

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Planning Commission Chairman

ATTEST:

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City Clerk



**RESOLUTION PC2018-07  
EXHIBIT A**

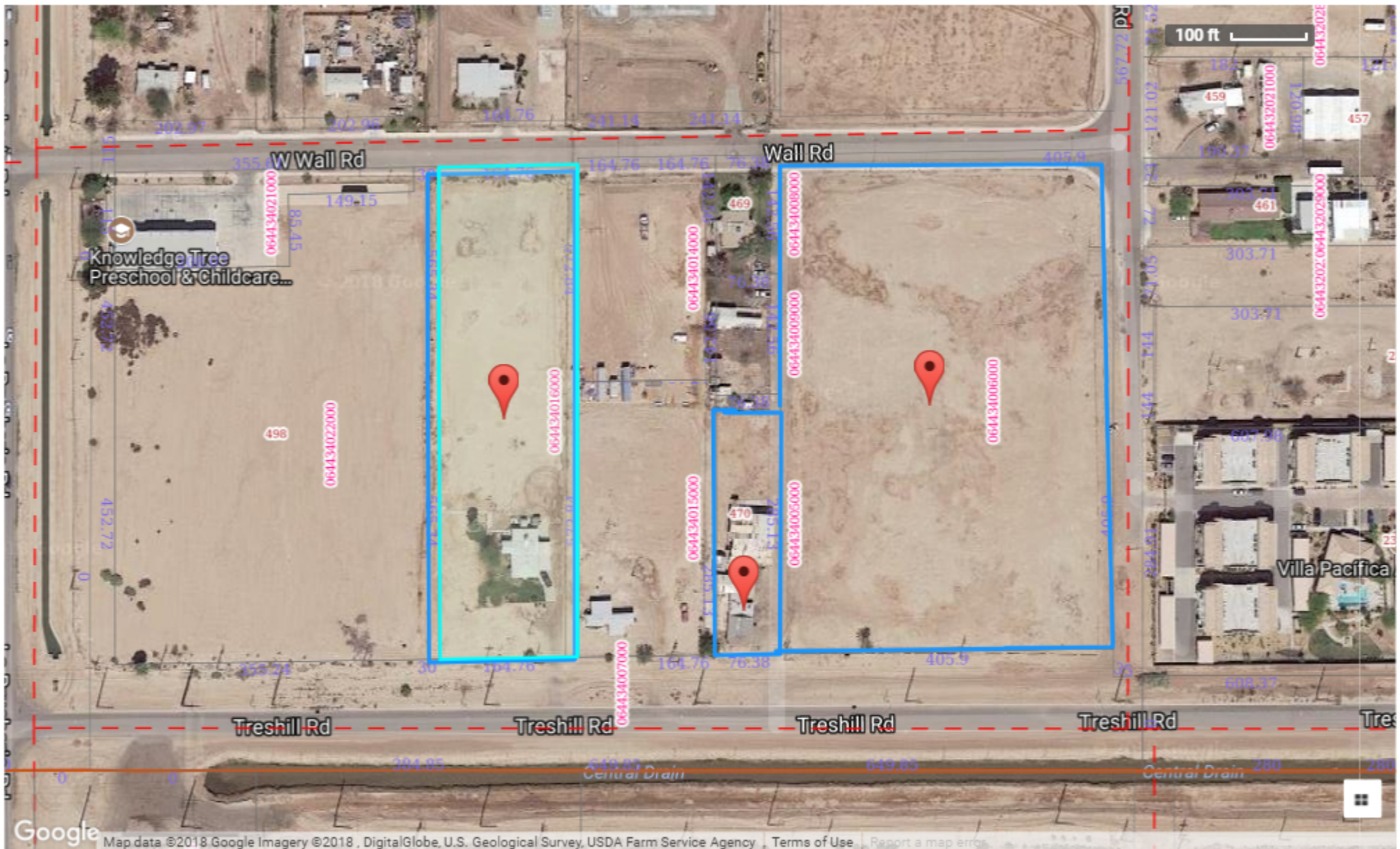
**CONDITIONS OF APPROVAL**



**ZONE CHANGE AND GENERAL PLAN AMENDMENT  
C-1 (Commercial Neighborhood) to R-A (Residential Apartment)**

1. This Zone Change and General Plan amendment is to approve the change from C-1 (Neighborhood Commercial) to R-A (Residential Apartment).
2. Future projects in this area shall be consistent with the Developing Neighborhood Character as outlined in the updated General Plan.
3. These conditions of approval only cover the zone change and general plan amendment. Applicant must still apply for Site Plan Review and Building Permit Process prior to any work and can be bound by future conditions of approval for projects.
4. This project is also bound to and by a "Will Serve" letter. Please see attached.
5. The Developer/Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
6. The Developer/Applicant shall pay all applicable impact and capacity fees.
7. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of this zone change and general plan amendment. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the zone change and general plan amendment including any claim for private attorney general fees claimed by, or awarded to any party from the City.
8. All conditions of approval for this zone change and general plan amendment shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
9. The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.

10. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the zone change and general plan amendment, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the then the matter shall be referred to the Planning Commission for modification to conditions of approval , suspension, or termination, or to the appropriate enforcement authority.
11. As between the City and the Permittee, any violation of the conditions of approval may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
12. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the project.

# Zone Change and General Plan Amendment 18-02 Morningside Apartments Phase II



<b>1" = 188 ft</b>	<b>Martin Coyne-Applicant</b>	<b>06/07/2018</b>		
This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.				