

Meeting Date: May 15, 2009  
Agenda Item No. \_\_\_\_\_  
Approved by: \_\_\_\_\_  
City Attorney: \_\_\_\_\_  
City Manager: \_\_\_\_\_

**COUNCIL AGENDA REPORT**  
**City of El Centro**

**FROM:** Norma M. Villicana *NMV*  
**Director of Planning & Zoning**

**SUBJECT: Public Hearing – Approval of Final Environmental Impact Report No. 05-02 (SCH #2006081078) for Change of Zone No. 05-02 and Miller Burson Tentative Subdivision Map** - The Final Environmental Impact Report addresses the issues related to a proposed change of zone and tentative subdivision map to accommodate the development of 485 single-family residential lots, a school site, two detention basins, and two parks on 160 acres of land generally located south of Ross Avenue, east of Austin Road, north of Interstate 8, and west of the Lotus Canal.

**CITY MANAGER RECOMMENDATION**

Adoption of Resolution No. 09- \_\_\_\_\_ -approving Final Environmental Impact Report No. 05-02 (SCH # 2006081078) with Mitigation Monitoring and Reporting Program for Change of Zone No. 05-02 and Miller Burson Tentative Subdivision Map.

**BACKGROUND:**

On February 3, 2009 and March 10, 2009, the Planning Commission conducted a public hearing on Final Environmental Impact Report No. 05-02 (FEIR) which was prepared to address issues related to a proposed change of zone and tentative subdivision map to accommodate the development of 485 single family lots, a school site, two retention basins and two parks on a 160 acre site generally located south of Ross Avenue, east of Austin Road, north of Interstate 8 and west of the Lotus Canal.

The MND was considered and approved by the Planning Commission for the proposed project. The City's environmental consultant will be in attendance to summarize their findings and respond to questions regarding the FEIR.

**ATTACHMENTS:**

1. Staff Report to the Planning Commission (pages 2-4).
2. Official Planning Commission Recommendation and Findings (P.C. Resolution No. 09-04 (pages 5-6).
3. City Council Final Environmental Impact Report No. 05-02 Resolution (pages 7-8).
4. Mitigated Negative Declaration No. 05-02.

ITEM NO. 1  
FINAL ENVIRONMENTAL IMPACT REPORT NO 05-02  
(SCH #2006081078)

STAFF REPORT

Attached please find Environmental Impact Report No. 05-02. The Environmental Impact Report addresses the issues related to a change of zone and tentative subdivision map to accommodate the development of 485 single-family residential lots with an overall lot size average of 7,200 square feet. More specifically, the Environmental Impact Report addresses issues related to Change of Zone No. 05-02 and the Miller Burson Tentative Subdivision Map. The proposed project site consists of 160 acres of land generally located south of Ross Avenue, east of Austin Road, north of Interstate 8, west of the Lotus Canal. The site is further described as APN 052-280-008.

The City's environmental consultants will be in attendance to summarize their findings and respond to questions regarding the Environmental Impact Report.

Options available to the Commission regarding the Final Environmental Impact Report include the following:

Options:

1. Motion to certify that Final Environmental Impact Report No. 05-02 was considered and found to be adequate, complete and in compliance with the C.E.Q.A. Guidelines of 1970, as amended.
2. Motion to disapprove Final Environmental Impact Report No. 05-02.
3. Motion to continue the hearing for further study.

Action Requested:

It is staff recommendation that the Commission open the public hearing and allow public input regarding the Environmental Impact Report. Because the Final Environmental Impact Report is in substantial compliance with the C.E.Q.A. Guidelines of 1970, as amended, and all identified impacts can be mitigated, it is staff recommendation that the Environmental Impact Report be recommended for approval by taking the following action:

1. Motion to adopt Planning Commission Resolution No. 09- (Exhibit A), finding that Environmental Impact Report No. 05-02 was considered and found to be adequate and complete for the proposal.

*Norma M. Villicana*

Norma M. Villicana

Director of Planning & Zoning

EXHIBIT A

PLANNING COMMISSION RESOLUTION NO. 09-  
FOR  
ENVIRONMENTAL IMPACT REPORT NO. 05-02  
(SCH#2006081078)

WHEREAS, the City's Environmental Assessment Committee conducted an initial study for the proposed project on April 28, 2005 pursuant to the C.E.Q.A. Guidelines of 1970, as amended; and

WHEREAS, findings of the initial study identified potential impacts to agricultural resources, air quality, biological resources, cultural resources, hazards and hazardous materials, noise, public services, and traffic; and

WHEREAS, the Environmental Assessment Committee recommended that an Environmental Impact Report addressing the identified impacts, be prepared for the project; and

WHEREAS, Environmental Impact Report No. 05-02 was prepared for the proposal; and

WHEREAS, appropriate conditions will be attached to the project to mitigate any identified environmental impacts; and

WHEREAS, the proposed project would not be detrimental to the general health, safety and welfare of the community.

NOW THEREFORE, be it resolved that the Planning Commission certifies that Environmental Impact Report No. 05-02 was considered for the project and deemed adequate and complete and orders that E.I.R. No. 05-02 be filed pursuant to the C.E.Q.A. Guidelines of 1970, as amended, for Change of Zone No. 05-02 and Miller Burson Tentative Subdivision Map.

PASSED AND ADOPTED on March 10, 2009 by the following vote:

ROLL CALL:           Ayes:  
                          Noes:  
                          Absent:  
                          Abstaining:

CITY OF EL CENTRO  
PLANNING COMMISSION

By \_\_\_\_\_  
Bruce L. Seivertson, Chairperson

ATTEST:

APPROVED AS TO FORM  
OFFICE OF THE CITY ATTORNEY

By \_\_\_\_\_  
Norma M. Villicana  
Secretary – Director

By \_\_\_\_\_  
Luis F. Hernandez  
Associate City Attorney

**PLANNING COMMISSION RESOLUTION NO. 09-04  
FOR  
ENVIRONMENTAL IMPACT REPORT NO. 05-02  
(SCH#2006081078)**

WHEREAS, the City's Environmental Assessment Committee conducted an initial study for the proposed project on April 28, 2005 pursuant to the C.E.Q.A. Guidelines of 1970, as amended; and

WHEREAS, findings of the initial study identified potential impacts to agricultural resources, air quality, biological resources, cultural resources, hazards and hazardous materials, noise, public services, and traffic; and

WHEREAS, the Environmental Assessment Committee recommended that an Environmental Impact Report addressing the identified impacts, be prepared for the project; and

WHEREAS, Environmental Impact Report No. 05-02 was prepared for the proposal; and

WHEREAS, appropriate conditions will be attached to the project to mitigate any identified environmental impacts; and

WHEREAS, the proposed project would not be detrimental to the general health, safety and welfare of the community.

NOW THEREFORE, be it resolved that the Planning Commission certifies that Environmental Impact Report No. 05-02 was considered for the project and deemed adequate and complete and orders that E.I.R. No. 05-02 be filed pursuant to the C.E.Q.A. Guidelines of 1970, as amended, for Change of Zone No. 05-02 and Miller Burson Tentative Subdivision Map.

PASSED AND ADOPTED on March 10, 2009 by the following vote:

ROLL CALL:           Ayes: Walk, Seivertson, Pipkin, West  
                          Noes: None  
                          Absent: Jackson  
                          Abstaining: Caldwell, Hunt

CITY OF EL CENTRO  
PLANNING COMMISSION

By Bruce L. Seivertson  
Bruce L. Seivertson, Chairperson

ATTEST:

APPROVED AS TO FORM  
OFFICE OF THE CITY ATTORNEY

By Norma M. Villicana  
Norma M. Villicana  
Secretary - Director

By Luis F. Hernandez  
Luis F. Hernandez  
Associate City Attorney

RESOLUTION NO. 09-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CENTRO ADOPTING FINAL ENVIRONMENTAL IMPACT REPORT NO. 05-02 (SCH#2006081076) WITH MITIGATION MONITORING AND REPORTING PROGRAM FOR CHANGE OF ZONE 05-02 AND MILLER BURSON TENTATIVE SUBDIVISION MAP

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines of 1970, as amended, a Final Environmental Impact Report and Mitigation Monitoring Reporting Program with mitigation measures and monitoring program 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 finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Final Environmental Impact Report reflects the City of El Centro's independent judgment and analysis; and

WHEREAS, the City Clerk and the Director of Planning & Zoning located at 1275 W. Main Street, El Cento, California, are the custodians of the records or 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 above and foregoing is true, correct and adopted.
2. That the Final Environmental Impact Report with Mitigation Monitoring and Reporting Program, a copy of which is on file in the Office of the City Clerk, for 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 \_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF EL CENTRO

By: \_\_\_\_\_  
Benjamin James Solomon III, Mayor

ATTEST:

By: \_\_\_\_\_  
L. Diane Caldwell, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

By: \_\_\_\_\_  
Luis F. Hernandez, City Attorney

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

I, L. Diane Caldwell, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Resolution No. 09-\_\_\_\_\_ was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

By: \_\_\_\_\_  
L. Diane Caldwell, City Clerk