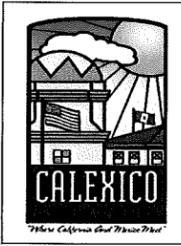


AGENDA
ITEM

15



AGENDA STAFF REPORT

DATE: December 1, 2015

TO: Honorable Mayor and City Council Members

APPROVED BY: Nick Fenley, Interim City Manager

PREPARED BY: Mark Vasquez, Associate Planner
Ralph Morales, Building/Planning Manager

SUBJECT: Public Hearing - Gran Plaza Power Center (UA 2014-02) to Consider the following actions:

- a.) Approval of Resolution of Findings of Facts
- b.) Approval of Resolution for General Plan Amendment
- c.) Approval of Ordinance for Zone Change
- d.) Approval of resolution for Tentative Parcel Map
- e.) Approval of Resolution for Development Review and Building Height and Master Sign Program for Gran Plaza Power Center
- f.) Approval of Resolution for Certification of Environmental Impact Report with Monitoring Plan

=====

Recommendation:

It is recommended that the City Council conduct the duly noticed public hearing to consider the Planning Commission's recommendations that the City Council adopt resolutions approving: a) Resolution of Findings of Fact; b) Resolution for General Plan Amendment; c) Ordinance for Zone Change; d) Resolution for Tentative Parcel Map; e) Resolution for Development Review and Buildig Height and Master Sign Program Varaince for Gran Plaza Power Center; f) Resolution for certification of Environmental Impact Report (FEIR) with Monitoring Plan.

AGENDA ITEM 15

Background:

The proposed project and requested applications were reviewed by the City's Project Review Committee (PRC) in June 2011. City staff and the PRC were supportive of the project and did not express major concerns or comments. The Draft Environmental Impact Report (DEIR) was circulated for a 45 day review period which began on March 26, 2015 and ended on May 12, 2015. Comments and input received have been addressed in the FEIR and can be found in Section 6.0 - Responses & Revisions to the DEIR.

At its regular meeting on June 22, 2015, the Planning Commission voted 3-0 to recommend certification of the Final Environmental Impact Report and approval of the MMRP, and to recommend to the City Council approval of the General Plan Amendment, Zone Change, Tentative Parcel Map, Development Review, and Variance. Many members of the public who testified at the public hearing were in support and spoke in favor of the project.

Project Requests:

- Environmental Impact Report No. 2014-02 (SCH #:2014061070) Marc Blodgett of Blodgett/Baylosis Environmental Planners prepared the EIR, Findings of Fact document and MMRP in accordance with the provisions of the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq., and the CEQA Guidelines (Section 15000 et seq.). In addition to certification of the Final EIR, the Council is requested to adopt the associated Findings and MMRP.
- General Plan Amendment Resolution No. 2015 - : The adopted General Plan Land Use Map designates the project site as Industrial, IND. The objectives and policies associated with the Industrial land use designation do not support commercial retail uses except as a subordinate use to Heavy Industrial uses and are limited to 25 percent of the building floor area of a development. Therefore, to develop the project, a General Plan amendment to change the land use designation from Industrial (IND) to Commercial Highway (CH) is necessary.
- Ordinance No. 2015 - : The project site currently contains parcels that are zoned Industrial, (IND) Therefore, to realize the project, the developer is requesting a rezoning of the entire site to Commercial Highway, (CH). Rezoning the total site to CH would result in a logical extension of the existing CH zoning of Gran Plaza Outlets on the east and would be in conformance with the intent of the CH zone per the municipal code and amended General Plan.
- Tentative Parcel Map Resolution No. 2015 - : A Tentative Parcel Map is required in order to divide the approximately 100 acre project site into fifteen (15) lot subdivision.

- Development Review Resolution No. 2015 - : Due to the proposed commercial uses, development review approval is required per Chapter 17.01 of the Calexico Municipal Code. The development review process is established to ensure projects proposed in Calexico meet the objectives, goals and policies as stated and in the General Plan so that development does not have an adverse impact on aesthetics, health, adjoining properties or the City in general.
- Variance Resolution No. 2015 - : Building Height, Parking Lot Pole Height, Pylon Sign Height & Master Sign Program. The comprehensive variance requests are due to the physical features of the site, such as sloping topography, steep grade changes, a shift in the street grid, and the linear design of Gran Plaza Power Center. Without approval, it would be extremely difficult to construct an upscale development such as Gran Plaza Power Center with appropriately designed buildings and structures that would not be hazardous to the public's safety and welfare.

The following are proposed as part of the comprehensive variance requests made by the applicant for the Gran Plaza Power Center Project:

1. **Light Pole Height:** - Variance request to install parking lot light poles forty (40'-0') feet in height above grade level pursuant to Section 17.13.160 (B)(5).
2. **Building Height:** - Variance to increase building height up to 35' to 38' feet pursuant to Section 17.05.130.
3. **Master Sign Program** - Approval of comprehensive Master Sign Program (attached - Exhibit D) pursuant to Section 17.01.119 (E), with several variance requests pertaining to freestanding signs, pylon sign height, entry monuments signs, number and way-finding signs, including the following;
 - a. **Section 17.01.119 (F)** - To allow three (3) freestanding pylon signs in lieu of one (1), seven (7) way-finding signs and seven (7) entry monument signs in lieu of one (1) each;
 - b. **Section 17.01.1119 (F.1)** - To exceed the signage face area of sixty (60) s.f. for all signs proposed;
 - c. **Section 17.01.1119 (F.2)** - To exceed the height of eight (8) feet;
 - d. **Section 17.01.1119 (F.4)** - To locate sign within five (5) feet from property line where necessary;

- e. **Section 17.01.1119 (F.6)** - To not include the business address on each proposed sign; and
- f. **Section 17.01.1119(F.7)** - Relief from planter area requirement of fifty (50) s.f. and minimum width of five (5) feet.

4. **Small Suspended or Projecting signs:**

- a. **Section 17.01.1119.1.1** - to allow projection of four (4) feet in lieu of three(3) feet where necessary and:
- b. **Section 17.01. 11191.2** - to allow for six (6) s.f. in signage area in lieu of two (2) s.f.

5. **Wall Signage:**

- a. **Section 17.01.1119 (D)** - To exceed the wall sign ratio of 1:1 and apply the Gran Plaza Uniform Sign Program (attached) allowing for each tenant to have one 150 s.f. primary wall signage, one 150 s.f secondary wall signage, and SuperGraphics as depicted in the Master Sign Program booklet attached as Exhibit D.

- b. **Section 17.01.1119.1.2** - To project more than six (6) inches from building wall frontage for Tower Element Signage.

The Sign Program inventory chart below indicates the type of signage proposed, height and face area. This information along with the exact location where each sign type is proposed can also be found in the Master Sign Program Booklet dated September 2014.

**Pylon & Monument Sign
Inventory**

Sign ID	Freestanding Sign Height (FT)	Area (SF per side)
A1-Pylon	65	931
A2-Pylon	65	931
A3-Pylon	65	931
D1-Monument	8.5	500
D2-Monument	8.5	500
D3-Monument	8.5	500
D4-Monument	8.5	500
D5-Monument	8.5	500
D6-Monument	8.5	500
D7-Monument	8.5	500

Project Location:

The approximately 100-acre project site is located west of Calexico Gran Plaza Outlets constructed in 2013 on the south side of Second Street about ¼ mile west of the Downtown Port of Entry along the US/Mexico Border. The site is bounded by miscellaneous trucking uses along Second Street beyond the All American Canal to the west, the Calexico International Airport to the north, and Gran Plaza Outlets and the New River to the east. The US/Mexico International Border lies to the south. The site has been completely leveled and construction is slated to begin in early 2016.

Environmental Setting:

	EXISTING LAND USE	ZONING	GENERAL PLAN
Project Site	<i>Vacant Land/</i>	<i>IND, Industrial</i>	<i>Industrial</i>
North	<i>Calexico International Airport.</i>	<i>IND, Industrial</i>	<i>Industrial</i>
South	<i>International U.S./Mexico</i>	<i>International U.S./Mexico Border</i>	<i>International/ U.S./Mexico Border</i>

	EXISTING LAND USE	ZONING	GENERAL PLAN
East	<i>Ind./Comm. Businesses</i>	<i>I(Industrial),CH (Commercial Highway), OS (Open Space)</i>	<i>Industrial/Commercial</i>
West	<i>Trucking Uses</i>	<i>I(Industrial),CH (Commercial Highway), OS (Open Space)</i>	Industrial/Agriculture Imperial County

Project Description:

The project applicant proposes to develop the site with a total of approximately 1,069,400 s.f. of commercial/retail uses within approximately 25 buildings constructed over two (2) phases. There will be a total of approximately 22 tenant spaces when both phases are completed. The first phase (Phase 2A) would consist of approximately 9 buildings with a floor area of 277,00 s.f., located at the easterly side of the project site. Phase 2B would consist of approximately 16 buildings with a floor area of 792,000 s.f. located on the westerly portion of the site. The proposed project's buildings would range in height from approximately 35' to 38'. The rear or south side of the building facing the US - Mexico International Border will be provided with a 60' to 100' security setback distance.

Discussion & Analysis:

Staff supports the Gran Plaza Power Center project and recommends certification of the Final Environmental Impact Report and adoption of the Findings of Fact and Mitigation and Monitoring Reporting Program, approval of the requested General Plan Amendment, Zone Change, Tentative Parcel Map, Development Review, and Variance for the following reasons.

Environmental Review

Marc Blodgett of Blodgett/Baylosis Environmental Planners prepared a Draft EIR (DEIR) for the proposed project. An independent peer review of the DEIR was completed by the City's Planning Consultant Dudek in March 2015. The DEIR was circulated for a 45-day public review period which began on March 26, 2015 and ended May 12, 2015. Thereafter, Bayless Environmental Planners prepared a Final Environmental Impact Report (FEIR), Findings and MMRP for the proposed project. Pursuant to Section 15132 of the State CEQA Guidelines, the FEIR consists of the DEIR and appendices, a

list of the persons, organizations and agencies who commented on the DEIR, the comments received on the DEIR and the City's responses to the environmental issues raised in the comments. The FEIR provides the necessary environmental clearances and analyses for the proposed project

At the Planning Commission hearing of June 22, 2015, the commission unanimously voted to recommend certification of the EIR to City Council/ and staff believes the EIR was adequately prepared in accordance with provisions contained in the California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq., and the CEQA Guidelines (Section 15000 et seq.)

General Plan and Zone Change

The adopted Calexico General Plan Land Use Map designates the project site as IND, Industrial. The objectives and policies associated with the Industrial land use designation do not support commercial retail uses except as a subordinate use to Heavy Industrial uses and limit commercial uses to 25 percent of the building floor area of a development. Therefore, to develop the project, a General Plan amendment to change the land use designation from IND, Industrial to CH, Commercial Highway is necessary.

The project site is zoned entirely IND, Industrial and allows commercial uses provided the parking complies with Chapter 17.13 of the Municipal Code. To realize the project, however, the developer is requesting a rezone of the IND zoning to CH, Commercial Highway zoning. By rezoning the total site to CH, this would result in (1) a logical extension of the existing CH zoning of Gran Plaza Outlets to the east, and (2) the project would be in conformance with the intent of the CH zone and development standards found in the Zoning Code to locate such commercial centers along major roadways.

Staff recommends approval of the requested General Plan Amendment because the project as proposed consists entirely of commercial highway uses and the industrial designation does not allow this outright. As stated, staff believes the project is well-designed and appropriate for the project site and in conformance with the City's development standards. In addition, the project will provide property tax benefits and other advantages to the City as discussed.

Finally, staff also recommends approval of the requested Zone Change which will rezone the project site to CH, Commercial Highway. The project site is currently zoned for industrial uses over the entire and would have to be rezoned to commercial highway in order to allow for the commercial development to be constructed. This new zoning classification would be consistent with the proposed General Plan Amendment's underlying land use designation of Commercial Highway. Approval of an Ordinance is required to accomplish the zone change, pursuant to Government Code section 65850.

Tentative Parcel Map

The applicant is requesting approval of a Tentative Parcel Map, pursuant to Section 16 "Subdivisions", of the Calexico Municipal Code (CMC), and Government Code Section(s) 66424 and 66427 of the California Subdivision Map Act (CSMA). The Tentative Parcel Map is necessary in order to create the fifteen (15) lot subdivision for the commercial shopping center, known as "Gran Plaza Power Center". Generally, commercial subdivision maps are defined as "subdivisions" pursuant to Section 66463 of the California Subdivision Map Act (CSMA). Consequently, this project requires both Planning Commission and City Council consideration pursuant to the requirements of Section 16 "Subdivisions" of the Calexico Municipal Code (CMC). Additionally, since the buildings would be located on separate legal lots as indicated in EXHIBIT B, a Recorded Reciprocal Access and Parking Agreement will be required to be recorded in order to allow for shared parking as well as ingress/egress from one parcel to another.

City Planning and Engineering staff reviewed the submitted Tentative Parcel Map and have no major concerns if the required conditions of approval and mitigation measures are implemented. The TPM allows for construction of the commercial buildings and public utilities and services being proposed for the project. The TPM is consistent with development standards contained in the Calexico Municipal Code, in terms of minimum lot sizes, lot widths and depths, street widths, and other Planning and Engineering standards and requirements. The TPM has also been prepared in accordance with provisions and requirements of the California Subdivision Map Act and Title 16 "Subdivisions" of the Calexico Municipal Code (CMC).

Development Review

The project applicant's goal is to provide a variety of 'big box' conventional large-scale retail shopping options and combine them with Gran Plaza Outlets to the east. The project will implement a linear layout for ease of access for tenants of various sizes. By incorporating approximately 3 (three) out-parcels on the property perimeter, this would accommodate the construction of sit-down restaurants in the near future.

Gran Plaza Power Center would also be designed to take advantage of the current bus transportation nodes and system under operation within Gran Plaza Outlets providing access to all areas of the project and to and from the Calexico East and West Ports-of-Entry. The project developer intends to work with the City of Calexico to explore the feasibility of establishing a soft-wheeled trolley route connecting the international border and the proposed project.

The buildings would range in height from 35' to 38' feet from ground level depending on parapet design and architectural features. Pylon-type signage along Second Street would reach up to 65' feet, parking lot pole height of 40' feet is indicated and a Master Sign Program specific to the total number of freestanding signs, small suspended or projecting signs, and total allowable sign face area would be provided. Landscaping is shown on

the plans within all open areas and between buildings along the property perimeter and throughout the parking lot.

Access to the site would be provided at three main locations along the future re-aligned and widened Second Street. In addition, a separate service drive entrance would be located between Gran Plaza Outlets and Gran Plaza Power Center leading to the rear of the project. The project would provide approximately 3500 parking spaces, which would be positioned primarily along the northern perimeter of the site in compliance with the parking standards of the Zoning Code.

Along the southern property perimeter and US - Mexico border, the development would provide a 60 to 100-foot security zone as designated by Homeland Security. The area adjacent to this zone at the rear of the buildings would be a service and truck loading zone for the development.

The proposed project also includes the realignment and the widening of Second Street at the front of the development. This road is classified as a Principal Arterial by the City and will be widened from an existing undivided two-lane roadway to a four-lane divided roadway with a 100-foot right-of-way.

Staff recommends approval of the requested Development Review permit because it would allow for the construction of several conventional large-scale retail uses, while complimenting the existing Gran Plaza Outlets constructed to the east.

Variance

The applicant is requesting variances for an increase in proposed building and pylon sign height, parking lot pole height, number of freestanding pylon signs, and total allowable sign face area. These variances are for the purpose of achieving the objectives and purpose as outlined in Chapter 17.05 of the Calexico Municipal Code.

An increase in building and sign height will accommodate a lower grade and lack of highway frontage and visibility enjoyed by neighboring large scale retail establishments in the immediate area. The City's Zoning Ordinance currently restricts building heights to 35' or two stories. The proposed project's buildings would range in height from 35' to 38' from ground level depending on parapet design and architectural features. Furthermore, the City's Sign Ordinance (Section 17.01.1119.F.1 and 2) restricts "freestanding pylon signs" to one per integrated development, a maximum of 60 square feet of sign face area, and 8 feet in overall height. Additionally, Section 17.13.160 B(5) of the City's Zoning Ordinance limits parking lot pole height to only 18' maximum and of low sodium bulb type.

As noted above, the buildings are proposed to be between 35 feet and 38 feet high which exceeds the maximum allowed. Additionally, the project will contain three (3) freestanding pylon signs 65' in height along the realigned and widened Second Street frontage street where one is permitted, with 1,245 square feet of sign face area per sign which is more than the permitted 60 square feet per sign. The project also proposes

parking lot pole height of forty feet (40') where eighteen feet (18') is the maximum allowed. Therefore, the buildings, freestanding pylon and monument signs, parking lot pole height, along with a Master Sign Program will require several variances to exceed the maximum allowable building, pylon, monument, and light pole height, total number of freestanding pylon or monument signs, small suspended or projecting signs and total allowable sign face area.

Approval of a variance is intended to relieve the property owner from any inability to make reasonable use of their property in the same manner that other property of like character in the same vicinity and zone can be used. The applicant's need for additional building height and size is to reasonably accommodate many of the building's mechanical design features in order to conduct the intended business and retail activities on the difficult terrain. Additionally, the request for more than one freestanding pylon and/or monument signs, increased sign heights, and sign face area is to provide signage that is compatible and adequate in size and scale to the total square footage of the development area which contains an inordinate amount of lineal street frontage and acreage. This allows reasonable signage in proportion to the scale of the site, assisting in the success of the project. The same can be said about an increase in parking lot pole height from only 18' to 40' and the use of LED bulbs for greater visibility throughout the site in lieu of low sodium, as well as matching the character of the neighboring outlet center.

Staff believes that because of the uniqueness of the property (i.e. significant lineal street frontage, sizable acreage, and adjacent Second Street road configuration with angling curves), it would not be feasible for the project to provide the required building and parking lot pole height, limited number of signs, restricted sign face area and sign heights required to adequately meet the requirements of the Code. If such restrictions were imposed, it would result in an impracticable building design and layout, making it almost impossible to achieve effective architectural design quality, character and sense of place.

Therefore, strict application of the Code, in this instance, would be contradictory to the intent and purpose of encouraging adequate and appropriate development that is compatible and harmonious with the design and use of surrounding properties, and good planning principles in general. The resulting deviations described throughout this report would still provide for a practical, safe and compatible development without being detrimental to the intent of the Code's provisions. It could be perceived that to disallow the owner utilization of the site in the manner requested constitutes an unreasonable hardship, as there are no other sensibly permissible development alternatives. Additionally, other similarly zoned properties in the general vicinity are able to enjoy the same benefits.

The granting of the requested variances are not a special privilege and all necessary facts pursuant to Section 17.01.630 of the Calexico Zoning Code can be made in a positive manner and are shown as follows:

(A) **That there are special circumstances applicable to the property,** (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges by others properties in the vicinity under identical zoning.

This finding is supported by the following facts:

The substantial site acreage, and inordinate amount of lineal feet of street frontage along with the change in grade and sloping topography, and the sharp angling of 2nd Street configuration is atypical among other properties in the general vicinity, and severely restricts the ability to reasonably develop within the City Code parameters. Therefore, strict application of the Code in this instance would be contradictory to the intent and purpose of encouraging adequate and appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the City in general, thus not satisfying the intent of the Code.

(B) **That granting the variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought.**

This finding is supported by the following facts:

The granting of the Variance would allow the applicant to utilize the site in a reasonable manner consistent with the General Plan Land Use goals, objectives and policies. It would not result in a haphazard layout of land use, nor would it lend a haphazard quality or appearance to the surrounding area. Additionally, the conditions imposed on the proposed development will ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting building, pylon and parking lot pole height, number of signs and sign face area deviations are necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought and would not compromise the intent of the ordinance.

(C) **That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvement in such vicinity and zone in which the property is located.**

This finding is supported by the following facts:

The granting of the Variance would allow the applicant to utilize the site in a reasonable manner consistent with the General Plan Land Use goals and policies. It would not result in a haphazard layout of land use, nor would it lead to a haphazard quality or appearance to the surrounding area. Additionally, the

conditions imposed on the proposed development will ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting building and structure height, number of signs and sign face area deviations would not compromise the intent of the ordinance and will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvement in such vicinity and zone in which the property is located.

- (D) The granting of this variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

This finding is supported by the following facts:

Due to the aforementioned physical characteristics of the lot, strict application of development standards in this case would place an undue hardship on the applicant to adequately provide a sensible building height and adequate and compatible advertisement of the new retail center. Furthermore, based on the acreage, lineal street frontage and street alignment, which creates the unique physical characteristics, the requested deviations would not be contradictory to the intent of the ordinance. The resulting building, pylon sign and parking lot pole height, number of signs and sign face area would not cause any negative impacts and does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, and thereby the intent of the Code will still be satisfied.

- (E) The granting of this variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

This finding is supported by the following facts:

The proposed project requests a re-zone for commercial retail uses, and as proposed the development will allow for commercial retail uses in compliance with the applicable development standards established in the City's Zoning Code and will not allow a use or activity which is not otherwise expressly authorized by the proposed zoning regulation governing the parcel of property.

- (F) That granting of the variance or its modification will not be incompatible with the City General Plan.**

This finding is supported by the following facts:

The proposed project will comply with the proposed General Plan Land Use designation and will implement its goals, objectives and strategies by removing an existing blighted condition while promoting a balanced distribution of well-maintained and functional commercial retail businesses under certain conditions

Calexico's zoning variance ordinance also sets out the following two additional findings required when signs are involved:

(G) That the granting of the variance will not detract from the attractiveness or orderliness of the city's appearance or the surrounding neighborhood.

This finding is supported by the following facts:

Building and sign heights, as well as signs for the commercial retail center that are proposed at strategic locations along Second Street, will vary in height depending on grade changes in elevation. However, they have been architecturally designed to complement the new shopping center development thereby ensuring a harmonious and integrated appearance which will not detract from the attractiveness or orderliness of the City's appearance or the surrounding neighborhood.

(H) That the granting of the variance will not create a hazard to public safety.

This finding is supported by the following facts:

Signs for the commercial retail center have been designed to comply with all applicable Building Code requirements to ensure the safe and responsible use of the structures. Additionally, before the issuance of City development permits, the proposed signs will be required to comply with all conditions set forth in a resolution and Building, Engineering/Public Works Division, and Fire Department requirements.

The referenced agencies through the permit and inspection process will ensure that the proposed signs will not be detrimental to the public health, safety or welfare of all citizens nor will it be materially injurious to the properties or improvements in the vicinity. Therefore, granting of the variance will not be detrimental to the public health or injurious to the property or injurious or improvements to such zones and facilities.

Fiscal Impact:

The proposed Gran Plaza Power Center project is expected to increase annual property sales tax revenue to the City of Calexico while providing hundreds of part-time and full time jobs.

Department Recommendation

It is recommended that the City Council conduct the duly noticed public hearing to consider the Planning Commission's recommendations that the City Council adopt all resolutions certifying the Final Environmental Impact Report and adopting Findings of Fact and the MMRP, approving the General Plan Amendment, Tentative Subdivision Map, Development Review, Master Sign Program and Variance requests, and thereafter

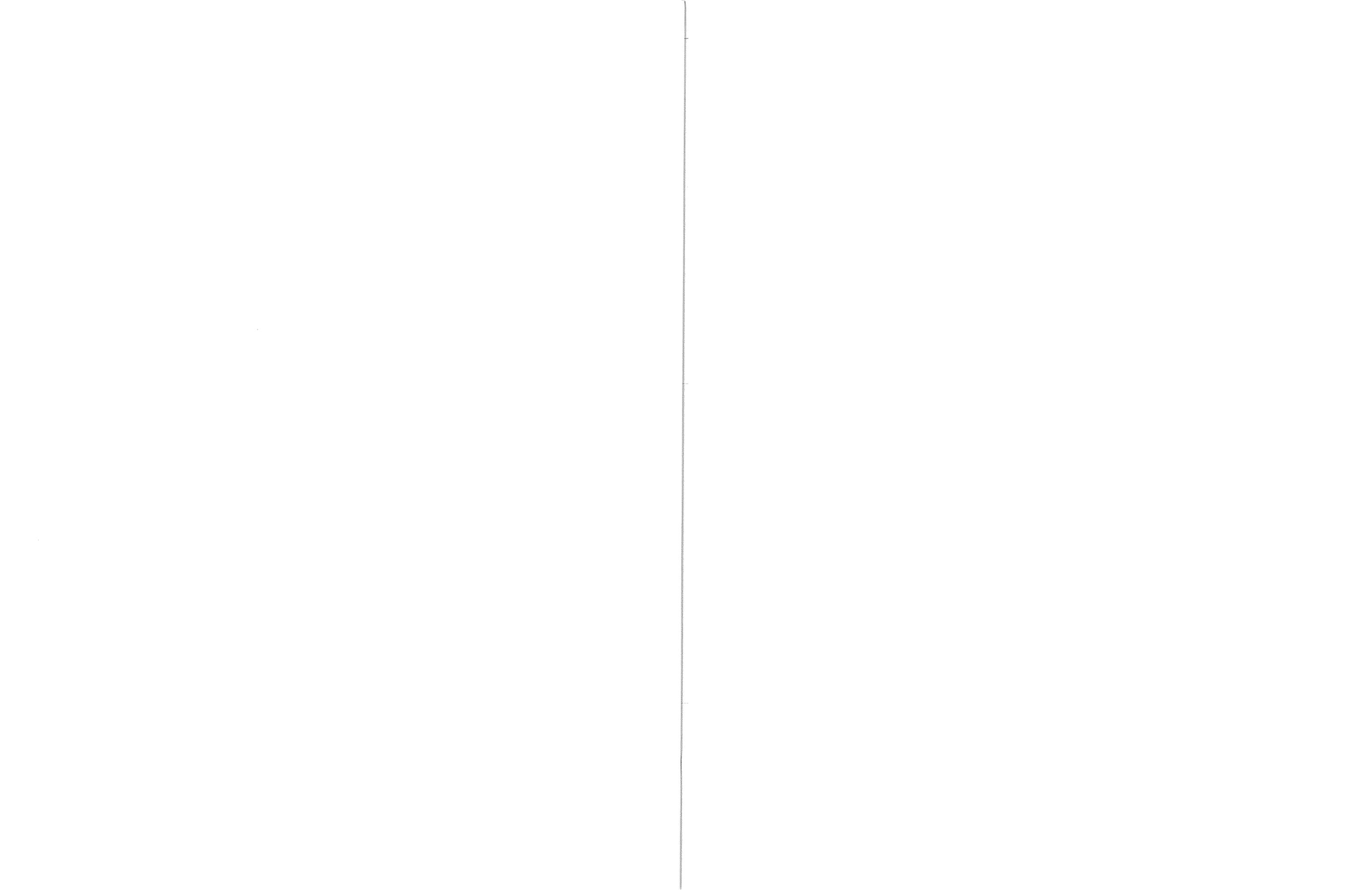
introduce Ordinance No. 2015 - ___ approving the Change of Zone designation for the project site, which is currently zoned IND, Industrial to rezone the total site to CH Commercial Highway.

EXHIBITS

- A. Gran Plaza Power Center Site Plan & Elevations Booklet
- B. Gran Plaza Power Center Tentative Parcel Map
- C. Gran Plaza Power Center Mitigation and Monitoring and Reporting Program and Finding of Fact Document (MMRP delivered as hard copy on November 17, 2015)
- D. Gran Plaza Power Center Master Sign Program
- E. Final Environmental Impact Report (delivered as hard copy on November 17, 2015)
- F. Imperial Airport Land Use Commission approval and FAA determination of no Hazard to Air Navigation Letters
- G. Land Areas Sheet
- H. Keyser – Marston Associates Economic Impact Analysis Booklet
- I. Airport Layout Plan

ATTACHMENTS

- 1. Final Environmental Impact Report (FEIR), Findings of Fact and Mitigation & Monitoring Reporting Plan Resolution No. 2015-____
- 2. General Plan Amendment Resolution No. 2015-____
- 3. Zone Change Ordinance No. 2015-____
- 4. Tentative Parcel Map No. 2015-____
- 5. Development Review Resolution No. 2015-____
- 6. Variance Resolution No. 2015-____
- 7. Planning Commission Resolutions back-up



ATTACHMENT 1

RESOLUTION NO. 2015-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2014061070), AND ADOPTING FINDINGS OF FACT AND A MITIGATION MONITORING AND REPORTING PLAN FOR THE CALEXICO GRAN PLAZA POWER CENTER PROJECT

WHEREAS, Bordertown Investments LP, as successor in interest to Corsair, LLC (Applicant) has filed applications for a proposed commercial development known as "the Calexico Gran Plaza Power Center project" ("Project"), located west of the Calexico Gran Plaza Outlets on the south side of Second street, approximately 3/4 mile west of the Downtown Port of Entry along the U.S.-Mexico border; and

WHEREAS, the Project, including the proposed General Plan Amendment, Zone Change, Tentative Parcel Map, Variances and Development Review, together comprise a "project" within the meaning of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., which is defined as an activity which may cause either a direct physical change for use by one or more public agencies; and which includes the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies; and

WHEREAS, the City prepared a Draft Environmental Impact Report (SCH #2014061070) ("Draft EIR") to evaluate the potential significant environmental impacts resulting with the Project which includes a Traffic Impact Analysis dated March 18, 2015, prepared by Infrastructure Engineers; and

WHEREAS an independent peer review of the Draft EIR by the City's Planning Consultant Dudek was completed in March 2015; and

WHEREAS, commencing on March 26, 2015 and ending on May 12, 2015, the City circulated the Draft EIR for public and agency review and made the Draft EIR available for review and comment for the 45-day period required by law; and

WHEREAS, the City received and provided written responses to the comments received on the Draft EIR; and

WHEREAS, the City prepared a Final EIR for the Project which consists of the Draft EIR and appendices, a list of persons, organizations and agencies which commented on the Draft EIR, the comments and recommendations received on the Draft EIR and the City's written responses to the significant environmental points raised in the review and consultation process, and has filed the Final EIR with the City Clerk; and

WHEREAS, the City prepared a Mitigation Monitoring and Reporting Program ("MMRP") as **Exhibit C** and has filed the MMRP with the City Clerk; and

WHEREAS, the Planning Commission on June 22, 2015, held a duly noticed public hearing, and recommended to the City Council approval of the certification of the Final Environmental Impact Report (SCH# 2014061070) and adoption of Findings of Fact and a Mitigation Monitoring and Reporting Plan for the Calexico Gran Plaza Power Center Project; and

WHEREAS, the City Council of the City of Calexico has been delegated with the responsibility of certifying the Final EIR; and

WHEREAS, all materials relevant to the Project have been made available to the City Council for its review and consideration of the Project, including but not limited to the (1) the Draft EIR and appendices, (2) the Final EIR and appendices, (3) the Planning Commission Staff Report dated June 22, 2015, (4) the City Council Agenda Report dated December 1, 2015, (5) the Mitigation and Monitoring Reporting Plan; and

WHEREAS, all legally required public notice of this public hearing has been given, and the City Council has considered evidence presented by the Public Works Department - Planning Division and other interested parties at a public hearing held with respect to this item on December 1, 2015.

NOW THEREFORE, the City Council of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1 The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The City Council independently has reviewed and considered the information contained in the Final EIR prior to making a decision to approve the Project. The City Council finds and determines that the Final EIR is complete and accurate and prepared in accordance with the requirements of CEQA and its implementing guidelines, and the requirements of the City of Calexico, and that the public hearings and considerations of this matter and all of the proceedings related thereto have also complied with these requirements.

SECTION 3. That in accordance with CEQA, the CEQA Guidelines and the requirements of the City of Calexico, the following findings are made in support of the recommendation for certification of the Final EIR:

(a) The Final EIR reflects the City's independent judgment and analysis and, therefore, the City Council hereby certifies the Final EIR in relation to the subject of this Resolution.

(b) That the EIR has been prepared in accordance with the requirements of the California Environmental Quality Act, the State CEQA Guidelines, and the City's CEQA guidelines and requirements.

(c) That the Project may be approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, the City Council hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact appended hereto as **Exhibit C** and made a part hereof by this reference, and declares that it considered the evidence described in connection with each finding.

(d) That the CEQA Findings are supported by substantial evidence and backed by information provided to the City by experts, including but not limited to the City staff and the EIR preparer, on whom the City relies, and placed in the record of the public hearing.

(e) That the Project will not individually or cumulatively have an unmitigated adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code as mitigated.

(f) Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15091(d), the City Council hereby adopts and approves the MMRP, which is appended hereto as **Exhibit C** and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, finds that

such measures are feasible and enforceable, and hereby makes and adopts the provisions of the MMRP as conditions of approval of the Project.

(g) Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials that constitute the record of proceedings on which this Resolution is based is the City Clerk, City of Calexico, 608 Heber Avenue, Calexico, CA 92231.

SECTION 4. NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico does hereby certify the Calexico Gran Plaza Power Center Final Environmental Impact Report (SCH#2014061070) and adopt the Findings of Fact attached hereto as and the Mitigation Monitoring and Reporting Program also attached hereto.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015.

AYES:
NOES:

JOONG KIM, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM

CARLOS CAMPOS, CITY ATTORNEY

EXHIBIT C – Findings of Fact Document
EXHIBIT C - Mitigation, Monitoring and Reporting Plan

ATTACHMENT 2

RESOLUTION NO. 2015--

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR THE CALEXICO GRAN PLAZA POWER CENTER PROJECT AREA FROM I, INDUSTRIAL TO C-H, COMMERCIAL HIGHWAY

WHEREAS, Bordertown Investments LP, as the successor agency to Corsair LLC, has filed an application to amend the General Plan Land Use designation of the Gran Plaza Power Center Project area from I, Industrial to CH, Commercial usage. The Gran Plaza Power Center project area is located on the south side of Second Street, approximately 3/4 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.- Mexico border; and

WHEREAS, the City Council has the authority to approve amendments to the City's General Plan; and

WHEREAS, the Planning Commission at its meeting on June 22, 2015, held a duly noticed public hearing, and recommended to the City Council approval of General Plan Amendment No. 2015-__; and

WHEREAS, the proposed General Plan amendment has been referred to the County, adjacent cities abutting or affected by the proposed action, the Local Agency Formation Commission, tribal entities and federal agencies whose operations or lands may be affected by the proposed decision pursuant to Government Code section 65352; and

WHEREAS, public notice of said application has been given pursuant to law, and the City Council has considered evidence presented by the Development Services Department and other interested parties at a public hearing held with respect to this item on December 1, 2015.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The City Council has considered and certified the Final Environmental Impact Report (SCH #2014061070) for the proposed project prior to making a decision to approve the proposed amendment to the General Plan Land Use Map. The City Council finds and determines that the Final Environmental Impact Report is adequate and complete and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 3. That in accordance with State Planning and Zoning law and the requirements of the City of Calexico, and based on substantial evidence in the record, The findings for the

approval of the proposed General Plan Amendment have been made as follows:

1. The proposed General Plan Amendment will not be (a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to the property or improvements in the neighborhood or within the City.

The proposed General Plan Amendment has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed amendment. The City Council has concluded that the proposal to develop the site under the Commercial Highway (C-H) Land Use designation assures that a single set of development standards and design guidelines for the project will be consistently applied. The City Council also believes the project is well-designed and appropriate for the immediate area, therefore, the proposed amendment will not be detrimental to the health, safety, comfort and welfare of the persons residing or working within or near the neighborhood.

2. The proposed General Plan Amendment will permit reasonable development of the area consistent with its constraints and will make the area more compatible with adjacent properties.

The General Plan Amendment will allow future commercial development in the project area that is compatible with other commercial development in the surrounding area and Gran Plaza Outlets to the east. The General Plan Amendment will result in development that is consistent with adjacent properties.

3. The proposed General Plan Amendment would establish a land use designation and usage more in character with the subject property's location, access, and constraints.

The General Plan Amendment will allow future commercial development that is compatible with similar uses in the surrounding area and with Gran Plaza Outlets to the east. In addition, the General Plan Amendment will assist in achieving the goal of creating a well-balanced and functional mix of commercial, and open space land uses in order to diversify Calexico 's property and tax sales revenues.

4. The proposed General Plan Amendment will not have a significant effect on the environment.

The Final Environmental Impact Report concluded that the proposed project will not result in unavoidable adverse impacts related to air quality, greenhouse gases, noise, and traffic and circulation in accordance with Section 15093 of the CEQA Guidelines.

SECTION 4. The parties are hereby informed that the time within which judicial review of this decision must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

SECTION 5. This Resolution shall become effective 30 days after approval and adoption.

NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico does hereby approve the proposed General Plan Amendment to change the land use designation of the Gran Plaza Power Center Project area from IND, Industrial to C-H, Commercial Highway.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015

AYES:

NOES:

JOONG KIM, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

ATTACHMENT 3

ORDINANCE NO. 2015 - __

**AN ORDINANCE OF THE CITY OF CALEXICO,
CALIFORNIA, APPROVING A ZONE CHANGE TO
CHANGE THE ZONING CLASSIFICATION FOR THE
CALEXICO GRAN PLAZA POWER CENTER
PROJECT AREA FROM IND, INDUSTRIAL TO
C- H, COMMERCIAL HIGHWAY**

WHEREAS, Border Investments LP, as successor agency to Corsair LLC, has filed an application to re-zone the Gran Plaza Power Center Project area from I, Industrial to C-H, Commercial Highway Zone. The Gran Plaza Power Center Project area is located on the south side of Second Street, approximately 3/4 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S. - Mexico Border, more specifically described as: APN: 058-824-1 thru 9, 32 and 33; and 058-180-20 (portion)

WHEREAS, the City Council is authorized by Government Code Section 65850 to establish or amend a zoning classification by approval of an ordinance; and

WHEREAS, the Planning Commission at its meeting of June 22, 2015, held a duly noticed public hearing to consider the zone change application, and recommended approval of the requested zone change to the City Council; and

WHEREAS, public notice of said application has been given, and the City Council has considered evidence presented by the Public Works Department - Planning Division and other interested parties at a public hearing held with respect to this item on December 1, 2015;

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

SECTION 1. The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The City Council has considered and certified the proposed Final Environmental Impact Report (SCH #2014061070) for the proposed project prior to making a decision to approve the proposed amendment to the Zoning Map. The City Council finds and determines that the Final Environmental Impact Report is adequate and complete and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 3. Upon effective date of this Ordinance, the Official Zoning Map of the City shall be amended to reflect the Zone Change of the Gran Plaza Power Center project site located about 3/4 mile west of the Downtown Port of entry along the U.S. - Mexico Border from IND,

Industrial to C-H Commercial Highway. Based on substantial evidence in the record, the City Council makes the following findings for the approval of the proposed Zone Change:

1. The proposed zone change is in the public interest, health, safety and welfare of all citizens.

The proposed zone change is in the public interest, health, safety and welfare of all citizens because the rezone to Commercial Highway will benefit the public in general by constructing a development along the US./Mexico border and near the Highway 111 Corridor .

2. The proposed zone change will not be (a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to the property or improvements in the neighborhood or within the City.

The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed project area. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property, therefore, health, safety, and welfare will not be degraded as a result of this project.

3. The proposed action will be consistent with the Goals, Objectives, and Policies of the General Plan and the development standards established with the Calexico Municipal Code (CMC).

The proposed rezoning is compatible with the General Plan, as amended, and it furthers the goals, objectives, and policies of the General Plan by proposing a development plan that will regulate future development of diversified and varied commercial and retail uses within the City a/ Calexico. The following is a list of specific General Plan objectives, policies, and goals that this project complies with:

- 1) Land use distribution should create patterns which organize land uses in order to maximize compatibility with adjacent land uses.
- 2) Land use patterns and population should be consistent with the capabilities of existing and planned public services and facilities.
- 3) Appropriate densities shall be established for new development projects so they will be compatible with surrounding developments.
- 4) Commercial land uses that are balanced in regard to size and distribution of goods with the current and future needs of the city should be encouraged.

5) New urban development shall be adjacent to existing urban developments

As such, the project will assist the City in promoting a diversified economic base by attracting new commercial, retail, and entertainment uses into the City. With increased commercial development, there will be increased employment opportunities consequently helping Calexico transition from a predominately agricultural economy to a more urban economy. These diversified commercial uses will respond to equally diversified market demands both in the United States and Mexico.

SECTION 4. Upon the effective date of this Ordinance, the Official Zoning Map of the City shall be amended to reflect the Zone Change approved in Section 3 above.

SECTION 5. The parties are hereby informed that the time within which judicial review of this decision must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

SECTION 6. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional or invalid.

EFFECTIVE DATE: This Ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this Ordinance and cause it to be published as required by law.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Calexico on the 1st day of December, 2015 and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Calexico, California, on the 15th day of December, 2015, by the following vote:

AYES:
NOES:
ABSENT:

JOONG KIM, MAYOR

ATTEST:

GABRIELA GARCIA CITY CLERK

APPROVED AS TO FORM

CARLOS CAMPOS, CITY ATTORNEY

ATTACHMENT 4

RESOLUTION NO. 2015 - __

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING THE CALEXICO GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP WHICH PROPOSES THE SUBDIVISION OF APPROXIMATELY 100 ACRES OF LAND IN ORDER TO CREATE FIFTEEN (15) COMMERCIAL LOTS

WHEREAS, Border Investments, LP as successor agency to Corsair LLC, has filed an application for approval of a Tentative Parcel Map which proposes the subdivision of approximately 100 acres of land, in order to create fifteen (15) commercial lots on property generally located on the south side of Second Street, approximately 3/4 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border, as part of a proposed commercial development referred to as the Gran Plaza Power Center Project; and

WHEREAS, the Planning Commission, at its regular meeting of June 22, 2015, held a duly noticed public hearing to consider recommending to the City Council approval of Tentative Parcel Map No. 2015-__ subject to the conditions as listed in this Resolution; and

WHEREAS, public notice of said application has been given pursuant to law, and the Planning Commission has considered evidence presented by the Public Works Department – Planning Division and other interested parties at a public hearing held with respect to this item on December 1, 2015.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The City Council has reviewed and considered the information in the Final Environmental Impact Report (SCH #2014061070) (“EIR”) for the proposed project prior to making a decision to recommend approval of the proposed Tentative Parcel Map. The City Council finds and determines that the Final Environmental Impact Report is adequate and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 3. That in accordance with the State Subdivision Map Act and requirements of the City of Calexico, the following findings and conditions of approval for the Gran Plaza Power Center Tentative Parcel Map dated June 17, 2015 and attached hereto as **Exhibit B** have been made as follows: :

FINDINGS:

FINDINGS:

- a) The proposed subdivision, together with the provisions for the design and improvement, are consistent with the City's General Plan, Zoning Ordinance, Subdivisions Ordinance, and the State Subdivision Map Act.

The design of the project and subdivision are consistent with the General Plan and Zoning designations as amended. The project is consistent with the designated land use planning area, development and design standards, and all other appropriate requirements contained in the General Plan, Calexico Municipal and Zoning Codes, and Subdivision Map Act.

- b) The proposed subdivision is compatible with the objectives, policies, general land uses and programs specified in the General Plan (Government Code Section 66473.5).

The project is consistent with the land use plan, development and design standards and programs, and all other appropriate requirements contained in the General Plan, as amended. As discussed, the General Plan, as amended, designates the project site as Commercial Highway. The Tentative Subdivision Map is consistent with the City of Calexico General Plan and Zoning Code designations, as amended, and other applicable development and design standards. The following is a list of specific General Plan objectives, policies, and goals that this project complies with:

- 1) Land use distribution should create patterns which organize land uses in order to maximize compatibility with adjacent land uses.
 - 2) Land use patterns and population should be consistent with the capabilities of existing and planned public.
 - 3) Appropriate densities shall be established for new development projects so that they will be compatible with surrounding developments.
 - 4) Commercial land uses that are balanced in regard to size and distribution of goods with the current and future needs of the city should be encouraged.
 - 5) New urban development shall be adjacent to existing urban developments.
- c) The effects this proposed subdivision is likely to have upon the housing needs of the region, the public service requirements of its residents, and the available fiscal and environmental resources have been considered and balanced.

The project is consistent with the City's General Plan and Municipal and Zoning Codes, as amended, and will provide necessary public services and facilities, will pay all appropriate fees, and will not result in any adverse impact on the housing needs of the region or the available fiscal and environmental resources in light of the mitigation measures set forth in the Findings of Fact and Mitigation Monitoring and Reporting Program.

- d) The design of the subdivision provides to the greatest extent possible, for future passive or natural heating or cooling opportunities in the subdivision (Government Code Section 66412.3).

The project will comply with all appropriate conservation requirements of the City and Uniform Building Code.

CONDITIONS

GENERAL

1. The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees and costs incurred by the City and any claim for private attorney general fees and costs claimed by or awarded to any party, against the City or its agents, officers, or employees, relating to the approval of the Calexico Gran Plaza Power Center project including, but not limited to, any action to attack, set aside, void, challenge, or annul the development approvals (including the General Plan amendment, zone change, variance, design review and tentative parcel map) and/or certification of the Final Environmental Impact Report (SCH #2014061070) and any related environmental document or decision (collectively "Development Approvals"). The City will promptly notify applicant of any claim, action or proceeding concerning the Development Approvals. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs incurred by the City. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation-related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform a settlement unless such settlement is approved by Applicant. Within ten (10) days of the filing of any action against the City covered by this Section 1, the Applicant shall submit a Twenty-five Thousand Dollar Thousand Dollar (\$25,000) cash deposit or irrevocable letter of credit in favor of the City in a form acceptable to the City, to pay the City's fees and costs in connection with the potential defense of any such action and shall thereafter replenish the funds in increments of Twenty Thousand Dollars (\$20,000) when requested by the City. Failure to provide funds sufficient to satisfy this indemnification obligation shall constitute grounds for the City to take action to nullify the Development Approvals associated with the Calexico Gran Plaza Power Center project. In the event that excess defense funds are in the possession of the City after any action is concluded, the City shall refund the excess funds to Applicant. In the event any action covered by (#1) Section 1 is filed after expiration of the applicable statute of limitations period and the City's refund or release of the letter of credit provided above, Applicant shall submit a Twenty Thousand Dollar (\$20,000) cash deposit, to pay the City's fees and costs in connection with defense of such action, within ten (10) days of the service of any petition or complaint on the City in such action and shall thereafter

replenish the funds in increments of Ten Thousand Dollars (\$10,000) within ten (10) days of the City's request for such replenishment. The City shall refund any remaining funds to Applicant within ten (10) days after such action is concluded.

2. Seven (7) days prior to City Council consideration of this Resolution, Applicant shall pay all outstanding land use processing fees owed to the City, including costs for preparation of the BIR, planning entitlements, engineering costs, legal fees, etc. Proof of such payment must be submitted to the Council at the Council meeting to consider this Resolution.
3. The project shall be developed and operated in accordance with the applicable mitigation measures as set forth in the Mitigation Monitoring and Reporting Program (as part of the EIR), and amendments as specified in the SPECIFIC CONDITIONS.
4. The project shall include the development of fifteen (15) commercial lots in accordance with the development standards, design guidelines and land uses as provided for under the adopted Calexico Municipal Code.
5. Building permits shall not be issued for any new construction related to the project until verification from the elementary and high school districts is received, certifying that the State mandated school impact mitigation fees have been paid or addressed as otherwise provided or authorized by law.

TENTATIVE SUBDIVISION MAP NO. 2015-__

6. The Tentative Subdivision Map shall expire two (2) years from the date of approval, unless within that period of time, an extension of time is granted by the City in accordance with the State Subdivision Map Act and Subdivision Ordinance (Chapter 16) of the Calexico Municipal Code.
7. The Tentative Subdivision Map shall comply with all applicable requirements of the State Subdivision Map Act and the City's Subdivision Ordinance, Zoning Ordinance and Specific Plan, unless modified by these Conditions of Approval.
8. Prior to the recording of a final map, the improvements set forth herein and approved by the Planning Commission and the City Council shall be installed, or agreements for said improvements, shall be submitted to the City for approval by the City Engineer and City Attorney, and all other stated conditions shall be complied with. All uncompleted improvements shall be bonded for as part of the agreements.
9. Prior to the recordation of the final map, the Applicant shall prepare and record CC&R's. The CC&R's shall be reviewed and approved by the Development Services Director or Designee and the City Attorney. The CC&R's shall include methods of maintaining common areas, landscaped areas including parkways, and methods for common maintenance of all underground and above ground utility infrastructure improvements necessary to support the complex. In addition, CC&R's shall establish methods to address design improvements.

10. No unit or building in the development shall be sold unless a corporation, association, property management association or similar entity has been formed with the right to financially assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and duty to maintain, all said mutually available features of the development. Such entity shall operate under recorded CC&R's which shall include compulsory membership of all owners of lots and flexibility of assessments to meet changing costs of maintenance, repairs, and services. Recorded CC&R's shall permit enforcement by the City for provisions required as Conditions of Approval. The Applicant shall submit evidence of compliance with this requirement to, and receive approval of, the City prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes.
11. Reciprocal covenants, conditions, and restrictions and reciprocal maintenance agreements shall be established which will cause a merging of all development phases as they are completed, and embody one (1) property management association with common area for the total development of the subject project.
12. Each unit owner shall have full access to commonly owned areas, facilities and utilities.
13. The Applicant shall at all times comply with Noise Control Ordinance of the Calexico Municipal Code.

PRIOR TO BUILDING/GRADING PERMITS

14. All site improvements approved with this request shall be constructed as indicated on the approved site plan and elevations. Revisions to approved site plans or building elevations shall be subject to the review of the Development Services Director. All plans submitted for Building Division Plan Check shall conform to the submitted plans as modified by Conditions of Approval, or the Planning Commission/City Council through subsequent action.
15. The Planning Division shall approve the location of any construction trailers utilized during construction. All construction trailers shall require a permit processed through the Planning Division.
16. Onsite surface drainage shall not cross sidewalks.
17. Parking stalls shall be double-striped with four-inch lines two feet apart.

18. Prior to issuance of any grading permit or building permits, the applicant shall sign and complete an "Acknowledgement of Conditions" form and shall return the executed original to the Planning Division for inclusion in the case records.
19. Prior to the commencement of grading operations, the Applicant shall provide a map of all proposed haul routes to be used for movement of dirt material. Such routes shall be subject to the review and approval of the City Engineer. A bond may be required to pay for damages to the public right-of-way, subject to the approval of the City Engineer.
20. A Final Landscaping/Irrigation Detail Plan shall be provided in accordance with the Calexico Municipal Code.
21. Applicant shall comply with the requirements of the Imperial Irrigation District (IID) for any work proposed within the IID's jurisdiction. Proof of compliance shall be submitted to the Development Services Department prior to issuance of building permits and final approval.
22. Prior to issuance of building permits, Applicant shall provide assurance that all requirements of the City of Calexico Fire, Police, Community Services/Recreation, Utility Services and Administrations Services Departments have been met.

ENGINEERING DIVISION CONDITIONS

GENERAL CONDITIONS

23. The Applicant shall dedicate all required rights-of-way and easements for the project.
24. Prior to submittal of any improvement plan for plan check, geotechnical study and soils report of the project site shall be conducted to the satisfaction of the City Engineer. The study and report shall include the evaluation of any existing pavement structural section that will be reused as part of the street pavement structural section for adequacy, capacity and conditions of its street classification. An approved copy of the geotechnical study and soils report, in accordance with the Subdivision Map Act, applicable codes, and City standards, shall be submitted with the improvement plans.
25. Prior to the issuance of building permits, an NPDES permit from the Regional Water Quality Control Board shall be provided in accordance with a storm water pollution prevention plan approved by the City Engineer. The storm water pollution prevention plan shall include best management practices (BMP's).
26. Prior to the issuance of building permits, a site specific drainage study in conformance with the City stormwater retention system shall be conducted by a registered civil (hydraulic) engineer and submitted for review and approval by the City and/or Bureau of Reclamation/IID that has jurisdiction over discharge to the New River. The drainage study may incorporate temporary retention basins; however, the design of the drainage system shall be inconformance with the City's stormwater retention system.

27. All retention facilities and drainage improvements shall be provided in accordance with the City's standards.
28. Temporary retention basin(s) shall be required to retain all the appropriate runoff of the entire area (streets and lots) until a regional storm drain facility becomes available. The cost of the temporary retention basin shall be the responsibility of the Applicant. The temporary retention basin(s) shall be sized for a 100-year/24-hour storm and bonded for removal to the satisfaction of the City Engineer.
29. Prior to submittal of improvement plans, the Applicant shall provide the following master plans to the City for review and approval:
 - a. Water master plan (including domestic and fire flow analysis).
 - b. Sewer master plan (including sewer capacity flow and calculations).
 - c. Drainage master plan (including both hydrology and hydraulic calculations).
 - d. Street classification and traffic circulation master plan.
 - e. Master Utilities plan as required by other jurisdictions.
30. All master plans and improvements plans shall be in conformance with Chapter III of the City standards entitled "City of Calexico Design Procedures and Improvement Standards" updated December 1, 2005 herein called City Standards and any subsequent revisions and modifications and as specified in these conditions.
31. Fire hydrants, markers and water mains shall be provided in accordance with the Fire Department's specifications. Fire hydrants shall not be placed more than 300 feet apart or more than 300 feet from buildings and shall be subject to review and approval by the Fire Department. All fire hydrants shall be on a looped water system and shall be in service before any combustible construction begins.
32. Utilities shall be provided in accordance with the City's Master Water/Sewer Plan. The Applicant may enter into a reimbursement agreement with the City for any over-sizing of water or sewer lines, roadways and/or other infrastructure that may be required.

STREET IMPROVEMENTS AND TRAFFIC CIRCULATION

33. The Applicant shall be responsible for its fair share costs associated with right-of-way acquisition, if necessary. In the event the acquisition of right-of-way is needed, Applicant shall enter into an agreement with the City prior to the approval of the final map to pay or allocate the costs of acquiring off-site real property interests and to complete the improvements required herein at such time as the City acquires an interest in the real property that will permit the improvements to be made by the Applicant.
34. Prior to the issuance of the final Certificate of Occupancy for the final phase of the Power Center, the portions of the South Barrel of Second Street from the canal to the

Applicant's property shall be improved to the requirements of the Traffic Study and prior addenda as defined in the Mitigation Monitoring and Reporting Program and the FEIR, and shall be dedicated and improved to City standards.

35. The Applicant shall retain a qualified California registered civil engineer for design services in accordance with the City Standards.
36. Improvement plans, record maps, traffic control plans, and intersection "stop" sign control plans for all interior streets shall be prepared to the satisfaction of the City Engineer.

BONDS AND SURETY

37. The Applicant shall submit and provide all required improvement bonds and/or surety and enter into a subdivision surety agreement to the satisfaction of the City Engineer and City Attorney prior to recording of any final map or the recording of the applicable phase unit map. Prior to the submittal of bonds, the Applicant shall submit construction cost estimates for all required improvements using the City's provided unit cost items and standards for review and approval.

IMPACT FEES

38. Prior to the issuance of building permits, the Applicant shall document and make payment of all the appropriate development impact fees in accordance with the City Council adopted standards (2006-2007) and formulas (City Ordinance I036), and any subsequent adjustment/modifications by the City that are in effect at the time of development. Prior to the issuance of building permits, the Applicant shall provide proof of Compliance with the "Arts in Public Places" provisions (City Ordinance No: 1046), in effect at the time of development.

FAIR SHARE FEES

39. The Applicant shall pay all applicable fees. These fees shall include but not be limited to impact fees, special infrastructure fees, benefit area assessment fees, and engineering plan check and inspection fees as determined and conditioned therein.
40. In addition to the required development impact fees for streets, water, sewer, police, fire, public and library facilities, parks and recreation, public arts, school and utility improvements, the Applicant shall participate in the project's prorated share of the costs identified in the Specific Conditions and the Mitigation Monitoring and Reporting Program.

SPECIFIC CONDITIONS

Street Circulation Element Conditions

The direct and indirect mitigation measures that shall be implemented as Conditions of Approval if applicable are as follows:

41. Direct Project Impact Mitigation - Complete improvement or pay fair share prior to recording of any final map and/or issuance of any Certificate of Occupancy.

A. Cesar Chavez/SR 111

Impact Type: Direct

Construct 2nd Street between Cesar Chavez Boulevard and SR-111 to City of Calexico standards for a four-lane divided primary roadway. Construction of this portion of 2nd Street between Cesar Chavez Boulevard the Project Site shall also include the construction of improvements to the railroad crossings located at the 2nd Street (DOT# 760907K) and Imperial Avenue (DOT# 760908S). The Applicant shall coordinate with the Union Pacific Railroad and the Rail Crossing Engineering Section (RCES) of the California Public Utilities Commission (CPUC) to determine the appropriate design criteria and standards for these crossings improvements. The construction plans for the railroad crossing improvements shall be submitted to the Union Pacific Railroad and the CPUC for review and approval. The crossing improvements may include, but not be limited to, at-grade improvements, fencing, and other appropriate safety barriers.

B. Cesar Chavez/SR 98

Impact Type: Direct

Adding WB second left-turn lane

42. Cumulative Project Impact Mitigation - Complete improvement or pay fair share prior to recording of any final map and/or issuance of any Certificate of Occupancy.

Phase 2A and 2B - Cumulative Impact Mitigation Measures

A. Dogwood Road/SR-98

Pay fair share contribution to the signalization of the intersection

B. Cesar Chavez Blvd./SR-98

Pay fair share contribution to the signalization of the intersection

C. Cesar Chavez Blvd./Second Street

Impact Type Direct

Install a traffic signal and provide the following lane geometry:

- Widen WB (2nd Street) approach to provide 1 left-turn lane, 2 through lanes, and right-turn lane

- Widen EB (2nd Street) approach to provide 1 left-turn lane, 1 thru lane, and 1 shared thru/right-turn lane

D. SR/111McCabe Road

Pay fair share contributions to the signalization of the intersection

E. SR111/Jasper Road: Pay fair share for:

Impact Type: Cumulative

- Adding NB one right-turn pocket, SB one right-turn pocket;
- Converting to EB 1 left-turn, 1 through and 1 right-turn lanes;
- Converting to WB one left-turn, 1 through and 1 right-turn lanes.

F. Cesar Chavez Boulevard (cumulative)

Grant Street to 2nd Street – Pay fair share for:

Construct Cesar Chavez Boulevard between Grant Street and 2nd Street to City of Calexico standards for a four-lane undivided major roadway.

G. SR 111/Second Street

None required with mitigation measures implement at Cesar Chavez

43. Prior to the issuance of a construction permit for any building and/or recording of any final map in Phase I, the Applicant shall enter into a Traffic Mitigation Agreement directly with the City of Calexico for implementation of the necessary improvements and the payment of fair share fees. The Agreement shall identify the dates on which the contribution must be paid and the timing of the improvements necessary to mitigate the project's impact as provided in the FEIR and Addendum.

Drainage Element Conditions

44. The drainage element for all development shall comply with the City's Existing Drainage Facilities as defined in Section S of the Drainage Service Area Plan (DSAP) Report requirement and any modification herein or the current General Plan and its latest amendment. The Applicant shall submit a final and detail drainage design plan with the preliminary hydrology and drainage map for review and approval together with the submittal of the improvement plans. The drainage design shall be in compliance and/or compatible with the City of Calexico Standard.

Utilities and Service System

45. **Mitigation Measure #1 & #2 (Public Service) and MM#1(Utilities):** Pursuant to Calexico Ordinance No. 1036, the Applicant shall pay the required development fees related to the expansion of any necessary water or wastewater treatment facilities or infrastructure, as required by the City of Calexico and IID, prior to the issuance of any building permits for the project.

Sewer Element Conditions

46. The Applicant shall be responsible for arranging to make the sewer service connection prior to the issuance of any occupancy permit. The Applicant shall be responsible for the fair share cost of all applicable sewer upgraded facilities.

Water Element Conditions

47. The Applicant shall prepare a final and detailed water master plan (water line layout and hydraulic calculations to be submitted together with the improvement plans) that integrates with the City's west developments to ensure compliance of the City's current water master plan entitled "Second (Anza) Street Corridor Water Analysis – Addendum 1 dated April 5, 2010. The detailed water study shall identify all the improvements required to provide adequate water pressure and redundancy to the subject subdivision. The Applicant shall be responsible to build all required improvements subject to review and approval by the Fire Department.
48. The Applicant shall provide connections of proper size (12 inches or City Standard) at the west and east sides of developments to form water loop connections for the water master plan as stated above. The west side of the 12" diameter line shall be installed not later than two years upon completion of Gran Phase Outlets Phase 2B. A water improvement agreement shall be prepared and executed prior to the recording of any final map.

Fees

49. The Applicant shall pay all applicable fees (i.e. City's Standard Impact Fees, Special Infrastructure Fees, Benefit Assessment Fees, Plan Check and Inspection Fees, Traffic Mitigation Monitoring Fees, and Fair Share Fees, etc.) prior to recordation of any final maps, pulling of permits, and/or certificate of occupancy as per the City's standard and conditions.

Other Pertinent Conditions

50. Any work performed within the Caltrans, Imperial County, IID Right-of-Way, and railroad right-of-way will require an encroachment permit from the applicable agency.

51. The Applicant shall be responsible for procuring any necessary permits or approvals from regulatory and/or resource agencies.
52. The Applicant shall provide utilities, conduits, and other telecommunications facilities (i.e. cable, fiber optic, etc.) from available point source to any such facility as determined and approved by the Imperial Valley Telecommunications Authority Manager and to the satisfaction of the Development Services Director/City Engineer.
53. The Applicant shall comply with City's Design Procedures and Improvement Standards (Design Manual) dated December 1, 2005 and any updates thereto. Submit a phase plan and identify all require public improvements to the satisfaction of the Director of Development Services/City Engineer for approval prior to submittal of any unit map for plan checking/recordation.
54. The Applicant shall execute a reciprocal parking and access agreement for all the subdivided parcels including prior to recording of any final map and/or the issuance of any certificate of occupancy. The agreement will be subjected to review and approval by the City Attorney and shall be recorded with the Imperial County Recorder's office.

CONDITIONS FOR RECORDATION OF FINAL MAP

55. Final map shall not be approved until developer and city have entered into an agreement, which provides for traffic facilities, emergency services, water and sewer services, and area drainage, and other services specified as needed.
56. Approval is given subject to compliance of final map and improvement drawings with all applicable zoning and subdivision ordinance of the City of Calexico.
57. The necessary improvements as set forth in the approval of the tentative map have been installed and accepted by the City, or provided the Applicant submits satisfactory improvement plans together with the necessary guarantee that the improvements shall be installed.
58. Guarantee for installation of improvements shown on recorded final map shall be by surety bond or letter of credit and shall be agreed upon in a subdivision surety agreement in a form acceptable to the City Engineer and City Attorney. Use of real property lien, as guarantee for installation of improvements shown on recorded final map is not permitted per City policy.
59. The required plan and map checking and inspection fees must be paid to all affected divisions/departments/agencies.
60. Checking has been completed by the various departments and agencies.
61. Taxes, liens and special assessments have been paid or such payment is guaranteed.

62. All outstanding project processing fees and applicable fair share fees have been paid in full to the City.
63. All applicable conditions and compliance are met with the City standards dated December 1, 2005 and all modifications and revisions thereto.
64. The Applicant shall comply with all applicable provisions of the California Code of Regulations Title 24 (ADA).
65. Except as noted above, all conditions shall be met prior to the recordation of the final map.
66. The Applicant shall comply with all other applicable Federal, State and local codes, ordinances and regulations.
67. The Applicant shall comply with all General Conditions and Specific Conditions including all applicable requirements under the Gran Plaza Power Center Mitigation Monitoring and Reporting Program.
68. The Applicant shall submit a phase plan and identify all require public improvements to the satisfaction of the Director of Development Services/ City Engineer for approval prior to submittal of any unit map for plan checking/ recordation.
69. The Applicant shall implement and complete the improvement and fair share cost contribution as required in the FEIR, MMRP, and amendments. These improvements and fair share cost are listed but not limited in the MMRP.
70. The project shall comply with all General Conditions and Specific Conditions including all applicable requirements under the Gran Plaza Power Center Final Environmental Impact Reports (FEIR), and the Mitigation Monitoring and Reporting Program and its amendments.

SECTION 4. The parties are hereby informed that the time within judicial review of this decision must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico does hereby approve the Calexico Gran Plaza Power Center Tentative Subdivision Map No. 2015- __.

PASSED, APPROVED AND ADOPTED this 1st day of December 2015.

AYES:

NOES:

JOONG KIM, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

Exhibit B

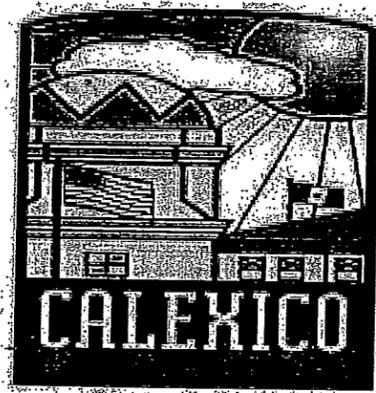
Delivered under separate cover on Nov. 17, 2015.

CITY OF CALEXICO • MITIGATION MONITORING AND REPORTING PROGRAM
FINAL ENVIRONMENTAL IMPACT REPORT • SCH # 2014061070
GRAN PLAZA PHASE 2 POWER CENTER

Exhibit C

MITIGATION MONITORING AND REPORTING PROGRAM

GRAN PLAZA PHASE 2 POWER CENTER
SCH# 2014061070
CALEXICO, CALIFORNIA



LEAD AGENCY:

CITY OF CALEXICO
COMMUNITY DEVELOPMENT DEPARTMENT
608 HEBER AVENUE
CALEXICO, CALIFORNIA 92231

JUNE 15, 2015

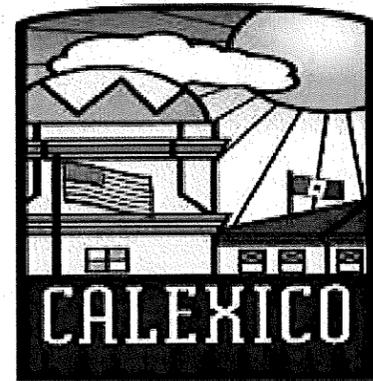
CALX 001

PAGE 1

Exhibit C

THE CITY COUNCIL
OF THE
CITY OF CALEXICO

**FINDINGS OF FACT
FOR THE
GRAN PLAZA PHASE 2 POWER CENTER
FINAL ENVIRONMENTAL IMPACT REPORT
(SCH # 2014061070)**



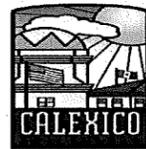
DECEMBER 1, 2015

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**FINDINGS OF FACT
FOR THE
GRAN PLAZA PHASE 2 POWER CENTER
FINAL ENVIRONMENTAL IMPACT REPORT
(SCH # 2014061070)**

INTRODUCTION

The City Council of the City of Calexico ("City") hereby makes the following Findings of Fact concerning the Final Environmental Impact Report (SCH #2014061070) for the Gran Plaza Phase 2 Power Center ("Project"), pursuant to the California Environmental Quality Act, Public Resources Code § 21000, *et seq.* ("CEQA"), and its implementing regulations, California Code of Regulations, title 14, § 15000, *et seq.* ("CEQA Guidelines").

The Final Environmental Impact Report ("Final EIR") prepared for the Project consists of a single volume that includes the following: a copy of the Draft EIR that includes an executive summary, a project description, a description of the environmental setting, an analysis of the environmental impacts, the listing of mitigation measures for the Project, a list of public agencies, organizations and persons commenting on the Draft EIR, comments received on the Draft EIR and the City's responses to those comments, the minor clarification and errata for the Draft EIR, and the appendices containing the Initial Study, the air quality analysis worksheets, noise prediction model, a water supply assessment, and traffic study and all other information required by CEQA Guidelines section 15132. The Mitigation Monitoring and Reporting Program (MMRP) was provided under a separate cover.

The environmental effects, proposed mitigation measures and alternatives analyzed in the Draft EIR, and the public comments and responses thereto contained in the Final EIR, have influenced the design of the Project. These environmental documents and procedures reflect the City's commitment to incorporate the environmental considerations identified during the CEQA process into the final project design.



1.0 PROJECT DESCRIPTION

1.1 PROJECT LOCATION

The project site is located in the southernmost portion of Imperial County, California. The project site is located within the corporate boundaries of the City of Calexico. The property is located approximately 1.04 miles south of West Canal Street (State Highway 98) and 0.7 miles west of South Imperial Avenue (State Highway 111). The border entry with Mexicali, Mexico is located approximately 1,200 feet to the east. The U.S./Mexico border is located south of the project site along the south side of the future Boundary Street right-of-way. The 100-acre project site is located in the southwestern portion of the City of Calexico, and is generally bounded by the Calexico International Airport to the north, U.S./Mexico International Border to the south, the Phase 1 Gran Plaza Outlet Center on the east, and vacant parcels and the All American Canal to the west.

1.2 PROJECT COMPONENTS

1.2.1 PROJECT APPLICANT

The project Applicant (Gran Plaza, LP) proposes to develop the Phase 2 of the Gran Plaza retail power center. The proposed development is Phase 2 (Gran Plaza Power Center) of the larger Gran Plaza commercial center development.

1.2.2 PROJECT DESCRIPTION

The proposed project will require the following discretionary approvals from the City of Calexico Planning Commission (recommendation) and City Council (approval or denial):

- The new Phase 2 development will consist of approximately 1,069,400 square feet of floor area within (approximately) 12 buildings and will be constructed in two phases (Phase 2A and Phase 2B). The first phase (Phase 2A) would consist of approximately 277,000 square feet of floor area. Phase 2A would be located within the eastern portion of the project site. The second phase (Phase 2B) will consist of approximately 13 buildings with a total floor area of 792,400 square feet. Phase 2B will be located in the westerly portion of the site.
- The proposed project's buildings would range in height from approximately 19 to 36 feet. The rear (south) sides of the buildings will face the International Border with a 90-foot setback that includes a required 60 foot setback required by the U.S. Border Patrol and an addition 30-foot wide rear access road. This access road will serve as the loading and truck circulation point for the retail buildings facing north. Where and if gaps occur between buildings, a barrier will be installed to the satisfaction of the U.S. Customs and Border Protection to provide a complete security zone along the south boundary of the property.

- Access to the new Phase 2 development would be provided at five entryways along the realigned West 2nd Avenue. Of these five new entryways, two will be signalized. The project would be designed to allow for and encourage pedestrian circulation that would include transportation nodes with public transit stops located within the project. The precise nature of the tenant mix is not known at this time, though the prospective uses will consist of approximately 1,069,400 square feet of gross floor area. A total of 25 tenant spaces are proposed.
- The hours of operation of the majority of the retail businesses will range from late morning (10:00 AM) to the late evening (11:00 PM). The hours of future restaurants may be earlier.

The Project is described in greater detail in the Final EIR in Chapter 2.0 (Project Description).

1.3 PROJECT OBJECTIVES

As the population of Calexico and Southern California continues to increase, additional housing and services, including retail opportunities are in demand. The development of the Project would provide the residents of the City and the surrounding area with expanded employment opportunities in addition to expanded retail and dining options. In addition, the development of the Project would provide an additional source of sales tax revenue for the City. The Project objectives are as follows:

- The creation of an upscale big-box retail center mixed with more conventional large scale retail tenant uses.
- The creation of an aesthetically attractive, high-quality design that reflects the property's location within view of those traveling between Mexico and the US.
- The provision of a high level of accessibility to and through the site, to promote pedestrian travel and efficient vehicular access.
- The enhancement of the economic vitality of the City by providing sales tax and other revenue opportunities.
- The creation of new jobs for the local economy.

2.0 ENVIRONMENTAL PROCEDURES

2.1 LEAD AGENCY

Pursuant to CEQA Guidelines §15367, the City is the “lead agency” for the purpose of preparing the environmental review required by CEQA. The environmental review prepared by the City will be used by the Calexico City Council in its decisions regarding the following actions associated with the Project:

- A General Plan Amendment from *Industrial* and *Airport* to *Commercial Highway*;
- A Change of Zone from *IND (Industrial)* to *CH (Commercial Highway)*;
- A Uniform Application and Development Review to allow a new commercial development totaling approximately 1,069,400 square feet of commercial/retail uses;
- A Tentative Parcel Map to subdivide and reconfigure the existing properties; and,
- A Variance for waiver of certain development standards for the proposed project, including, but not limited to, building height, ancillary structure height (e.g. light poles), and signage (area, count, and height) pursuant the Gran Plaza Master Signage Program.

The Federal Aviation Administration (FAA) requires the project Applicant submit the development plans for an aeronautical review and “Determination of No Hazards to Air Navigation” approval. The proposed project’s compatibility with the airport has been considered and the proposed project’s conformity was approved by the ALUC. Other public agencies that may have an interest in the project or resources affected by the project include the County of Imperial.

2.2 ENVIRONMENTAL IMPACT REPORT

Pursuant to CEQA Guidelines §15080, *et seq.*, the City prepared an Environmental Impact Report (“EIR”) to analyze the potential impacts of the Project on the environment. The Final EIR consists of a single volume which contain all of the information required by CEQA Guidelines section 15132, including the Draft EIR, the appendices to the Draft EIR, and the comments on the Draft EIR and the Lead Agency’s responses to those comments.

2.3 PUBLIC PARTICIPATION

Environmental review of the Project began on March 26, 2014, with the publication of a Notice of Preparation (NOP) of the EIR and a 30-day public review period. The Draft EIR was completed and made available for public review on March 26, 2015. The 45-day public review period required by CEQA began on March 26, 2015, and ended on May 12 2015. A total of four letters were received following the 30-day NOP review period and two letters were received following the 45-day revised of the Draft EIR. The two comment letters on the Draft EIR were submitted by the Imperial Irrigation

District (IID) and the Imperial County Air Pollution Control District (ICAPCD). No comments on the Draft EIR were received from any organizations or individual members of the public. The comment letters and the Lead Agency's responses are included in Section 6 (Comments on DEIR, Responses, and Revisions to the DEIR) of the Final EIR.

The comments on the Draft EIR and the City's responses to them are included in the Final EIR as required by CEQA Guidelines sections 15088 and 15132. The Final EIR was completed and the City's responses to comments were made available for review on June 8, 2015. Public hearing concerning certification of the Final EIR and approval of the Project were held by the Planning Commission of the City on June 22, 2015, and by the City Council on December 1, 2015, at which interested agencies, organizations and persons were given an opportunity to comment on the Final EIR and the Project.

2.4 RECORD OF PROCEEDINGS

For purposes of CEQA and the findings set forth below, the administrative record of the City's decision concerning certification of the Final EIR for the Project shall include the following:

- The Draft EIR including the appendices (dated March 26, 2015);
- The Final EIR including the appendices (dated June 8, 2015);
- All documents and other materials listed as references and/or incorporated by reference in the Draft EIR and Final EIR;
- All reports, applications, memoranda, maps, letters, and other documents prepared by the City's staff and consultants for the Project which are before the City Council as determined by the Clerk;
- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR;
- The minutes, tape recordings, and verbatim transcripts, if any, of the public hearings held by the Planning Commission and the City Council concerning the Final EIR and the Project; and
- Matters of common knowledge to the City, including but not limited to the Calexico General Plan.

The custodian of the documents and other materials comprising the administrative record of the City's decision concerning certification of the Final EIR is the Clerk of the City of Calexico. The location of the administrative record is the Clerk's office at the Calexico City Hall, 608 Heber Avenue, Calexico, California 92231. (Public Resources Code § 21081.6(a)(2))

3.0 FINDINGS UNDER CEQA

3.1 PURPOSE

CEQA requires the City to make written findings of fact for each significant environmental impact identified in the Final EIR (CEQA Guidelines §15091). The purpose of the findings is to systematically restate the significant effects of the Project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Final EIR which would avoid or substantially lessen the significant effects. Once it has adopted sufficient measures to avoid or substantially lessen a significant impact, the City is not required to adopt every mitigation measure identified in the Final EIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the City must review the alternatives identified in the Final EIR and determine if they are feasible. These findings set forth the reasons, and the evidence in support of, the City's determinations.

3.2 TERMINOLOGY

A "finding" is a written statement made by the City which explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion. For each significant effect identified in the Final EIR, the City is required by CEQA to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
- (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR (CEQA Guidelines §15091(a)).

A mitigation measure or an alternative is considered "feasible" if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines §15364).

3.3 LEGAL EFFECT

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself and any other responsible parties, including the Project Applicant and their successors in interest, to implement

those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the City, the Project Applicant and responsible parties, which will take effect if and when the City adopts a resolution certifying the Final EIR and the City and/or the responsible agencies adopt resolution(s) approving the Project.

3.4 MITIGATION MONITORING AND REPORTING PROGRAM

In adopting these findings, the City also adopts a mitigation monitoring and reporting program pursuant to Public Resources Code §21081.6. This program is designed to ensure the Project complies with the feasible mitigation measures identified below during implementation of the Project. The program is set forth in the “Calexico Gran Plaza Phase 2 Power Center Mitigation Monitoring and Reporting Program,” which is adopted by the City concurrently with these findings and is incorporated herein by this reference.

3.5 RECIRCULATION

Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to an EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.

“Significant new information” requiring recirculation includes, for example, a disclosure showing that: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented; (2) a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance; (3) a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it; and (4) the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines § 15088.5.)

The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) Recirculation was intended to be an exception, rather than the general rule. (*Ibid.*) Thus, recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Judicial decisions interpreting CEQA emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; *see also River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process. In short, a project must be open for public discussion and subject to agency modification during the CEQA process. (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.)

4.0 FINDINGS REGARDING DIRECT SIGNIFICANT EFFECTS

The Project will result in direct significant environmental effects with respect to Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Public Services, Traffic and Circulation, and Utilities and Service Systems. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in The Final EIR and in Sections 3.2 (Air Quality), 3.3 (Biological Resources), 3.4 (Cultural Resources), 3.5 (Greenhouse Gas Emissions), 3.6 (Hazards and Hazardous Materials), 3.7 (Hydrology and Water Quality), 3.10 (Public Services), 3.11 (Traffic and Circulation), 3.12 (Utilities and Service Systems) and 3.14 (Energy Use). A summary of significant impacts and mitigation measures for the Project is set forth in the Final EIR. The Final EIR concluded that the Project would not result in any significant unavoidable impacts.

Set forth below are the findings regarding the potential direct significant effects of the Project. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in the Final EIR (refer to Section 3). The Final EIR, which includes the Draft EIR and appendices, is referred to in the findings below as the "EIR."

4.1 AIR QUALITY

4.1.1 AIR QUALITY (CONFORMANCE WITH APPLICABLE AQMP)

Potentially Significant Impact: The EIR identifies the proposed project's potential for violating any air quality standard or contributes substantially to an existing or projected air quality violation; Detailed information and analysis regarding this significant potential impact is provided in Section 3.2.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Air Quality (Conformance with Applicable AQMP) as identified in the EIR.

Facts in Support of Finding: The AQAP for the SSAB, through the implementation of the *Imperial County Air Quality Attainment Plan for Ozone* and the *State Implementation Plan for PM₁₀ in the Imperial Valley* have established a comprehensive program that would lead the ICAPCD into compliance with all Federal and State air quality standards. The AQAP control measures and related emission reduction estimates are based upon emissions projections derived from land use, population, and employment characteristics that are based on local growth projections. Conformance with the AQAP for development projects is determined by demonstrating compliance with local land use plans and/or population projections, conformity with the local general plan, and comparing assumed emissions in the AQAP to proposed emissions. The adopted City of Calexico General Plan Land Use Map designates the project site as *I (Industrial)*. Therefore, to maintain consistency with the Calexico General Plan, the developer is requesting a General Plan Amendment to change the land use designation from *I (Industrial)* to *CH (Commercial Highway)*. The implementation of the proposed project would generate more vehicle trips than anticipated in the AQAP due to the trip

generation rates associated with commercial land uses compared to those typically associated with industrial land uses. The existing industrial zoning would allow for manufacturing and warehouse development potentially generating existing volumes of truck traffic. Truck traffic, in turn, will generate NO_x emissions associated with diesel engines. Finally, industrial uses will not benefit from the high pedestrian traffic volumes that are contemplated with the project. The proposed project will result in less operational emissions compared to that possible under the General Plan's industrial land use designation. As a result, the impacts will be less than significant.

4.1.2 AIR QUALITY (CRITERIA POLLUTANT EMISSIONS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for resulting in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors). Detailed information and analysis regarding this significant potential impact is provided in Section 3.2.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Air Quality (Criteria Pollutant Emissions) as identified in the EIR.

Facts in Support of Finding: The proposed project would generate emissions that would exceed the long-term thresholds for ROG, NO_x, CO, and PM₁₀. As a result, the proposed project's short-term (construction-related) emissions and long-term (operational emissions) would exceed the daily thresholds established by the ICAPCD. The proposed project will be required to adhere to the Tier II control measures. Adherence to these requirements would reduce the construction related impacts to levels that are less than significant. The following mitigation would be required to further reduce air emissions to levels that are less than significant:

Air Quality Mitigation: Measure No. 1. As provided by the ICAPCD *CEQA Air Quality Handbook* (2007), to further reduce impacts related to fugitive dust the project applicant shall implement all of the standard mitigation measures identified in Section 3.2.4 of the Final EIR for fugitive dust control and equipment emissions.

Air Quality Mitigation: Measure No. 2: As provided by the ICAPCD *CEQA Air Quality Handbook* (2007), the project applicant shall implement all of the Tier 2 standard and discretionary mitigation measures for project operations identified in Section 3.2.4 of the Final EIR.

In addition to the aforementioned mitigation measures, the ICAPCD as part of its review of the Draft EIR requested additional mitigation, identified in Section 3.2.4 of the Final EIR, to be added. The proposed project's short-term (construction-related) emissions and long-term (operational) emissions would be mitigated to levels that are less than significant with adherence to the Tier II control measures.

4.1.3 AIR QUALITY (CUMULATIVE CRITERIA POLLUTANT EMISSIONS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for resulting in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors). Detailed information and analysis regarding this significant potential impact is provided in Section 3.2.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Air Quality (Criteria Pollutant Emissions) as identified in the EIR.

Facts in Support of Finding: The City is a non-attainment area for O₃, PM₁₀, and PM_{2.5}. As shown in the Final EIR (Table 3.2-4), ROG, NO_x, CO, and PM₁₀ would exceed their respective ICAPCD regional significance thresholds in the absence of mitigation. Adherence to the mitigation, including the Tier II control measures, will reduce the potential impacts to levels that are less than significant. The project Applicant's implementation of Mitigation Measures AQ-1 and AQ-2 above will reduce the proposed project's net increase in criteria pollutants for which the region is in non-attainment status. The proposed project's impacts would be less than significant with the implementation of the aforementioned mitigation, including the Tier II control measures.

4.1.4 AIR QUALITY (SENSITIVE RECEPTORS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for exposing sensitive receptors to substantial pollutant concentrations. Detailed information and analysis regarding this significant potential impact is provided in Section 3.2.4.4 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Air Quality (Criteria Pollutant Emissions) as identified in the EIR.

Facts in Support of Finding: There is the possibility of the release of diesel particulate matter (DPM) associated with heavy equipment operations during grading and excavation activities. In addition, incidental amounts of substances such as oils, solvents, and paints would be used. These substances would comply with all applicable ICAPCD rules for their manufacture and use. The long-term project-related toxic emission impacts during construction would not be significant. In addition, the implementation of *Air Quality Mitigation Measures 1 and 2* identified in the previous sections would further reduce emissions from construction activities. For operations, there are no major industrial operations proposed or significant sources of Toxic Air Contaminants or DPM. As a result, the operational impacts are considered to be less than significant. The analysis determined that the long-term project-related toxic emission impacts during construction would not be significant. In addition, the implementation of *Air Quality Mitigation Measure 1* identified in the previous section would further reduce emissions from construction activities. For operations, there are no major industrial operations proposed or significant sources of TACs or DPM. As a result, the operational

impacts are considered less than significant. No additional mitigation beyond that identified in the previous section (Air Quality Mitigation Measure No. 1) would be required. The implementation of the required mitigation measures (Air Quality Mitigation Measures 1 and 2) and those that were added following the circulation of the Draft EIR will reduce the impacts to levels that are less than significant.

4.2 BIOLOGICAL RESOURCES

4.2.1 BIOLOGICAL RESOURCES (CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES)

Potentially Significant Impact: The EIR identifies the proposed project's potential for having 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 regulations, or by the California Department of Fish and Wildlife (CDFW) or the U. S. Fish and Wildlife Service (USFWS). Detailed information and analysis regarding this significant potential impact is provided in Section 3.3.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Biological Resources (Candidate, Sensitive, or Special Status Species) as identified in the EIR.

Facts in Support of Finding: In the absence of mitigation, the project could have a potentially significant impact on the burrowing owl. The burrowing owls identified in the earlier field surveys, have been successfully relocated pursuant to California Fish and Wildlife protocols. As a result, no significant adverse impacts are anticipated. The following mitigation would be required to reduce the potential impacts to levels that are less than significant:

Biological Resources Mitigation Measure No. 1: Prior to the commencement of any grading or construction activities, the project applicant shall conduct a burrowing owl survey per the *Burrowing Owl Survey Protocol and Mitigation Guidelines* of the California Burrowing Owl Consortium (1993) or per the *Staff Report on Burrowing Owl Mitigation* prepared by CDFW (1995), and surveys for ferruginous hawks and mountain plovers, as indicated in the Final EIR, in conformance with all necessary State and Federal permits.

The proposed project's impacts would be less than significant with the implementation of the aforementioned mitigation.

4.2.2 BIOLOGICAL RESOURCES (RIPARIAN HABITAT)

Potentially Significant Impact: The EIR identifies The proposed project's potential for having 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 Wildlife or U.S. Fish and Wildlife Service. Detailed information and analysis regarding this significant potential impact is provided in Section 3.3.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Biological Resources (Riparian Habitat) as identified in the EIR.

Facts in Support of Finding: The project would not have a potentially significant impact on wetland areas under the jurisdiction of the USACE and one of the CDFW. The proposed project would not impact any areas that are subject to a natural community conservation plan. The analysis determined that the proposed project would not result in any significant impacts. As a result, no mitigation is required.

4..2.3 BIOLOGICAL RESOURCES (WETLAND)

Potentially Significant Impact: The EIR identifies a potential significant impact to Biological Resources (Wetlands) in that habitat modification and construction activities associated with implementation of the Project would affect riparian habitat or other sensitive habitats, and/or wetland areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG) or the Regional Water Quality Control Board (RWQCB). Detailed information and analysis regarding this significant potential impact is provided in Section 3.3.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Biological Resources (Wetlands) as identified in the EIR.

Facts in Support of Finding: Section 3.3.4.2 of the Final EIR, the jurisdictional report prepared for the prepared for the Phase 1 Gran Plaza (refer to Appendix F of the Phase 1 Final EIR), describes the areas of permanent impact to waters of the State and waters of the U.S. associated with the storm drain culvert into the New River. The jurisdictional delineation undertaken for the Phase 1 development estimated that 0.0083 acre of jurisdictional streambed regulated by CDFW would be impacted, and 0.0036 acre of waters of the U.S. regulated by the USACE would be impacted. These jurisdictional wetland areas identified previously are located outside of the current Phase 2 development boundaries. The water channel located to the west of the Phase 2 development site is an irrigation channel that conveys water for irrigation and is not a jurisdictional wetland. The project would not have a potentially significant impact on wetland areas under the jurisdiction of the USACE, CDFW, and RWQCB. The proposed project's impacts would be less than significant without mitigation.

4.3 CULTURAL RESOURCES

4.3.1 CULTURAL RESOURCES (HISTORIC RESOURCES)

Potentially Significant Impact: The EIR described the proposed project's potential for disturbing any historic resources or structures as defined in GC §15064.5 and designated on a list of qualified historic structures as approved by the City as well as those structures, due to age and architectural

style, symbolize Calexico's early development and are deemed worthy of preservation. Detailed information and analysis regarding this significant potential impact is provided in Section 3.4.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Cultural Resources (Historic Resources) as identified in the EIR.

Facts in Support of Finding: No cultural resources were identified within the project area by the Southeast Information Center (SEIC) record search or by the pedestrian archaeological field survey completed for the Phase I EIR which also included the Phase 2 site. Remnants potentially associated with the former golf course were located within the easternmost portion of the larger project area next to the project site. No cultural resources have been identified by the archival search or field survey. No buildings or structures are located within the project site. As a result, no impacts on historic resources are anticipated to result from the proposed project's implementation. The project site has been completely disturbed and no structures that could be potentially historic remain within the project site. No mitigation is required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.3.2 CULTURAL RESOURCES (ARCHAEOLOGICAL/PALEONTOLOGICAL RESOURCES)

Potentially Significant Impact: The EIR described the proposed project's potential for causing the loss and/or a substantial adverse change in the significance of known and unknown archaeological and paleontological resources pursuant to §15064.5 of the CEQA Guidelines. Detailed information and analysis regarding this significant potential impact is provided in Section 3.4.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Cultural Resources (Archeological and Paleontological Historic Resources) as identified in the EIR.

Facts in Support of Finding: As part of future grading and excavation activities, the potential exists for the inadvertent discovery of previously unidentified cultural resources or the discovery of subsurface cultural deposits within the development site. Information provided by the SEIC indicated that there will be an increased potential for encountering prehistoric lake shore deposits should ground-disturbance activities exceed a depth of 12-feet. There will be some excavation that will occur at this depth. However, the implementation of Cultural Resources Mitigation Measures No. 1 and No. 2 will minimize this impact to a less than significant level. No historical resources have been identified by the archival search or field survey. However, it is possible that construction activities could potentially uncover subsurface cultural deposits. The following mitigation measures will be required to address potentially significant impacts related to subsurface resources.

Cultural Resources Mitigation Measure No. 1. If previously unidentified cultural materials are unearthed during construction, work shall cease within 50 feet of the find and the project applicant shall retain a qualified archaeologist, approved by the City, to assess the significance of

the find. If a find is determined to be significant, the Lead Agency and the archaeologist, in consultation with Native American representatives, will meet to determine appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered will be, as necessary and at the discretion of the qualified archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Additional archaeological survey will be needed if project limits are extended beyond the present survey limits.

Cultural Resources Mitigation Measure No. 2. A professionally qualified archaeological monitor, retained by the project applicant and approved by the City, shall be present during proposed construction activities anticipated to breach a depth of 12 feet, such as grading, trenching or infrastructure installation. If previously unidentified cultural materials are unearthed during construction, work shall cease within 50 feet of the find and the significance of the find shall be assessed by a qualified archaeologist retained by the project Applicant and approved by the City. If a find is significant, the Lead Agency and the archaeologist, in consultation with Native American representatives, will meet to determine appropriate avoidance measures or other appropriate mitigation.

The potential impacts will be less than significant with the implementation of the aforementioned mitigation.

4.3.3 CULTURAL RESOURCES (PALEONTOLOGICAL RESOURCES AND UNIQUE GEOLOGIC FEATURES)

Potentially Significant Impact: The EIR identifies a potential significant impact to Cultural Resources related to the potential for directly or indirectly destroying a unique paleontological resource or a unique geologic feature. Detailed information and analysis regarding this significant potential impact is provided in Section 3.4.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Cultural Resources (Paleontological Resources and Unique Geological Features) as identified in the EIR.

Facts in Support of Finding: No paleontological resources are likely to be encountered given the degree of ground disturbance in the area associated with grading and construction activities. However, mitigation was recommended in the previous section as a means to mitigate potential impacts. The following mitigation measures will be required to address potentially significant impacts.

Cultural Resources Mitigation Measure No. 3. If previously unidentified paleontological resources are unearthed during construction, work shall cease within 50 feet of the find and the project Applicant shall retain a qualified paleontologist, approved by the City, to assess the significance of the find. If a find is determined to be significant, the Lead Agency and the

paleontologist will determine appropriate avoidance measures or other appropriate mitigation. All significant fossil materials recovered will be, as necessary and at the discretion of the qualified paleontologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

The potential impacts will be less than significant with the implementation of the aforementioned mitigation.

4.3.4 CULTURAL RESOURCES (HUMAN REMAINS)

Potentially Significant Impact: The EIR described The proposed project's potential for the disturbance of any human remains, including those interred outside of formal cemeteries. Detailed information and analysis regarding this significant potential impact is provided in Section 3.4.4.4 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Cultural Resources (Human Remains) as identified in the EIR.

Facts in Support of Finding: As part of the grading for the Phase 1A development, five graves were discovered. The contractors adhered to the required protocols identified in the EIR prepared for the Phase 1 development. In the event that human remains are discovered during Phase 2 subsurface activities, including those interred outside of formal cemeteries, the human remains could be inadvertently damaged, which could be a significant impact. The Final EIR determined the proposed project could have the potential to adversely affecting undiscovered human remains during construction excavation activities. The potential impacts will be less than significant with the implementation of the following mitigation.

Cultural Resources Mitigation Measure No. 4. If human skeletal remains are uncovered during project construction, all work within 50 feet of the find shall stop and the project Applicant shall immediately contact the Imperial County Coroner to evaluate the remains following the procedures and protocols set forth in Section 15064.5 (e)(1) of the *CEQA Guidelines*. If the County coroner determines that the remains are Native American, the project Applicant will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Pursuant to Public Resources Code 5097.98, the project Applicant shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, are not damaged or disturbed by further development activity until the project Applicant has discussed and conferred, as prescribed in this section (PRC 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

The potential impacts will be less than significant with the implementation of the aforementioned mitigation.

4.4 GREENHOUSE GAS EMISSIONS

4.4.1 GREENHOUSE GAS EMISSIONS (GHG EMISSIONS)

Potentially Significant Impact: The EIR describes the proposed project's potential for resulting in the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Detailed information and analysis regarding this significant potential impact is provided in Section 3.5.4.1 of the Final EIR.)

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Greenhouse Gas (GHG Emissions) as identified in the EIR.

Facts in Support of Finding: The total project-related operational emissions (direct and indirect) would result in 41,122 MTCO₂e/year without incorporation of project design features that promote energy and water conservation. The proposed project is also intended to promote sustainable development through infill and solid waste recycling and reduction, and other energy conservation strategies. As a result, the impacts are less than significant. The City of Calexico, Imperial County, nor the ICAPCD have any plans, policies, or regulations adopted for the purpose of reducing GHG emissions. As a result, the project would not pose a conflict with any such plan. The Final EIR indicates that the project would not conflict with the State goals in AB 32 and, therefore, this impact would be less than significant. The State of California has not identified quantified thresholds of significance for GHG emissions. Implementation of the following mitigation measures will reduce the proposed project's emission of greenhouse gases.

Greenhouse Gas Mitigation Measure 1. The Applicant shall design buildings to be energy efficient using the 2010 Draft California Green Building Standards Code (Effective January 1, 2011).

Greenhouse Gas Mitigation Measure 2. The Applicant shall install efficient lighting consisting of at least 90 percent ENERGY STAR qualified hard-wired fixtures. Use daylight as an integral part of lighting systems in buildings.

Greenhouse Gas Mitigation Measure 3. The Applicant shall install light colored "cool" roofs, cool pavements throughout the project site.

Greenhouse Gas Mitigation Measure 4. The Applicant shall provide information on energy management services for large energy users.

Greenhouse Gas Mitigation Measure 5. The Applicant shall install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.

Greenhouse Gas Mitigation Measure 6. The Applicant shall limit the hours of operation of outdoor lighting with the exception of security lighting.

Greenhouse Gas Mitigation Measure 7. The Applicant shall install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.

Greenhouse Gas Mitigation Measure 8. The Applicant shall prohibit the use of water for cleaning outdoor surfaces and washing vehicles, except at commercial vehicle washing facilities.

Greenhouse Gas Mitigation Measure 9. The Applicant shall limit idling time for commercial vehicles, including delivery and construction vehicles to five minutes.

Greenhouse Gas Mitigation Measure 10. The Applicant shall require all tenants and/or occupants of the proposed project to provide public transit incentives such as free or low-cost monthly transit passes to all employees.

Greenhouse Gas Mitigation Measure 11. The Applicant shall fund off-site mitigation projects (e.g., alternative energy projects, or energy or water audits for existing projects) that will reduce carbon emissions, conduct an audit of its other existing operations and agree to retrofit, or purchase carbon “credits” from another entity that will undertake mitigation.

The State of California has not quantified thresholds for significance for GHG emissions. However, mitigation measures have been added to further reduce the proposed project’s GHG impacts.

4.4.2 GREENHOUSE GAS EMISSIONS (CONFLICT WITH A GHG REDUCTION PLAN)

Potentially Significant Impact: The EIR describes the proposed project’s potential for increasing the potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Detailed information and analysis regarding this significant potential impact is provided in Section 3.5.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Greenhouse Gas Emissions (Conformity with GHG Reduction Plan) as identified in the EIR.

Facts in Support of Finding: Total project-related “business as usual” operational emissions (direct and indirect) would result in 34,304 MTCO₂eq/year without incorporation of project design features (reduction measures). The proposed project would incorporate a number of design features that are consistent with the California Office of the Attorney General’s recommended measures to reduce GHG emissions. The measures identified in Table 3-6 of the Final EIR as being “applicable to the project” would be beneficial in reducing the overall GHG emissions. Program T-3 (Regional Transportation Related GHG Targets) would include the project’s pedestrian and shuttle transit elements. The project’s transit and pedestrian related improvements would reduce average daily traffic by as much as 50% (40% to 60% of the project’s patronage would either use transit or walk to the center). Program T-6 (Goods Movement Efficiency Measures) would benefit from the concentration of commercial and retail development within the 100-acre site. Program E-1 (Increased Utility Energy Deficiency), Program CR-1 (Energy Efficiency), Program I-1 (Energy Efficiency and Co-

Benefits Audits for Large Industrial Sources), and Program GB-1 (Green Buildings) embody the energy conservation elements that will be incorporated into the overall project design. Program W-1 (Water Use Efficiency) and Program W-2 (Water Recycling) reflect the water conservation that will be implemented as part of the proposed project's operations. Finally, the proposed project will be required to comply with all pertinent requirements related to the reduction of waste and recycling (identified in Program RW-3 [High Recycling/Zero Waste]). As a result, no incompatibility with any applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases would occur. The project would incorporate sustainable practices which include water, energy, solid waste, land use, and transportation efficiency measures. The proposed project would not be incompatible in conflict with the remaining CARB Programs (also identified in Table 3-6 in the Final EIR). As a result, no incompatibility with any applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases would occur. No mitigation is required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.5 HAZARDS AND HAZARDOUS MATERIALS

4.5.1 HAZARDS AND HAZARDOUS MATERIALS (HAZMAT EMISSIONS AND HANDLING)

Potentially Significant Impact: The EIR identifies the potential for emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Detailed information and analysis regarding this significant potential impact is provided in Section 3.6.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (HAZMAT Emissions and Handling) as identified in the EIR.

Facts in Support of Finding: Construction projects, such as the one that would be undertaken for the proposed project, would require certain hazardous materials (fuels, adhesives, solvents), that, if improperly used and inadvertently released, could result in a temporary hazard to workers, the public, or the environment. The overall quantities of the majority of these materials at any one time would not result in large bulk amounts that, if spilled, could cause a significant soil or groundwater contamination issue. No schools are located within ¼ mile of the project site, no adverse impacts are anticipated. The following mitigation measures will be required to address potentially significant impacts related to hazardous materials.

Hazardous Materials Mitigation Measure 1. The use of construction best management practices (BMPs) shall be incorporated into the construction specifications and implemented as part of project construction. The BMPs would minimize potential negative effects to groundwater and soils and shall include the additional elements identified in the Final EIR.

The potential impacts will be less than significant with the implementation of the aforementioned mitigation.

4.5.2 HAZARDS AND HAZARDOUS MATERIALS (AIRPORT SAFETY HAZARD)

Potentially Significant Impact: The EIR identifies The proposed project's potential for being located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area. Detailed information and analysis regarding this significant potential impact is provided in Section 3.6.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Airport Safety Hazard) as identified in the EIR.

Facts in Support of Finding: As discussed in the Final EIR (Section 3.8 Land Use), adherence to the standard regulations would reduce the potential hazards to a less than significant level. These regulations establish height limits and other restrictions on the proposed project as a means to maintain safe practices associated with airline transportation. The FAA also requires the project Applicant submit the development plans for an aeronautical review pursuant to the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, Part 77 to obtain a "Determination of No Hazards to Air Navigation" approval. The Determination of No Hazards to Air Navigation approval date was February 10, 2015. Development plans will also be submitted to the FAA for final approval. The proposed project has the potential to result in a safety hazard for people residing or working in the vicinity of the airport without adopting measures. Airspace protection policies have been developed to prevent intrusions into protected airspace, as shown on an Airport Layout Plan and defined by Federal Aviation Regulation (FAR) Part 77, "Objects Affecting Navigable Airspace." The airspace protection policies from Imperial County's ALUCP address the FAR Part 77 requirements concerning navigable airspace and apply to permanent and temporary structures and appurtenances associated with the proposed project. The County's ALUCP approval date was may 20, 2015. No mitigation measures are required with adherence to the pertinent FFA regulations that govern airport land use compatibility. Since no additional mitigation measures were required, the proposed project's impacts would be less than significant.

4.5.3 HAZARDS AND HAZARDOUS MATERIALS (HAZARDOUS MATERIALS SITE)

Potentially Significant Impact: The EIR identifies potentially significant impacts to Hazards and Hazardous Materials (Hazardous Materials Site) related to the project being located on a site, which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Detailed information and analysis regarding this significant potential impact is provided in Section 3.6.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hazards and Hazardous Materials (Hazardous Materials Site) as identified in the EIR.

Facts in Support of Finding: The project site is not included on a hazardous sites list compiled pursuant to Government Code Section 65962.5. In addition, there are no sites in the City that are included on the Cortese List. As a result, no additional impacts related to this issue are anticipated. The proposed project is not located over a site that is included on the Cortese listing. As a result, no impacts are anticipated. No mitigation measures are required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.6 HYDROLOGY AND WATER QUALITY

4.6.1 HYDROLOGY AND WATER QUALITY (WATER QUALITY STANDARDS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for violating any water quality standards or waste discharge requirements. Detailed information and analysis regarding this significant potential impact is provided in Section 3.7.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality as identified in the EIR.

Facts in Support of Finding: The project would result in a net increase in the amount of impermeable surface since the site currently consists of barren earth. The entire project site presently consists of impervious surfaces. Following development, approximately 95% of the site will be covered over in impervious surfaces (parking areas, buildings, and internal roadways). The proposed project would also be required to comply with the City's Storm Water Management Plan (SWMP) requirements for parking lots and commercial development. The Applicant would be required to incorporate design features and implement BMPs, specific for each category of development, to minimize the introduction of pollutants of concern to the storm water conveyance system to the maximum extent practicable. Most of the pollutants in runoff are contained in the "first flush" of runoff. The following mitigation measures will be implemented to avoid or reduce potential impacts associated with storm water runoff and water quality impacts:

Hydrology and Water Quality Mitigation Measure 1. The project shall be designed and constructed in compliance with the NPDES permit and all applicable State and local water quality requirements prior to the commencement of construction.

Hydrology and Water Quality Mitigation Measure 2. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for the project site that will identify pollutant sources that may affect storm water quality discharges during construction. The SWPPP will include various pollution prevention measures such as erosion and dust control. It will provide a comprehensive Best Management Practices (BMPs) Guide to contractors during site construction.

Hydrology and Water Quality Mitigation Measure 3. The project, over its operational life, shall comply with the local Standard Stormwater Mitigation Plan for parking lots and commercial development.

Hydrology and Water Quality Mitigation Measure 4. Erosion barriers and soil stabilizers shall be used on exposed slopes during site preparation and grading.

Hydrology and Water Quality Mitigation Measure 5. Required drainage facilities shall be constructed in compliance with approved grading and drainage plans, which detail type, size, and location of storm water lines, inlet/outlet drainage structures, and any detention basins.

Hydrology and Water Quality Mitigation Measure 6. Outside trash container areas shall have leak proof covers on dumpsters, a screened enclosure, and drainage routed around the area. This measure will be applicable over the project's operational lifetime.

The impacts will be less than significant with the implementation of the required mitigation.

4.6.2 HYDROLOGY AND WATER QUALITY (DEPLETION OF GROUNDWATER)

Potentially Significant Impact: The EIR identifies the proposed project's potential for substantially depleting groundwater supplies or interfering substantially with groundwater recharge in such a way that would cause 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). Detailed information and analysis regarding this significant potential impact is provided in Section 3.7.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality as identified in the EIR.

Facts in Support of Finding: The Water Supply Assessment (WSA) determined that the City has a combination of existing adequate Water Treatment Plant (WTP) capacity, plans, and policies in place for expansion of City water facilities that allow for construction and operation of the proposed project for 22 years along with the ability to service existing and planned future users for 22 years. The proposed project is estimated to use 106,940 gallons per day (107 MGD) at build-out during operation. The 100-acre project site is currently vacant and does not involve any uses or activities that consume water at the present time. The Applicant proposes to use 0.53 MGD for construction (a 22-month estimated construction period). The result is an increase of 0.10 MGD from the baseline of 0 MGD under pre-project conditions. Construction is estimated to require 0.53 MGD, being an increase of 0.33 MGD for 22 months from the 0 MGD pre-project baseline. It is anticipated that the Applicant will procure construction water from the City of Calexico. IID offers temporary industrial water service for construction, which the applicant may use as an alternative means of supplying water needed for the project's construction period. The proposed project would have a less than significant impact on groundwater volumes and groundwater table levels. No mitigation measures are required and the proposed project's impacts would be less than significant.

4.6.3 HYDROLOGY AND WATER QUALITY (DRAINAGE PATTERN AND EROSION)

Potentially Significant Impact: The EIR analyzes the potential for altering the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in erosion on- or off-site. Detailed information and analysis regarding this significant potential impact is provided in Section 3.7.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality (Alteration of Drainage and Erosion) as identified in the EIR.

Facts in Support of Finding: The proposed project would not alter the course of a stream or river. However, the proposed project would introduce new impervious surfaces in the vicinity of the New River. As part of the proposed improvements, the project would include construction of new drainage infrastructure for the conveyance of storm water on the site. Erosional and water quality impacts would be mitigated through implementation of the SWPPP during construction and through the drainage control requirements set by City and State requirements. The proposed project would not result in significant impacts to the existing drainage pattern resulting in substantial erosion on- or off-site. No mitigation measures are required and the proposed project's impacts would be less than significant.

4.6.4 HYDROLOGY AND WATER QUALITY (DRAINAGE PATTERN AND FLOODING)

Potentially Significant Impact: The EIR analyzes the potential for altering the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in flooding on- or off-site. Detailed information and analysis regarding this significant potential impact is provided in Section 3.7.4.4 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality (Alteration of Drainage and Flooding) as identified in the EIR.

Facts in Support of Finding: Runoff waters would be discharged in a manner to prevent downstream or off-site flooding, erosion, or sedimentation in accordance with City and SWMP requirements. The ultimate drainage outlet for the proposed project will be a headwall constructed within the New River channel limits. The drainage system is designed to meet all City requirements and will take into account future potential sources of incoming flow when sizing the public storm drain portion of the system. Erosional and water quality impacts would be mitigated through implementation of the SWPPP during construction and through the drainage control requirements set by City and State requirements. Also, any impacts would be further mitigated through a series of site-specific BMPs and a drainage system that will be designed to handle a 25-year storm event pursuant to City regulations and local SWMP requirements. The proposed project would not create a drainage pattern that would result in flooding on- or off-site. No mitigation measures are required and the proposed project's impacts would be less than significant.

4.6.5 HYDROLOGY AND WATER QUALITY (PLANNED DRAINAGE CAPACITY)

Potentially Significant Impact: The EIR analyzes the proposed project's potential for creating or contributing runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Detailed information and analysis regarding this significant potential impact is provided in Section 3.7.4.5 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality (Planned Drainage Capacity) as identified in the EIR.

Facts in Support of Finding: The construction of the proposed project would be required to construct all new drainage infrastructures in accordance with NPDES and City SWMP requirements, which are based on its MS4 permit from the RWQCB. Compliance with applicable permitting requirements and design standards associated with storm water runoff, grading and drainage, and infrastructure design as part of the construction and operation of the proposed project will not result in exceeding existing or planned storm water drainage systems or provide a substantial source of polluted runoff. These requirements state that storm-water must be controlled to limit the offsite transport of pollutants to the maximum extent practical. No mitigation measures are required. The proposed project's impacts would be less than significant.

4.6.6 HYDROLOGY AND WATER QUALITY (WATER QUALITY)

Potentially Significant Impact: The EIR analyzes the proposed project's potential for substantially degrading water quality. Detailed information and analysis regarding this significant potential impact is provided in Section 3.7.4.6 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Hydrology and Water Quality (Water Quality) as identified in the EIR.

Facts in Support of Finding: Specific Best Management Practices (BMPs) that may be applicable would include establishment of sediment basins and erosion control perimeter around active construction and contractor layout areas, silt fencing, jute netting, straw wattles, or other appropriate measures to control sediment from leaving the construction area. These temporary features serve to trap and absorb pollutants and sediments before they can leave the area. Construction contractors would be made aware of the required BMPs and good housekeeping measures for the project site and associated construction staging areas. For this project, implementation of standard BMPs will adequately protect against both typical and accidental discharges. Therefore, with the implementation of standard BMPs during construction and operations, impacts to water quality standards from the proposed project will be less than significant. Compliance of the proposed project with regulations (NPDES and SWMP) as described above governing storm water discharge will result in no substantial degradation of water quality. No additional mitigation measures beyond the previous Hydrology and Water Quality Mitigation Measures 1 through 6 are required.

4.7 LAND USE AND PLANNING

4.7.1 LAND USE AND PLANNING (CONFORMITY WITH LAND USE PLANS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for conflicting with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Detailed information and analysis regarding this significant potential impact is provided in Section 3.8.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Land Use and Planning (Conformity with Land Use Plans) as identified in the EIR.

Facts in Support of Finding: The Applicant is requesting a General Plan Amendment (GPA) to change the land use designation from *I (Industrial)* to *CH (Commercial Highway)*. The rezoning of the site from Industrial (IND) to Commercial Highway (CH) would result in: 1) a logical extension of the existing CH zoning on the eastern portion of the site; and 2) meet the intent of the CH zone, per the Municipal Code, to locate such commercial centers along major roadways. The project would also be consistent with SCAG's growth management (RCP) goals that encourage development that will promote job growth and positive economic impact. The proposed project will introduce new jobs to an area with high unemployment rates and would provide the City with a new source of sales tax revenue. SCAG also encourages projects that are pedestrian/public transportation friendly and do not add to the congestion of city roads. The proposed project is also consistent with SCAG's goal of developing under-used areas such as vacant lots with new business districts. Currently, the project site is vacant and the proposed project would convert this vacant, unused land into a productive use (a retail shopping center) which is consistent with this SCAG goal. The approval of the proposed project would result in the proposed project being consistent with local land use plans, policies, and regulations. No mitigation measures are required, the proposed project's impacts would be less than significant.

4.8 NOISE

4.8.1 NOISE (NOISE EXPOSURE THAT EXCEEDS STANDARDS)

Potentially Significant Impact: The EIR identifies the exposure of persons to or the generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Detailed information and analysis regarding this significant potential impact is provided in Section 3.9.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Noise (Noise Exposure that Exceeds Standards) as identified in the EIR.

Facts in Support of Finding: Construction activities could involve excavation, grading, demolition, drilling, trenching, earth movement, vehicle travel to and from the project site, and possibly pile driving. Construction-related material haul trips would raise ambient noise levels along haul routes depending on the number of haul trips made and types of vehicles used. Construction activities associated with the project would be temporary in nature and related noise impacts would be short term. Also, since construction activities would not substantially increase ambient noise levels at noise-sensitive locations, construction noise would not result in significant impacts to sensitive receptors. The proposed project would have a less than significant impact with respect to construction noise because it would not result in substantial temporary or periodic increase in ambient noise levels in the project vicinity. No mitigation measures are required, the proposed project's impacts would be less than significant.

4.8.2 NOISE (EXPOSURE TO GROUND-BORN NOISE)

Potentially Significant Impact: The EIR identifies the exposure of persons to, or generation of, excessive ground-borne noise levels. Detailed information and analysis regarding this significant potential impact is provided in Section 3.9.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Noise (Exposure to Ground-born Noise) as identified in the EIR.

Facts in Support of Finding: The only applicable local regulation is Policy 1d of the General Plan Noise Element, which establishes a 70 dBA CNEL threshold for commercial development. In addition, pursuant to Sections 8.46.031 and 8.46.032 of the Municipal Code, the operation of the proposed commercial center would be required to maintain acceptable noise levels (70 CNEL) within the project site. Therefore, individuals on the project site would not be exposed to noise levels in excess of local standards. The proposed project would have a less than significant impact with respect to exposure to significant ground-born construction noise because it would not result in substantial temporary or periodic increase in ambient noise levels in the project vicinity. No mitigation is required. Since no mitigation measures are required, the proposed project's impacts would be less than significant.

4.8.3 NOISE (SUBSTANTIAL INCREASE IN AMBIENT NOISE LEVELS)

Potentially Significant Impact: The EIR identifies the impacts related to a substantial permanent increase in ambient noise levels in the vicinity of the project above levels existing without the project. Detailed information and analysis regarding this significant potential impact is provided in Section 3.9.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Noise (Substantial Increase in Ambient Noise Levels) as identified in the EIR.

Facts in Support of Finding: The future projected traffic noise levels would not exceed 70 dBA along the roadways where significant project-generated noise increases would occur. Therefore, the project's traffic increases would result in less than significant impacts related to noise. The only proposed stationary source activities that could create significant noise increases would be roof mounted air-conditioning units. As discussed above, the land uses adjacent to the project site comprise mainly of under developed parcels zoned for industrial uses. The proposed air conditioning, which generates significantly lower sound levels than project construction activities, is not expected to adversely affect existing adjacent land uses. The proposed project would have a less than significant impact with respect to long-term operational noise. The noise levels for the study segments would not increase to a level that would be perceptible to persons with average hearing (3.0 to 5.0 dBA). No mitigation is required. Since the proposed project's impacts would be less than significant, no mitigation measures were required.

4.8.4 NOISE (TEMPORARY OR PERIODIC NOISE)

Potentially Significant Impact: The EIR identifies the impacts related to a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Detailed information and analysis regarding this significant potential impact is provided in Section 3.9.4.4 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Noise (Temporary or Periodic Noise) as identified in the EIR.

Facts in Support of Finding: The use of heavy equipment during construction generates vibration levels of up to 0.644 PPV or 104 RMS (Impact Pile Driver) at a distance of 25 feet. The nearest sensitive receptor in Calexico is located approximately 1/2 mile from the project site. There are homes located to the south of the project site within the City of Mexicali. The potential vibration levels at the sensitive receptor locations would not exceed the potential building damage threshold of 0.2 PPV or the annoyance threshold of 80 RMS. Other sensitive receptors in the project vicinity would be exposed to vibration at incrementally lower levels. As a result, the impact associated with ground-borne vibration generated by construction would be less than significant. The proposed project would have a less than significant impact with respect to construction noise because it would not result in substantial temporary or periodic increase in ambient noise levels in the project vicinity. Since no mitigation measures are required, the proposed project's impacts would be less than significant.

4.8.4 NOISE (AIRPORT NOISE)

Potentially Significant Impact: The EIR identifies the impacts related to the locating of a project within two miles of a public airport or public use airport where the project may expose people residing or working in the project area to excessive noise levels. Detailed information and analysis regarding this significant potential impact is provided in Section 3.9.4.5 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the Project which avoid or substantially lessen the significant environmental effect to Noise (Airport Noise) as identified in the EIR.

Facts in Support of Finding: The noise contour map for CXL's ALUCP shows the 60 dBA CNEL noise contour line not extending beyond the southern airport property boundary along West 2nd Street. Per the City's General Plan, 60dBA CNEL is below the acceptable threshold for a commercial land use. Therefore, the project would not expose people working in the project area to excessive noise levels emitted by the airport. The proposed project would have a less than significant impact with respect to construction noise because it would not result in substantial temporary or periodic increase in ambient noise levels in the project vicinity. No mitigation is required. Since no mitigation measures are required, the proposed project's impacts would be less than significant.

4.9 PUBLIC SERVICES

4.9.1 PUBLIC SERVICES (FIRE SERVICES)

Potentially Significant Impact: The EIR identifies potentially significant impact to Public Services (Fire Services) in that the Project includes development on previously undeveloped land and may result in an incremental increase in need for fire protection services. Detailed information and analysis regarding this significant potential impact is provided in Section 3.11.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effect to Public Services (Fire Services) as identified in the EIR.

Facts in Support of Finding: In the absence of mitigation, the proposed project would have a significant potential impact on fire protection services. In compliance with City ordinances, the project developer would be required to pay an impact fee for fire protection to the City to account for the project's fair share. Thus, any costs to the City from needed expansions or additions to the City's fire protection service brought about by the proposed project would be mitigated by this fee. The following mitigation would be required to further reduce public service impacts related to the Fire Department to levels that are less than significant:

Public Services Mitigation Measure 1. Pursuant to Calexico Ordinance No. 1036, the project Applicant shall pay fire protection impact fees and other pertinent fees in the amount required by the City of Calexico for commercial development, prior to the issuance of any building permits for the project.

The proposed project's impacts would be less than significant with payment of the required impact fee to the City.

4.9.2 PUBLIC SERVICES (POLICE SERVICES)

Potentially Significant Impact: The EIR identifies potentially significant impact to Public Services (Police Services) in that the Project includes development on previously undeveloped land and may result in an incremental increase in need for police services. Detailed information and analysis regarding this significant potential impact is provided in Section 3.10.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effect to Public Services (Police Services) as identified in the EIR.

Facts in Support of Finding: The project includes commercial development on previously undeveloped land and could result in an increase in calls for service. In compliance with City ordinances, the project developer would be required to pay an impact fee for law enforcement services to the City to account for the project's fair share. The police impact fee is \$2,205 per acre of commercially developed land. This impact fee mitigates and necessary expansions to public personnel, stations, vehicles, or equipment. The following mitigation would be required to further reduce law enforcement services to levels that are less than significant:

Public Services Mitigation Measure 2. Pursuant to Calexico Ordinance No. 1036, the project Applicant shall pay law enforcement fees and other pertinent impact fees applicable to new commercial development, as required by the City of Calexico, prior to the issuance of any building permits for the project.

The proposed project's impacts on law enforcement services would be less than significant with payment of the required impact fee to the City.

4.10 TRAFFIC AND TRANSPORTATION

4.10.1 TRAFFIC AND TRANSPORTATION (CONFLICT WITH PLANS, ORDINANCES OR POLICIES)

Potentially Significant Impact: The EIR identifies the proposed project's potential for conflicting with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Detailed information and analysis regarding this significant potential impact is provided in Section 3.11.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects to Traffic and Transportation (Conflict with Plans, Ordinances or Policies) as identified in the EIR.

Facts in Support of Finding: The projected trip generation for Phases 2A and 2B of Calexico Power Center are estimated to be 22,224 ADT with 1,106 total trips during the AM peak hour and 1,852 total trips during the PM peak hour. These figures are likely to be overestimates given the above characteristics related to cross-border traffic and the number of patrons that will be walking or using shuttles to travel to the Power Center. Table 3-20 included in the Final EIR w presents the calculated significant impacts for the proposed project based on the established Significance Criteria along with recommendations for mitigation measures at the impact locations and fair share percentage of mitigation measures. The mitigation measures identified in the Final EIR (Section 3.11.4.1 [Table 3-20]) will mitigate potential traffic and circulation impacts. No additional mitigation will be required. The impacts will be less than significant with the implementation of the mitigation measures identified in the Final EIR in Section 3.11.4.1.

4.10.2 TRAFFIC AND TRANSPORTATION (CONGESTION MANAGEMENT PROGRAM)

Potentially Significant Impact: The EIR identifies the proposed project's potential for exceeding, conflicting with an applicable congestions management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by a county congestion management agency for designated roads or highways. Detailed information and analysis regarding this significant potential impact is provided in Section 3.11.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects to Traffic and Transportation (Congestion Management Program) as identified in the EIR.

Facts in Support of Finding: The proposed project has the potential to result in significant impacts at three intersections located along Cesar Chavez Boulevard (refer to Final EIR [Table 3-20]) in the absence of mitigation. This determination does not take into account the widening of this roadway from the existing four travel lanes to six travel lanes which will further reduce the potential impacts to levels that are less than significant.

4.10.3 TRAFFIC AND TRANSPORTATION (AIR TRAFFIC PATTERNS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for resulting in a change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks. Detailed information and analysis regarding this significant potential impact is provided in Section 3.11.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects to Traffic and Transportation (Air Traffic Patterns) as identified in the EIR.

Facts in Support of Finding: The proposed project is a regional commercial center that is designed to "capture" potential patronage from Mexicali. The majority of the patrons will walk, use shuttle

service, or use personal vehicles to travel to and from the site. As a result, the impacts to the adjacent Calexico Airport will be minimal. Some increase in air travel may result from management traveling to and from the center once it is operational. However, this patronage is anticipated to be very limited and the impacts will be less than significant. The proposed project will not result in a change in air traffic patterns or otherwise result in an increase in air traffic levels. Very limited additional air traffic is anticipated. As a result, the impacts are anticipated to be less than significant. No mitigation measures are required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.10.4 TRAFFIC AND TRANSPORTATION (DESIGN FEATURES)

Potentially Significant Impact: The EIR identifies the proposed project's potential for substantially increasing hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Detailed information and analysis regarding this significant potential impact is provided in Section 3.11.4.4 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects to Traffic and Transportation (Design Features) as identified in the EIR.

Facts in Support of Finding: Access to the Calexico Power Center project site will be via five driveways (referred to as Access #1 through Access #5) located along 2nd Street. All the accesses are forecast to operate LOS C or better during both the AM and PM peak hours under all of the scenarios. The proposed project's design and the project design features related to the project access will not result in any significant adverse impacts. The mitigation measures identified previous in the Final EIR (Section 3.11.4.1) will mitigate potential traffic and circulation impacts. No additional mitigation will be required.

4.10.5 TRAFFIC AND TRANSPORTATION (ALTERNATIVE FORMS OF TRANSIT)

Potentially Significant Impact: The EIR identifies the proposed project's potential for conflicting with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Detailed information and analysis regarding this significant potential impact is provided in Section 3.11.4.5 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects to Traffic and Transportation (Alternative Forms of Transit) as identified in the EIR.

Facts in Support of Finding: The proposed project will be designed to facilitate the use of public transit and pedestrian travel to and from the proposed project. Shuttle service will also operate between the center and the POE. According to estimates related to the operation of the Phase 1 center, between 40% and 60% of the patronage either walks or use transit to reach the Phase 1 center. As a result, the proposed project will not conflict with any local plans of policies related to the use of public

transit or other alternative forms of transit. No mitigation measures are required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.11 UTILITIES AND SERVICE SYSTEMS

4.11.1 UTILITIES AND SERVICE SYSTEMS (WASTEWATER TREATMENT)

Potentially Significant Impact: The EIR identifies the proposed project's potential for exceeding wastewater treatment requirements of the applicable Regional Water Quality Control Board. Detailed information and analysis regarding this significant potential impact is provided in Section 3.12.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects to Utilities and Service Systems (Wastewater Treatment) as identified in the EIR.

Facts in Support of Finding: There is a remaining treatment capacity at the current WWTP facilities and these facilities are capable of accommodating the additional effluent generation. In addition, a new, planned WWTP expansion will further accommodate future demand. The payment of required development fees associated with water and wastewater treatment expansion will provide adequate mitigation. As a result, this impact would be mitigated to a less than significant level. The following mitigation measures will be required to address potentially significant impacts related to utilities.

Utility Mitigation Measure 1. Pursuant to Calexico Ordinance No. 1036, the project Applicant shall pay sewer impact fees in the amount of \$9,291 per commercial acre, as required by the City of Calexico and IID, prior to the issuance of any building permits for the project.

The impacts will be less than significant with the implementation of the aforementioned mitigation measure.

4.11.2 UTILITIES AND SERVICE SYSTEMS (WASTEWATER AND WATER FACILITIES)

Potentially Significant Impact: The EIR identifies the potential for requiring the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts. Detailed information and analysis regarding this significant potential impact is provided in Section 3.12.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effect to Utilities and Service Systems (Wastewater Water Facilities) as identified in the EIR.

Facts in Support of Finding: The proposed project will have a significant impact on water and wastewater facilities in the absence of mitigation. However, there is a remaining treatment capacity at the current WWTP facilities and these facilities are capable of accommodating the additional effluent generation. In addition, a new WWTP expansion is planned, which will accommodate future demand. The payment of development fees to offset the additional demand imposed by the proposed project and the completion of the WWTP upgrade will result in impacts from the proposed project being less than significant related to water and wastewater treatment facilities and infrastructure. The following mitigation measures will be required to address potentially significant impacts related to utilities.

Utility Mitigation Measure 2. Pursuant to Calexico Ordinance No. 1036, the project Applicant shall pay water facilities impact fees in the amount of \$11,943 per commercial acre, as required by the City of Calexico, prior to the issuance of any building permits for the project.

The impacts will be less than significant with the implementation of the aforementioned mitigation measure.

4.11.3 UTILITIES AND SERVICE SYSTEMS (STORM WATER SYSTEMS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for requiring the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Detailed information and analysis regarding this significant potential impact is provided in Section 3.12.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effect to Utilities and Service Systems (Storm Water Systems) as identified in the EIR.

Facts in Support of Finding: The implementation of the proposed project would result in an increase in the amount of impervious surface area compared to existing conditions. The proposed project would be required to incorporate a stormwater drainage system throughout the project site in order to adequately handle storm water runoff and maintain water quality. Storm water for the project is proposed to be conveyed to the New River by means of a system of collection basins and underground storm drain pipes. The system would be designed to handle a 25-year storm event per the City's development regulations. The planned storm drain system will provide drainage improvements with suitable capacity to capture flows from the project site. In addition, the public storm drain portion of the project will be sized to accept future storm water that falls in the 2nd Street right-of-way bound by the New River on the east and the All American Canal on the west. The impacts from the construction of the proposed storm water drainage system would be less than significant. No mitigation is required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.11.4 UTILITIES AND SERVICE SYSTEMS (STORM WATER FLOODING)

Potentially Significant Impact: The EIR identifies the proposed project's potential for resulting in an overcapacity of the storm drain system, causing area flooding. Detailed information and analysis regarding this significant potential impact is provided in Section 3.12.4.4 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effect to Utilities and Service Systems (Storm Water Flooding) as identified in the EIR.

Facts in Support of Finding: The drainage system in the parking areas would include catch basins that would gradually release detained water to an underground storm drain system that connects to a storm drain in 2nd Street and ultimately conveyed to the proposed outfall structure in the New River. The planned storm drain system will provide drainage improvements with suitable capacity to capture flows from the project site. In addition, the public storm drain portion of the project will be sized to accept future storm water that falls in the 2nd Street right-of-way bound by the New River on the east and the All American Canal on the west. The impacts from flooding due to exceeding the capacity of the storm drain system will be avoided with the construction of the proposed storm water drainage system. No mitigation is required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.11.5 UTILITIES AND SERVICE SYSTEMS (WASTEWATER TREATMENT PROVIDERS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for resulting in a determination by the wastewater treatment provider that serves or may serve the project, that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Detailed information and analysis regarding this significant potential impact is provided in Section 3.12.4.5 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effects to Utilities and Service Systems (Wastewater Treatment Providers) as identified in the EIR.

Facts in Support of Finding: The City has adequate capacity to serve the project's projected demand and is in the process of expanding wastewater treatment capacity within the City. In addition, Utilities Mitigation Measure 1 requires the project Applicant to pay wastewater facilities impact fees in the amount of \$9,291 per commercial acre. Therefore, the proposed project will have a less than significant impact on wastewater capacity with mitigation. No additional mitigation beyond the previous Utilities Mitigation Measure 1 is required. With the mitigation measures required, the proposed project's impacts would be less than significant.

4.11.6 UTILITIES AND SERVICE SYSTEMS (SOLID WASTE AND LANDFILLS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for utilizing a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs. Detailed information and analysis regarding this significant potential impact is provided in Section 3.12.4.6 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which could avoid or substantially lessen the significant environmental effects to Utilities and Service Systems (Solid Waste and Landfills) as identified in the EIR.

Facts in Support of Finding: Approval of the proposed project will not result in any significant adverse impacts since the remaining landfill capacity can accommodate the projected demand. No mitigation is required. Since no mitigation measures were required, the proposed project's impacts would be less than significant.

4.12 URBAN DECAY

4.12.1 URBAN DECAY IMPACTS

Potentially Significant Impact: The EIR identifies the proposed project's potential for creating multiple long-term store vacancies or result in the abandonment of multiple buildings within the retail market served by the proposed project, which results in the physical deterioration of properties or structures that impairs the proper utilization of the properties or structures, or the health, safety, and welfare of the surrounding community. Detailed information and analysis regarding this significant potential impact is provided in Section 3.13.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects related to Urban Decay as identified in the EIR.

Facts in Support of Finding: Although it is likely some stores in the market area would close because of sales diverted to the proposed project, vacancies of smaller stores are generally filled in a timely fashion, and programs are in place to ensure buildings do not deteriorate. No mitigation measures are required. The impacts will be less than significant.

4.13 ENERGY USE

4.13.1 ENERGY USE (WASTEFUL AND INEFFICIENT CONSUMPTION)

Potentially Significant Impact: The EIR identifies the proposed project's potential for including wasteful, inefficient, and unnecessary consumption of energy during project construction, operation, maintenance, and/or removal. Detailed information and analysis regarding this significant potential

impact is provided in Section 3.14.4.1 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects related to Energy Use (Wasteful and Inefficient Consumption) as identified in the EIR.

Facts in Support of Finding: While mitigation is not required, some elements of the *Air Quality Mitigation: Measure No. 2* (refer to Section 3.2.4.2 of the Final EIR) would also serve to reduce energy use during construction. In addition, the following mitigation measure shall be required:

Energy Mitigation Measure No 1. At least 75 percent of recyclable building materials and construction waste (i.e., soil, vegetation, metal, wood, and cardboard) should be recycled to reduce the secondary energy consumption associated with the extraction of primary resources. If available locally and economical, diesel-powered construction vehicles should utilize bio-diesel as an alternative fuel.

The impacts will be less than significant with adherence to the mitigation.

4.13.2 ENERGY USE (ADDITIONAL ENERGY GENERATION)

Potentially Significant Impact: The EIR identifies the proposed project's potential for requiring additional energy facilities, the provision of which may have a significant effect on the environment. Detailed information and analysis regarding this significant potential impact is provided in Section 3.14.4.2 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects related to Energy Use (Additional Energy Generation) as identified in the EIR.

Facts in Support of Finding: The project-related energy use required for the commercial and retail stores would not be considered wasteful, inefficient or unnecessary, and would not consume substantial amounts of finite natural resources. In addition, the project would be required to conform to energy conservation requirements of Title 24, Part 6, of the California Code of Regulations on Building Energy Efficiency Standards. While mitigation is not required to reduce operational impacts below significance, the proposed project will incorporate the design features related to utility and water conservation. No mitigation will be required and the impacts will be less than significant.

4.13.3 ENERGY USE (INCONSISTENCY WITH ENERGY STANDARDS)

Potentially Significant Impact: The EIR identifies the proposed project's potential for requiring additional energy facilities, the provision of which may have a significant effect on the environment. Detailed information and analysis regarding this significant potential impact is provided in Section 3.14.4.3 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects related to Energy Use (Inconsistency with Energy Standards) as identified in the EIR.

Facts in Support of Finding: The project-related energy use required for the commercial and retail stores would not be considered wasteful, inefficient or unnecessary, and would not consume substantial amounts of finite natural resources. In addition, the project would be required to conform to energy conservation requirements of Title 24, Part 6, of the California Code of Regulations on Building Energy Efficiency Standards. The proposed project will be required to comply with all pertinent energy conservation requirements. No mitigation will be required and the impacts will be less than significant.

4.13.4 ENERGY USE (OBSTRUCTION OF ENERGY CONSERVATION MEASURES)

Potentially Significant Impact: The EIR identifies the proposed project's potential for potential for preempting future energy development or future energy conservation. Detailed information and analysis regarding this significant potential impact is provided in Section 3.14.4.4 of the Final EIR.

Finding: Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the project which could avoid or substantially lessen the significant environmental effects related to Energy Use (Obstruction of Energy Conservation Measures) as identified in the EIR.

Facts in Support of Finding: The project-related energy use required for the commercial and retail stores would not be considered wasteful, inefficient, or unnecessary, and would not consume substantial amounts of finite natural resources. In addition, the project would be required to conform to energy conservation requirements of Title 24, Part 6, of the California Code of Regulations on Building Energy Efficiency Standards. The proposed project will be required to comply with all pertinent energy conservation requirements. No mitigation measures are required and the impacts will be less than significant.

5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project (CEQA Guidelines §15130(a)). Cumulative impacts are those which are considered significant when viewed in connection with the impacts of other closely related past, present and reasonably foreseeable future projects (CEQA Guidelines §15355). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR analyzes cumulative impacts by compiling a list of past, present and reasonably anticipated future projects producing related or cumulative impacts, including projects outside the agency's jurisdiction (CEQA Guidelines §15130(b)(1)(A)). The list of "past, present and reasonably anticipated future projects" should include related projects which already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is prepared (CEQA Guidelines §15130 [Discussion]). The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies. This analysis uses the list approach. The Final EIR (refer to Table 2-1) included in Section 2.7 lists planned and approved projects that could potentially contribute to environmental effects within the project area. The geographic area affected by cumulative projects varies depending on the environmental topic.

5.1 CUMULATIVE AIR QUALITY IMPACTS

The City of Calexico is a non-attainment area for O₃ and PM₁₀. Regional air pollutant emissions associated with proposed project operations would be generated by the consumption of electricity and natural gas, and by the operation of on-road vehicles. Pollutant emissions associated with energy demand (i.e., electricity generation and natural gas consumption) are classified as regional stationary source emissions. Mobile-source emissions were calculated using the CalEEMod emissions inventory model, which multiplies an estimate of daily vehicle miles traveled (VMT) by applicable EMFAC2007 emissions factors. Projects considered in the analysis include those that have recently been completed, are currently approved and/or under construction, or are in the planning stages. Schedule is particularly relevant to the consideration of cumulative construction-related impacts, since construction impacts tend to be relatively short-term. However, for future projects, construction schedules are often broadly estimated and can be subject to change. Although the timing of the future projects are likely to fluctuate due to schedule changes or other unknown factors, this analysis assumes these projects would be implemented concurrently with construction of the proposed project. The EIR determined that the Project will not have a significant unmitigated cumulative impact.

5.2 CUMULATIVE BIOLOGICAL RESOURCES IMPACTS

Implementation of the proposed project, as well as many of the related project, would add to the incremental loss of species habitat in the project vicinity. Habitat loss would affect resident species, including special status species, such as the burrowing owl, ferruginous hawk, and mountain plover. In particular, the burrowing owl is found throughout Imperial County and is considered sensitive due to an overall regional loss of foraging and nesting areas within southern California. The proposed

project and the cumulative projects would be required to implement appropriate mitigation measures to reduce biological impacts to less than significant levels. The mitigation measures identified in Section 3.2 discuss ways in which the project can reduce impacts (e.g., avoiding sensitive breeding/nesting periods, doing pre-construction surveys, and passive relocation of owls), but they do not address the fact that open land would be lost through the implementation of the project. Currently, Imperial County does not have a Habitat Conservation Plan for sensitive species, nor does it have specific mitigation measures for impacts to burrowing owls and other species. The USFWS and CDFG currently accept "passive relocation" of western burrowing owls as adequate mitigation for impacts. Therefore, cumulative impacts to biological resources would be less than significant.

5.3 CUMULATIVE CULTURAL RESOURCES IMPACTS

The only future development project located in the immediate vicinity of the Gran Plaza project is the West Calexico Border Expansion project. With the addition of the border expansion project's impacts to those of the proposed project, the potential of unearthing unknown historical, archeological, and/or paleontological resources increases. However, as the border expansion project constitutes major development, the project Applicant (in the case of the border expansion, the U.S. General Services Administration) would be required to undergo environmental review similar to the proposed project. The West Calexico Border Expansion project would be required to implement mitigation measures to reduce any cultural resource impact to a less than significant level. Thus, with mitigation measures in place, cumulative impacts from cultural resources would be less than significant.

5.4 CUMULATIVE ENERGY IMPACTS

The project, together with other regional growth and development, would incrementally increase regional energy consumption. Current annual electricity and natural gas consumption in Imperial County for the non-residential sector in 2008 was 956 million kWh and 29 million therms, respectively (CEC, 2010). This demand is expected to grow at a rate of 1.2 percent per year for electricity and 0.73 percent per year for natural gas between 2010 and 2018 (CEC, 2009a). California is expected to require additional supplies to meet demand through 2025. The project's contribution to planned cumulative energy demand in combination with other projects' contributions to this demand would be considered cumulatively significant because it would contribute to future demand, which is predicted to exceed current and planned supply.

5.5 CUMULATIVE GREENHOUSE GAS IMPACTS

The proposed project would contribute to global climate change as a result of emissions of GHGs, primarily CO₂, emitted by construction and operational activities. GHG impacts are considered to be cumulative impacts from a climate change perspective (CAPCOA, 2008). Thus, the analysis of GHG emissions is to determine whether the proposed project impact is cumulatively considerable. See Impact 3.5-1 in Section 3.5, Greenhouse Gas Emissions, for a discussion of this cumulatively considerable impact.

5.6 CUMULATIVE HAZARDS AND HAZARDOUS MATERIALS IMPACTS

The hazards and hazardous materials impacts associated with a project like the one proposed are usually localized and occur on a project by project basis, rather than in a cumulative manner. Because the proposed project contains mitigation measures to abate site-specific hazards, any potential cumulative impact associated with the proposed project would be reduced to less than significant levels.

5.7 CUMULATIVE HYDROLOGY AND WATER QUALITY IMPACTS

Concurrent construction of the proposed project with other projects in the vicinity could result in temporary impacts to hydrology and water quality in the project area. These other construction activities could result in increased runoff, erosion, and subsequent sedimentation with impacts to water quality in downstream water bodies and/or storm drain capacity. Additionally, surface water quality could be affected by construction activities that result in the release of fuels or other hazardous materials to stream channels or storm drains, or discharge from excavation dewatering activities. Adherence to the requirements of the City of Calexico General Plan, City development regulations and RWQCB certification requirements would reduce the above-mentioned project-related impacts to hydrology and water quality to a less than significant level. As such, the contribution of the proposed project to hydrology and water quality impacts would not be cumulatively considerable, and the proposed project would not contribute to a cumulative impact to water quality and flooding.

5.8 CUMULATIVE LAND USE AND PLANNING IMPACTS

The City's General Plan designates future land uses for the build out of vacant land within the city limits and sphere of influence. The Applicant is requesting a General Plan amendment to change the land use designation from I to CH (Commercial Highway). Upon approval of a plan amendment, the project would be consistent with the City's General Plan. The project would have beneficial impacts related to job growth in an area with high unemployment rates and provide the City with a new source of sales tax revenue. In addition, this development would infill an undeveloped area within the City thereby creating a link to other adjacent areas and, taken together with other cumulative projects, would therefore not divide an established community. Thus, cumulative impacts to land use and planning resulting from the development of the proposed project would be less than significant.

5.9 CUMULATIVE NOISE IMPACTS

The Calexico Gran Plaza Traffic Impact Analysis provided the total ADT volumes for the cumulative project scenario; that is, traffic resulting from the existing conditions, the total proposed project, plus all projects in the city that are currently planned. The Federal Highway Administration's Highway Traffic Noise Prediction Model was used to analyze noise increases for the studied roadway segments. The Final EIR (refer to Table 3-8 included in Section 3) indicates that the project's impacts for the five roadway segments will be less than significant.

5.10 CUMULATIVE TRAFFIC IMPACTS

The 2015 Ambient + Cumulative Projects conditions represent the appropriate Year 2015 conditions. To obtain Year 2015 traffic volumes, the traffic generated from the approved/pending projects in the project area that were assumed to be on the road network by the Year 2015 were added onto the existing traffic volumes. Under Scenario A of the Calexico West Border Station Expansion traffic study, southbound vehicles are assumed to enter the border crossing from the intersection of Cesar Chavez Boulevard and Second Street, while northbound vehicles would be allowed to exit the border crossing both at the intersection of Cesar Chavez Boulevard and Second Street, as well as at the intersection of SR-111 and 2nd Street. Under the 2035 Ambient + Cumulative Projects + Phases 2A and 2B (Mitigated) + Long Term Mitigation Scenario, all of the study area street segments are forecast to operate at LOS D or better on a daily basis except the SR-111 segment between SR-98 and Grant Street (LOS F). The SR-111 segment between SR-98 and Grant Street currently operates at LOS E and is forecast to operate LOS F under all of the long-term scenarios. The improvements planned for Highway 111 will mitigate the potential cumulative impacts (refer to Table 4-3).

5.11 CUMULATIVE URBAN DECAY IMPACTS

While some stores within the Downtown Calexico core may close, a historically high rate of tenancy and a strong tax incentive structure indicate that any vacancies would be filled within a reasonable timeframe. The proposed project and other cumulative projects would not likely result in the closure of any large-scale "big box" retailers in northern Calexico or El Centro as none of the cumulative projects currently include a similar retailer. Also, as vacant buildings in both northern Calexico and El Centro are generally well-maintained, the closure of retailers in these retail areas would not likely result in urban decay, should the development of multiple commercial centers result in the closure of current retailers.

5.12 CUMULATIVE UTILITIES IMPACTS

The cumulative projects would require the existing Calexico WTP to be expanded, and would also require the City's WWTP be expanded from its current capacity of 4.3 mgd. Pursuant to City Ordinance No. 1036, all development projects within the City, including the cumulative projects, would be required to pay an impact fee per developed acre to assist with the costs of expanding the water treatment facilities (\$11,943/acre), and another impact fee per developed acre to expand wastewater treatment facilities (\$9,291/acre) prior to issuance of building permits. Therefore, impacts would be less than significant. The Allied Imperial Landfill was recently approved by the Imperial County Board of Supervisors for an expansion that will double its capacity and allow the landfill to remain open until 2040. Thus, the Allied Imperial Landfill would have sufficient capacity to accommodate this increase in solid waste.

6.0 FINDINGS REGARDING PROJECT ALTERNATIVES

6.1 ANALYSIS OF PROJECT ALTERNATIVES

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the City considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project which could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors (CEQA Guidelines §15364).

The EIR examined a reasonable range of alternatives to determine whether they could meet the Project's objectives while avoiding or substantially lessening one or more of the Project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the City considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social and technological factors, and whether the City can reasonably acquire, control or otherwise have access to the alternative sites (CEQA Guidelines §§ 15126(d)(5)(A), 15364).

6.2 ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The *CEQA Guidelines* (Section 15126.6(e)(3)(B)) provides the following guidance on the No Project Alternative, "If the project is...a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Under the No Project/No Development Alternative, the project would not be built and the existing uses within the project site would remain in its present condition. No significant upgrades to the circulation system or utility infrastructure are anticipated. Under the No Project/No Development Alternative, the proposed project would not be constructed and the existing vacant land would remain.

The No Project/No Development Alternative would avoid or substantially lessen all of the potential direct and cumulative significant impacts of the proposed project. However, this alternative would not meet any of the project goals or objectives including the goals and objectives of the project applicant to build a commercial shopping center that serves the local community and that is economically sustainable and provides employment and shopping opportunities for residents. The No Project/No

Development Alternative would not provide the City with the social and economic benefits of expanded commercial facilities and amenities. The project site would remain in an undeveloped and would not help to meet the City's goals, as expressed in the project objectives. Because the No Project/No Development Alternative would not meet any of the project objectives, it would be considered infeasible.

6.3 ALTERNATIVE 2: INDUSTRIAL USE ALTERNATIVE

Under this Alternative, the project site would be developed as an industrial use under the General Industrial zoning classification. The existing General Plan and Calexico Zoning designations would remain in place. No industrial uses would be developed on the small portions of the project site zoned Commercial Highway (CH). According to Chapter 17.07 of the Municipal Code, the maximum lot coverage allowed in Industrial zones is 60 percent; however, it would be assumed that the extent and phasing of the industrial development would be the same as the proposed project constructed over two phases of development).

The Industrial Use Alternative would meet some of the project objectives, including providing new jobs and new revenue sources (sales tax and property tax) for the City. The Industrial Use Alternative would be consistent with the existing General Plan and Zoning land use designation for the site and would not require a plan amendment or zone change. Impacts to air quality and the introduction of hazardous materials would be comparable to and possibly greater than the proposed project. Although the Industrial use Alternative would meet some of the project objectives, including providing new jobs and new revenue sources for the City, it would not necessarily result in a high quality design at one of the City's prominent gateways, nor would this alternative include a vibrant retail center.

6.4 ALTERNATIVE 3: REDUCED DENSITY ALTERNATIVE

The Reduced Density Alternative would result in less developed space at the retail commercial center. Under the Reduced Density Alternative, the retail commercial center would not exceed 60 percent of the development proposed as part of the project. Development would still occur over two phases. This alternative would result in less impervious surface as compared to the proposed project and thus would have less impact from storm water runoff. Like the proposed project, the Reduced Density Alternative would still require development review, approval of a tentative subdivision track map and overall project approval.

The Reduced Density Alternative would meet many of the project objectives, including provision of new sales tax revenue for the City, a vibrant retail center, and a high-quality design at one of the City's gateways. In general, the Reduced Density Alternative would result in fewer impacts on the environment than the proposed project for all resource areas except biological and cultural resources, where the impacts would be similar. This alternative also would meet all the goals and objectives of the proposed project; however, the revenue generated would be proportionally less than that of the proposed project.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

An EIR must identify the environmentally superior alternative. The No Project/No Development Alternative would be environmentally superior to the proposed project based on the minimization or avoidance of physical environmental impacts. However, the No Project/No Development Alternative does not meet any of the project objectives. In addition, *CEQA Guidelines* (Section 15126.6(c)) require that, if the environmentally superior alternative is the No Project/No Development Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. As provided in Section 15126.6(d) of the *CEQA Guidelines*, the significant effects of each alternative are identified in less detail than the proposed project.

The environmentally superior alternative was the No Project Alternative. However, this alternative does not meet the project objectives. However, among the other alternatives, the Reduced Density Alternative would be considered environmentally superior. The Reduced Density Alternative would result in fewer impacts and/or would result in less intense impacts on the environment than the proposed project. This alternative would meet all of the goals and objectives of the proposed project. The development of a commercial shopping center would serve the local community and would provide employment and shopping opportunities for residents and visitors. However, the Reduced Density Alternative would not generate as many jobs as the proposed project and would not be as large a tax revenue source for the City. The proposed project would accomplish the City's goals for job creation and tax revenues in a more substantial way.

ATTACHMENT 5

RESOLUTION NO. 2015-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING A VARIANCE FOR AN INCREASE IN PROPOSED BUILDING AND PYLON SIGN HEIGHT, PARKING LOT POLE HEIGHT AND MASTER SIGN PROGRAM WHICH INCLUDES SIGNAGE RELATED REQUESTS TO EXCEED ALLOWABLE SIGN FACE AREA, NUMBER OF FREESTANDING SIGNS, AND SMALL OR SUSPENDED PROJECTING SIGNS ASSOCIATED WITH A RETAIL COMMERCIAL CENTER IDENTIFIED AS CALEXICO GRAN PLAZA POWER CENTER.

WHEREAS, Bordertown Investments LP, as the successor in interest to Corsair. LLC ("Applicant") is requesting approval of a retail outlet center project known as the Calexico Gran Plaza Power Center, which is located on the south side of West 2nd Street, approximately 3/4, mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border; and

WHEREAS, the Applicant has filed a variance application with the City of Calexico for the following purposes: 1) to allow for an increase in proposed building heights between thirty-five and thirty-eight (35' - 38') feet compared to the applicable height limit of thirty-five (35) feet, 2) to allow three (3) pylon signs sixty-five (65') feet in height, compared to the applicable limit of 8' feet and one sign 8' in height, 3) parking lot pole height of forty (40') and metal halide light lamps for more visibility, compared to the applicable height limit of eighteen (18') and low pressure sodium light bulbs and, 4) approval of Master Sign Program which contains detailed information specific to the total number of freestanding signs, small suspended or projecting signs and total allowable sign face area proposed and attached as Exhibit D.

WHEREAS, the granting of a variance is governed by the standards set forth in Government Code section 65906 and Calexico Municipal Code Chapter 17.01; and

WHEREAS, the Planning Commission at its meeting on June 22, 2015, held a duly noticed public hearing, and voted 3-0 to approve the Variance application for the project; and

WHEREAS, public notice of said application has been given, and the City Council has considered evidence presented by the Public Services Department - Planning Division and other interested parties at a public hearing held with respect to this item on December 1, 2015;

NOW THEREFORE, the City Council of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The City Council has reviewed and certified the information contained in the Final Environmental Impact Report (SCH# 2014061070) for the proposed project prior to making a decision to approve the proposed Variance. The City Council finds and determines that the Environmental Impact Report is adequate and complete and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment and analysis of the City of Calexico as lead agency for the proposed project.

SECTION 2. That in accordance with State Planning and Zoning law and the City of Calexico, the findings for approving the proposed Variance have been made as follows:

- 1. There are special circumstances applicable to the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity under identical zoning classification.**

The City has concluded that the elevation difference and distance between Highway 111 and Calexico Gran Plaza Power Center constitute special circumstances applicable to this property that justifies allowing the project to exceed building and sign heights for the zone, the number of monument and pylon signs for the zone and allowable sign face area for the purpose of having adequate highway visibility.

- 2. There are special circumstances applicable to the property, (including but not limited to size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges by others properties in the vicinity under identical zoning.**

The substantial site acreage, and inordinate amount of lineal feet of street frontage (approximately 2400 l.f.) along with the change in grade, sloping topography, and sharp angling Second Street configuration is atypical among other properties in the general vicinity, and severely restricts the ability to reasonably develop the property within the City Zoning and Sign Code parameters. Therefore, strict application of the Zoning Code in this instance would be contradictory to the intent and purpose of the General Plan to encouraging adequate and appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the City in general.

- 3. That granting the variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought.**

The granting of the Variance would allow the applicant to enjoy a substantial property right similar to other property in the same vicinity which is consistent with the General Plan Land Use goals and policies. It would not result in a haphazard layout of land use, or have a negative effect on appearance to the surrounding area. Additionally, the

conditions imposed on the development would ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting building and pylon sign height, total number of signage and sign face area deviations would not compromise the intent of the ordinance. (See # 9 where two additional findings are set out when signs are involved)

- 4. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvement in such vicinity and zone in which the property is located.**

The granting of the Variance would allow the applicant to utilize the site in a reasonable manner consistent with the General Plan Land Use goals and policies. It would not result in a haphazard layout of land use, nor would it lend a haphazard quality or have a negative effect on appearance to the surrounding area. Additionally, the conditions imposed on the proposed development will ensure the safety of the established community and not be conflicting to the essence of the requirement. The resulting building and pylon sign height, total number of signage and sign face area deviations would not compromise the intent of the ordinance.

- 5. The granting of this variance does not constitute a special privilege inconsistent which the limitations upon other properties in the vicinity and zone in which such property is situated.**

Due to the aforementioned physical characteristics of the approximately 100 acre parcel, strict application of the city's development standards in this case would place an undue hardship on the applicant to adequately install code required mechanical equipment in the building within the soffit area between the roof structure and ceiling. Furthermore, based on acreage, lineal street frontage and irregular street pattern, which creates unique physical characteristics, the requested deviations would not be contradictory to the intent of the ordinance. Rather, they merely help the developer to overcome the Property's unique characteristics in order to develop similarly to other properties in the vicinity that do not have these characteristics. Therefore it is not a special privilege to the Property. The resulting building and pylon sign heights, total number of signage and sign face area would not cause any negative impacts, and thereby the intent of the Code will still be satisfied

- 6. The granting of this variance does not allow a use or activity that is not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

The proposed project is zoned for commercial retail uses, and the proposed development would allow for such uses in compliance with the applicable development standards established in the City's Zoning Code and Ordinance.

- 7. That granting of the variance or its modification will not be incompatible with the City General Plan.**

The proposed project complies with the City's General Plan document and Land Use Map and implements its goals, objectives and policies by removing a blighted condition while promoting a variety of functional commercial retail businesses under certain conditions. Calexico's zoning variance ordinance also sets out the following two additional findings required when signs are involved:

8. That the granting of the variance will not detract from the attractiveness or orderliness of the city's appearance or the surrounding neighborhood.

Pylon signs for the commercial retail center are proposed at strategic locations along Second Street and will reach heights of sixty-five (65'-0"). They have been architecturally designed to complement the new shopping center thereby ensuring a harmonious and integrated appearance with the surrounding neighborhood.

9. That the granting of the variance will not create a hazard to public safety.

Pylon signs for the commercial retail center have been designed to comply with all applicable building code requirements to ensure the safe and responsible use of the structures. Additionally, before the issuance of City development permits, the proposed signs will be required to comply with all conditions set forth in a resolution and the Building and Safety Division, Engineering/Public Works Division, and Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed signs will not be detrimental to the public health, safety or welfare nor will it be materially injurious to the properties or improvements in the vicinity. Therefore, granting of the variance will not be detrimental to the public health or injurious to the property or improvements to such zones and facilities.

SECTION 4. The parties are hereby informed that the time within which judicial review of this decision must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico DOES HEREBY approve the proposed Variance to allow for an increase in proposed building heights of between thirty-five and thirty-eight (35'-38') feet for visibility purposes; to allow three (3) pylon signs sixty-five (65') feet in height compared to the applicable limit of one sign eight (8') feet in height; parking lot pole height of forty (40') feet and metal halide light lamps for more visibility, compared to the applicable height limit of 18' and low pressure sodium light bulbs, approval of Master Sign Program which contains detailed information specific to the total number of freestanding or monument signs, small suspended or projecting signs and total allowable sign face area proposed, all associated with a retail commercial development identified as Calexico Gran Plaza Power Center, attached as **Exhibit D**.

PASSED, APPROVED AND ADOPTED this 1ST day of December, 2015.

AYES:
NOES:

JOONG KIM, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

Exhibit D



MASTER SIGN PROGRAM

September 2014



Project Team

Developer

Gran Plaza, LP
9034 W. Sunset Blvd
West Hollywood, CA 90069
310-247-0900

Architect

Architecture Design Collaborative
Contact: Craig Chinn
14252 Culver Dr., Suite A-347
Irvine, CA 92604
949-267-1660

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SIGN APPROVAL PROCESS**1. Design Submittals**

- a. It is expected that professional designers will prepare all artwork for every tenant and that such artwork will include the following;
 - i. Site plan and building plan locations
 - ii. Scaled drawings, relevant elevations and displays
 - iii. Detailed specifications, shop drawings, construction and installation methods
 - iv. Color exhibits and/or renderings
 - v. Use of LED illumination for all channel letters must be specified
 - vi. Material and/or finish samples may also be required by the Landlord
- b. Submittals will be made to the landlord for approval. After receiving approval from the Landlord, the applicant shall then submit to City of Calexico for a sign permit in accordance with this document and the City of Calexico City Code Standards. Any work done without required approvals will be considered non-conforming and will be subject to removal.
- c. All sign designs should be congruent with the project architecture, style and environment. It is intended that each tenant uniquely express its identity and location with the use of a creative, imaginative sign design and within the boundaries of the guidelines set forth in this document. Visual interest is central to the design of each sign type with the goal of creating a visually interesting experience for visitors to the project.
- d. Each sign design shall be considered on a case-by-case basis by the landlord. The Landlord reserves the right to refuse acceptance of any design for aesthetic compliance with the theme of Gran Plaza, as interpreted by the Landlord.
- e. Tenants selected by the Landlord may display its identity in one or more of the "Common Area" locations.

SIGN DETAILS**2. Tenant Signs Allowed/Required**

- a. Tenants shall be allowed to display sign(s) on each elevation of its leasehold and as approved by the Landlord. Tenants selected by the Landlord may display their identity on one or more of the tenant display areas as described in the "Common Area" section of this document.
 - i. Shop Tenants (5,000 sq. ft. or less)
 - ii. Pad Tenants are any free-standing building Tenants.
 - iii. Sub-Anchor Tenants (Greater than 5,000 sq. ft. to less than 20,000 sq. ft)

- iv. Anchor Tenants (20,000 sq. ft. or greater)
- b. Sign type(s) allowed:
 - i. Primary ID (one per eligible elevation)
 - ii. Secondary ID (one per eligible elevation)
 - iii. Projecting or hanging blade signs (one per eligible elevation)
 - iv. Super Graphic display (dependent on location, see actual elevation for location)
 - v. Pad Tenants occupying 100% of a pad building are allowed 1 (one) signage area on the Center's monument sign if available at the sole discretion of the Landlord. Pad Tenants with drive thrus can have two directional signs and two menu boards. Small monument signs shall be at Landlord's sole discretion and government approval.
- c. Sign height/Channel letters: Primary ID and Secondary: Maximum of 84" for one-line layouts and Maximum of 84" for two-line layouts for sub-anchor and anchor tenants. Shop tenants are limited to 48" for one-line layouts and 60" for two-line layouts. The shop tenants must have the top of their signs 42" below the top of parapet.
- d. Sign Width/Channel letters: The overall width for each sign shall not exceed 80% per Anchor and Sub-Anchor Tenants (70% for Shop and Pad Tenants) of the width of the eligible elevation to which the sign is to be displayed and shall be centered horizontally. A twelve-inch space must be maintained between any sign and an architectural element such as expansion lines, fascia columns or change of finished materials, unless otherwise approved by the Landlord.
- e. Sign Area/Channel Letters:
 - i. The maximum sign area for primary and secondary identity signs is five hundred (500) square feet for sub-anchor and anchor tenants. Shop tenants have a maximum of two hundred fifty (250) square feet
 - ii. The sign area for projecting and hanging blades signs is six square feet
 - iii. The sign area for Super Graphics is as shown in the exhibits section of this document (12'-7" x 9'-3").
- f. Illumination:

- i. Halo-illuminated channel letters
 - ii. Internally illuminated channel letters
 - iii. Indirect illumination for Super Graphics
 - iv. Indirect illumination for blade signs
 - g. Exhibits: Refer to the exhibits section for approved examples of sign types allowed, construction and illumination methods, layouts and locations.
3. Projecting and Hanging Blade Signs-All Tenants
- a. Under canopy signs are to be attached to the underside of an installed metal canopy, canvas awning or arcade ceiling. All under canopy and projecting blade signs shall be installed at right angles to the public path of travel as shown in the exhibits section of this document.
 - b. The under-canopy displays are to be constructed as per the exhibits section in this document. The tenant name and/or logo or graphic shall be decorated with 3M opaque vinyl. The colors proposed by a Tenant shall be considered on a case-by-case basis by the Landlord.
 - c. The maximum copy area and height shall not exceed those shown in the exhibits section of this document.
 - d. Refer to the exhibits section for approved examples of sign types allowed, construction and illumination methods, layouts and locations.
4. Window Signs/Promotional Window Displays/Frame Style
- a. Window signs and poster displays shall not exceed 25% of the window area upon which the sign is to be applied up to a maximum of fifteen (15) sq. ft. per sign. A maximum of ten (10) signs are allowed on a primary frontage and a maximum of four (4) signs on secondary elevation.
 - b. The window signs or posters must be applied to the interior side of the glazing (second surface) and use opaque materials only.
 - c. Window signs or posters must be professionally fabricated/framed/mounted and may not be taped to the glazing.
5. Window Graphics
- a. The Landlord reserves the right to approve window signs of any type.
 - b. Window sign designs are encouraged to include a graphic representation of the Tenant's products or services in addition to the display of the tenant name and/or logo. The window graphics may occupy up to 25% of available glazing area.

- c. The window signs must be applied to the interior side of the glazing (second surface).
- d. The use of plastic or paper materials is strongly discouraged. All window signage must be approved by the landlord and require the submittal of materials and/or finishes.

6. Temporary Banners

- a. Temporary banner signs can advertise a Tenant's "Grand Opening" and such Grand Opening banner shall be removed 30 days following Tenant's grand opening. All such signs must be reviewed and approved by the Landlord.
- b. Temporary banners must be professionally designed and fabricated from durable and weatherproof materials. The maximum area for any temporary banner is:
 - i. 20 sq.ft. for Shop Tenants, one banner only
 - ii. 30 sq.ft. for Pad Tenants, two banners maximum
 - iii. 40 sq ft. for Sub-Anchor Tenants, two banners maximum
 - iv. 60 sq.ft. for Anchor Tenants, up to two banners per side, four banners maximum
- c. Each tenant is allowed one temporary banner that may be displayed for no more than 14 days per year.
- d. All banners must be submitted for approval by the Landlord in advance of display.

7. Incidental Tenant Signage-All Tenants

- a. Tenant address numerals are to be fabricated and installed on the entrance door using 3" high medium Helvetica numerals. The material shall be Scotchcal, matte white, 220/225-20.
- b. Rear entry signs shall be uppercase medium Helvetica style numerals and letters. The copy is limited to the Tenant name and address numerals only. Copy height shall be 3" inches, and centered horizontally from top of each door with 2" space between address numbers and Tenant name and located 5' from grade. The material shall be Scotchcal, matte white, 220/225-20.
- c. Entry door decals shall be limited to the display of the Tenant hours of operation (not including address numerals describe above) and no more than 5 credit card decals. See exhibits section for example.
- d. Refer to the exhibits section for example layouts and locations.

FABRICATION AND INSTALLATION

8. Electrical and Illumination

- a. All fabrication and installation shall comply with all Underwriters Laboratories requirements and all applicable building codes. All components shall bare the U.L. label indicating approval and be installed by a licensed contractor.
- b. All conductors, transformers, ballasts and other equipment shall be concealed.
- c. Primary electric service to all Tenant building signs shall be placed on the Tenant's electric service. Tenants may be required to provide time clocks and photocells for use in conjunction with the electric service for each sign.

9. Construction/Installation/Maintenance

- a. Shop drawings are required prior to start of any work detailing all specifications and methods of construction, and must be approved by the Landlord.
 - b. No manufacturer or sign company decals may be visibly displayed on any tenant sign. All required UL and/or permit labels shall be placed on the top surface of any sign or display so as to not be visible from the pedestrian path -of-travel. Manufacturer labels are not allowed.
 - c. All penetrations of any building structure required for sign installation shall be neatly sealed and continuously maintained in watertight condition.
 - d. All contractors for installation, removal or service must be fully licensed and provide the Landlord with certificates of insurance prior to commencing any work.
 - e. Sign removals shall include the patching and repairing of entire work areas plus the repainting of any "ghosted" areas or as directed by the Landlord. Tenant shall reimburse the Landlord if the Landlord or its agent performs removal and/or repair.
 - f. Should the Tenant's sign or signs require repair or maintenance the Tenant is required to perform such action within five (5) days of written notice from the Landlord. The Landlord, at its option, may bill the Tenant for such work as required.
- c. Installed and operational when Tenant open for business.

10. Restrictions and Prohibited Signs

- a. Conformance to the guidelines for signs at Gran Plaza will be strictly enforced. All non-conforming or unapproved signs will need to be removed immediately upon notice from Landlord.
- b. Tenant shall not place, construct, or maintain on the premises any advertisement media, including, without limitations to: searchlights, flashing lights, loudspeakers, sound systems, or any other similar visual or audio media without Landlord's consent. Tenant shall not solicit business in, on, or about the project identity areas, or distribute handbills or other advertising or promotional media in, on, or about the project identity areas.
- c. Any sign or Tenant name on a vehicle parked for a duration of time that, in the Landlord's sole judgment, is used for the purpose of advertising a particular Tenant, service or product is prohibited.
- d. Signs that are movable or transportable or placed in vehicular or pedestrian traffic areas are prohibited.
- e. Prohibited Signs/Materials
 - i. Vacuum-formed or injection-molded plastic signs
 - ii. Exposed tube or skeleton neon
 - iii. Temporary or "sales" signs attached to storefront
 - iv. Flashing, moving, sequencing, audible or odor producing elements other than that specified for use with Common Area signs
 - v. Paper, cardboard and Styrofoam signs
 - vi. Internally illuminated (face lit) awnings
 - vii. Simulated materials (i.e., wood grained plastic laminates)
 - viii. Exposed raceways, conduit, or connection boxes
 - ix. Signs of any kind not specifically allowed by this document
 - x. Other signs deemed unsuitable by the Landlord

11. Exceptions

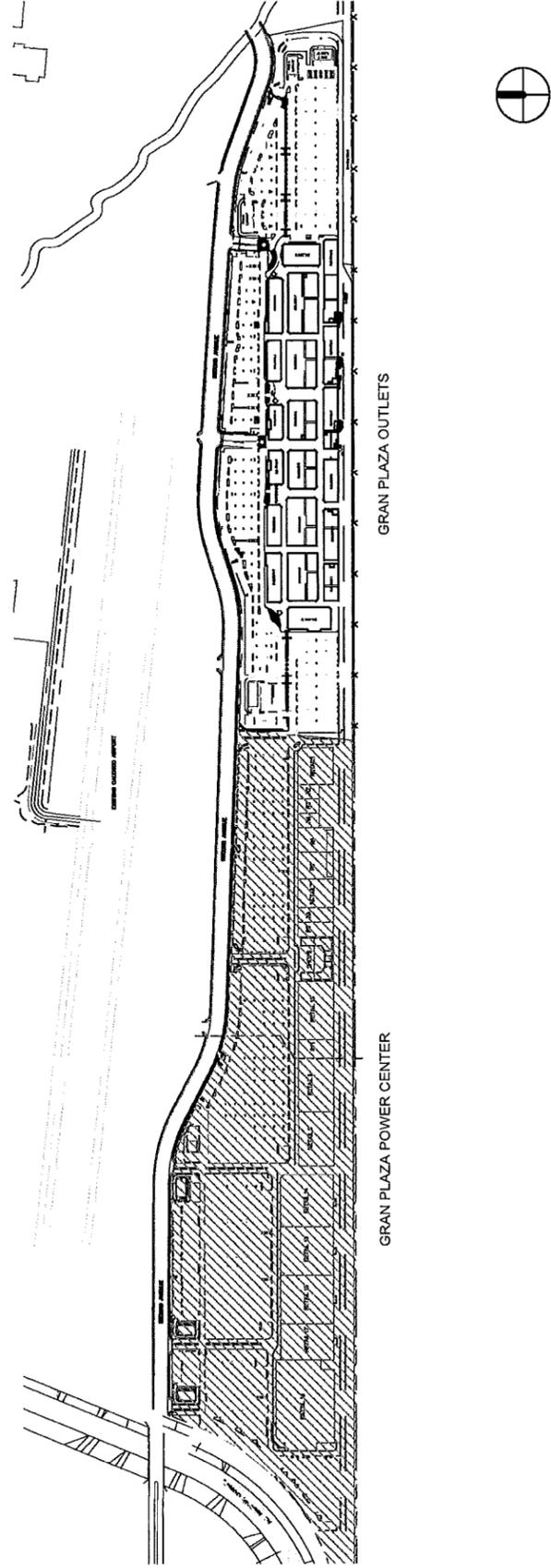
- a. Exceptions must be submitted to Landlord in advance for consideration. The Landlord reserves the right to make specific exceptions that it deems will enhance the quality of the Gran Plaza Power Center and that are in keeping with the purpose and intent of this document. Requests for exceptions that are denied approval by the Landlord may be resubmitted for consideration after a period of six months from date of notification of denial. All requests for exceptions shall be submitted to the City of Calexico Planning Department for approval.



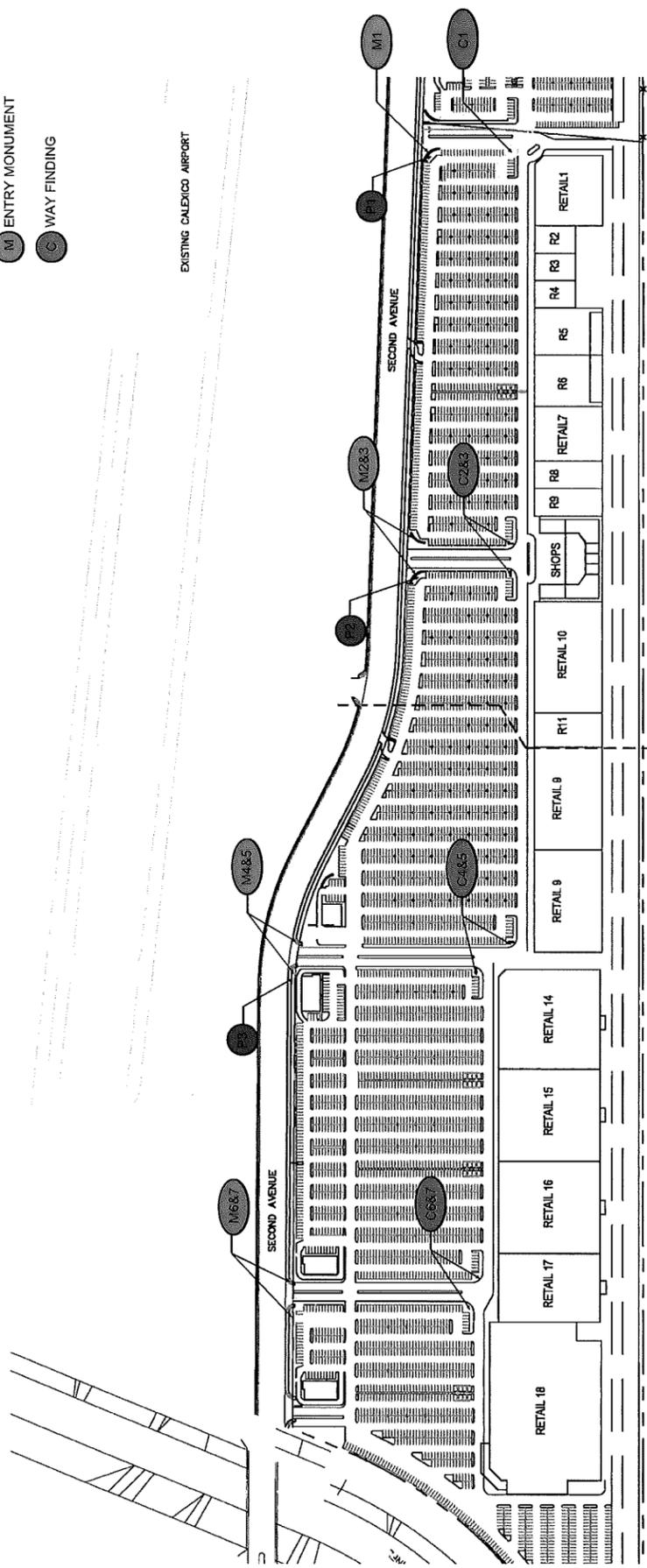
MASTER SIGN PROGRAM

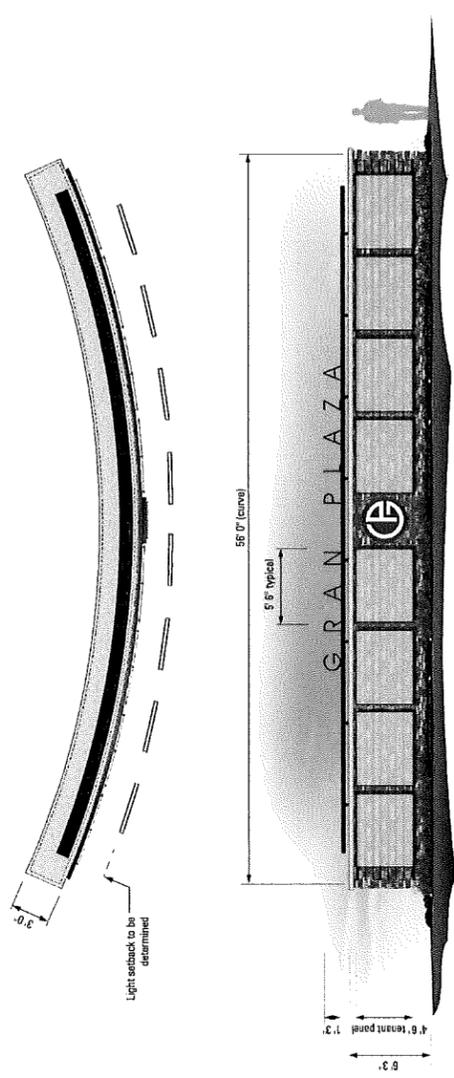
Exhibits



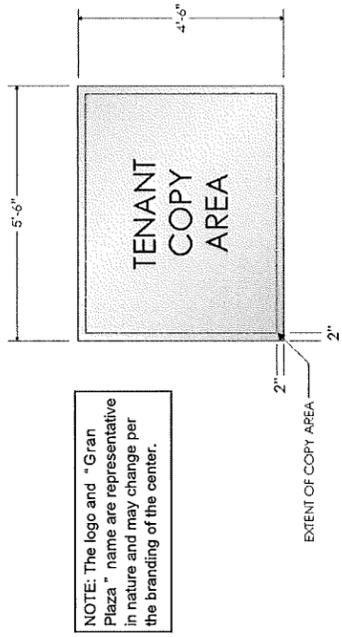


-  PYLON SIGN
-  ENTRY MONUMENT
-  WAY FINDING





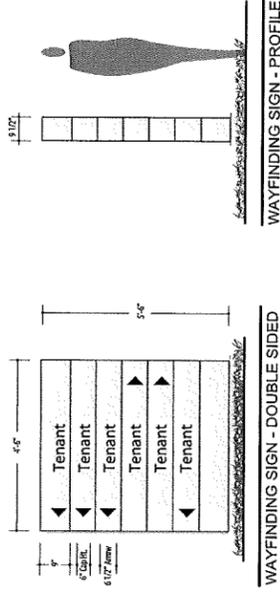
ENTRY MONUMENT



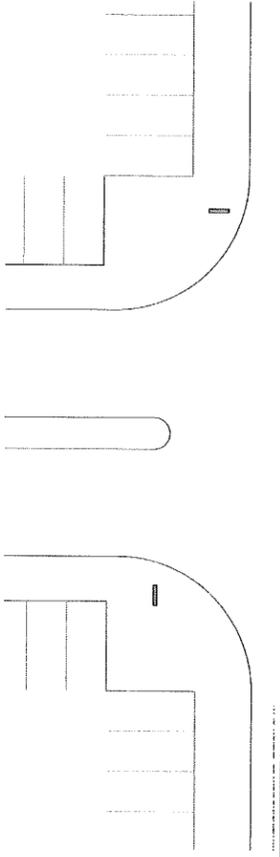
NOTE: The logo and "Gran Plaza" name are representative in nature and may change per the branding of the center.

TENANT PANEL DETAIL

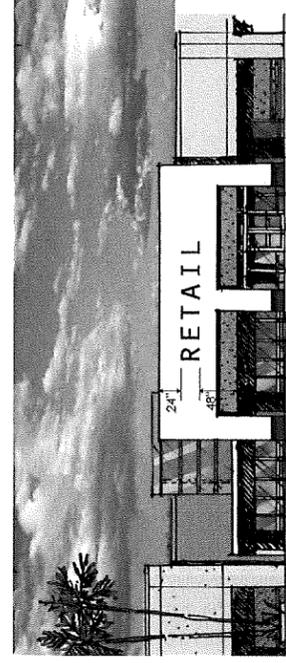
NOTE: The logo and "Gran Plaza" name are representative in nature and may change per the branding of the center.



WAYFINDING SIGN - DOUBLE SIDED



WAYFINDING SIGN - TYPICAL PLAN



ELEVATION - TYPICAL CONDITION/CHANNEL LETTER DISPLAY



SUB-ANCHOR TENANT - ONE LINE TYPICAL



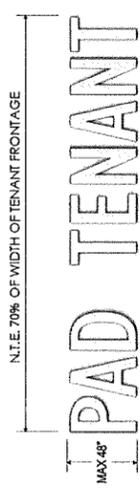
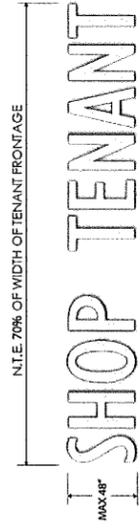
SUB-ANCHOR TENANT - TWO LINE TYPICAL



ANCHOR TENANT - ONE LINE TYPICAL



ANCHOR TENANT - TWO LINE TYPICAL



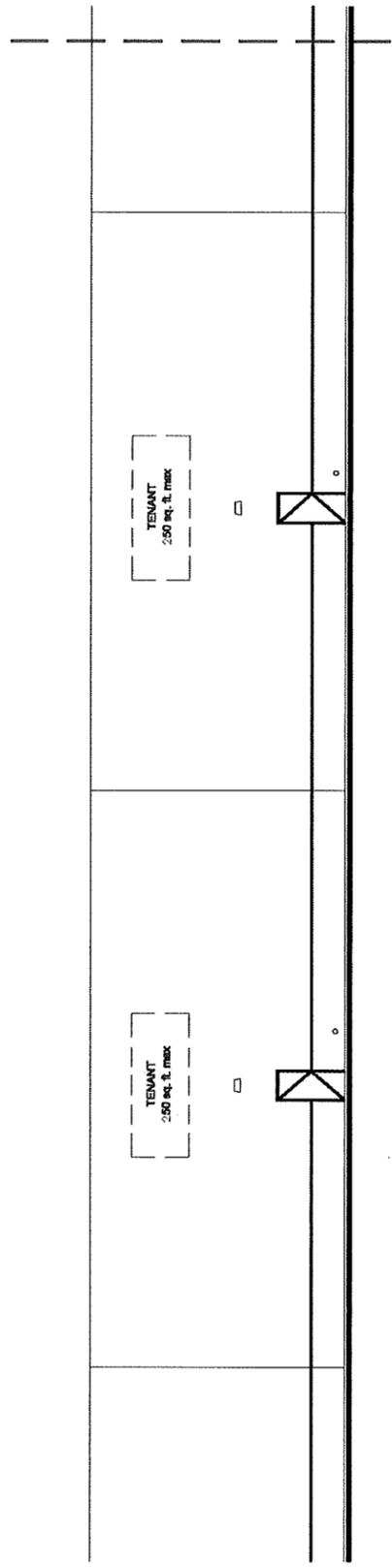
SHOP TENANT - ONE LINE TYPICAL

PAD TENANT - ONE LINE TYPICAL

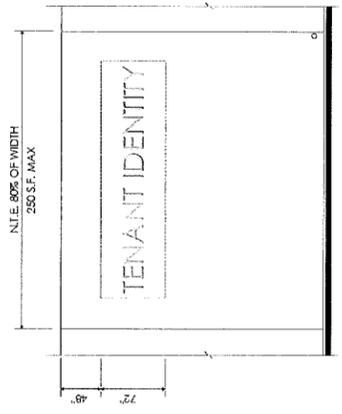


SHOP TENANT - TWO LINE TYPICAL

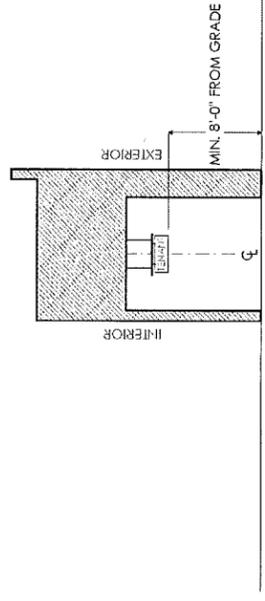
PAD TENANT - TWO LINE TYPICAL



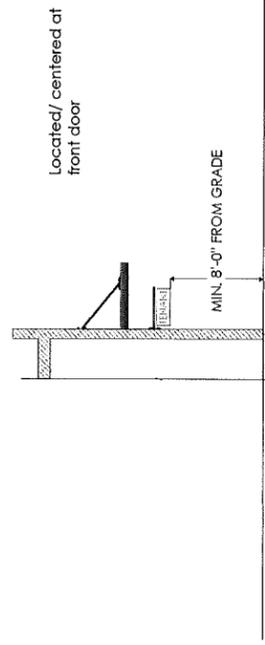
PERIMETER WALL DISPLAYS - TYPICAL CONDITION



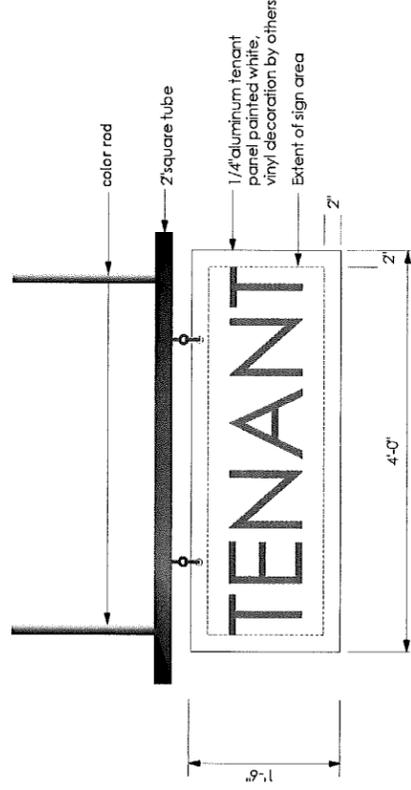
TYPICAL DISPLAY



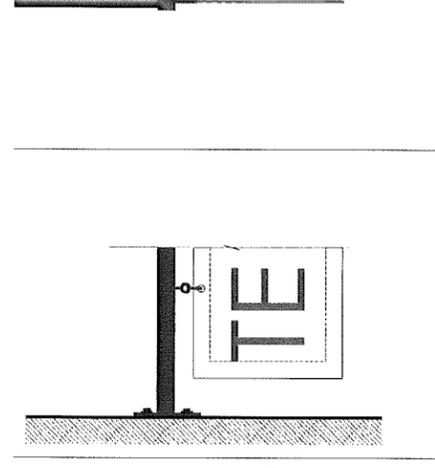
HANGING BLADE SIGN - ARCADE LOCATION



PROJECTING BLADE SIGN - TYPICAL LOCATION

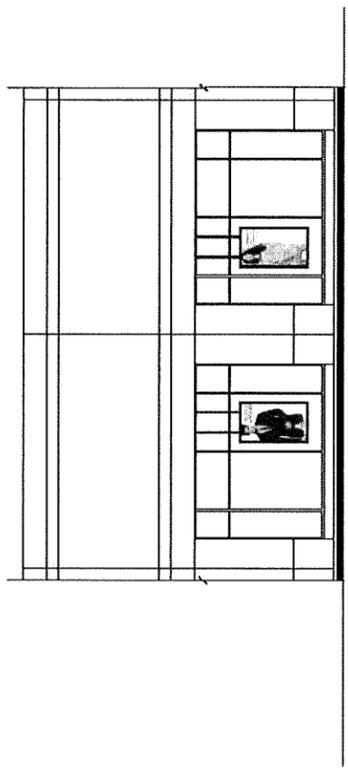


HANGING BLADE SIGN - ARCADE LOCATION

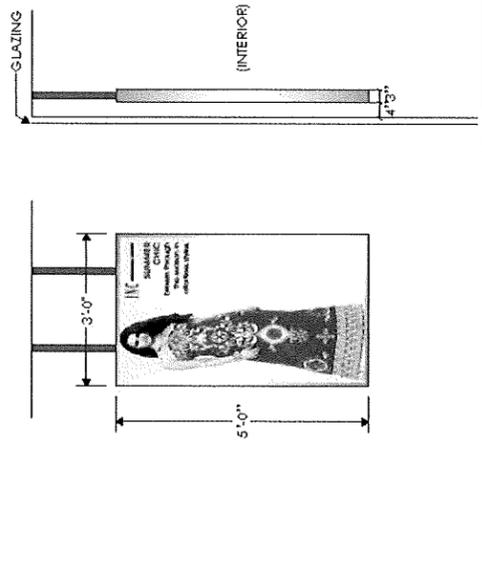


WALL MOUNTED

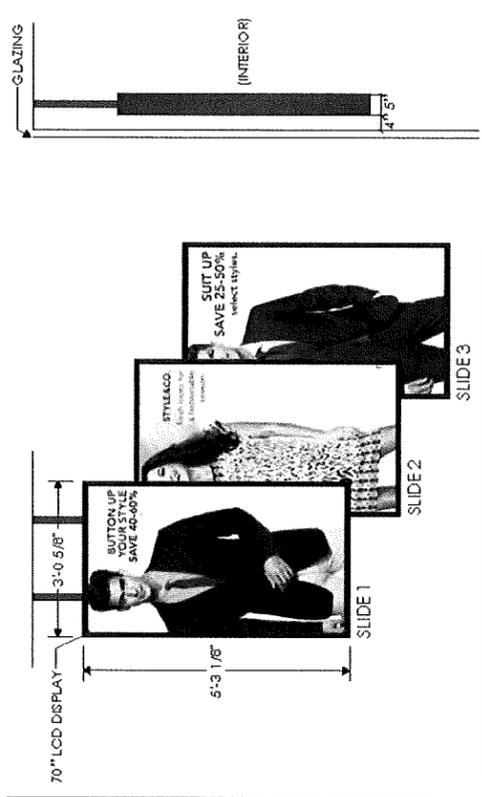
TYPICAL PROFILE



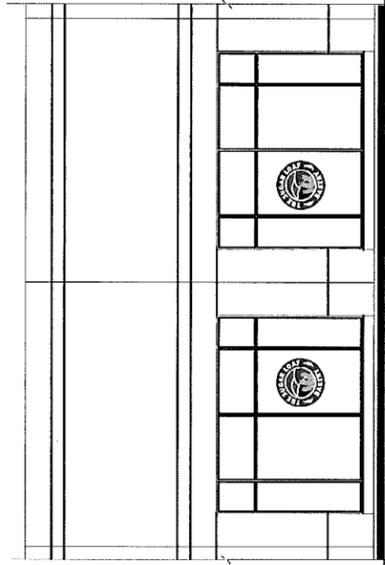
WINDOW SIGNS - TYPICAL LOCATION



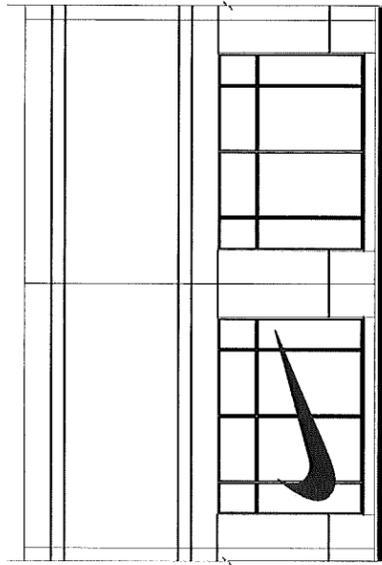
WINDOW DISPLAY OPTION 1 - PRINT/VINYL (STATIC)



WINDOW DISPLAY OPTION 2 - DIGITAL/LCD (DYNAMIC)



WINDOW SIGN - TYPICAL



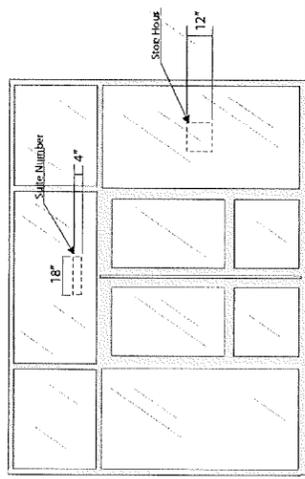
WINDOW DISPLAY - TYPICAL

12345 4'

12'
Mon: 9:00am - 4:00pm
Tue: 9:00am - 2:00pm
Wed: 9:00am - 4:00pm
Thur: 9:00am - 2:00pm
Fri: 9:00am - 4:00pm
Sat-Sun: CLOSED

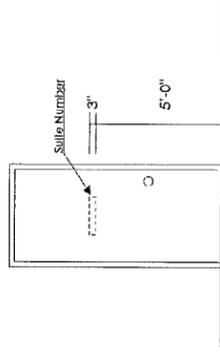
12345 3'

CUSTOMER ENTRY



CUSTOMER ENTRY

SERVICE ENTRY



SERVICE ENTRY

ATTACHMENT 6

RESOLUTION NO. 2015- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, APPROVING A COMMERCIAL DEVELOPMENT REVIEW FOR THE DESIGN, CONSTRUCTION AND ESTABLISHMENT OF A RETAIL POWER CENTER IDENTIFIED AS THE CALEXICO GRAN PLAZA POWER CENTER PROJECT

WHEREAS, Bordertown LP, as successor in interest to Corsair LLC, has filed an application with the City of Calexico for the design, construction and establishment of a retail commercial development identified as the Calexico Gran Plaza Power Center Project. The Gran Plaza Project area is located on the south side of Second Street, approximately 3/4 mile west of the Downtown Port of Entry along the U.S.- Mexico border; and

WHEREAS, the Planning Commission at its regular meeting on June 22, 2015, held a duly noticed public hearing, and recommended that the City Council approve the development review application for the Gran Plaza Power Center Project; and

WHEREAS, public notice of said application has been given, and the City Council has considered evidence presented by the Public Works Department-Planning Division and other interested parties at a public hearing held with respect to this item on December 1, 2015;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The City Council has considered and certified the Final Environmental Impact Report (SCH #2014061070), Findings of Fact and Mitigation Monitoring and Reporting Program (MMRP) for the proposed project prior to making a decision to approve the proposed development review for the project. The City Council finds and determines that the Final Environmental Impact Report, Findings of Fact and MMRP are adequate and complete and were prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 3. That in accordance with State Planning and Zoning law and the requirements of the City of Calexico, and based on substantial evidence in the record, the findings for the approval of the proposed Commercial Development Review have been made by the City Council as follows:

1. The project, as approved, will comply with the goals, objectives and policies found in the

General Plan and the Zone in which the project is located.

The proposed Commercial Development Review complies with the goals, objectives and policies found in the General Plan, in that the approval of this Commercial Development Review will assist in achieving the goal of creating a well-balanced and functional mix of commercial and open space land uses in order to diversify Calexico's economic and tax base.

2. The project complies with the design directives contained in Section 17.05.140 and all other applicable provisions of the Municipal Code.

The proposed Commercial Development Review is appropriate to the site and surrounding developments in that the project has been designed with consideration given to the size and shape of the property, thereby creating interest and varying vistas as a person moves along the street frontage. Further, the project as proposed is well designed and appropriate for the immediate area creating a architectural relationship between the proposed and existing developments.

3. To the extent that the proposed project is anticipated to result in significant adverse environmental impacts, those impacts are considered acceptable because of the benefits of the project that outweigh the environmental impacts.

Pursuant to the California Environmental Quality Act (CEQA), the proposed Commercial Development Review has been conditioned by applicable City Divisions, Departments and Agencies and is not anticipated to have any significant unavoidable adverse environmental impacts. As a result, any possible significant environmental impacts will be mitigated to a level of insignificance pursuant to the MMRP.

4. Conditions and safeguards pursuant to Chapter 17.01.780 of the Zoning Code, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure development of the property in accordance with the objectives of Chapter 17.05.

Pursuant to Section 17.01.240 (Action of the Planning Commission) of the Calexico Municipal Code (CMC), the proposed Commercial Development Review was considered and approved by the Planning Commission on June 22, 2015.

SECTION 4. The parties are hereby informed that the time within which judicial review of this decision must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

NOW, THEREFORE, based on the above findings, the City Council of the City of Calexico does hereby approve the proposed Commercial Development Review to allow for the design, construction and establishment of a retail commercial development identified as the Calexico

Gran Plaza Power Center.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2015.

AYES:

NOES:

JOONG KIM, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

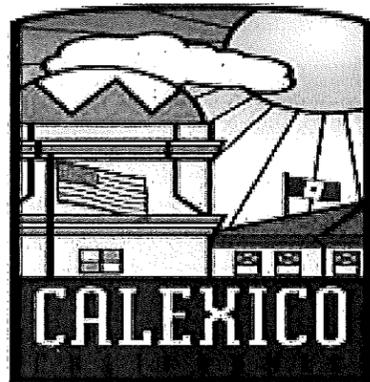
APPROVED AS TO FORM:

CARLOS FLORES, CITY ATTORNEY

Gran Plaza Phase 2 Power Center
City of Calexico Final Environmental Impact Report • SCH # 2014061070

FINAL ENVIRONMENTAL IMPACT REPORT
SCH# 2014061070

GRAN PLAZA PHASE 2 POWER CENTER
CALEXICO, CALIFORNIA



LEAD AGENCY:

CITY OF CALEXICO
COMMUNITY DEVELOPMENT DEPARTMENT
608 HEBER AVENUE
CALEXICO, CALIFORNIA 92231

JUNE 8, 2015

PLANNING & DEVELOPMENT SERVICES
Administration / Building & Safety / Planning / Parks & Recreation

Imperial County



Exhibit F

May 21, 2015

Pamela Danoff-Kraus
Danoff Kraus/Comm. Real Estate
10182 Brier Lane
Santa Ana, CA 92705

SUBJECT: ALUC Determination on Gran Plaza Outlet Mall Expansion Project

Dear Pamela:

The Airport Land Use Commission held a public hearing on May 20th on the City of Calexico and your Company's request for review of the proposed expansion of the Gran Plaza Outlet Mall project and its consistency with the 1996 Airport Land Use Compatibility Plan (ALUCP).

You were present along with Annette Leon/DD&E to answer the questions raised by the Airport Land Use Commission members.

After review and consideration of the expansion project, the Commission found the proposed Gran Plaza Outlet Mall Expansion project consistent with the 1996 ALUCP.

If you have any questions, please contact me at (442) 265-1736, extension 1750.

Sincerely,

Jim Minnick
ALUC Secretary

By: *Richard Cabanilla*
Richard Cabanilla
Planner IV

cc: Jim Minnick, ICP&DS Director
Michael Abraham, AICP, Asst. ICP&DS Director
Mark Vasquez, City Planner/Calexico
File: ~~Calexico Correspondence File~~
File: ALUC Correspondence File
Files: 10.101, 10.102, 10.103, 10.105

MSIS:ALUC/PamelaDanoff-KrausGranPlazaExpansion 5 21 15



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2015-AWP-475-OE

Issued Date: 02/10/2015

Matthew Clemente
Charles Co.
9034 W Sunset Bl
West Hollywood, CA 90069

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Sign Phase 2-Pylon 2
Location:	Calexico, CA
Latitude:	32-39-53.87N NAD 83
Longitude:	115-31-12.46W
Heights:	-1 feet site elevation (SE)
	57 feet above ground level (AGL)
	56 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 08/10/2016 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-475-OE.

Signature Control No: 240136211-243053018

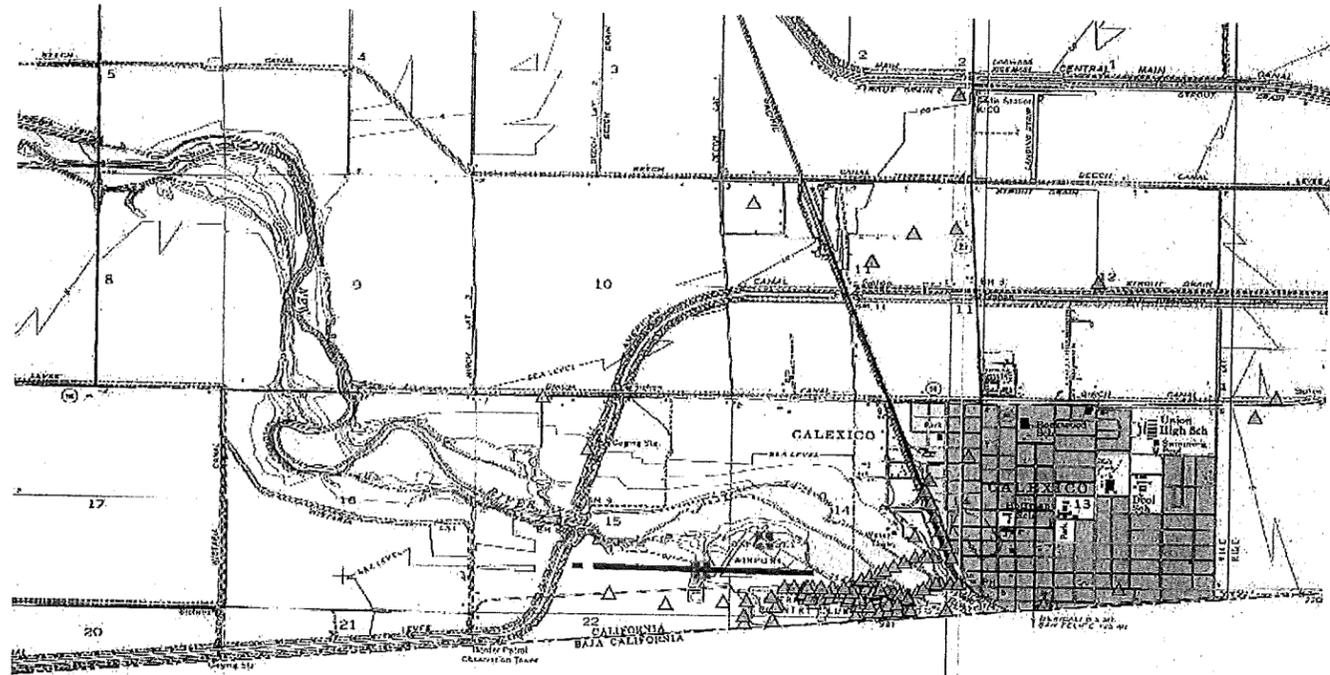
Karen McDonald
Specialist

(DNE)

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2015-AWP-475-OE

57' tent identification pylon sign for shopping center. Internally- illuminated sign cabinets.





Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 2601 Meacham Boulevard
 Fort Worth, TX 76193

Aeronautical Study No.
 2015-AWP-479-OE

Issued Date: 02/10/2015

Matthew Clemente
 Charles Co.
 9034 W Sunset Bl
 West Hollywood, CA 90069

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Power Line Phase 2-Pylon 3
 Location: Calexico, CA
 Latitude: 32-39-56.31N NAD 83
 Longitude: 115-31-26.77W
 Heights: -1 feet site elevation (SE)
 57 feet above ground level (AGL)
 56 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 08/10/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-479-OE.

Signature Control No: 240137351-243053016

Karen McDonald
Specialist

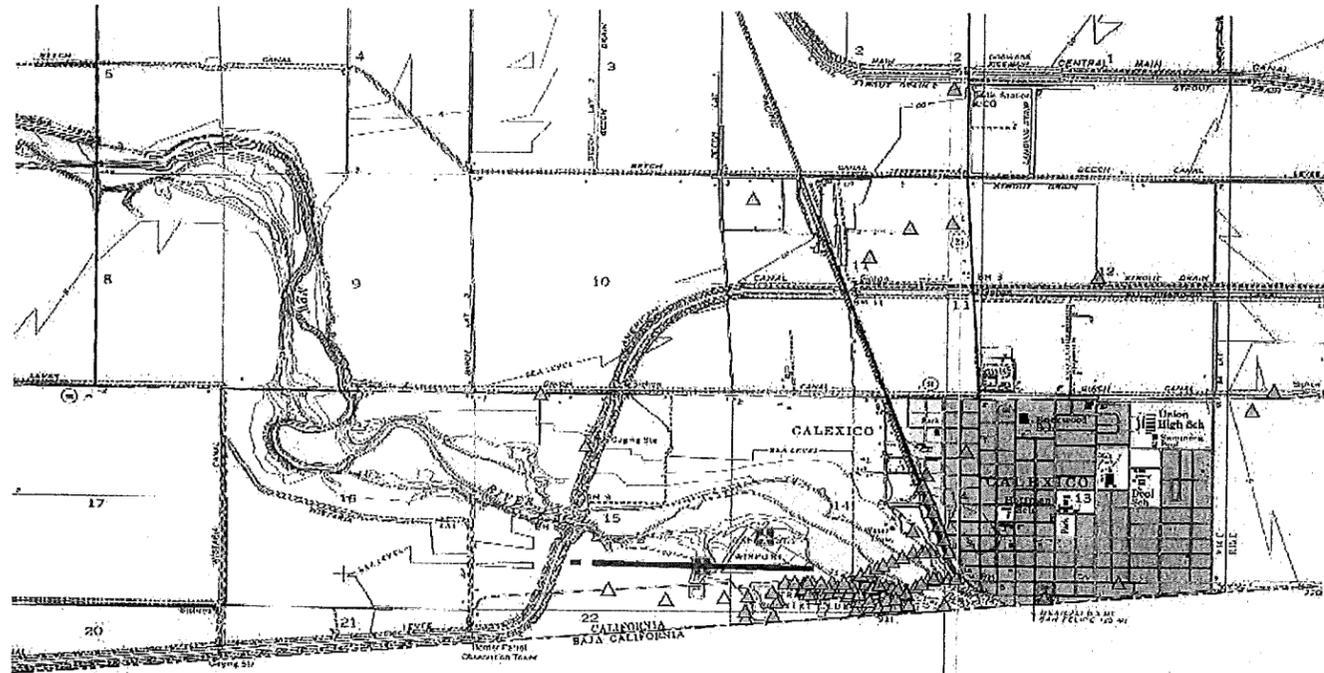
(DNE)

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2015-AWP-479-OE

57' tent identification pylon sign for shopping center. Internally- illuminated sign cabinets.

Verified Map for ASN 2015-AWP-479-OE





Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
2601 Meacham Boulevard
Fort Worth, TX 76193

Aeronautical Study No.
2015-AWP-474-OE

Issued Date: 02/10/2015

Matthew Clemente
Charles Co.
9034 W Sunset Bl
West Hollywood, CA 90069

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Sign Phase 2-Pylon 1
Location: Calexico, CA
Latitude: 32-39-54.54N NAD 83
Longitude: 115-30-58.07W
Heights: 0 feet site elevation (SE)
57 feet above ground level (AGL)
57 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 08/10/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
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This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

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If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-AWP-474-OE.

Signature Control No: 240136146-243053017

Karen McDonald
Specialist

(DNE)

Attachment(s)
Case Description
Map(s)

Case Description for ASN 2015-AWP-474-OE

57' tent identification pylon sign for shopping center. Internally- illuminated sign cabinets.

Verified Map for ASN 2015-AWP-474-OE

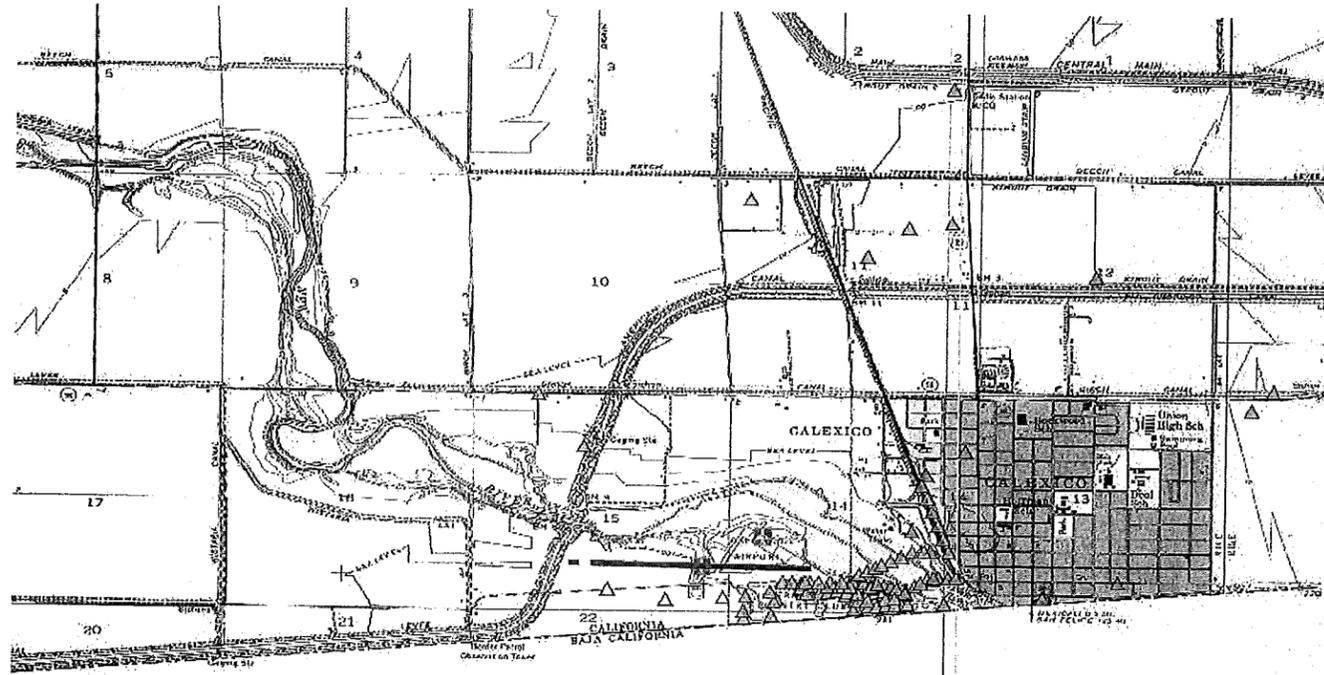
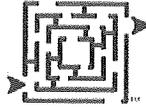


Exhibit G



KEYSER MARSTON ASSOCIATES.
ADVISORS IN PUBLIC/PRIVATE REAL ESTATE DEVELOPMENT

MEMORANDUM

ADVISORS IN:
REAL ESTATE
AFFORDABLE HOUSING
ECONOMIC DEVELOPMENT

SAN FRANCISCO
A. JERRY KEYSER
TIMOTHY C. KELLY
KATE EARLE FUNK
DEBBIE M. KERN
REED T. KAWAHARA
DAVID DOEZEMA

LOS ANGELES
KATHLEEN H. HEAD
JAMES A. RABE
GREGORY D. SOO-HOO
KEVIN E. ENGSTROM
JULIE L. ROMEO

SAN DIEGO
PAUL C. MARRA

To: Richard Warne, City Manager
City of Calexico

From: KEYSER MARSTON ASSOCIATES, INC.

Date: May 15, 2015

Subject: Economic Impact Analysis
Gran Plaza Power Center

I. INTRODUCTION

A. Background

Per our agreement dated February 17, 2015, Keyser Marston Associates, Inc. (KMA) has completed an economic impact analysis for the proposed Gran Plaza Power Center (Project) in the City of Calexico (City).

The Project has been proposed for development by Gran Plaza LP (Applicant) on behalf of the owner Bordertown Investments LP. The Project is part of a larger commercial development known as the Calexico Gran Plaza. The Project will feature 1,069,400 square feet (SF) of retail space and will be located west of the existing Gran Plaza Outlet Center, completed by the Applicant in 2013.

The Project site (Site) is located along the U.S.-Mexico border in the southwest portion of the City. It is bounded by the Calexico International Airport to the north, Downtown Calexico to the east, the All American Canal to the west, and the international border/Mexicali to the south.

The objective of this assignment was to determine the economic impact resulting from the proposed Project.

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Subject: Economic Impact Analysis
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B. KMA Approach

In completing the economic impact analysis, KMA undertook the following tasks:

- Reviewed available background on the Project including development plans, market studies, economic data, and tenant roster.
- Collected and reviewed demographic and market trends data for the City of Calexico, Imperial County, and Mexicali, Baja California, Mexico.
- Prepared estimates of annual spending by incoming border crossing passengers.
- Prepared estimates for economic benefits resulting from the Project including:
 - a. Annual property tax revenues to the City
 - b. Annual sales tax revenues to the City
 - c. Construction employment
 - d. Permanent employment

II. KEY FINDINGS

The principal KMA conclusions are summarized as follows:

Existing Market Conditions

- KMA determined a 5-mile ring as the primary trade ring for the Project, and a 10-mile ring as the secondary trade ring for the Project. Both the 5-mile trade ring and the 10-mile trade ring currently experience significant retail spending surplus, an indication of the large number of consumers drawn into the trade rings from Mexicali.
- Strong retail spending surpluses occur in the General Merchandise Stores; Clothing and Clothing Accessories; Sporting Goods, Hobby, Music Stores; and Food Services and Drinking Places categories.
- KMA estimates current U.S. retail expenditures by Mexicali shoppers total nearly \$2.0 billion.

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- Annual spending by incoming northbound passengers from Mexicali is projected to increase steadily over the next 20 years reaching more than \$2.9 billion spent in the U.S. by 2035, an increase of 48% from the 2014 estimate. KMA estimates that the portion of this increase in retail expenditures captured by Calexico could support over 1.5 million SF of new retail development by 2035.
- Several major retail developments are planned in Calexico, including: the 197,505-SF Phase II of the Gran Plaza Outlet Center immediately east of the Project; and the 497,310-SF Calexico Mega Park.

Economic Benefits

- The Project is projected to generate property taxes of \$573,000 annually to the City's General Fund.
- Annual sales tax revenues to the City from the Project are estimated to total \$3.7 million.
- During construction, the Project will employ an average of 820 full-time equivalent workers.
- The Project is estimated to create 2,895 permanent jobs.

Table II-1 below summarizes the KMA findings of economic benefits from the Project.

Table II-1: Economic Benefits from Project	
I. Property Tax Revenues	\$573,000/year
II. Sales Tax Revenues	\$3.7 million/year
III. Average Annual Employment During Construction Assuming 1.5-year construction period	820 full-time workers
IV. Permanent Employment	2,895 employees

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III. EXISTING MARKET CONDITIONS

A. Demographic Trends

The Project is designated as a power center and will be situated west of the existing Gran Plaza Outlet Center. KMA evaluated existing land use patterns, competitive retail locations, and data published by the International Council of Shopping Centers (ICSC) Research and CoStar Realty Information, Inc. regarding the traditional capture rates for power centers. Based on this review, KMA determined a 5-mile ring as the primary trade ring for the Project, and a 10-mile ring as the secondary trade ring for the Project.

KMA compiled and reviewed current demographic factors for the primary and secondary trade rings from ESRI, a supplier of Geographic Information System (GIS) software and geo-database applications. It is important to note that data provided by ESRI is only available for the areas of the trade rings north of the United States/Mexico border. As such, the demographic statistics described below represent trends only for those areas within the U.S. As shown in Exhibit III-1, the 10-mile ring includes the entire City of Calexico and a small portion of the City of El Centro.

Exhibit III-1: 5-Mile and 10-Mile Trade Rings



note

Key demographic factors within the 5- and 10- mile trade rings are detailed in Appendix A and discussed below.

- As presented in Table III-1, residents within the 5-mile trade ring have larger households, lower incomes, and are about the same age as residents within the 10-mile trade ring.

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Table III-1: Demographic Factors, 2014		
<i>Estimated Population / Income Characteristics</i>	<i>5-Mile Trade Ring</i>	<i>10-Mile Trade Ring</i>
Population	44,900	92,169
Number of Households	11,723	25,939
Average Household Size	3.81	3.50
Median Age	31.4	31.6
Median Household Income	\$36,581	\$39,176
Per Capita Income	\$12,698	\$15,382
Aggregate Personal Income	\$0.6 Billion	\$1.4 Billion
Source: Esri		

- As shown in Table III-2, between 2000 and 2014, the 5-mile trade ring grew at a faster pace than the 10-mile trade ring. Over the next five years, it is projected that both the 5- and 10-mile trade rings will grow at a much slower pace.

Table III-2: Historic and Projected Population Growth, 2000-2019					
	<i>2000</i>	<i>2014</i>	<i>Average Annual Growth (2000-2014)</i>	<i>2019</i>	<i>Average Annual Growth (2014-2019)</i>
5-Mile Trade Ring	31,184	44,900	2.6%	46,453	0.7%
10-Mile Trade Ring	70,585	92,169	1.9%	95,350	0.7%
Source: Esri					

- As shown in Table III-3, over the next five years, median incomes in both trade rings are projected to grow at about the same pace.

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Table III-3: Projected Income Growth, 2014-2019

	2014	2019	Average Annual Growth (2014-2019)
5-Mile Trade Ring	\$36,581	\$40,953	2.3%
10-Mile Trade Ring	\$39,176	\$44,056	2.4%
Source: Esri			

B. Retail Sales

Retail Sales Surplus/(Leakage)

Using ESRI data on existing household expenditures and retail outlet sales volumes, KMA prepared current retail sales surplus/(leakage) models for the trade rings and the City. These models are presented in Appendix B and summarized below.

- Table III-4 presents a comparison of retail demand and supply, and resulting surplus/(leakage) within each trade ring. As shown, ESRI estimates that in 2014, total retail sales (supply) significantly exceeded expenditure potential (demand) in both trade rings. As a result, the 5-mile trade ring experienced a retail surplus of \$52 million and the 10-mile trade ring experienced a retail surplus of \$224 million. Notable surpluses occur in the General Merchandise Stores; Clothing and Clothing Accessories Stores; Sporting Goods, Hobby, Music Stores; and Food Services and Drinking Places categories.

Table III-4: Retail Sales Surplus

	5-Mile Trade Ring	10-Mile Trade Ring	City of Calxico
Total Retail Expenditure Potential (Demand)	\$154,288,000	\$376,390,000	\$134,385,000
Total Retail Sales (Supply)	<u>\$205,909,000</u>	<u>\$600,469,000</u>	<u>\$206,199,000</u>
Total Retail Sales Surplus	\$51,621,000	\$224,079,000	\$71,814,000
Percent of Total Expenditure Potential	33.5%	59.5%	53.4%
Source: Esri			

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- A retail surplus indicates a market where consumers are drawn in from outside the trade ring. This is evident in both trade rings where a primary driver of retail sales is generated by northbound border passengers crossing from Mexicali by way of Calexico West and East Ports of Entry (POEs), seeking businesses that provide goods and services that cater specifically to the Mexican shopper.

Taxable Sales

KMA also analyzed historic taxable retail sales generated in the City of Calexico using data provided by the California State Board of Equalization. As shown in Table III-5, the City experienced a small growth in retail sales and a slight decline in food services sales between 2003 and 2013.

During this 10-year period, the retail category showing the highest annual growth rate was Clothing and Clothing Accessories (4.0% average annual growth rate). In particular, the City experienced a 44% increase in Clothing and Clothing Accessories sales between 2009 and 2013, which can be attributed to the development of new retail projects in the City, most recently the addition of the Gran Plaza Outlet Center in November 2013.

The retail category showing the greatest decline in annual sales between 2003 and 2013 was Building Materials and Supplies, which experienced an average annual decrease of -14.3%.

Table III-5: Taxable Sales, 2003-2013			
	2003	2013	Average Annual Growth (2003-2013)
Retail Sales (1)	\$184,385,000	\$198,660,000	0.7%
Food Services Sales (2)	<u>\$56,565,000</u>	<u>\$54,393,000</u>	<u>-0.4%</u>
Total Taxable Sales	\$240,950,000	\$253,053,000	0.5%
(1) Includes Other Retail Stores (e.g., Pharmacies and Drug Stores, Sporting Goods Stores, Office Supplies, General Merchandise, etc.), Clothing and Accessories, Home Furnishings and Appliances, and Building Materials and Supplies. (2) Includes Food and Beverage Stores and Food Services and Drinking Places. Source: California State Board of Equalization			

C. Retail Demand from Mexicali Visitors

As indicated above, due to the Project's proximity to the U.S.-Mexico Border, it is anticipated that much of its sales revenue will be generated by northbound border passengers crossing from

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Mexicali by way of the Calexico East and West POEs. Visitors from Mexico cross directly into downtown Calexico seeking the goods and services provided by businesses in the area. As such, many of the businesses along the border cater to the Mexican shopper, as seen in the growing supply of retailers along the U.S.-Mexico Border.

The Site is directly adjacent to the Calexico West POE, one of the nation's busiest crossings along the southern border. This POE is set for expansion and reconfiguration, with the first phase expected to be fully funded by January 2018. Upon its completion, the expansion will reduce border wait times and increase the amount of northbound border crossing passengers entering the U.S. by way of Calexico.

KMA prepared a retail demand model to estimate the future expenditures of northbound incoming passengers captured by the City through 2035. The KMA analysis relied heavily upon data provided by two studies prepared in 2007: (1) the Imperial County Cross-Border Survey, and (2) the Economic Impacts of Cross-Border Wait Times in the California-Baja California Border Region Survey. These studies are the most recent comprehensive studies available regarding the shopping patterns of border crossers. The Imperial County Cross-Border Survey assessed the travel characteristics of cross-border visitors including: trip purpose, origin/destination, trip frequency, and major roads used. The Economic Impacts of Cross-Border Wait Times Survey analyzed the economic impacts of border wait times. In order to estimate 2015 expenditure patterns for border crossers, KMA has used various inputs and assumptions from these 2007 studies, with appropriate adjustments for current passenger volumes and cost inflation since 2007. The detailed KMA analysis is presented in Appendix C; the major assumptions are presented below.

- An annual growth rate of 2.4% for annual incoming vehicles and an annual growth rate of 1.9% for annual incoming passengers from the Calexico East and West POEs.
- Approximately 72.4% of northbound passengers are assumed to cross the border with a primary purpose of shopping/errands.
- Average expenditures of \$146 per U.S. trip (2015 dollars)
- An estimated 65% capture of border crossers' retail sales within the City of Calexico.
- An estimated \$400 in retail sales per SF for new retail developments in the City of Calexico.

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Based on the assumptions stated above, the KMA analysis estimates that annual retail expenditures in the U.S. by incoming northbound passengers is projected to increase steadily over the next 20 years, reaching over \$2.9 billion by 2035, an increase of 48% from 2014. Over this same time period, KMA estimates that the anticipated increase in northbound passengers can support an addition of more than 1.5 million SF of retail in Calexico.

IV. ECONOMIC BENEFITS

This section provides an evaluation of the economic benefits to the City of Calexico as a result of development of the Project. These benefits include annual property tax and sales tax to the City and the number of jobs created by the Project. The detailed KMA methodology is presented in Appendix D.

A. Annual Property Tax

- For the purposes of this analysis, KMA has assumed that the Project will consist of 1,069,400 SF of gross retail space.
- KMA conservatively assumed a 5.0% reduction for non-sales area dedicated to storage and/or support functions, resulting in net building area of 1,016,000 SF.
- KMA prepared an estimate of development costs for the Project, estimated to total \$279,037,000, or \$261 per SF of gross building area (GBA). The KMA estimate of total development costs consists of the following:
 - Land costs, costs associated with acquisition of the Project site; estimated by KMA at \$5 per SF of land, or \$21.8 million.
 - Direct construction costs, such as off-site infrastructure improvements; on-site improvements/landscaping; shell construction; tenant improvements; furniture, fixtures, & equipment; and contingency. The total direct costs are estimated to be \$198 million, or \$185 per SF GBA.
 - Indirect/soft costs which include costs such as architecture and engineering, permits and fees, legal and accounting, taxes and insurance, developer fee, marketing/lease-up, financing costs, and contingency. These are estimated to be \$59 million, or 30.0% of direct costs.

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- Table IV-1 summarizes the methodology used by KMA to estimate annual property tax to the City. As shown, total assessed value for the Project was estimated at \$222 million, calculated as the sum of: (1) land costs and (2) 85% of total development costs excluding off-site improvements. County assessors determine the assessed value of new construction developments based on review of third party industry data on typical construction costs. In KMA's experience, this approach results in an assessed value less than the total development budget, particularly since non-depreciable costs are excluded. KMA has conservatively estimated non-depreciable costs as 15% of the budget excluding land acquisition and off-site improvements. Off-site improvements have been excluded since they represent public improvements in the public right-of-way and therefore will not be counted toward assessed value.
- Assuming a property tax rate of 1.0% and the City portion of the tax rate at 25.85%, KMA estimates annual property tax revenues to the City's General Fund at \$573,000.

Table IV-1: Estimate of Property Tax		
Development Costs – Direct and Indirect Costs (excluding off-site infrastructure improvements)		\$235,257,000
Valuation Factor		<u>85%</u>
Assessed Value – Improvements		\$199,968,000
Add: Land Value		<u>\$21,780,000</u>
Total Assessed Value		\$221,748,000
Annual Property Tax @	1.0%	\$2,217,000
Total Property Tax to City(1) @	25.85%	\$573,000
(1) City's share of 1% property tax for the Tax Rate Areas 02-032 and 02-034, per Imperial County Auditor-Controller Department, March 23, 2015.		

B. Annual Direct Sales and Use Tax

- KMA calculated the annual revenues to the City resulting from retail sales at the Project, as summarized below in Table IV-2.

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Table IV-2: Estimate of Sales Tax		
Occupied Space (1)		965,000 SF
Sales Productivity		\$400/SF/Year
Total Sales		\$386,000,000
Annual Taxable Sales @	95% Taxable	\$366,700,000
Total Direct Sales Tax to City @	1.0%	\$3,667,000

(1) Total building area adjusted to reflect non-sales area of 5.0% and a vacancy rate of 5.0%.

- Based on proprietary sales projection data provided by the Applicant and KMA's review of sales productivity figures published by the Urban Land Institute (ULI) and ICSC, KMA estimates that the Project will achieve sales productivity of \$400 per SF per year.
- Of the total sales amount generated by the Project, 95% is assumed to be taxable. As a result, KMA estimates annual direct sales tax to the City at \$3.7 million based on the 1.0% sales tax rate received by the City.

C. Construction Employment

- KMA calculated construction employment based on a multi-step approach involving:
 - 1) Determining the indirect and induced impacts of the Project based on regional multipliers for Imperial County;
 - 2) Estimating the portion of economic output that is paid out in wages; and
 - 3) Using the average wage by type of employment to estimate total employment (expressed in person-years).
- In undertaking this analysis, KMA relied on Federal and State data sources, including:
 - Bureau of Economic Analysis RIMS II multipliers for Imperial County (U.S.)
 - The 2012 Economic Census (U.S.)
 - California Employment Development Department (EDD) average pay levels for the Imperial County (El Centro MSA)

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- The construction and indirect spending associated with development of the Project is anticipated to generate additional indirect/induced impacts within the County, resulting in a total economic output of \$292 million. KMA estimates that the payroll portion of this total economic output comprises approximately \$65 million. Dividing the projected annual payroll figure by the average wages for construction (\$49,000) and professional services (\$74,000) indicates that construction of the Project will generate a total of 1,220 person-years of employment.
- KMA translated the projected construction-related employment from person-years to an average annual number of jobs. Assuming a one and one-half year build-out for the Project, KMA estimates that construction of the Project will support an average of 820 full-time equivalent workers per year during the construction period (i.e., 1,220 person-years divided by 1.5 years).
- Table IV-3 below provides a summary of the KMA estimate of construction employment.

Table IV-3: Construction Employment	
Economic Output from Construction	
Direct Impacts	\$257,000,000
Indirect & Induced Impacts	<u>\$35,000,000</u>
Total	\$292,000,000
Construction Payroll	
Direct Impacts	\$58,000,000
Indirect & Induced Impacts	<u>\$7,000,000</u>
Total	\$65,000,000
Construction Employment (person-years)	
Direct Impacts	1,060 person-years
Indirect & Induced Impacts	<u>160 person-years</u>
Total	1,220 person-years
Estimated Construction Period (years)	1.5 years
Average Annual Employment (person-years divided by # years of construction)	820 full-time workers

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D. Permanent Employment

KMA estimated the number of permanent employees likely to be employed within the Project upon completion. As shown in Table IV-4 below, occupied space in the Project is estimated as 965,000 SF. KMA assumed a typical retail employment ratio of 3.0 employees per 1,000 SF. Based on these standards, the Project is estimated to employ 2,895 permanent full-time equivalent workers at stabilization.

Table IV-4: Permanent Employment		
Occupied Space (1)	965,000	SF
Retail Employment Ratio	3.0	/1,000 SF
Estimated Permanent Employees	2,895	employees
(1) Total building area adjusted to reflect a net building efficient factor of 95.0% and a vacancy rate of 5.0%.		

V. LIMITING CONDITIONS

1. The KMA analysis is based, in part, on data provided by secondary sources such as state and local governments, planning agencies, real estate brokers, and other third parties. While KMA believes that these sources are reliable, we cannot guarantee their accuracy.
2. A projection of economic impacts is inherently based on judgment. The projections contained herein are based on the best information available at the time that this document was prepared. However, the actual impacts may vary.
3. The accompanying projections and analyses are based on estimates and assumptions which were developed using currently available economic data, Project area-specific data, and other relevant information. It is the nature of forecasting, however, that some assumptions may not materialize and unanticipated events and circumstances may occur. Such changes are likely to be material to the projections and conclusions herein and, if they occur, require review or revision of this document.
4. Any estimates of revenue or cost projections are based on the best Project area-specific and fiscal data available at this time as well as experience with comparable projects. They are not intended to be projections of actual future performance of any specific project.

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5. Revenue estimates are based on the assumption that sufficient market support exists for the proposed uses and that the Project will achieve industry standard productivity levels.
6. KMA assumes that all applicable laws and governmental regulations in place as of the date of this document will remain unchanged throughout the projection period of our analysis. In the event that this does not hold true, i.e., if any tax rates change, the analysis would need to be revised.
7. It has been assumed that the property valuation will not be impacted by the presence of any soils, toxic, or hazardous conditions that require remediation to allow development.
8. Value estimates assume that any necessary entitlements or zoning changes for development can be obtained in a reasonable time frame.
9. Value estimates assume that property titles are good and marketable; no title search has been made, nor has KMA attempted to determine property ownership. The value estimates are given without regard to any questions of boundaries, encumbrances, liens or encroachments.
10. Property tax projections reflect KMA's understanding of the assessment and tax apportionment procedures employed by the County. The County procedures are subject to change as a reflection of policy revisions or legislative mandate. While we believe our estimates to be reasonable, taxable values resulting from actual appraisals may vary from the amounts assumed in the projections.
11. No assurances are provided by KMA as to the certainty of the projected tax revenues shown in this document. Actual revenues may be higher or lower than what has been projected and are subject to valuation changes resulting from new developments or transfers of ownership not specifically identified herein, actual resolution of outstanding appeals, future filing of appeals, or the non-payment of taxes due.

attachments

APPENDIX A

Demographic Overview

TABLE A-1

OVERVIEW OF DEMOGRAPHIC FACTORS, 2014
 GRAN PLAZA POWER CENTER
 CITY OF CALEXICO

	Trade Area 5-Mile Ring ⁽¹⁾	Trade Area 10-Mile Ring ⁽¹⁾	City of Calexico
I. Population	44,900	92,169	39,363 ⁽²⁾
II. Per Capita Income	\$12,698	\$15,382	\$12,606
III. Aggregate Personal Income	\$0.6 Billion	\$1.4 Billion	\$0.5 Billion
IV. Households	11,723	25,939	10,317
V. Average Household Size	3.81	3.50	3.81
VI. Median Household Income	\$36,581	\$39,176	\$35,782
VII. Median Age	31.4	31.6	31.8

(1) Excludes areas beyond the U.S. border.

(2) Differs from State of California Department of Finance estimate of 41,033. January 1, 2015.

Source: Esri

Prepared by: Keyser Marston Associates, Inc.

Filename: i:\Final - Economic Impact Analysis - Gran Plaza Power Center;5/18/2015;mdt

TABLE A-2

COMPARATIVE POPULATION AND HOUSEHOLD TRENDS, 2000-2019
 GRAN PLAZA POWER CENTER
 CITY OF CALEXICO

	2000	2014		Average Annual Growth 2000 - 2014		2019	Average Annual Growth 2014 - 2019	
		2014	Number	Percent (2)	Number		Percent (2)	
I. Trade Area - 5-Mile Ring (1)								
Population	31,184	44,900	980	2.6%	46,453	311	0.7%	
Households	7,797	11,723	280	3.0%	12,156	87	0.7%	
II. Trade Area - 10-Mile Ring (1)								
Population	70,585	92,169	1,542	1.9%	95,350	636	0.7%	
Households	19,477	25,939	462	2.1%	26,878	188	0.7%	
III. City of Calexico								
Population	27,455	39,363 (3)	851	2.6%	40,639	255	0.6%	
Households	6,917	10,317	243	2.9%	10,677	72	0.7%	

(1) Excludes areas beyond the U.S. border.

(2) Reflects compounded average annual growth rate.

(3) Differs from State of California Department of Finance estimate of 41,033. January 1, 2015.

Source: Esri

Prepared by: Keyser Marston Associates, Inc.

Filename: i:\Final - Economic Impact Analysis - Gran Plaza Power Center\5/18/2015.mdt

TABLE A-3

**COMPARATIVE INCOME TRENDS, 2014-2019
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

	2014		2019		Average Annual Growth 2014 - 2019	
	Median Household Income	Per Capita Income	Median Household Income	Per Capita Income	Number	Percent (2)
I. Trade Area - 5-Mile Ring (1)						
Median Household Income	\$36,581		\$40,953		\$874	2.3%
Per Capita Income	\$12,698		\$14,625		\$385	2.9%
II. Trade Area - 10-Mile Ring (1)						
Median Household Income	\$39,176		\$44,056		\$976	2.4%
Per Capita Income	\$15,382		\$17,668		\$457	2.8%
III. City of Calexico						
Median Household Income	\$35,782		\$39,866		\$817	2.2%
Per Capita Income	\$12,606		\$14,517		\$382	2.9%

(1) Excludes areas beyond the U.S. border.

(2) Reflects compounded average annual growth rate.

Source: Esri

Prepared by: Keyser Marston Associates, Inc.

Filename: i:\Final - Economic Impact Analysis - Gran Plaza Power Center;5/18/2015;mdt

APPENDIX B

Retail Sales Analysis

TABLE B-1

**RETAIL SURPLUS/(LEAKAGE) - TRADE AREA - 5-MILE RING
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

Trade Area - 5-Mile Ring ⁽¹⁾			
<u>Industry</u>	<u>Demand ⁽²⁾ (Retail Expenditure)</u>	<u>Supply ⁽³⁾ (Retail Sales)</u>	<u>Retail Surplus/(Leakage) ⁽⁴⁾</u>
General Merchandise Stores	\$31,666,000	\$93,585,000	\$61,919,000
Clothing & Clothing Accessories Stores	\$14,463,000	\$23,513,000	\$9,050,000
Food Services & Drinking Places	\$23,926,000	\$28,806,000	\$4,880,000
Sporting Goods, Hobby, Music Stores	\$4,808,000	\$8,646,000	\$3,838,000
Furniture & Home Furnishing Stores	\$4,921,000	\$4,447,000	(\$474,000)
Miscellaneous Store Retailers	\$6,492,000	\$4,526,000	(\$1,966,000)
Electronics & Appliance Stores	\$5,236,000	\$2,004,000	(\$3,232,000)
Building Materials, Garden Equipment & Supply Stores	\$7,015,000	\$2,387,000	(\$4,628,000)
Food & Beverage Stores	\$38,906,000	\$33,915,000	(\$4,991,000)
Health & Personal Care Stores	\$16,855,000	\$4,080,000	(\$12,775,000)
Total ⁽⁵⁾	\$154,288,000	\$205,909,000	\$51,621,000
Per Capita	\$3,436	\$4,586	\$1,150
			33.5% Surplus

(1) Excludes areas beyond the U.S. border.

(2) "Demand" estimates the anticipated retail spending at retail establishments by trade ring residents. Sales to businesses are excluded.

(3) "Supply" estimates actual sales to consumers by trade ring establishments.

(4) A positive value indicates retail "surplus", i.e., a market where customers are drawn in from outside the trade ring. A negative value indicates retail "leakage", i.e., a market where residents' retail expenditures are leaking to other areas outside the trade ring.

(5) Excludes Motor Vehicle & Parts Dealers, Gasoline Stations, and Nonstore Retailers.

Source: Esri

Prepared by: Keyser Marston Associates, Inc.

Filename: i:\Final - Economic Impact Analysis - Gran Plaza Power Center;5/18/2015;mdt

TABLE B-2

**RETAIL SURPLUS/(LEAKAGE) - TRADE AREA - 10-MILE RING
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

Trade Area - 10-Mile Ring ⁽¹⁾			
Industry	Demand ⁽²⁾ (Retail Expenditure)	Supply ⁽³⁾ (Retail Sales)	Retail Surplus/(Leakage) ⁽⁴⁾
General Merchandise Stores	\$77,492,000	\$200,265,000	\$122,773,000
Clothing & Clothing Accessories Stores	\$35,600,000	\$103,209,000	\$67,609,000
Electronics & Appliance Stores	\$12,774,000	\$35,744,000	\$22,970,000
Food Services & Drinking Places	\$58,580,000	\$80,402,000	\$21,822,000
Building Materials, Garden Equipment & Supply Stores	\$16,532,000	\$25,345,000	\$8,813,000
Furniture & Home Furnishing Stores	\$12,256,000	\$19,663,000	\$7,407,000
Sporting Goods, Hobby, Music Stores	\$11,805,000	\$14,128,000	\$2,323,000
Miscellaneous Store Retailers	\$15,906,000	\$15,709,000	(\$197,000)
Food & Beverage Stores	\$94,308,000	\$79,993,000	(\$14,315,000)
Health & Personal Care Stores	\$41,137,000	\$26,011,000	(\$15,126,000)
Total ⁽⁵⁾	\$376,390,000	\$600,469,000	\$224,079,000
Per Capita	\$4,084	\$6,515	\$2,431

(1) Excludes areas beyond the U.S. border.

(2) "Demand" estimates the anticipated retail spending at retail establishments by trade ring residents. Sales to businesses are excluded.

(3) "Supply" estimates actual sales to consumers by trade ring establishments.

(4) A positive value indicates retail "surplus", i.e., a market where customers are drawn in from outside the trade ring. A negative value indicates retail "leakage", i.e., a market where residents' retail expenditures are leaking to other areas outside the trade ring.

(5) Excludes Motor Vehicle & Parts Dealers, Gasoline Stations, and Nonstore Retailers.

Source: Esri

Prepared by: Keyser Marston Associates, Inc.

Filename: i:\Final - Economic Impact Analysis - Gran Plaza Power Center;5/18/2015;mdt

TABLE B-3

**RETAIL SURPLUS/(LEAKAGE) - CITY OF CALEXICO
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

City of Calexico			
Industry	Demand (1) (Retail Expenditure)	Supply (2) (Retail Sales)	Retail Surplus/(Leakage) (3)
General Merchandise Stores	\$27,513,000	\$96,448,000	\$68,935,000
Clothing & Clothing Accessories Stores	\$12,617,000	\$23,977,000	\$11,360,000
Food Services & Drinking Places	\$20,866,000	\$27,276,000	\$6,410,000
Sporting Goods, Hobby, Music Stores	\$4,206,000	\$8,803,000	\$4,597,000
Furniture & Home Furnishing Stores	\$4,287,000	\$4,417,000	\$130,000
Miscellaneous Store Retailers	\$5,646,000	\$4,489,000	(\$1,157,000)
Food & Beverage Stores	\$33,842,000	\$32,106,000	(\$1,736,000)
Electronics & Appliance Stores	\$4,573,000	\$2,058,000	(\$2,515,000)
Building Materials, Garden Equipment & Supply Stores	\$6,186,000	\$2,498,000	(\$3,688,000)
Health & Personal Care Stores	<u>\$14,649,000</u>	<u>\$4,127,000</u>	<u>(\$10,522,000)</u>
Total (4)	\$134,385,000	\$206,199,000	\$71,814,000
Per Capita	\$3,414	\$5,238	\$1,824
			53.4% Surplus

(1) "Demand" estimates the anticipated retail spending at retail establishments by City residents. Sales to businesses are excluded.

(2) "Supply" estimates actual sales to consumers by City establishments.

(3) A positive value indicates retail "surplus", i.e., a market where customers are drawn in from outside the City. A negative value indicates retail "leakage", i.e., a market where residents' retail expenditures are leaking to other areas outside the City.

(4) Excludes Motor Vehicle & Parts Dealers, Gasoline Stations, and Nonstore Retailers.

Source: Esri

Prepared by: Keyser Marston Associates, Inc.

Filename: i:\Final - Economic Impact Analysis - Gran Plaza Power Center;5/18/2015;mdt

APPENDIX C

Retail Demand Analysis

TABLE C-1

BORDER CROSSINGS BY PORT OF ENTRY, CALEXICO, 2010 - 2014
GRAN PLAZA POWER CENTER
CITY OF CALEXICO

	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
I. Calexico West Port of Entry					
A. Means of Transportation					
Trucks	0	0	0	0	0
Trains	0	0	0	0	0
Buses	0	0	0	0	0
Personal Vehicles	<u>4,150,569</u>	<u>4,095,450</u>	<u>4,070,090</u>	<u>4,112,348</u>	<u>4,071,666</u>
Total Vehicles	4,150,569	4,095,450	4,070,090	4,112,348	4,071,666
B. Number of Passengers					
Train Passengers	0	0	0	0	0
Bus Passengers	0	0	0	0	0
Personal Vehicle Passengers	7,474,182	7,099,725	6,981,401	7,132,134	7,221,528
Pedestrians	<u>4,586,846</u>	<u>4,451,119</u>	<u>4,885,868</u>	<u>4,794,339</u>	<u>4,567,333</u>
Total Passengers	12,061,028	11,550,844	11,867,269	11,926,473	11,788,861
II. Calexico East Port of Entry					
A. Means of Transportation					
Trucks	303,552	312,973	322,424	325,690	325,243
Trains	243	252	252	250	252
Buses	1,897	3,193	2,564	2,571	2,785
Personal Vehicles	<u>2,626,731</u>	<u>2,784,769</u>	<u>3,016,974</u>	<u>3,198,849</u>	<u>3,399,697</u>
Total Vehicles	2,932,423	3,101,187	3,342,214	3,527,360	3,727,977
B. Number of Passengers					
Train Passengers	423	329	261	259	1,162
Bus Passengers	52,184	88,064	92,630	103,690	111,400
Personal Vehicle Passengers	5,152,282	5,082,318	5,530,414	5,915,717	6,437,937
Pedestrians	<u>58,771</u>	<u>117,624</u>	<u>318,599</u>	<u>321,586</u>	<u>310,344</u>
Total Passengers	5,263,660	5,288,335	5,941,904	6,341,252	6,860,843

Source: U.S. Department of Transportation, Research and Innovative Technology Administration (RITA)
 Prepared by: Keyser-Marston Associates, Inc.
 Filename: i:\Final - Economic Impact Analysis - Gran Plaza Power Center\5/18/2015;mdt

TABLE C-2

BORDER CROSSINGS BY PORT OF ENTRY, CALEXICO, 2010 - 2035
 GRAN PLAZA POWER CENTER
 CITY OF CALEXICO

	2010	2011	2012	2013	2014	Average Annual Growth Rate (1)	2015 (2)	2020	2025	2030	2035
I. Total - Calexico West and East POEs											
A. Means of Transportation											
Trucks	303,552	312,973	322,424	325,690	325,243	1.7%	333,049	374,980	422,190	475,343	535,189
Trains	243	252	252	250	252	0.9%	258	291	327	368	415
Buses	1,897	3,193	2,564	2,571	2,785	10.1%	2,852	3,211	3,615	4,070	4,583
Personal Vehicles	6,777,300	6,880,219	7,087,064	7,311,197	7,471,363	2.5%	7,650,676	8,613,895	9,698,384	10,919,409	12,294,162
Total Vehicles	7,082,992	7,196,637	7,412,304	7,639,708	7,799,643	2.4%	7,986,834	8,992,376	10,124,515	11,399,191	12,834,348
B. Number of Passengers											
Train Passengers	423	329	261	259	1,162	28.7%	1,184	1,301	1,429	1,570	1,725
Bus Passengers	52,184	88,064	92,630	103,690	111,400	20.9%	113,517	124,718	137,025	150,547	165,403
Personal Vehicle Passengers	12,626,464	12,182,043	12,511,815	13,047,851	13,659,465	2.0%	13,918,995	15,292,511	16,801,564	18,459,530	20,281,102
Pedestrians	4,645,617	4,588,743	5,204,467	5,115,925	4,877,677	1.2%	4,970,353	5,460,824	5,999,693	6,591,739	7,242,206
Total Passengers	17,324,688	16,839,179	17,809,173	18,267,725	18,649,704	1.9%	19,004,048	20,879,354	22,939,712	25,203,386	27,690,437

(1) Reflects compounded average annual growth rate.

(2) KMA projection based on the average escalation rates for northbound vehicles and passengers between 2010 and 2014.

TABLE C-3

ESTIMATE OF RETAIL SPACE DEMAND BY INCOMING PASSENGERS
GRAN PLAZA POWER CENTER
CITY OF CALEXICO

	<u>2014</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Annual Incoming Passengers - Calexico West POE	11,788,861	12,012,849	13,198,268	14,500,663	15,931,578	17,503,694
Annual Incoming Passengers - Calexico East POE	<u>6,860,843</u>	<u>6,991,199</u>	<u>7,681,085</u>	<u>8,439,049</u>	<u>9,271,808</u>	<u>10,186,743</u>
Total Annual Incoming Passengers	18,649,704	19,004,048	20,879,354	22,939,712	25,203,386	27,690,437
Percentage of Passengers with Shopping/Errands as Primary Purpose (1)	72.4%	72.4%	72.4%	72.4%	72.4%	72.4%
Estimated Passengers Entering for Shopping/Errands	13,502,386	13,758,931	15,116,652	16,608,352	18,247,251	20,047,876
Average Spending Per Trip on Shopping/Errands (1) (2)	\$146.46	\$146.46	\$146.46	\$146.46	\$146.46	\$146.46
Estimated Annual Spending by Incoming Passengers	\$1,978,000,000	\$2,015,000,000	\$2,214,000,000	\$2,432,000,000	\$2,672,000,000	\$2,936,000,000

Estimate of Retail Space Demand at 2035

Estimated Annual Spending by Incoming Passengers in 2035	\$2,936,000,000
Estimated Annual Spending by Incoming Passengers in 2014	<u>\$1,978,000,000</u>
Increase in Spending by Incoming Passengers (2014-2035)	\$958,000,000
Amount Captured by City of Calexico @ (3)	65%
Estimated Sales per SF per Year	<u>\$400</u>
Supportable Retail Space Demand in Calexico from Passenger Crossings	1,557,000 SF

(1) Source: HDR|HLB Decision Economics, "Economic Impacts of Cross-Border Wait Times in the California-Baja California Border Region" 2007 Survey.

(2) Based on average shopping / errand expenditures per crossing by cross-border visitors in California in 2007 (\$129.40), adjusted to 2014 dollars based on Consumer Price Index (CPI) escalation factors.

(3) Source: Rea & Parker Research, 2007 Imperial County Cross-Border Survey Report prepared for the Southern California Association of Governments. Reflects percentage of incoming passengers at Calexico POEs whose final destination is the City of Calexico.

APPENDIX D

Economic Impact Analysis

TABLE D-1

**PROJECT DESCRIPTION
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

I. Site Area	100 Acres	
II. Gross Building Area		
A. Phase I ⁽¹⁾		
Net Building Area	263,150 SF	25%
Non-sales/Support Functions ⁽²⁾	<u>13,850</u> SF	<u>1%</u>
Total Phase I	277,000 SF	26%
B. Phase II		
Net Building Area	752,780 SF	70%
Non-sales/Support Functions ⁽²⁾	<u>39,620</u> SF	<u>4%</u>
Total Phase II	792,400 SF	74%
C. Total Gross Building Area	1,069,400 SF	100%

(1) Includes gross building area associated with retail pads.

(2) KMA assumption. Assumes a 5% reduction for non-sales area such as storage and support functions.

TABLE D-2

ESTIMATE OF PROPERTY TAX
 GRAN PLAZA POWER CENTER
 CITY OF CALEXICO

I. Development Costs

	<u>Totals</u>	<u>Per SF GBA</u>	<u>Comments</u>
A. Direct Costs			
Off-Site Infrastructure Improvements	\$22,000,000	\$21	\$5 Per SF Land
On-Site Improvements / Landscaping	\$17,424,000	\$16	\$4 Per SF Land
Shell Construction - Phase I	\$24,930,000	\$23	\$90 Per SF GBA - Phase I
Shell Construction - Phase II	\$71,316,000	\$67	\$90 Per SF GBA - Phase II
Tenant Improvements	\$50,797,000	\$48	\$50 Per SF Net Building Area
Furniture, Fixtures, & Equipment	\$2,000,000	\$2	Allowance
Contingency	<u>\$9,423,000</u>	<u>\$9</u>	5.0% of Directs
Total Direct Costs	\$197,890,000	\$185	\$185 Per SF GBA
B. Indirect / Soft Costs (1)	<u>\$59,367,000</u>	<u>\$56</u>	30% of Directs
C. Total Development Costs	\$257,257,000	\$241	\$241 Per SF GBA
D. Land Costs	<u>\$21,780,000</u>	<u>\$20</u>	\$5 Per SF Land
E. Total Development Costs with Land	<u>\$279,037,000</u>	<u>\$261</u>	\$261 Per SF GBA

II. Property Tax Estimate

A. Estimated Assessed Value

Total Development Costs (excluding Land and Off-Sites)	\$235,257,000
Valuation Factor	85.0% (2)
Assessed Value - Direct and Indirect / Soft Costs	\$199,968,000
Add: Land	<u>\$21,780,000</u>
Total Assessed Value	<u>\$221,748,000</u>

B. Property Tax Estimate

Estimated Assessed Value	\$221,748,000
Property Tax Rate	1.0%
Estimated Annual Property Tax	\$2,217,000
City Portion of 1.0% of Property Tax	25.85% (3)

Annual Property Tax to City	<u>\$573,000</u>
------------------------------------	-------------------------

(1) Includes architecture / engineering, legal services, insurance, and financing costs.

(2) Assumes that certain indirects and financing costs are not considered by Assessor in determining Assessed Value upon completion.

(3) Source: Imperial County - Auditor-Controller Department, March 23, 2015.

TABLE D-3

**ESTIMATE OF ANNUAL DIRECT SALES AND USE TAX
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

I. Commercial/Retail

Commercial/Retail		1,069,400 SF
(Less) Non-sales/Support Functions	5%	1,016,000 SF
Occupied Space	95%	965,000 SF
Sales Productivity/SF/Year ⁽¹⁾		\$400 /SF/Year
Annual Taxable Sales	95%	\$366,700,000
City Portion of Sales Tax	1.00%	\$3,667,000 /Year

II. Total Annual Direct Sales Tax to City	\$3,667,000 /Year
--------------------------------------------------	--------------------------

(1) Based on review of proprietary sales projection data from Applicant; industry sales productivity figures from the Urban Land Institute, International Council of Shopping Centers, and KMA comparable experience.

TABLE D-4

**ECONOMIC IMPACTS OF CONSTRUCTION
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

	Direct Impacts	Regional Multiplier ⁽²⁾	Indirect & Induced Impacts	Total Direct, Indirect, and Induced Impacts
I. Economic Output from Construction				
From Direct Construction	\$198,000,000 ⁽¹⁾	1.159	\$31,000,000	\$229,000,000
From Indirects / Soft Costs	\$59,000,000 ⁽¹⁾	1.075	\$4,000,000	\$63,000,000
Total Project	\$257,000,000 ⁽¹⁾		\$35,000,000	\$292,000,000
II. Construction Payroll				
From Direct Construction	20% of cost ⁽³⁾	1.125	\$5,000,000	\$45,000,000
From Indirects / Soft Costs	30% of cost ⁽³⁾	1.071	\$2,000,000	\$20,000,000
Total Project	\$58,000,000		\$7,000,000	\$65,000,000
III. Construction Employment				
From Direct Construction	\$49,000 average pay ⁽⁴⁾	1.158	130 person-years ⁽⁵⁾	950 person-years ⁽⁵⁾
From Indirects / Soft Costs	\$74,000 average pay ⁽⁴⁾	1.128	30 person-years ⁽⁵⁾	270 person-years ⁽⁵⁾
Total Project			1,060 person-years ⁽⁵⁾	1,220 person-years ⁽⁵⁾

Notes:

⁽¹⁾ Based on estimated cost of Project inclusive of direct construction and soft costs.

⁽²⁾ Bureau of Economic Analysis RIMS II multipliers for the region defined as Imperial County. Multiplier for direct construction based on North American Industrial Classification System (NAICS) Code 230000 which corresponds to the construction industry. Multipliers for soft costs based on average for representative NAICS codes: 541300 (architecture, engineering, and related), 524100 (insurance carriers), 541100 (legal).

⁽³⁾ Based on the 2012 Economic Census. Percentage for construction based on ratio of net value of construction to gross payroll for new commercial and institutional building construction contractors. Ratio for soft costs based on ratio of gross receipts to payroll for architecture / engineering firms, legal services, and insurance.

⁽⁴⁾ Based on California Employment Development Department (EDD) data on average annual pay levels for Imperial County (El Centro MSA) in 2014. For construction, estimate based on construction and extraction occupations. For soft costs, average pay represents an approximation based on EDD averages for relevant occupation categories including A&E, insurance, and legal.

⁽⁵⁾ A person-year of employment is equivalent to full time employment of one person for one year.

Sources: Bureau of Economic Analysis, California Employment Development Department, 2012 Economic Census.

TABLE D-5

**AVERAGE ANNUAL CONSTRUCTION EMPLOYMENT
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

	<u>Direct Impacts</u>	<u>Indirect & Induced Impacts</u>	<u>Total Direct, Indirect and Induced Impacts</u>
Construction Employment - Total Project	1,060 person-years	160 person-years	1,220 person-years
Number of Years to Construct	<u>1.5 years</u>	<u>1.5 years</u>	<u>1.5 years</u>
Average Annual Employment During Construction Period (rounded)	710 workers	110 workers	820 workers

TABLE D-6

**ESTIMATE OF PERMANENT EMPLOYMENT
GRAN PLAZA POWER CENTER
CITY OF CALEXICO**

I. Estimated Permanent Employment

Phase I - Net Building Area		263,000 SF
Phase II - Net Building Area		<u>753,000</u> SF
Total Project Building Area		1,016,000 SF
(Less) Vacancy @	5.0%	<u>(51,000)</u> SF
Effective Building Area		965,000 SF

II. Retail Employment Ratio (Full-Time Equivalents) 3.0 /1,000 SF

III. Estimated Permanent Employees	2,895 Employees
-------------------------------------------	------------------------

ATTACHMENT 7

RESOLUTION NO. 2015-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA REGARDING CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 20104061070), ADOPTION OF FINDINGS OF FACT AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PLAN FOR THE CALEXICO GRAN PLAZA POWER CENTER

WHEREAS, Bordertown LP, as the successor in interest to Corsair, I.L.C, has filed applications for the Gran Plaza Power Center project; and

The Gran Plaza Power Center project area is located on the south side of West 2nd Street, approximately 1/2 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border and is Phase 2 of the Gran Plaza outlet center project which opened on November 15, 2013; and

WHEREAS, the Gran Plaza Power Center General Plan Amendment, Zone Change, Tentative Tract Map, Variance (pole height and master sign program) and Development Review together comprise the "project" as defined by Section 21065 of the California Environmental Quality Act (CEQA), Cal. Public Resources Code Section 21000 et seq., which is defined as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and which includes the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies; and

WHEREAS, the City prepared a Draft Environmental Impact Report (SCH #2014061070) ("Draft EIR") to evaluate the potential significant environmental impacts resulting with the Project; and

WHEREAS, the City circulated the Draft EIR for public and agency review and made the Draft EIR available for review and comment for the period March 26, 2015 thru May 12, 2015 required by law; and

WHEREAS, the City received and provided written responses to the comments received on the Draft EIR; and

WHEREAS, the City prepared a Final EIR for the Project which consists of the Draft EIR and appendices, a list of persons, organizations and agencies which commented on the Draft EIR, the comments and recommendations received on the Draft EIR and the City's written responses to the significant environmental points raised in the review and consultation process, and has filed the Final EIR with the City Clerk: and

WHEREAS, the City prepared a Mitigation and Monitoring and Reporting Program ("MMRP") and has filed the MMRP with the City Clerk; and

**PLANNING COMMISSION RESOLUTION FOR
GRAN PLAZA PHASE 2 POWER CENTER
CERTIFICATION OF EIR
Page 2 of 3**

WHEREAS, the Planning Commission of the City of Calexico has been delegated with the responsibility of independent review of the EIR and thereafter making a recommendations to the City Council for certifying the Final EIR (SCH#2014061070); and

WHEREAS, all materials relevant to the Project have been made available to the Planning Commission for its review and consideration of the Project, including but not limited to the (1) the Draft EIR and appendices, (2) the Final EIR and appendices, (3) the MMRP, (4) the Staff Report dated June 22, 2015, and (5) all documents of record filed in this proceeding by any interested parties; and

WHEREAS, all legally required public notice of said applications has been given, and the Planning Commission has considered evidence presented by the Public Works Department - Planning Division and other interested parties at a public hearing held with respect to this item on June 22, 2015.

NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The Planning Commission has considered the Final Environmental Impact Report (SCH #2014061070), prior to making a decision to approve the Project. The Planning Commission finds and determines that the Final Environmental Impact Report (SCH #2014061070) is complete and accurate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines, and the requirements of the City of Calexico, and that the public hearings and considerations of this matter and all of the proceedings related thereto have also complied with these requirements.

SECTION 3. That in accordance with CEQA, the CEQA Guidelines and the requirements of the City of Calexico, the following findings for the certification of the Final Environmental Impact Report (SCH #2014061070) have been made as follows:

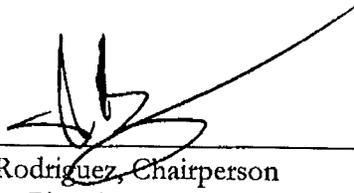
- a) The Final Environmental Impact Report reflects the City's Independent judgement and analysis and therefore, the Planning Commission hereby certifies the Final EIR in relation to the subject of this resolution.
- b) The Planning Commission hereby adopts and approves the MMRP pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), with respect to the significant environmental effects identified in the Final EIR, and makes and adopts the provisions of the MMRP as conditions of approval of the project.

**PLANNING COMMISSION RESOLUTION FOR
GRAN PLAZA PHASE 2 POWER CENTER
CERTIFICATION OF EIR**

Page 3 of 3

Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other material which constitutes the record of proceedings on which this Resolution is based is the City Clerk, City of Calexico, 608 Heber Avenue, Calexico, CA. 92231

NOW, THEREFORE, based on the above findings, the Planning Commission of the City of Calexico DOES HEREBY certify the Gran Plaza Phase II Power Center Final Environmental Impact Report (SCH #2014061070) and adopt the findings and the Mitigation Monitoring and Reporting Program as required by CEQA.

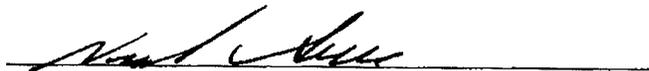


Cesar Rodriguez, Chairperson
Calexico Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted June 22, 2015 by the following vote:

AYES:	Rodriguez, Felix, Ouzan
NOES:	None
ABSENT:	Romero
ABSTAIN:	None

ATTEST:


Nick Servin, Public Works Director/ City Engineer
Secretary to the Planning Commission

RESOLUTION NO. 2015-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GENERAL PLAN AMENDMENT TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FOR THE GRAN PLAZA POWER CENTER PROJECT AREA FROM I, INDUSTRIAL TO C-H, COMMERCIAL HIGHWAY USAGE.

WHEREAS, Bordertown Investments LP, as the successor in interest to Corsair, LLC, has filed an application to amend the General Plan Land Use designation of the Gran Plaza Power Center area from I, Industrial to C-H, Commercial Usage. The Gran Plaza Power Center project area is located on the south side of West 2^d Street, approximately 1/2 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border; and

WHEREAS, the Planning Commission of the City of Calexico has been delegated the responsibility of making recommendations to the City Council for changes to the approved General Plan Land Use Map; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Public Works Department - Planning Division and other interested parties at a public hearing held with respect to this item on June 22, 2015;

WHEREAS, the proposed General Plan amendment has been referred to the County, adjacent cities abutting or affected by the proposed action, the Local Agency Formation Commission and federal agencies whose operations or lands may be affected by the proposed decision pursuant to Government Code Section 65352 and there has been SB 18 consultation;

NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The Planning Commission has considered the Final Environmental Impact Report (SCH #2014061070) for the proposed project prior to making a decision to recommend that the City Council approve the proposed amendment to the General Plan Land Use Map. The Planning Commission finds and determines that the Final Environmental Impact Report is adequate and complete and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 3. That in accordance with State Planning and Zoning law and the requirements of the City of Calexico, the following findings for the approval of the proposed General Plan Amendment have been made as follows:

1. The proposed General Plan Amendment will not be (a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER
GENERAL PLAN AMENDMENT**

Page 2 of 3.

the proposed amendment or within the City, or (b) injurious to the property or improvements in the neighborhood or within the City.

The proposed General Plan Amendment has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed amendment. Staff has concluded that the proposal to develop the site under the Commercial Highway (C-H) Land Use designation assures that one set of development standards and design guidelines of the project will be consistently applied. Staff also believes the project is well-designed and appropriate for the immediate area and City, therefore the proposed amendment will not be detrimental to the health, safety, comfort and welfare of the persons residing or working within or near the neighborhood.

2. The proposed General Plan Amendment will permit reasonable development of the area consistent with its constraints and will make the area more compatible with adjacent properties.

The General Plan Amendment will allow future commercial development within the project area that is consistent with the surrounding commercial development within the immediate area. The General Plan Amendment will result in development that is consistent with adjacent properties.

3. The proposed General Plan Amendment would establish a land use designation and usage more in character with the subject property's location, access, and constraints.

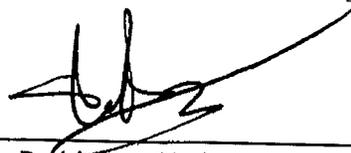
The General Plan Amendment will allow future commercial development within the project area that is consistent with the surrounding commercial development within the immediate area. The General Plan Amendment will assist in achieving the development of a well-balanced and functional mix of residential, commercial, industrial, open space, recreational and institutional/and uses as well as encouraging commercial land uses to diversify Calexico's economic base.

4. The proposed General Plan Amendment will not have a significant effect on the environment.

The Final Environmental Impact Report concluded that the proposed project will not result in unavoidable adverse impacts related to air quality, greenhouse gases, noise, traffic and circulation in accordance with Section 15092 of the CEQA Guidelines.

NOW, THEREFORE, based on the above findings, the Planning Commission of the City of Calexico DOES HEREBY RECOMMEND that the City Council of the City of Calexico approve the proposed General Plan Amendment to change the land use designation of the Gran Plaza Phase II Power Center Project area from I, Industrial to C-H, Commercial Highway usage.

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER
GENERAL PLAN AMENDMENT
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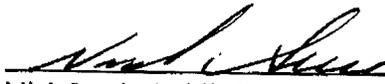


Cesar Rodriguez, Chairman
Calexico Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on June 22, 2015 by the following vote:

AYES: Rodriguez, Felix, Ouzan
NOES: None
ABSENT: Romero
ABSTAIN: None

ATTEST:



Nick Servin, Public Works Director/City Engineer

RESOLUTION NO. 2015-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE CHANGE TO CHANGE THE ZONING CLASSIFICATION FOR THE GRAN PLAZA POWER CENTER PROJECT AREA FROM I, INDUSTRIAL TO C-H, COMMERCIAL HIGHWAY.

WHEREAS, Bordertown Investments LP, as the successor in interest to Corsair LLC, has filed an application to zone the Gran Plaza Power Center project area as C-H, Commercial Highway Zoning. The Gran Plaza Power Center project area is located on the south side of West 2nd Street, approximately 3/4 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border; and

WHEREAS, the Planning Commission of the City of Calexico has been delegated with the responsibility of making recommendations to the City Council for changes to the approved Zoning Map; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Public Works - Planning Division and other interested parties at a public hearing held with respect to this item on June 22, 2015;

NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The Planning Commission has considered the proposed Final Environmental Impact Report (SCH #2014061070) for the proposed project prior to making a decision to recommend that the City Council approve the proposed amendment to the Zoning Map. The Planning Commission also finds and determines that the Final Environmental Impact Report is adequate and complete and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) that analyzes the environmental effects of a project.

SECTION 3. That in accordance with State Planning and Zoning law and the City of Calexico requirements, the Planning Commission makes the following findings for the approval of the proposed Zone Change:

1. The proposed zone change is in the public interest, health, safety and welfare.

The proposed Zone Change is in the public interest, health, safety and welfare because the growth patterns off the City support shopping and retail options by rezoning such land to CH. Commercial Highway and it will benefit the public to have land along the U.S./Mexico border and near the Highway 111 Corridor for commercial/retail uses.

**PLANNING COMMISSION RESOLUTION FOR THE
CALEXICO GRAN PLAZA PHASE II POWER CENTER ZONE CHANGE
Page 2 of 2**

2. The proposed zone change will not be (a) detrimental to the health, safety, comfort or general welfare of the persons residing or working within the neighborhood of the proposed amendment or within the City, or (b) injurious to the property or improvements in the neighborhood or within the City.

The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the proper[?], therefore, health, safety, and welfare will not be degraded as a result of this project.

3. The proposed action will be consistent with the Goals, Objectives, and Policies of the General Plan and the development standards established with the Calexico Municipal Code (CMC).

The proposed rezoning is compatible with the General Plan, as amended, and it furthers the goals, objectives, and policies of the General Plan by proposing a land plan that will regulate future development of diversified and varied commercial and retail uses within the City of Calexico. The following is list of specific General Plan objectives, policies and goals that this project complies with:

- (a.) Land Use distribution should create patterns which organize land uses in order to maximize compatibility with adjacent land uses.*
- (b.) Land Use patterns and population should be consistent with the capabilities of existing and planned public facilities.*
- (c.) Appropriate densities shall be established for new development project so that they will be compatible with surrounding developments.*
- (d.) Commercial Land Uses that are balanced in regard to size and distribution of goods with the current and future needs of the city should be encouraged*
- (e.) New urban development shall be adjacent to existing urban developments.*
- (f.) The orderly development of property or the preservation of property values because it vests the Property Owner with rights to allow certainty for the future development of the Property while adding value.*

**PLANNING COMMISSION RESOLUTION FOR THE
CALEXICO GRAN PLAZA PHASE II POWER CENTER ZONE CHANGE
Page 3 of 2**

As such, the project will assist the City in promoting a diversified economic base attracting new commercial, retail, and entertainment uses into the City. With increased commercial development, there will be increased employment opportunities and transition from a predominately agricultural economy to a more urban economy. These diversified commercial uses will respond to equally diversified market demands both in the United States and Mexico.

NOW, THEREFORE, based on the above findings, the Planning Commission of the City of Calexico DOES HEREBY RECOMMEND that the City Council of the City of Calexico approve the proposed Zone Change to zone the Gran Plaza Phase II Power Center project area entirely to C-H, Commercial Highway.



Chairman, Cesar Rodriguez
Calexico Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on June 22, 2015 by the following vote:

AYES: Ouzan, Rodriguez, Felix
NOES: None
ABSENT: Romero
ABSTAIN: None

ATTEST:



Nick Servin, Public Works Director/City Engineer
Secretary to the Planning Commission

RESOLUTION NO. 2015-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR THE CALEXICO GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP WHICH PROPOSES THE SUBDIVISION OF APPROXIMATELY 100 ACRES OF LAND IN ORDER TO CREATE FIFTEEN (15) COMMERCIAL PARCELS (APN'S: 058-824-1 THRU 9, 32 & 33; 058-180-20 (PORTION))

WHEREAS, Bordeftown Investments LP, as successor in interest to Corsair, LLC (Applicant) has filed an application for approval of a Tentative Parcel Map which proposes the subdivision of approximately 100 acres of land, in order to create fifteen (15) commercial parcels on property generally located on the south side of West 2nd Street, approximately ½ mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border as part of a proposed commercial development referred to as the Gran Plaza Power Center Project or Phase II; and

WHEREAS, the Planning Commission, at its regular meeting of June 22, 2015, held a duly noticed public hearing to consider recommending to the City Council approval of Tentative Parcel Map subject to the conditions as listed in this Resolution; and

WHEREAS, public notice of said application has been given pursuant to law, and the Planning Commission has considered evidence presented by the Public Works Department - Planning Division and other interested parties at a public hearing held with respect to this item on June 22, 2015.

NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The Planning Commission has reviewed and considered the information contained in the Final Environmental Impact Report (SCH #2014061070) ("EIR") for the proposed project prior to making a decision to recommend approval of the proposed Tentative Subdivision Map. The Planning Commission finds and determines that the Final Environmental Impact Report is adequate and complete and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment and analysis of the City of Calexico as the lead agency for the proposed project.

SECTION 3. That in accordance with the State Subdivision Map Act and requirements of the City of Calexico, the following findings and conditions of approval for the Tentative Parcel Map attached hereto as **Exhibit B** for Gran Plaza Power Center dated June 17, 2015 have been made as follows:

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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FINDINGS:

- a) The proposed subdivision, together with the provisions for the design and improvement, are consistent with the City's General Plan; Zoning Ordinance; Subdivisions Ordinance; and the State Subdivision Map Act.

The design of the project and subdivision are consistent with the General Plan and Zoning designations as amended. The project is consistent with the designated land use planning area, development and design standards, and all other appropriate requirements contained in the General Plan, Calexico Municipal and Zoning Codes, and Subdivision Map Act.

- b) The proposed subdivision is compatible with the objectives, policies, general land uses and programs specified in the General Plan (Government Code Section 66473.5).

The project is consistent with the land use plan, development and design standards and programs, and all other appropriate requirements contained in the General Plan, as amended. As discussed, the General Plan, as amended designates the project site as Commercial Highway. The Tentative Subdivision Map is consistent with the City of Calexico General Plan and Zoning Code designations as amended, and other applicable development and design standards. The following is a list of specific General Plan objectives, policies, and goals that this project complies with:

- 1.) Land use distribution should create patterns which organize land uses in order to maximize compatibility with adjacent land uses.
 - 2.) Land use patterns and population should be consistent with the capabilities of existing and planned public facilities.
 - 3.) Appropriate densities shall be established for new development projects so that they will be compatible with surrounding developments.
 - 4.) Commercial land uses that are balanced in regard to size and distribution of goods with the current and future needs of the city should be encouraged.
 - 5.) New urban development shall be adjacent to existing urban developments.
- c) The effects this proposed subdivision is likely to have upon the housing needs of the region, the public service requirements of its residents, and the available fiscal and environmental resources have been considered and balanced.

The project is consistent with the City's General Plan and Municipal and Zoning Codes, as amended, and will provide necessary public services and facilities, will pay all appropriate fees, and will not result in any adverse impact on the housing needs of the region or the available fiscal and environmental resources in light of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program as recommended for the project.

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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- d) The design of the subdivision provides to the greatest extent possible, for future passive or natural heating or cooling opportunities in the subdivision (Government Code Section 66412.3).

The project will comply with all appropriate energy conservation requirements of the City Building Code, the California Building Code and International Code Council (ICC).

CONDITIONS

GENERAL

1. The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees and costs incurred by the City and any claim for private attorney general fees and costs claimed by or awarded to any party, against the City or its agents, officers, or employees, relating to the approval of the Gran Plaza Power Center project including, but not limited to, any action to attack, set aside, void, challenge, or annul the development approvals (including the General Plan amendment, zone change, variance, design review and tentative subdivision map) and/or certification of the Final Environmental Impact Report (SCH 2014061070) and any related environmental document or decision (collectively "Development Approvals"). The City will promptly notify applicant of any claim, action or proceeding concerning the Development Approvals. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs incurred by the City. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation-related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform a settlement unless such settlement is approved by Applicant. Within ten (10) days of the filing of any action against the City covered by this Section 1, the Applicant shall submit a Twenty-five Thousand Dollar (\$25,000) cash deposit or irrevocable letter of credit in favor of the City in a form acceptable to the City, to pay the City's fees and costs in connection with the potential defense of any such action, and the satisfaction of any judgment obtained therein, and shall thereafter replenish the funds in increments of Twenty Thousand Dollars (\$20,000) when requested by the City. Failure to provide funds sufficient to satisfy this indemnification obligation shall constitute grounds for the City to take action to nullify the Development Approvals associated with the Gran Plaza Power Center project. In the event that excess defense funds are in the possession of the City after any action is concluded, the City shall refund the excess funds to Applicant. In the event any action covered by this Section 1 is filed after expiration of the applicable statute of limitations period and the City's refund or release of the letter of credit provided above, Applicant shall submit a Twenty Thousand Dollar (\$20,000) cash deposit, to pay the City's fees and costs in connection with defense of such action, within ten (10) days of the service of any petition or complaint on the City in such action and shall thereafter replenish the funds in increments of Ten Thousand Dollars (\$10,000) within ten (10) days of the City's request for such replenishment. The City

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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shall refund any remaining funds to Applicant within ten (10) days after such action is concluded.

2. Seven (7) days prior to City Council consideration of this Resolution, Applicant shall pay all outstanding land use processing fees owed to the City, including costs for preparation of the EIR, planning entitlements, engineering costs, legal fees, etc. Proof of such payment must be submitted to the Council at the Council meeting to consider this Resolution.
3. The project shall be developed and operated in accordance with the applicable mitigation measures set forth in the Mitigation Monitoring and Reporting Program, as approved by this resolution and made part hereof by this reference, and all other amendments as specified in the SPECIFIC CONDITIONS.
4. The project shall include the development of fifteen (15) commercial lots in accordance with the development standards, design guidelines and land uses as provided for under the adopted Calexico Municipal Code.
5. Building permits shall not be issued for any new construction related to the project until verification from the elementary and high school districts is received, certifying that all city impact fees as well as State mandated school impact mitigation fees have been paid or addressed as otherwise provided or authorized by law.

TENTATIVE SUBDIVISION MAP

6. The Tentative Subdivision Map shall expire two (2) years from the date of approval, unless within that period of time, an extension of time is granted by the City in accordance with the State Subdivision Map Act and Subdivision Ordinance (Chapter 16) of the Calexico Municipal Code.
7. The Tentative Parcel Map shall comply with all applicable requirements of the State Subdivision Map Act and the City's Subdivision Ordinance, Zoning Ordinance and Specific Plan, unless modified by these Conditions of Approval.
8. Prior to the recording of a final map, the improvements set forth herein and approved by the Planning Commission and the City Council shall be installed, or agreements for said improvements, shall be submitted to the City for approval by the City Engineer and City Attorney, and all other stated conditions shall be complied with. All uncompleted improvements shall be bonded for as part of the agreements.
9. Prior to the recordation of the final map, the Applicant shall prepare and record CC&R's. The CC&R's shall be reviewed and approved by the Development Services Director or Designee and the City Attorney. The CC&R's shall include methods of maintaining common areas, landscaped areas including parkways, and methods for common maintenance of all underground and above ground utility infrastructure improvements necessary to support the complex. In addition, CC&R's shall establish methods to address design improvements.
10. No unit in the development shall be sold unless a corporation, association, property

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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management association or similar entity has been formed with the right to financially assess all properties individually owned or jointly owned which have any rights or interest in the use of the common areas and common facilities in the development, such assessment power to be sufficient to meet the expenses of such entity, and with authority to control, and duty to maintain, all said mutually available features of the development. Such entity shall operate under recorded CC&R's that shall include compulsory membership of all owners of lots and flexibility of assessments to meet changing costs of maintenance, repairs, and services. Recorded CC&R's shall permit enforcement by the City for provisions required as Conditions of Approval. The Applicant shall submit evidence of compliance with this requirement to, and receive approval of, the City prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes.

11. Reciprocal covenants, conditions, and restrictions and reciprocal maintenance agreements shall be established which will cause a merging of all development phases as they are completed, and embody one (1) property management association with common area for the total development of the subject project.
12. Each unit owner shall have full access to commonly owned areas, facilities and utilities.
13. The Applicant shall at all times comply with Noise Control Ordinance of the Calexico Municipal Code.

PRIOR TO BUILDING/GRADING PERMITS

14. All site improvements approved with this request shall be constructed as indicated on the approved site plan and elevations. Revisions to approved site plans or building elevations shall be subject to the review of the Development Services Director. All plans submitted for Building Division Plan Check shall conform to the submitted plans as modified by Conditions of Approval, or the Planning Commission/City Council through subsequent action.
15. The Planning & Building Divisions shall approve the location of any construction trailers utilized during construction. All construction trailers shall require a permit processed through the Building and Planning Divisions.
16. Onsite surface drainage shall not cross sidewalks.
17. Parking stalls shall be double-striped with four-inch lines two feet apart.
18. Prior to issuance of any grading permit or building permits, the Applicant shall sign and complete an "Acknowledgement of Conditions" form and shall return the executed original to the Planning Division for inclusion in the case records.
19. Prior to the commencement of grading operations, the Applicant shall provide a map of all proposed haul routes to be used for movement of dirt material. Such routes shall be subject to the review and approval of the City Engineer. A bond may be required to pay for damages to the public right-of-way, subject to the approval of the City Engineer.

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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20. A Final Landscaping/Irrigation Detail Plan shall be provided in accordance with the Calexico Municipal Code, taking into account the current state mandated requirements for drought landscaping, drip irrigation and micro-spray irrigation.
21. Applicant shall comply with the requirements of the Imperial Irrigation District (IID) for any work proposed within the IID's jurisdiction. Proof of compliance shall be submitted to the Development Services Department prior to issuance of building permits and final approval.
22. Prior to issuance of building permits, Applicant shall provide assurance that all requirements of the City of Calexico Fire, Police, Community Services/Recreation, Utility Services and Administrations Services Departments have been met.

ENGINEERING DIVISION CONDITIONS

GENERAL CONDITIONS

23. The Applicant shall dedicate all required rights-of-way and easements for the project to the city.
24. Prior to submittal of any improvement plan for plan check, geotechnical study and soils report of the project site shall be conducted to the satisfaction of the City Engineer. The study and report shall include the evaluation of any existing pavement structural section that will be reused as part of the street pavement structural section for adequacy, capacity and conditions of its street classification. An approved copy of the geotechnical study and soils report, in accordance with the Subdivision Map Act, applicable codes, and City standards, shall be submitted with the improvement plans.
25. Prior to the issuance of building permits, an NPDES permit from the Regional Water Quality Control Board shall be provided in accordance with a storm water pollution prevention plan (SWPPP) approved by the City Engineer. The storm water pollution prevention plan shall include best management practices (BMP's).
26. Prior to the issuance of building permits, a site-specific drainage study in conformance with the City storm water retention system shall be conducted by a registered civil (hydraulic) engineer and submitted for review and approval by the City and/or Bureau of Reclamation/IID that has jurisdiction of discharge to the New River. The drainage study may incorporate temporary retention basins; however, the design of the drainage system shall be in conformance with the City's storm water retention system.
27. All retention facilities and drainage improvements shall be provided in accordance with the City's standards.
28. Prior to submittal of improvement plans, the Applicant shall provide the following master plans to the City for review and approval:

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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- a. Water master plan (including domestic and fire flow analysis).
 - b. Sewer master plan (including sewer capacity flow and calculations).
 - c. Drainage master plan (including both hydrology and hydraulic calculations).
 - d. Street classification and traffic circulation master plan.
 - e. Master Utilities plan as required by other jurisdictions.
29. All master plans and improvements plans shall be in conformance with Chapter III of the City standards entitled "City of Calexico Design Procedures and Improvement Standards" updated December 1, 2005 herein called City Standards and any subsequent revisions and modifications and as specified in these conditions.
30. Temporary retention basin(s) shall be required to retain the appropriate runoff of the entire area (streets, roofs, and lots) until a regional storm drain facility becomes available. The cost of the temporary retention basin shall be the responsibility of the Applicant. The temporary retention basin(s) shall be sized for a 100 year/24 hour storm and bonded for removal to the satisfaction of the City Engineer.
31. Fire hydrants, markers and water mains shall be provided in accordance with the Fire Department's specifications. Fire hydrants shall not be placed more than 300 feet apart nor more than 300 feet from buildings and shall be subject to review and approval by the Fire Department. All fire hydrants shall be on a looped water system and shall be in service before any combustible construction begins.
32. Utilities shall be provided in accordance with the City's Master Water/Sewer Plan. The Applicant may enter into a reimbursement agreement with the City for any over-sizing of water or sewer lines, roadways and/or other infrastructure that may be required.

STREET IMPROVEMENTS AND TRAFFIC CIRCULATION

33. The Applicant shall be responsible for its fair share costs associated with right-of-way acquisition, if necessary. In the event the acquisition of right-of-way is needed, Applicant shall enter into an agreement with the City prior to the approval of the final map to allocate the costs of acquiring off-site real property interests and to complete the improvements required herein at such time as the City acquires an interest in the real property that will permit the improvements to be made by the Applicant. If City does not acquire such interest within the time allowed by law, this requirement shall be deemed waived.
34. Prior to the issuance of the final Certificate of Occupancy for the final phase of the Power Center, the portions of the South Barrel of Second Street from the canal to the Applicant's property shall be improved to the requirements of the Traffic Study and its Addendum, as defined in the Mitigation Monitoring and Reporting Program and the FEIR, and shall be dedicated and improved to City standards. ~~Applicant previously constructed the North Barrel of Second Street and is entitled to reimbursement or an offset of approximately \$1.78M from any other costs imposed on Applicant hereunder.~~

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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35. The Applicant shall retain a qualified California registered civil engineer for design services in accordance with the City Standards.
36. Improvement plans, record maps, traffic control plans, and intersection “stop” sign control plans for all interior streets shall be prepared to the satisfaction of the City Engineer.

BONDS AND SURETY

37. The Applicant shall submit and provide all required improvement bonds and/or surety and enter into a subdivision surety agreement to the satisfaction of the City Engineer and City Attorney prior to recording of any final map or the recording of the applicable phase unit map. Prior to the submittal of bonds, the Applicant shall submit construction cost estimates for all required improvements using the City’s provided unit cost items and standards for review and approval.

IMPACT FEES AND FAIR SHARE ASSESSMENT FEES

IMPACT FEES

38. Prior to the issuance of building permits, the Applicant shall document and make payment of all the appropriate development impact fees in accordance with the CITY COUNCIL adopted standards (2006-2007) and formulas (City Ordinance 1036), and any subsequent adjustment/modifications by the City that are in affect at the time of development. Prior to the issuance of building permits, the Applicant shall provide proof of Compliance with the “Arts in Public Places” provisions (City Ordinance No: 1046), in effect at the time of development.

FAIR SHARE FEES

39. The Applicant shall pay for all applicable fees. These fees shall include but not be limited to impact fees, special infrastructure fees, benefit area assessment fees, and engineering plan check and inspection fees as determined and conditioned therein.
40. In addition to the required development impact fees for streets, water, sewer, police, fire, public and library facilities, parks and recreation, public arts, school and utility improvements, the Applicant shall participate in the project’s prorated share of the costs identified in the SPECIFIC CONDITIONS and the Mitigation Monitoring and Reporting Program.

SPECIFIC CONDITIONS

Street Circulation Element Conditions

The direct and indirect mitigation measures that shall be implemented as Conditions of Approval if applicable are as follows:

41. Direct Project Impact Mitigation - Complete improvement or pay fair share prior to recording of any final map and/or issuance of any Certificate of Occupancy

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

Page 9 of 13

A. Cesar Chavez/SR 111

[ImpactType:Direct]

Construct 2nd Street between Cesar Chavez Boulevard and SR-111 to City of Calexico standards for a four-lane divided primary roadway.

Construction of this portion of 2nd Street between Cesar Chavez Boulevard the Project Site shall also include the construction of improvements to the railroad crossings located at the 2nd Street (DOT# 760907K) and Imperial Avenue (DOT# 760908S). The Applicant shall coordinate with the Union Pacific Railroad and the Rail Crossing Engineering Section (RCES) of the California Public Utilities Commission (CPUC) to determine the appropriate design criteria and standards for these crossings improvements. The construction plans for the railroad crossing improvements shall be submitted to the Union Pacific Railroad and the CPUC for review and approval. The crossing improvements may include, but not be limited to, at-grade improvements, fencing, and other appropriate safety barriers.

B. Cesar Chavez/SR 98

[ImpactType:Direct]

Adding WB second left-turn lane

42. Cumulative Project Impact Mitigation - Complete improvement or pay fair share prior to recording of any final map and/or issuance of any Certificate of Occupancy.

Phase 2A and 2B - Cumulative Impact Mitigation Measures

A. Dogwood Road/SR 98

Pay fair share contribution to the signalization of the intersection

B. Cesar Chavez Blvd/SR 98

Pay fair share contribution to the signalization of the intersection

C. Cesar Chavez Blvd./Second Street

[Impact Type: Direct]

Install a traffic signal and provide the following lane geometry:

- * Widen WB (2nd Street) approach to provide 1 left-turn lane, 2 through lanes, and 1 right-turn lane
- * Widen EB (2nd Street) approach to provide 1 left-turn lane, 1 thru lane, and 1 shared thru/right-turn lane

D. SR 111/McCabe Road

Pay fair share contribution to the signalization of the intersection

E. SR 111/Jasper Road: Pay fair share for:

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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[Impact Type: Cumulative]

- *Adding NB one right-turn pocket, SB one right-turn pocket;
- *Converting to EB 1 left-turn, 1 through and 1 right-turn lanes;
- *Converting to WB one left-turn, 1 through and 1 right-turn lanes.

F. Cesar Chavez Boulevard (cumulative)

Grant Street to 2nd Street – Pay fair share for:

Construct Cesar Chavez Boulevard between Grant Street and 2nd Street to City of Calexico standards for a four-lane undivided major roadway.

G. (16). SR 111/Second Street – None required with mitigation measures implement at Cesar Chavez.

43. Prior to the issuance of a construction permit for any building and/or recording of any final map, the applicant shall enter into a Traffic Mitigation Agreement directly with the City of Calexico for implementation of the necessary improvements and the payment of fair share fees, The Agreement shall identify the dates on which the contribution must be paid and the timing of the improvements necessary to mitigate the project's impact as provided in the FEIR and Addendum.

Drainage Element Conditions

44. The drainage element for all development shall comply with the City's Existing Drainage Facilities as defined in Section 5 of the Drainage Service Area Plan (DSAP) Report requirement and any modification herein or the current General Plan and its latest amendment. Submit a final and detail drainage design plan with the preliminary hydrology and drainage map for review and approval together with the submittal of the improvement plans. The drainage design shall be in compliance and/or compatible with the City of Calexico Standard.

Utilities and Service Systems

45. **Mitigation Measures #1 & #2 (Public Service) and MM #1 (Utilities)** : Pursuant to Calexico Ordinance No. 1036, the Applicant shall pay the required development fees related to the expansion of any necessary water or wastewater treatment facilities or infrastructure, as required by the City of Calexico and IID, prior to the issuance of any building permits for the project.

Sewer Element Conditions

46. The Applicant shall be responsible for arranging to make the sewer service connection prior to the issuance of any occupancy permit. The Applicant shall be responsible for the fair share cost of all the applicable sewer upgrade facilities.

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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Water Element Conditions

47. Prepare a final and detail water master plan (water line layout and hydraulic calculations to be submitted together with the improvement plans) that integrates with the City's west developments to ensure compliance of the City's current water master plan entitled "Second (Anza) Street Corridor Water Analysis – Addendum 1 dated April 5, 2010. The detailed water study shall identify all the improvements required to provide adequate water pressure and redundancy to the subject subdivision. The Applicant shall be responsible to build all the required improvements and subject to review and approval by the Fire Department.
48. Provide connections of proper size (12 inches or City Standard) at the west and east sides of developments to form water loop connections for the water master plan as stated above. The west side of the 12" diameter line shall be installed not later than two years upon completion of Phase 2B. A water improvement agreement shall be prepared and executed prior to the recording of any final map.

Fees

49. Pay all applicable fees (i.e. City's Standard Impact Fees, Special Infrastructure Fees, Benefit Assessment Fees, Plan Check and Inspection Fees, Traffic Mitigation Monitoring Fees, and Fair Share Fees, etc.) prior to recordation of any final maps, pulling of permits, and/or certificate of occupancy as per the City's standard and conditions.

Other Pertinent Conditions

50. Any work performed within the Caltrans, Imperial County, IID R/W, and railroad will require an encroachment permit from the applicable agency.
51. The Applicant shall be responsible for procuring any necessary permits or approvals from regulatory and/or resource agencies.
52. Provide utilities, conduits, and other telecommunications facilities (i.e. cable, fiber optic, etc.) from available point source to any such facility as determined and approved by the Imperial Valley Telecommunications Authority Manager and to the satisfaction of the Development Services Director/City Engineer.
53. Comply with City's Design Procedures and Improvement Standards dated December 1, 2005 Design Manual and any updates thereon. Submit a phase plan and identify all require public improvements to the satisfaction of the Director of Public Works/City Engineer for approval prior to submittal of any unit map for plan checking/recordation.
54. The Applicant shall execute a reciprocal parking and access agreement for all subdivided parcels prior to recording of any final map and/or the issuance of any certificate of occupancy. The agreement will be subjected to review and approval by the City Attorney and shall be recorded with the Imperial County Recorder's office.

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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CONDITIONS FOR RECORDATION OF FINAL MAP

55. Final map shall not be approved until developer and city have entered into an agreement, which provides for traffic facilities, emergency services, water and sewer services, and area drainage, and other services specified as needed.
56. Approval is given subject to compliance of final map and improvement drawings with all applicable zoning and subdivision ordinance of the City of Calexico.
57. The necessary improvements as set forth in the approval of the tentative map have been installed and accepted by the City, or provided the Subdivider submits satisfactory improvement plans together with the necessary guarantee that the improvements shall be installed.
58. Guarantee for installation of improvements shown on recorded final map shall be by surety bond or letter of credit and shall be agreed upon in a subdivision surety agreement in a form acceptable to the City Engineer and City Attorney. Use of real property lien, as guarantee for installation of improvements shown on recorded final map is not permitted per City policy.
59. The required plan and map checking and inspection fees must be paid to all affected divisions/departments/agencies.
60. Checking has been completed by the various departments and agencies.
61. Taxes, liens and special assessments have been paid or such payment is guaranteed.
62. All outstanding project processing fees and applicable fair share fees have been paid in full to the City.
63. All applicable conditions and compliance are met with the City standards updated December 1, 2005 and all modifications and revisions thereon.
64. The project shall comply with all applicable provisions of the California Code of Regulations Title 24 (ADA).
65. Except as noted above, all conditions shall be met prior to the recordation of the final map.
66. The project shall comply with all other applicable Federal, State and local codes, ordinances and regulations.
67. The project shall comply with all General Conditions and Specific Conditions including all applicable requirements under the Gran Plaza Power Center Mitigation Monitoring and Reporting Program.
68. Submit a phase plan and identify all required public improvements to the satisfaction of the

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER TENTATIVE PARCEL MAP**

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Director of Public Works/City Engineer for approval prior to submittal of any unit map for plan checking/ recordation.

69. Implement and complete the improvement and fair share cost contribution as required in the FEIR, MMRP, TPM and amendments. These improvements and fair share cost are listed but not limited in the MMRP.
70. The project shall comply with all General Conditions and Specific Conditions including all applicable requirements under the Gran Plaza Power Center Final Environmental Impact Reports, and the Mitigation Monitoring and Reporting Program and its Amendments.

NOW, THEREFORE, subject to the above findings and conditions, the Planning Commission of the City of Calexico DOES HEREBY RECOMMEND APPROVAL of the Calexico Gran Plaza Tentative Parcel Map attached as **Exhibit B**.

City of Calexico

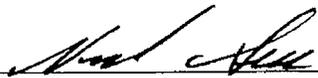


Cesar Rodriguez, Chairman
Calexico Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on June 22, 2015 by the following vote:

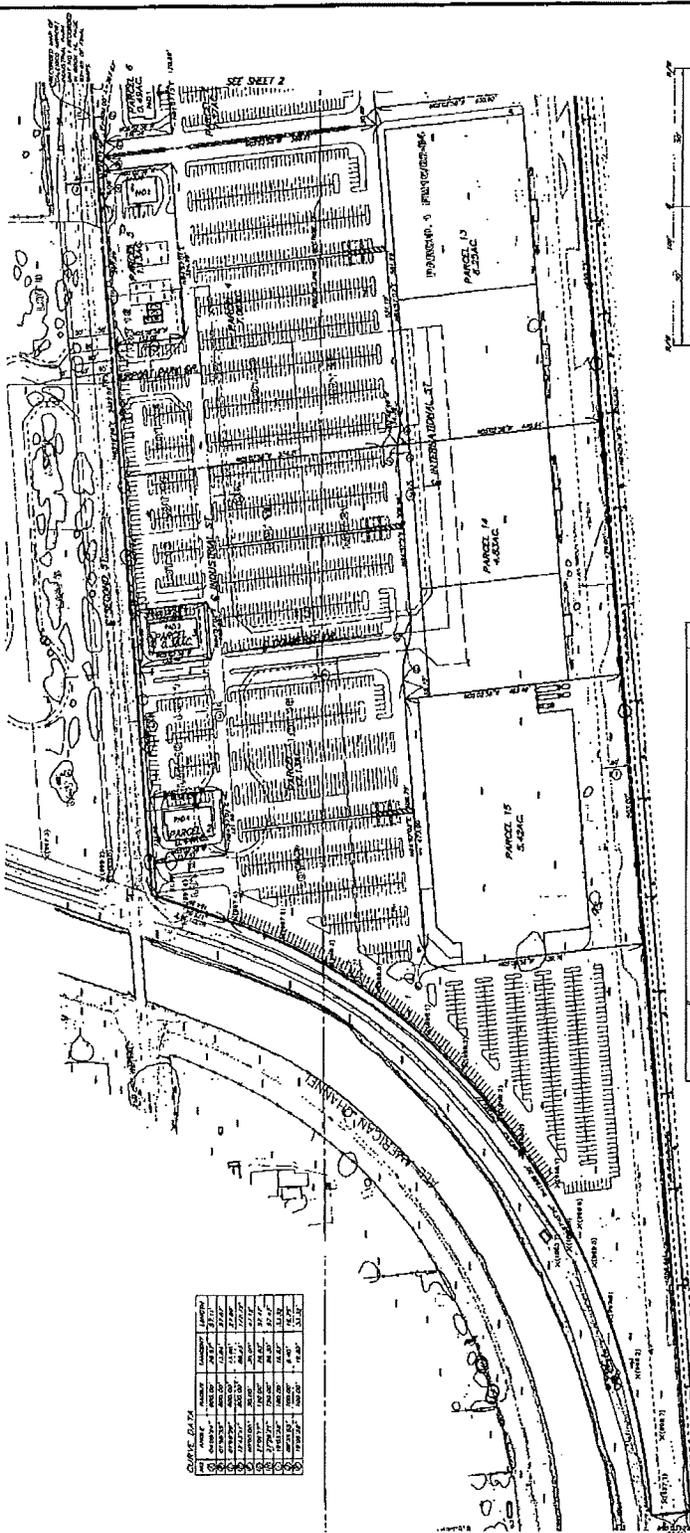
AYES:	Ouzan, Rodriguez, Felix
NOES:	None
ABSENT:	Romero
ABSTAIN:	None

ATTEST:



Nick Servin, Public Works Director/City Engineer
Secretary to the Planning Commission

TENTATIVE PARCEL MAP FOR POWER CENTER



GRADE DATA

AREA	EXISTING	PROPOSED
1	10.00	10.00
2	10.00	10.00
3	10.00	10.00
4	10.00	10.00
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GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES ON ALL CONSTRUCTION SITES.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH ALL STAKEHOLDERS.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE COMMUNICATIONS WITH ALL STAKEHOLDERS.

UTILITY NOTES:

ALL UTILITIES SHOWN ON THIS MAP ARE BASED ON THE MOST RECENT RECORD DRAWINGS AND FIELD SURVEYS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

GENERAL NOTES:

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND SPECIFICATIONS.

LEGEND:

- 1. EXISTING UTILITIES
- 2. PROPOSED UTILITIES
- 3. EXISTING STRUCTURES
- 4. PROPOSED STRUCTURES
- 5. EXISTING DRIVEWAYS
- 6. PROPOSED DRIVEWAYS
- 7. EXISTING PAVEMENT
- 8. PROPOSED PAVEMENT
- 9. EXISTING CURBS
- 10. PROPOSED CURBS
- 11. EXISTING SIDEWALKS
- 12. PROPOSED SIDEWALKS
- 13. EXISTING STREETS
- 14. PROPOSED STREETS
- 15. EXISTING ALLEYS
- 16. PROPOSED ALLEYS
- 17. EXISTING LOT LINES
- 18. PROPOSED LOT LINES
- 19. EXISTING EASEMENTS
- 20. PROPOSED EASEMENTS
- 21. EXISTING ENCUMBRANCES
- 22. PROPOSED ENCUMBRANCES
- 23. EXISTING RIGHTS OF WAY
- 24. PROPOSED RIGHTS OF WAY
- 25. EXISTING ZONING
- 26. PROPOSED ZONING
- 27. EXISTING DISTRICTS
- 28. PROPOSED DISTRICTS
- 29. EXISTING PARCELS
- 30. PROPOSED PARCELS
- 31. EXISTING TRACTS
- 32. PROPOSED TRACTS
- 33. EXISTING BLOCKS
- 34. PROPOSED BLOCKS
- 35. EXISTING SECTIONS
- 36. PROPOSED SECTIONS
- 37. EXISTING SUBDIVISIONS
- 38. PROPOSED SUBDIVISIONS
- 39. EXISTING PLATS
- 40. PROPOSED PLATS
- 41. EXISTING RECORDS
- 42. PROPOSED RECORDS
- 43. EXISTING DEEDS
- 44. PROPOSED DEEDS
- 45. EXISTING CONTRACTS
- 46. PROPOSED CONTRACTS
- 47. EXISTING AGREEMENTS
- 48. PROPOSED AGREEMENTS
- 49. EXISTING INSTRUMENTS
- 50. PROPOSED INSTRUMENTS

PROPOSED PARCEL MAP

PREPARED BY: [Firm Name]

DATE: [Date]

SCALE: 1" = 100'

PROJECT: [Project Name]

SHEET NO. [Sheet Number]

TOTAL SHEETS: [Total Sheets]

RESOLUTION NO. 2015-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A COMMERCIAL DESIGN REVIEW FOR THE DESIGN, CONSTRUCTION AND ESTABLISHMENT OF A RETAIL OUTLET CENTER IDENTIFIED AS THE GRAN PLAZA POWER CENTER PROJECT

WHEREAS, Bordertown LP, as successor in interest to Corsair LLC, has filed an application with the City of Calexico for the design, construction and establishment of a retail commercial development identified as the Gran Plaza Power Center Project. The Project area is located along 2nd Street, approximately 1/2 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border; and

WHEREAS, the Planning Commission of the City of Calexico has been delegated with the responsibility of making recommendations to the City Council for Design Review of commercial projects; and

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Public Works - Planning Division and other interested parties at a public hearing held with respect to this item on June 22, 2015;

NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission has considered the Final Environmental Impact Report (SCH #2014061070) for the proposed project prior to making a decision to recommend that the City Council approve the proposed project. The Planning Commission finds and determines that the Final Environmental Impact Report is adequate and complete and was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA).

SECTION 2. That in accordance with State Planning and Zoning law and the requirements of the City of Calexico, the following findings for the approval of the proposed Commercial Design Review have been made as follows:

1. The project, as approved, will comply with the goals and objectives of the General Plan and the Zoning District in which the project is located.

The proposed Commercial Design Review complies with the goals and objectives of the General Plan, in that the approval will assist in achieving a well-balanced and functional mix of commercial/retail, land uses that will diversify Calexico's economic base.

2. The project complies with the design directives contained in Section 17.05.140 and all other applicable provisions of the Municipal Code.

The proposed Commercial Design Review is appropriate to the site and surrounding developments in that the commercial project has been designed in consideration of the size and shape of the property, thereby creating interest and varying vistas within the development and along Second street. Furthermore, the project as

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER COMMERCIAL DESIGN REVIEW**
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proposed will compliment existing projects within the vicinity through its architectural design, color and materials.

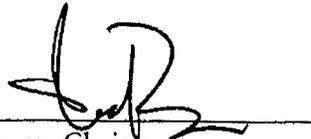
3. Subject to the attached Conditions of Approval, to the extent that the proposed project is anticipated to result in significant adverse environmental impacts, those impacts are considered acceptable because of the benefits of the project that outweigh the environmental impacts.

Pursuant to the California Environmental Quality Act (CEQA), the proposed Commercial Design Review did not identify any significant environmental impacts to the project and the mitigation measures set forth in the Mitigation Monitoring and Reporting Program will be adopted as conditions of approval.

4. Conditions and safeguards pursuant to Chapter 17.01.780 of the Zoning Code, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure development of the property in accordance with the objectives of Chapter 17.05.

Pursuant to Section 17.01.240 (Action of the Planning Commission) of the Calexico Municipal Code (CMC), the proposed Commercial Design Review has been scheduled for consideration and approval before the Planning Commission.

NOW, THEREFORE, based on the above findings, the Planning Commission of the City of Calexico DOES HEREBY RECOMMEND that the City Council of the City of Calexico approve the proposed Commercial Design Review to allow for the design, construction and establishment of a commercial/retail development identified as Gran Plaza Phase II Power Center.



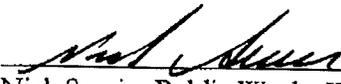
Cesar Rodriguez, Chairman
Calexico Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on June 22, 2015 by the following vote:

AYES: Ouzan, Rodriguez, Felix
NOES: None
ABSENT: Romero
ABSTAIN: None

**PLANNING COMMISSION RESOLUTION FOR THE
GRAN PLAZA POWER CENTER COMMERCIAL DESIGN REVIEW
Page 3 of 2**

ATTEST:



Nick Servin, Public Works Director/City Engineer
Secretary to the Planning Commission

RESOLUTION NO. 2015-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, FOR APPROVAL OF A VARIANCE FOR AN INCREASE IN PROPOSED BUILDING HEIGHT, PARKING LOT POLE HEIGHT, PYLON SIGN HEIGHT AND A MASTER SIGN PROGRAM WHICH INCLUDES SIGNAGE-RELATED REQUESTS TO EXCEED ALLOWABLE SIGN FACE AREA, NUMBER AND SMALL SUSPENDED OR PROJECTING SIGNS, ALL ASSOCIATED WITH THE GRAN PLAZA POWER CENTER PROJECT

WHEREAS, Bordertown Investments LP, as the successor in interest to Corsair, LLC (“Applicant”) has filed a variance application with the City of Calexico for an increase in proposed building and pylon sign height associated with a retail commercial development identified as Gran Plaza Power Center “Proposed Project”), in order to allow building heights between 35’ – 38’ feet, compared to the applicable height limit of 35’-0”, to allow pylon signs to be 65’-0” high, compared to the applicable height limit of 8’-0” and parking lot pole height to be 40’-0”, compared to the applicable height limit of 18’-0” (collectively “the Variance”). The variance request also includes approval of a Master Sign Program which contains detailed information specific to the total number of freestanding signs, small suspended or projecting signs, and total allowable sign face area (attached – Exhibit “D”). The Proposed Project area is located on the south side of West 2nd Street, approximately 1/2 mile west of the International Port of Entry and downtown Calexico, and bounded to the south by the U.S.-Mexico border; and

WHEREAS, the granting of a variance is governed by the standards set forth in Government Code Section 65906 and Calexico Municipal Code Chapter 17.01; and

WHEREAS, public notice of this public hearing has been given, and the Planning Commission has considered evidence presented by the Public Works Department – Planning Division and other interested parties at a public hearing held with respect to this item on June 22, 2015;

NOW, THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. Pursuant to CEQA Guidelines section 15090, the Planning Commission reviewed and considered the information contained in the Final Environmental Impact Report (SCH#2014061070) (“Final EIR”) for the Proposed Project and certified the Final EIR reflects the

PLANNING COMMISSION RESOLUTION FOR THE
CALEXICO GRAN PLAZA PHASE II POWER CENTER VARIANCE

Page 2 of 12

City's independent judgment and analysis and has been completed in compliance with the California Environmental Quality Act prior to making a decision to approve the proposed Variance. Regarding the environmental review for the proposed Master Sign Program, building height and parking lot pole height Variance, the Planning Commission finds and determines the following:

- A. The proposed variance request for a Master Sign Program, would allow the Applicant to construct and install 65'-0" high pylon signs, increase the total number to three (3) compared to the applicable requirement of one (1), and allow flexibility for the installation of smaller suspended or projecting signs, and increase total sign face area for all signage. In addition, the proposed variance request for an increase in building and parking lot pole height, would allow the applicant to construct buildings between 35'-38' in height and install parking lot light poles 40'-0" feet high.
- B. The proposed pylon sign height and building height variance were analyzed in the Final EIR, which was prepared in accordance with the California Environmental Quality Act. The Final EIR determined that only the pylon sign structures at 65'-0" in height may conflict with FAA protected airspace and as a result the project will be conditioned to meet FAA requirements to avoid substantially lessen any potential conflict. The Applicant has obtained the necessary clearances from the FAA and has been granted clearance for the three (3) 65'-0" high pylon signs for the Power Center project.
- C. The proposed 40' high light poles will be within the height analyzed in the Final EIR for the 65' foot high pylon signs which are also subject to mitigation, and therefore, will not have any significant environmental effects which have not already been considered in the Final EIR. Further, the use of low energy lighting in the parking lot promotes the voluntary reduction of greenhouse gasses and pollutant emissions as noted in the Final EIR.

SECTION 3. The Applicant has requested the Planning Commission approve the proposed variance detailed in this Section 3.A, and the Planning Commission hereby makes the corresponding findings in this Section 3.B:

- A. **VARIANCE APPLICATION:** The Applicant has submitted an application for the following variances (collectively, the "variance"):
 - (1) Building Height Section 17.05 – Variance request to increase building height up to 35' – 38' feet.

- (2) Parking Lot Light Poles Section 17.13.160 (B)(5) – Variance request to install parking lot light poles forty (40'-0") feet in height above parking lot grade level.
 - (3) Freestanding, Entry Monument and Way Finding Signs Variance request to include the following:
 - a) Section 17.01.1119(F) – To allow three (3) freestanding 65' high pylon signs, four (4) way finding signs and (4) entry monument signs in lieu of one (1) each;
 - b) Section 17.01.1119(F)(1) – To exceed the signage face area of sixty (60) s.f. for each sign;
 - c) Section 17.01.1119(f)(2) – To exceed the height of eight (8) s.f. feet for each sign;
 - d) Section 17.01.1119(F)(4) – To locate sign within five (5) feet from property line;
 - e) Section 17.01.1119(F)(6) – To not include the business address of each proposed sign;
 - f) Section 17.01.1119(F)(7) – Relief from planter area requirement of fifty (50) s.f. and minimum width of five (5) feet;
 - (4) Small Suspended or Projecting Signs Variance for small suspended or projecting signs to include for the following:
 - a) Section 17.01.1119 – To allow projection of four (4) feet in lieu of three (3) feet and
 - b) Section 17.01.1119(I)(2) – To allow for six (6) s.f. in signage are in lieu of two (2) s.f.
 - (5) Wall Signage Variance for wall signage to include the following:
 - a) Section 17.01.1119(D) – To exceed the wall sign ratio of 1:1 and apply the Proposed Project's Master Sign Program allowing for each tenant to have one 150 s.f. primary wall signage, one 150 s.f. secondary wall signage, super graphics as depicted in the sign program.
 - b) Section 17.01.1119(D)(2) – To project more than six (6) inches from any building wall frontage.
- B. VARIANCE FINDINGS – In accordance with State Planning and Zoning Law and the City of Calexico Municipal Code, the Planning Commission hereby makes the following findings for the proposed Variance:

(1) General Findings:

The uniqueness of the Proposed Project site (i.e. significant lineal street frontage -- approximately 2,400 lineal feet, sizable acreage -- approximately 100 acres, grade changes, sloping topography, and adjacent Second Street road configuration with angling curves), makes it evident that the requested variance is appropriate because if the required building heights, parking lot pole heights, required signs heights, number of signs, and sign face area were imposed, it would result in impracticable layouts and compositions, creating several conflicts with the essence of the Municipal Code. Therefore, strict application of the Municipal Code, in this instance, would be contradictory to the intent and purpose of encouraging adequate and appropriate development that is compatible and harmonious with the City's General Plan. It could be perceived that to disallow the Applicant full utilization of the site in the manner requested constitutes an unreasonable hardship, as there are no other sensible permissible development alternatives. Additionally, other similarly zoned properties in the general vicinity are able to enjoy the same benefits. The granting of the Variance is not a special privilege and all the necessary facts pursuant to Section 17.01.630 and 17.01.640 of the Calexico Municipal Code can be made in a positive manner.

(2) Special Findings:

(A) That there are special circumstances applicable to the property, (size, shape, topography, location or surroundings) or the intended use of the property, and because of this, the strict application of the zoning ordinance deprives the property of privileges by other properties in the vicinity under identical zoning.

This finding is supported by the following facts:

(1) Building and Parking Lot Pole Heights:

The size of the Proposed Project itself, which is atypical for most projects in the City, justifies increasing the building and parking lot pole heights currently allowed. The Municipal Code limits building height to 35'. The Municipal Code also limits parking lot pole height to no taller than 18 feet and requires that the lighting be "low pressure sodium" and likewise specifies certain minimum candle illumination standards. The scale of the Proposed Project is much larger than the City's typical developments and if the Proposed Project's building heights adhered exactly to the code's required 35' height limit, there would be less soffit area between the ceiling and structure to install code required mechanical equipment. Furthermore, if the Proposed Project's parking lot lighting adhered to the Municipal Code required height limits and foot candle illumination standards, it

would require many more light poles than are currently proposed – possibly double or triple the proposed number of light poles. The resulting effect would be that of an unsightly “pole farm” which also obscures view of the building itself. Allowing 40-foot high light poles with accompanying metal halide lights removes the potential risk of a “pole farm” and is in keeping with the goals of the City’s ordinances and General Plan.

(2) Freestanding Signs, Entry Monuments, Way Finding Signs, Small Suspended or Projecting Signs, and Wall Signage:

The City has concluded that the elevation difference and the setback distance between Highway 111 and the Proposed Project constitute special circumstances applicable to this property that justify allowing the project to exceed the sign heights, square footage and quantity for the zone for the purpose of having adequate highway visibility. Additionally, while it is not the sole consideration, the City also acknowledges the fact that the site is bounded by barriers on two sides, namely the airport and the international border, thereby, increasing the difficulty of visibility when compounded with the physical features of the property. The substantial site acreage (approximately 100 acres), and inordinate amount of lineal feet of street frontage (approximately 2400 ft. of 2nd Street frontage) along with the change in grade, sloping topography, and the sharp angling of Second Street is atypical among other properties in the general vicinity, and severely restricts the ability to reasonably construct or install signage and parking lot lights poles within the Municipal Code parameters. Therefore, strict application of the Municipal Code in this instance would be contradictory to the intent and purpose of encouraging adequate and appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the City’s general plan, thus not satisfying the intent of the Municipal Code.

(B) That granting the Variance or its modification is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property for which the variance is sought.

This finding is supported by the following facts:

(1) Building and Parking Lot Pole Height:

An increase in building height from the 35’-0” height limit to between 35’-38’ would allow the property to enjoy a substantial property right possessed by other properties in the same vicinity and zone. If the Proposed Project’s building heights adhered exactly to the Municipal Code’s required 35’ height limit, there would be less mechanical area between the ceiling and structure to work within. With regard to lighting, other properties in the

same vicinity and zone are able to enjoy the benefits of proper parking lot lighting without obscuring their building façade by a “pole farm” of 18-feet in height, and lower foot-candle illumination. The proposed Project is located in the CH, Commercial-Highway zone, and with airport operations to the north, the densely urbanized City of Mexicali to the south, and industrial uses to the east and west. The adjacent USA/Mexico border itself is well lit from light poles extending higher than 18 feet. Other retail centers in the City also have parking lot pole heights greater than 18-feet, including Wal-Mart, Forever 21, and Dollar Tree. These centers, like the Proposed Project, are larger in scale than the City’s typical development and have large parking lots. Likewise, on a regional scale, other area developments also benefit from parking lot lights 40 feet or taller, including the El Centro Mall, the El Centro Power Center, and the El Centro K-Mart. The increase in parking lot pole height would also allow for the use of metal halide bulbs in lieu of low pressure sodium lights bulbs, which would generate the Municipal Code required foot-candle illumination while reducing the number of parking lot lights poles in half. This would ensure that the large parking lot does not create a “pole farm” visual impact and have an adverse aesthetic impact on the surrounding area.

(2) Freestanding Signs, Entry Monuments, Way Finding Signs, Small Suspended or Projecting Signs, and Wall Signage:

The Proposed Project is a large commercial development. The City’s own sign ordinance recognizes that certain commercial developments should have a comprehensive Uniform Sign Program developed which considers the aesthetics of a development’s signage, which recognizes that there is not a one-size-fits-all approach. Accordingly, the Applicant has developed a Uniform Sign Program and has submitted the appropriate building height variance application that contemplates variances from certain limitations within the Municipal Code. Other properties in the area are able to enjoy the benefits of proper signage, including Pep Boys, Dollar Tree, 99 Cent Store, Econ Ferreteria, and the USA Mini Mart to name a few. In particular, regional-scale properties in the area also benefit from tall pylons signs with significant signage area, including the Imperial Valley Mall. However, the unique characteristic of the Proposed Project property prevent it from experiencing the same benefits due to the aforementioned differences including substantial site acreage, inordinate amount of lineal street frontage, change in grade, sloping topography, and the sharp angling of Second Street. The granting of the requested Variance would allow the Applicant to utilize the site in a reasonable manner consistent with the City’s General Plan Land Use goals and policies. Placement of the wide variety of signage would not result in a haphazard layout not would it result in poor design quality and appearance to the surrounding area. Additionally, the conditions imposed on the proposed development will ensure the safety of the established community and not be

conflicting to the essence of the code requirements. The resulting number of signs proposed, height signs face area and necessary alternatives would not compromise the project or intent of the Municipal Code.

(C) That granting the Variance or its modification will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.

This finding is supported by the following facts:

(1) Building and Parking Lot Pole Height:

The granting of the variance would allow the Applicant to utilize the site in a reasonable manner consistent with the City's General Plan Land Use goals and policies. The proposed building height has been designed to allow more soffit area between the ceiling and structure for mechanical purposes and this would not be materially detrimental to the public health, safety or welfare, or injurious to the property location. The proposed 40-foot tall parking lot light poles with metal halide lamps could enhance public safety because the parking lot would contain two to three times fewer poles than would be required under the ordinance while meeting minimum foot-candle illumination requirements.

(2) Freestanding Signs, Entry Monuments, Way Finding Signs, Small Suspended or Projecting Signs, and Wall Signage:

In addition, the proposed signage has been designed to complement the architectural features of the buildings in proportion to the site creating a visible and effective experience for the intended consumer base while contributing to a project that would not be materially detrimental to the public health, safety or welfare, or injurious to the property location. Signs placed outside of a planter or within the setbacks will be appropriately designed according to the sign program so as not to impair or endanger vehicle or pedestrian movement. Compliance with an approved Uniform Sign Program will also ensure that the site is utilized in a reasonable manner consistent with the City's General Plan Land Use goals and policies.

(D) The Granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

This finding is supported by the following facts:

(1) Building and Parking Lot Pole Height:

Due to the aforementioned physical characteristics of the lot, strict application of development standards in this case would place an undue hardship on the Applicant to adequately provide a practical building height and parking lot lighting scheme necessary to safely and effectively construct the retail center. Furthermore, based on the total acreage of the parking lot, and the fact that the required illumination would be met the requested deviation from pole height would not be contradictory to the intent of the Municipal Code. The requested building height of 35'-38' would allow more soffit area between the ceiling and structure for mechanical purposes. In both cases, this would not constitute a special privilege; several retail centers utilize and benefit from taller building structures, and parking lot light poles that are taller than 40 feet allowing them to safely illuminate their parking lot without obscuring their façade and signage.

- (2) Freestanding Signs, Entry Monuments, Way Finding Signs, Small Suspended or Projecting Signs, and Wall Signage:

Similarly due to the aforementioned physical characteristics of the lot, strict application of development standards in this case would place an undue hardship on the Applicant to adequately provide a sensible signage layout necessary to reasonably identify and advertise the retail center. Furthermore, based on total acreage, lineal street frontage, site configuration and topography that are very unique physical characteristics, the requested deviations would not be contradictory to the intent of the Municipal Code. The resulting sign height, number and sign face area would not cause any negative impacts, and thereby the intent of the Municipal Code will still be satisfied.

(E) The Granting of this Variance does not allow a use or activity that is not otherwise expressly authorized by the zoning regulations governing the parcel of property.

This finding is supported by the following facts:

- (1) Building and Parking Lot Pole Height:

The Proposed Project is located in an area zoned for commercial retail uses, and the proposed development will allow for commercial retail uses in compliance with applicable development standards established in the City's commercial zones.

- (2) Freestanding Signs, Entry Monuments, Way Finding Signs, Small Suspended or Projecting Signs, and Wall Signage:

The Power Center Project is located in an area zoned for commercial/retail uses, and the proposed development will allow for commercial/retail uses in compliance with applicable development standards established in the City's commercial zones.

(F) That Granting the Variance or its modification will not be incompatible with the City General Plan.

This finding is supported by the following facts:

(1) Building and Parking Lot Pole Height:

The proposed variance complies with the City's General Plan and implements its goals, objectives and strategies in promoting a balanced distribution of well-maintained and functional commercial retail business that do not have an adverse impact on aesthetics, health and adjoining properties. The sign program for which these variances are being proposed would likewise ensure that the Proposed Project's signage remains in harmony with the City's General Plan goals and policies.

(2) Freestanding Signs, Entry Monuments, Way Finding Signs, Small Suspended or Projecting Signs, and Wall Signage:

The proposed variance complies with the City's General Plan and implements its goals, objectives and strategies in promoting a balanced distribution of well-maintained functional commercial retail businesses that do not have an adverse impact on aesthetics, health and adjoining properties. The sign program and building height application for which these variances are being proposed would likewise ensure that the project's signage remains in harmony with the City's General Plan goals and policies.

The Calexico Municipal Code also sets out the following two additional findings required when signs are involved, which the Planning Commission further finds as follows:

(G) That the Granting of the Variance will not detract from the attractiveness or orderliness of the City's appearance with the surrounding neighborhood.

This finding is supported by the following facts:

Pylon Signs extending 65' in height are proposed for the Power Center at strategic locations along Second Street and at each driveway entrance. The Master Sign Program has been designed to complement the building's architecture thereby ensuring a harmonious and integrated appearance with the surrounding neighborhood.

(I) That the Granting of the Variance will not create a hazard to the public safety.

This finding is supported by the following facts:

The Master Sign Program for the Power Center will be incorporated and has been designed to comply with all applicable Building Code requirements while at the same time, ensuring safe and responsible use of all structures. Additionally, before the issuance of City Development permits, the proposed signs will be required to comply with all conditions set forth in a resolution and the Building and Safety Division, Engineering/Public Works Division, and the Fire Department requirements. The referenced agencies through the permit and inspection process will ensure that the proposed signs will not be detrimental to the public health, safety or welfare nor will they be materially injurious or improvements to such zones and facilities.

SECTION 4. NOW, THEREFORE, based on the above findings, the Planning Commission of the City of Calexico DOES HEREBY approve the variance for the Proposed Project as more particularly described in Section 3 of this Resolution subject to the following conditions which shall be in addition to, and not in lieu of, any previous conditions imposed on the Power Center Project:

A) The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees and costs incurred by the City and any claim for private attorney general fees and costs claimed by or awarded to any party, against the City or its agents, officers, or employees, relating to certification of the Final EIR and/or approval of this Variance and the Master Sign Program and any related environmental document or decision including any claim for violation of the Public Records Act or discovery law arising from and with respect to litigation involving these approvals ("2015 Variance Approvals"). The City will promptly notify Applicant of any claim, action, or proceeding concerning the 2015 Variance Approvals. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the cost related thereto, including without limitation attorney's fees and costs incurred by the City. In the event of a disagreement between the City and Applicant regarding the litigation or litigation-related decisions, including, but not limited to, settlement or other disposition of the matter, the City's decision shall be final. However, the Applicant shall not be required to pay any monetary settlement unless such settlement is first approved by Applicant. Within ten (10) days of the filing of any lawsuit or claim related to the 2015 variance Approvals, the Applicant shall deposit with the City the sum of Twenty-Five Thousand Dollars (\$25,000), or an irrevocable letter of credit in said amount in favor of the City in a form acceptable to the City, to pay the City's fees and costs in connection with the defense of any such action and the Applicant shall thereafter replenish the funds in increments of Twenty-Thousand Dollars (\$20,000) within ten (10)

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days of the City's request for such replenishment so that the deposit is continuously maintained at the Twenty-Five Thousand Dollar (\$25,000) level. Failure to provide funds sufficient to satisfy this obligation shall constitute grounds for the City to take action to terminate its defense of the litigation and to nullify the 2015 variance approvals associated with the Proposed Project. Upon the conclusion of the litigation, the City shall return any funds remaining on deposit to the Applicant. In the event any action covered by this section 4(A) is filed after expiration of the applicable statute of limitation period and the City's refund of remaining funds or release of the letter of credit provided above, Applicant shall deposit the sum of Twenty-Thousand Dollars (\$20,000) with the City to pay to the City's attorney's fees and costs in connection with defense of such action, within ten (10) days of the service of any petition or complaint on the City in such action and shall thereafter replenish the funds in increments of Ten Thousand Dollars (\$10,000) within ten (10) days of the City's request for such replenishment. The City shall refund any remaining funds to Applicant within ten (10) days after such action is concluded. The Applicant will enter into a Joint Defense Agreement with the City in connection with these 2015 variance approvals if a complaint or lawsuit is filed. A deposit made under any other indemnification provisions for the Gran Plaza Power Center shall satisfy these deposit requirements as well.

B) That the Applicant shall receive all necessary clearance from the FAA for the signs in accordance with the requirements of this Resolution and Mitigation Monitoring and Reporting Program adopted for the project.

SECTION 5. NOW THEREFORE, based on the above findings, and its review of the facts presented, the Planning Commission of the City of Calexico DOES HEREBY further approve the building height and all signage related Variance requests as specified in the Master Sign Program which is attached hereto and incorporated as Exhibit "D" to this resolution.

SECTION 6. All interested parties are hereby informed that the time within which judicial review of this decision must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

SECTION 7. This resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED this 22nd day of June, 2015

AYES: Ouzan, Rodriguez, Felix
NOES: None
ABSENT: Romero
ABSTAIN: None

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Cesar Rodriguez, Chairperson
Calexico Planning Commission

ATTEST:



Nick Servin, Public Works Director/City Engineer
Secretary to the Planning Commission