AGENDA
ITEM

10

AGENDA STAFF REPORT

DATE: October 12, 2016

TO: Mayor and City Council

APPROVED BY: Armando Villa, City Manager

PREPARED BY: Ralph Morales, Building & Planning Manager

SUBJECT: Second Reading and Adoption of Ordinance Approving Zoning Ordinance Text Amendment No. 1173 (4 total amendments) and Zone Change Ordinance No. 1174 for Calexico Mega Park II Project (UA 2011-01)

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Recommendation:

It is recommended that the City Council approve the second reading of the following:

1.) Zoning Ordinance Text Amendment No. 1173 (4 total amendments)

2.) Zone Change Ordinance No. 1174 for Calexico Mega Park II Project (UA 2011-01)

Background/Discussion:

On September 21, 2016 the City Council held a public hearing for the Mega Park II project and after much discussion introduced Zoning Ordinance Text Amendment 1173 and 1174. Ordinance 1173 amended Section 17.01.140 (Establishment of Zones), Chapter 17.07 (Industrial Zones), Section 17.01.545 CUP Regulations - Lapse Of CUP), and Section 17.01.795 (Development Review Expiration and Extensions) and Section 16.24,010 (Time Limit for Filing and Recording) of the Calexico Zoning Code. Ordinance 1174 put into effect a zone change of approximately 36.03 acres along the eastern portion of the project site from I, General Industrial zoning to LI, light Industrial and BP, Business Park.
Mega Park is located in the City of Calexico on the southeast corner of Jasper Road and Highway 111 and consists of approximately 148 acres.

When Calexico Mega Park LLC, filed their original application in 2011, the applicant expressed interest in creating two new industrial zoning designations in order to develop smaller "mom and pop" type industrial businesses such as a printing shop, a bakery, or A/C contractor, to name a few. The city-wide Zoning Ordinance was being updated concurrently and due to time constraints the two designations were never included as part of the Mega Park II entitlements nor were they applied city-wide. This was discussed

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with the city's land use consultant and all parties agreed that the new designations should be addressed in the Final Environmental Impact Report on a city-wide basis for analysis of any associated impacts. The FEIR was circulated for a 45 day review period with this information included in accordance with CEQA, the California Environmental Quality Act.

No negative comments concerning the new zoning designations as proposed were received from any public reviewing agencies during the review period between July 25, 2012 and August 27, 2012

This year, on July 11, 2016, the Planning Commission reviewed the Zoning Ordinance Text Amendment and new designations along with three other amendments related to expiration time limits and an associated zone change. The public hearing was opened and after much discussion, the planning commission decided on a split vote of 2-2, rendering the motion for approval null. Consequently, the city attorney recommended presenting the project to the City Council for review and consideration. The zoning ordinance text amendment and zone change application requests are as follows:

Zoning Ordinance Text Amendment #1

Currently, there is one general industrial zoning designation which allows a wide range of industrial uses but does not distinguish between "light" or "heavy". The Municipal Code Section 17.01.140 - Establishment of Zones and Chapter 17.07 - Industrial Zones, however, allows for the creation of new zones. The applicant is requesting the establishment of the two new zones through a Zoning Ordinance Text Amendment with related implementing regulations while deleting the existing industrial zoning of the Mega Park project approved in March 2015. The new zones of IL, Light Industrial and BP, Business Park would serve as a transition between the residential zoning (Estrella Subdivision) to the east and the Mega Park project. The General Plan would not have to be amended because there is currently a Business Park and Industrial land use designation in the city's General Plan.

Many discretionary projects take more than a year to process before engineering and construction plans can be worked on. As a result, the applicant is also requesting relief of the following:

Zoning Ordinance Text Amendment #2

Per Municipal Code Chapter 16.24, Final Map Section 16.24.010 - Time limit for filing and recording, there are currently expiration time limits for the filing of final maps of one year from the time of Tentative Map approval. As a result, the applicant has concluded that it has been extremely difficult due to the economic downturn to achieve the goal of developing Mega Park II within such a short time period and is requesting an extension of three (3) years.

Zoning Ordinance Text Amendment #3

Currently, certain uses are permitted subject to the approval of a Conditional Use Permit by Planning Commission which expires after one year. Under Article V, Section 17.01.545 - Lapse of Conditional Use Permit, however, an extension may be granted if it is determined that the changes will not affect the original findings. The applicant has concluded that it is extremely difficult to achieve the goal of Mega Park II within such a

short time period and is requesting an extension of three (3) years for the two Conditional Use Permits approved in March of 2015. (Gas fueling station and Health Center)

Zoning Ordinance Text Amendment #4
Article VII, Development Review Procedures Section 17.01.795 - Expiration and Extension, currently places a time limit of one year on any development review approval, however, this time limit may be extended. The applicant has concluded that it is extremely difficult to achieve the goal of Mega Park II within such a short time period and is requesting an extension by securing additional lead time of 3 years to begin construction per the entitlements approved in March of 2015.

A **Zone Change** for future development of the Mega Park II project is necessary in order to change or apply the new zoning designations of IL, Light Industrial and BP, Business Park to the existing eastern half of the project site currently zoned and approved in March 2015 entirely of I, General Industrial.

Analysis and Discussion:

In order to allow for future development of the Mega Park II project area, staff supports approval of the requested Zoning Ordinance Text Amendments and Zone Change to create two new zoning designations that will be applied not only to the 36 acre eastern portion of the property but city-wide as well. This includes changing the Mega Park II current zoning from I, General Industrial to 21.56 acres of IL, Light Industrial and approximately 14.47 acres to BP, Business Park.

As permitted under Section 15152(a) of the CEQA guidelines, information and conclusions in an Environmental Impact Report completed prior can be based or incorporated by reference of tiered documentation and technical studies to a project. The City, as lead agency finds and determines that "tiering" is appropriate for the proposed amendments and zone change because the EIR written for the Calexico Mega Park approved in 2015 was site specific.

Physical development is not being proposed at this time. If construction begins on any of the buildings proposed for Mega Park II, it would be at that time that a project level environmental analysis would be conducted to address impacts such as noise, traffic, air quality, etc. although such impacts were discussed in the EIR completed for the Mega Park II project approved in 2015 in accordance with provisions contained in the California Environmental Act (CEQA), Public Resources Code (PRC) Section 2100 *et seq*, and the CEQA guidelines. (Section 15000 *et seq)*

These actions can be characterized as efforts to comply with the city's Land Use policies found in the General Plan by allowing more diversified and varied industrial businesses city-wide the opportunity to succeed in the City of Calexico.

Fiscal Impact:

None.

EXHIBITS

A. PROPOSED NEW ZONES OF IL, LIGHT INDUSTRIAL AND BP, BUSINESS PARK (2014 EIR)

B. CIRCULATION AND ACCESS PLAN (2104 EIR)

C-E MISC. EXCERPTS DISCUSSING IL, LIGHT INDUST78910RIAL AND BP, BUSINESS PARK ZONING (2014 EIR)

F. EXCERPT FROM MUNICIPAL CODE SECTION 17.07.140 PERFORMANCE STANDARDS - I ZONES, AND CHAPTER 17.07 INDUSTRIAL ZONE

G. EXCERPT FROM CHAPTER 16.24 - FINAL MAP, AND SECTION 16.24.010 – TIME LIMIT FOR FILING AND RECORDING

H. EXCERPT FROM ARTICLE V, SECTION 17.01.545 – LAPSE OF CONDTIONAL USE PERMIT

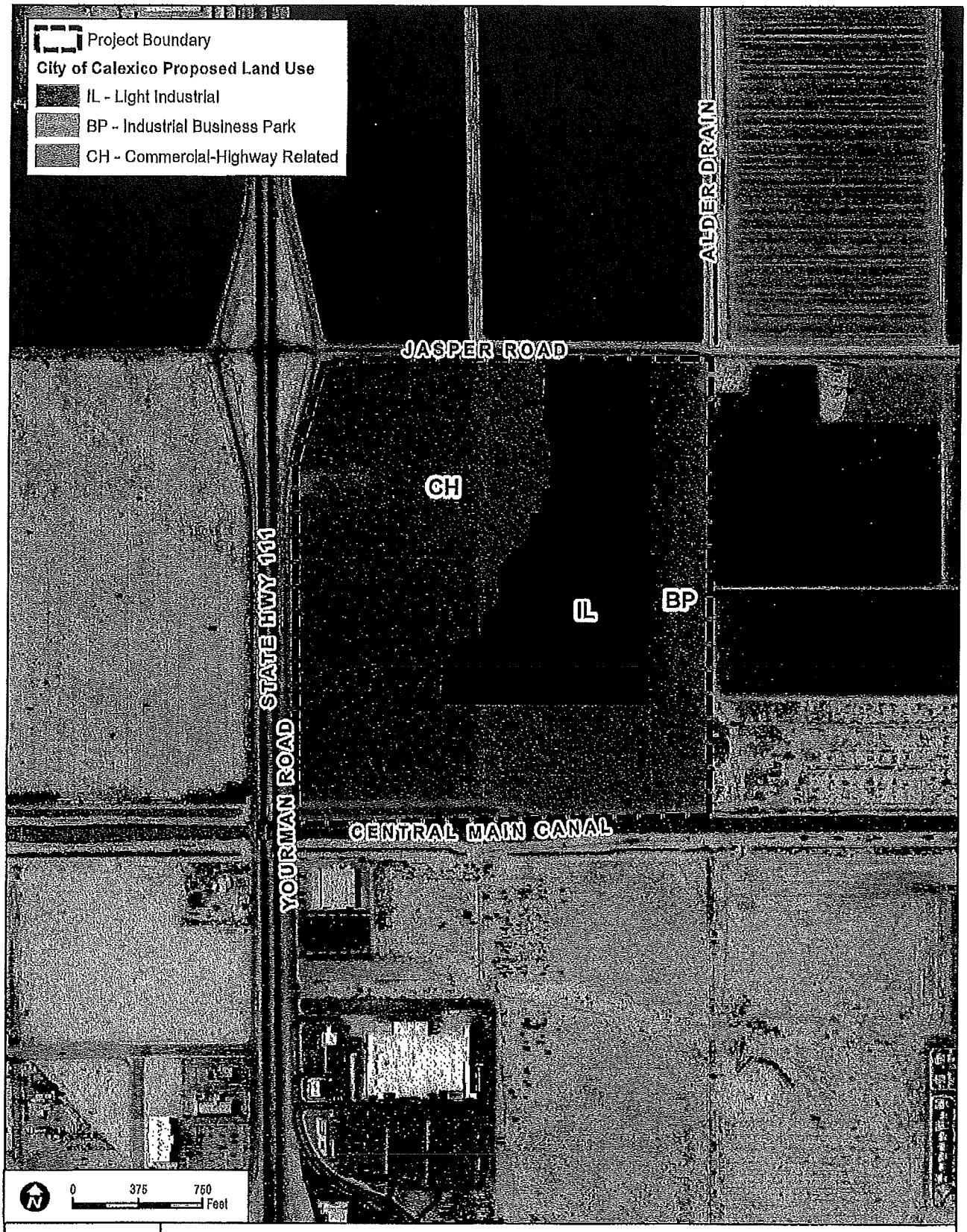
I. EXCERPT FROM ARTICLE VII, DEVELOPMENT REVIEW PROCEDURES SECTION 17.01.795 - EXPIRATION AND EXTENSION

J. MINUTES FROM JULY 11, 2016 PLANNING COMMISSION MEETING

ATTACHMENTS

1. CITY COUNCIL ORDINANCE NO. 2016-__ FOR ZONING ORDIANCE TEXT AMENDMENT 2016-01

2. CITY COUNCIL ORDINANCE NO. 2016-__ FOR ZONE CHANGE NO. 2016-01



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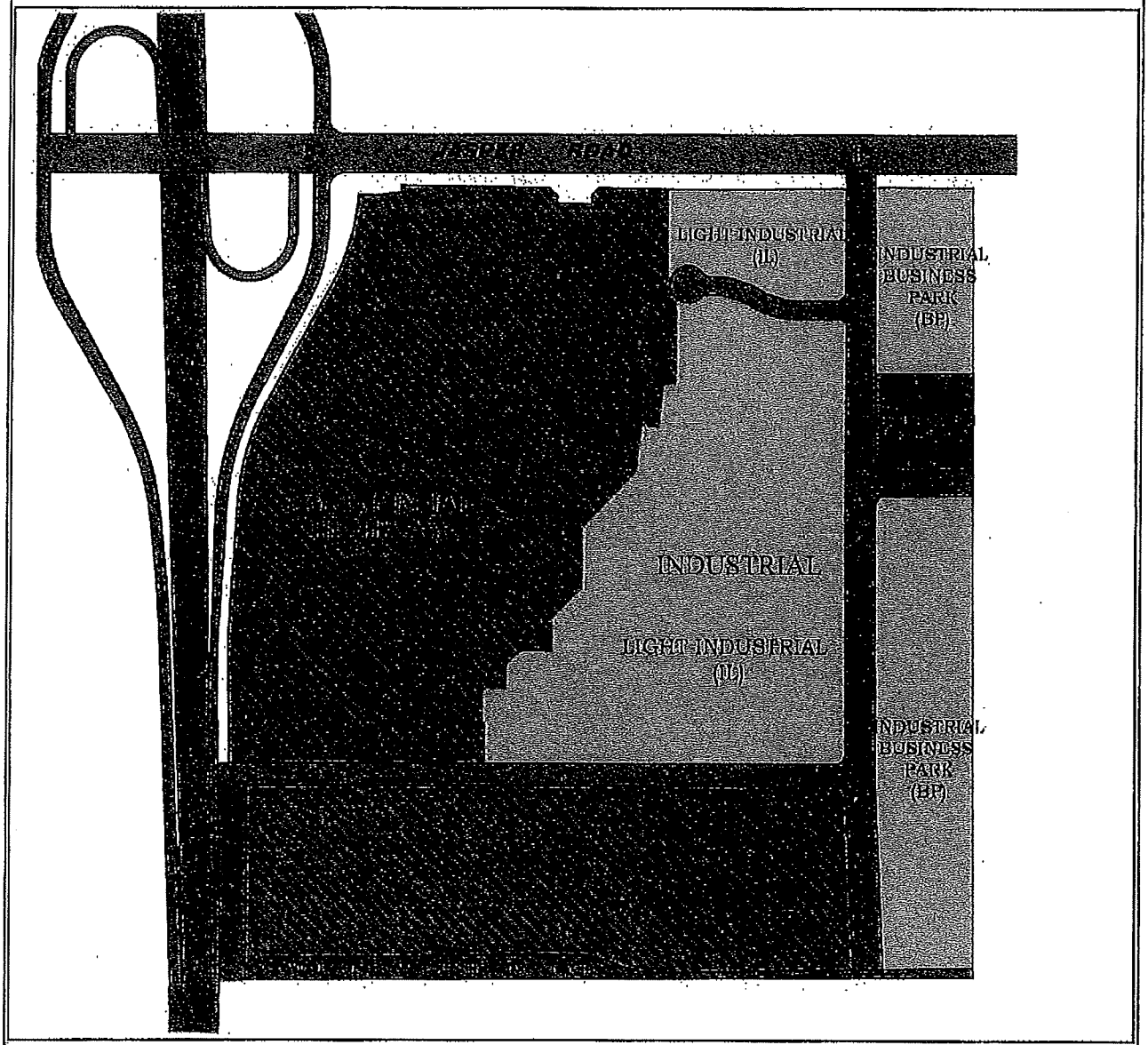
SOURCE: Ziebarth Associates; Bing Maps

FIGURE 3.10-2

Proposed Land Use Designations

CALEXICO MEGA PARK EIR

Exhibit A



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SOURCE: Ziebarth Associates, 2011

FIGURE 2-6
Circulation and Access

CALEXICO MEGA PARK EIR

Exhibit B

Table 3.10-1
Project Consistency with Applicable Land Use Plans and Policies

Goal/Policy	Summary of Policy	Proposed Project	Consistency
Safety Element			
Policy 2b	Consultation with a qualified engineering geologist shall be required for all development.	A geotechnical report was prepared for the proposed project by a qualified geologist.	Consistent
Economic Development Element			
Policy 1f	The City shall recognize the importance of streets and "gateways" in creating the initial impression or image of the City.	The proposed project would serve as a "gateway" to the City that would create a positive image through high-quality architecture and landscaping as described in Section 3.2, Aesthetics.	Consistent
Policy 2d	The City shall encourage a proactive approach in the retention of existing businesses and the recruitment of new businesses, particularly those which generate and broaden employment opportunities.	The proposed project would create approximately 1,120 estimated new jobs from the commercial retail and light industrial portions of the project site. Further employment opportunities would be added by the Health Services Center portion of the proposed project.	Consistent
Policy 2j	The City shall encourage and facilitate highway-serving commercial development along Highway 111 and State Route 98, within the City limits. Some highway-serving commercial may be appropriate along Jasper Road and Cole Road but should be sited so as not to be incompatible with adjacent proposed residential areas.	The proposed project would include commercial highway development along SR-111 within the City limits. The light industrial portion of the proposed project would serve to transition from commercial highway to the residential zoning to the east of the project site for land use compatibility.	Consistent

The proposed project is consistent with the 2007 General Plan with the exception of the Circulation and Noise Element provisions identified above. Those inconsistencies would be eliminated by adoption of the proposed General Plan Amendment. The proposed project would be consistent with the Circulation Element policies of the City with the approval of the zoning and General Plan amendment that would allow a project to result in a level of service (LOS) C or below if the project provides overriding socio-economic benefits or if the City Council determines that the improvements needed to achieve LOS C at specific locations are infeasible. The General Plan amendment would also result in the project being consistent with the noise policies of the City.

Additionally, upon approval of the proposed zoning and General Plan amendment that proposes to rezone and redesignate the project site, the project would be consistent with the Zoning Ordinance and the land use designations in the General Plan. The proposed project site is not located within a compatibility zone for the Calexico International Airport and, therefore, would not conflict with the ALUCP. Therefore, with the approval of the proposed zoning and General

Exhibit C

Health Services Center

A 21.93-acre Commercial Highway–designated site is located south of East Road. Approximately 9.68 acres on the central portion of the site is proposed to be developed as a Health Services Center. Potential uses will include allowable administrative uses such as professional offices, medical offices and related health services, as well as allowable public and semi-public uses such as recovery facilities (convalescent homes and/or hospitals) or group care facilities.

The site west of the proposed Health Services Center will be developed with approximately 91,300 square feet of commercial highway uses. The site east of the Health Services Center will be developed with approximately 33,200 square feet of commercial office uses.

Development Permit

The Health Services Center Development Permit is required for the proposed professional offices and medical offices with related health services, and public and semipublic recovery facilities. In addition, a conditional use permit (CUP) is required for recovery or group care facilities.

Industrial

Approximately 35.92 net acres are proposed for industrial development. A mixed-use employment center of light industrial, offices, and limited retail uses would be located on the eastern portion of the site to serve as a transition between SR-111 and the area designated Commercial Highway along the west side of the project site to the area designated Low Density Residential (LDR) immediately adjacent to the east side of the project site. The proposed project aims to provide an employment center for the City with easy access to Interstate 8 and surrounding residential communities.

In order to better respond to the needs of the small entrepreneur businesses in Calexico, the project proposes a variance to the current Industrial Zone with respect to the minimum lot width; the project proposes reducing the minimum lot width from 100 feet to 75 feet. The 75-foot lot width would allow for a double row of parking with a 5 foot minimum landscape buffer along each property line and would allow for the most efficient site layout, as shown on Figure 2-3, Site Plan. Maximizing site layout efficiency allows small entrepreneurial businesses to optimize their land costs while retaining landscaping requirements to reduce heat island effects of parking areas and provide for screening of vehicles to enhance the aesthetics of the development. Access to corner parcels will be restricted as called for in the General Plan with access restrictions within 100 feet of intersections.

Exhibit D

determine the LOS of the signalized and unsignalized intersections within the project study area. The appropriate LOS thresholds for the City and the County were used with their associated roadway segments and intersections to determine the significance of the potential impacts from the proposed project for the different scenarios.

Trip Generation

The trip generation potential for the project was based on the daily and peak hour trip generation rates obtained from the *(Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region* (SANDAG 2002). Utilizing the SANDAG rates and the characteristics of the proposed project, estimates of daily and peak hour traffic volumes generated by the project can be calculated. Table 3.16-3 summarizes how the trips generated by the proposed project were distributed for each land use type used in the study.

Table 3.16-3
Trip Generation Distribution

Phase of Development	Opening Year	Land Use	Trip Generation Rates						
				AM Peak Hour			PM Peak Hour		
			Daily	Rate	% In	% Out	Rate	% In	% Out
Phase 1	2015	Highway Commercial (1-JC)	500	4%	70%	30%	9%	50%	50%
		Medical (9.35 Acres)	50	60%	80%	20%	11%	30%	70%
Phase 2	2020	Industrial/Business Park	200	12%	80%	20%	12%	20%	80%
Phase 3	2025	Highway Commercial (3J-C)	500	4%	70%	30%	9%	50%	50%
		Highway Commercial (3HC)	500	4%	70%	30%	9%	50%	50%
		Industrial/Business Park	200	12%	80%	20%	12%	20%	80%
Phase 4	2035	Highway Commercial (4J-C)	500	4%	70%	30%	9%	50%	50%
		Highway Commercial (4HC)	500	4%	70%	30%	9%	50%	50%
		Industrial/Business Park	200	12%	80%	20%	12%	20%	80%

Source: Traffic Study, Darnell and Associates Inc. 2012

The trip distribution percentages for the project were based on the local and regional destinations for the trip purposes including the availability of shopping, schools, and employment. The trip distribution is divided by land uses, based on the associated use percentages for each land use type. Details about the assumptions used to determine these distributions can be found in the Traffic Study in Appendix I.

Exhibit E

9. Building height, maximum	35 feet or 2 stories, whichever is less	
10. Distance between detached structures on the same lot, measured in linear feet between eaves	~~10~~	10
11. Off-street parking and loading	(see Chapter 17.13)	

B. Special Requirements.

1. In any I zone a minimum setback of fifteen feet shall be required wherever a lot in the I zone abuts a lot in any residential zone. Said setback may be used for required open off-street parking areas. The setback may be increased by the approving authority in situations where additional distance would help to mitigate or alleviate potential problems or hazards.

2. In any I zone, the average setback shall be no less than the minimum of the zone. The minimum setback shall be no less than ten feet.

3. Along all street frontages situated across from any residentially zoned property, a minimum three foot high landscaped earthen berm shall be constructed. Along all other lot lines adjacent to residential zones, a maximum six foot high masonry wall shall be constructed. Fences should blend in with the site's architecture. In addition, along lot lines adjacent to residentially zoned property, five-gallon trees twenty feet on-center and shrubbery shall be installed and maintained along the inside of the wall to provide a dense landscape screen.

4. Streetscapes shall be enhanced to provide an ease in the transition from the street to the building. Patios, parking and circulation spaces can be included in setback areas to help buffer adjoining parcels from one another.

5. Reciprocal ingress and egress, circulation and parking arrangements shall be promoted where possible and feasible to facilitate ease of vehicular movement between adjoining properties and to limit superfluous driveways. (1992 zoning ord. (part))

17.07.140 Performance standards--I zones.

A. In all I zones the required setbacks shall be landscaped. Landscaping shall consist predominantly of drought tolerant, low maintenance plant materials and shall be irrigated by automatic sprinklers. All landscaping shall be permanently maintained in a clean and healthy and thriving condition, free of weeds, trash and debris.

B. All ground mounted mechanical equipment, including heating and air conditioning units and trash receptacle areas, shall be completely screened from surrounding properties by use of a parapet, wall or fence, or shall be enclosed within a building. Exposed gutters, downspouts, vents, louvers, and other similar elements shall be painted to match the surface to which they are attached unless they are used as part of the design theme.

C. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and overhead cable shall be installed underground. In the case of power lines and overhead cable owned by the Imperial Irrigation District, the planning commission shall have the authority to waive undergrounding requirements when the costs for undergrounding are found to be excessive.

D. Lighting. All light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties. Illuminators shall be integrated within the architecture of the building. Freestanding lamp posts shall be no taller than eighteen feet. The intensity of light at the boundary of any I zone shall not exceed seventy-five foot lamberts from a source of reflected light. All exterior shall be low pressure sodium.

E. Electrical Disturbance, Heat and Cold, Glare. No use except a temporary construction operation shall be permitted which creates changes in temperature or direct glare, detectable by the human senses without the aid of instruments, beyond the boundaries of the site. No use shall

Exhibit F

Chapter 17.07

INDUSTRIAL ZONES

Sections:

17.07.110	Purposes.
17.07.120	Permitted and conditional uses—I zones.
17.07.130	Property development standards—I zones.
17.07.140	Performance standards—I zones.
17.07.150	Accessory structures.
17.07.160	Walls and fences.
17.07.170	Signs.

17.07.110 Purposes.

In addition to the objectives outlined in Section 17.01.110, Purpose and scope, the industrial zones are included to provide for a quality working environment and to achieve a harmonious mixture of uses which might otherwise be considered incompatible when located in close proximity. Activities are intended to promote employment opportunities in manufacturing, service, research and development, engineering and wholesale trade. In addition, the industrial zones are included to advance the following objectives:

A. To reserve appropriately located areas for industrial use and protect these areas from intrusion by dwellings and other inharmonious uses.

B. To protect residential and commercial uses from noise, odor, dust, smoke, light intrusion, truck traffic, and other objectionable influences and to prevent fire, explosion, radiation, and other hazards incidental to certain industrial activities.

C. To provide sufficient open space around industrial structures to protect them from hazard and to minimize the impact of industrial operations on nearby residential or commercial zones.

D. To minimize traffic congestion and to avoid the overloading of utilities by restricting construction of buildings of excessive size in relation to the amount of land around them.

I. General Industrial Zone. This zone is intended as an area for modern industrial, research, and administrative facilities that can meet high performance and development standards. Retail commercial uses in conjunction with a permitted or conditional use are permitted to occupy up to twenty-five percent of the gross floor area. 25%

IR. Industrial Rail Served Zone. This zone is intended as an area for uses which can avail themselves of the railroad line in the area. The zone also permits many general industrial uses. (1992 zoning ord. (part))

17.07.120 Permitted and conditional uses—I zones.

The following uses shall be permitted uses where the symbol "P" appears and shall be permitted uses subject to a conditional use permit where the symbol "C" appears in the column beneath each zone designation. Where the symbol "X" appears the use shall be prohibited.

Exhibit F

15. A statement regarding existing and proposed zoning;

16. A vicinity map adequate to locate the property;

17. Such other reasonable and necessary data as may be required on the checklist prepared by the subdivision committee. (Ord. 575 § 2 (part), 1964: prior code § 8428)

Chapter 16.24

FINAL MAP

Sections:

16.24.010 Time limit for filing and recording.
16.24.020 Decision.
16.24.030 Conformance to tentative map.
16.24.040 Identification information.
16.24.050 Compliance with state map act.
16.24.060 Soil report and investigation.
16.24.070 Separate map.
16.24.080 Boundary evidence.
16.24.090 Monuments.
16.24.100 Surveys.
16.24.110 Bearings.
16.24.120 Lot numbers.
16.24.130 Curve data.
16.24.140 Easements.
16.24.150 City boundary lines.
16.24.160 Natural watercourse designations.
16.24.170 Title sheet contents.
16.24.180 Recording.

16.24.010 Time limit for filing and recording.

After the approval or conditional approval of the tentative map, the subdivider shall cause the proposed subdivision to be accurately surveyed and a final map thereof prepared and filed with the city engineer. The failure of a subdivider to so file such map with the city engineer and to have said map recorded in the office of the county recorder within one year after the date of approval of the tentative map shall automatically terminate and void the proceedings. The time limit for such filing and recording may be extended by the city council for a period not exceeding one year. (Ord. 575 § 2 (part), 1964: prior code § 8431)

Exhibit G

A. Approval or Disapproval. The legislative body shall, within a period of ten days after the filing of the final map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of this title and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map.

B. Approval by Failure to Act. If the legislative body does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the clerk of the legislative body shall certify its approval thereon.

C. Acceptance Conditions. The final map shall be accepted by the city council provided:

1. 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 will be installed;

2. The required mad checking fees have been paid by the subdivider;

3. Checking has been completed by the various departments and agencies;

4. Taxes, liens, and special assessments have been paid, or such payment guaranteed. (Ord. 734 § 7, 1978: Ord. 575 § 2 (part), 1964: prior code § 8432)

16.24.030 Conformance to tentative map.

Final maps shall conform substantially to the approved tentative maps. When a final map covers only a portion of the property shown on the tentative map, it shall first be submitted to the advisory agency for approval prior to submission to the city engineer for checking. The advisory agency may refuse to approve the recording of any such map that does not provide a satisfactory design nor provide adequate improvements. The city engineer may only a portion of a tentative map when, in the process of checking the final map, he determines that it will not be feasible from an engineering standpoint to construct satisfactory improvements in the reduced area. (Ord. 575 § 2 (part), 1964: prior code § 8433)

16.24.040 Identification information.

The following information shall be submitted with the final map: names, addresses, and telephone numbers of the record owners, subdivider, and person preparing the final map. (Ord. 575 § 2 (part), 1964: prior code § 8434)

16.24.050 Compliance with state map act.

The final map shall conform to the provisions of Section 66456 et seq. of the Subdivision Map Act. (Ord. 734 § 8, 1978: Ord. 575 § 2 (part), 1964: prior code § 8435)

16.24.060 Soil report and investigation.

A. Preliminary Report. Prior to the submission of the final map, pursuant to this chapter, the subdivider shall file with the city engineer a preliminary soil report, prepared by a state-registered civil engineer, based upon adequate test borings or excavations of every subdivision as defined in this title. The city engineer may waive such soil report if he determines that, due to his knowledge or the knowledge of his department of the soil qualities of said subdivision, no preliminary analysis is required.

B. Investigation. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to defects in structures erected thereon, a soil investigation of each lot in the subdivision shall be prepared by a state-registered civil engineer. Said investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the city engineer.

C. Approval Investigation. The city engineer shall approve the soil investigation if in his judg-

Exhibit G

health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and

D. That the proposed conditional use will comply with each of the applicable provisions of this title, except for an approved variance. (1992 zoning ord. (part))

17.01.545 Lapse of conditional use permit.

A. A conditional use permit shall lapse and shall become void one year following the date on which the use permit was approved, unless prior to the expiration of one year:

1. A building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application; or

2. A certificate of occupancy is issued for the structure which was the subject of the use permit application; or

3. The site is occupied in accordance with conditional use, if no building permit or certificate of occupancy is required; or

4. The use which was the subject of the use permit application is commenced, provided that a use permit for a public utility installation may be valid for a longer period if specified by the commission.

B. A conditional use permit subject to lapse may be renewed for an additional period of one year, provided that ninety calendar days prior to the expiration date, an application for renewal of the use permit is filed with the director of planning on the prescribed form and accompanied by the necessary data and deposits.

C. The planning commission may grant or deny an application for renewal of a conditional use permit.

D. If the use, business, or service for which the conditional use permit was issued terminates or ceases operation for a continuous period of time in excess of one hundred and eighty calendar days except for:

1. Destruction or damage by acts of God; or

2. Destruction or damage by malicious acts; or

3. Remodeling or rehabilitation requiring prolonged closure;

The conditional use permit shall expire and the permit shall thereafter have no further force or effect. (1992 zoning ord. (part))

17.01.550 Pre-existing conditional uses.

A. A conditional use legally established prior to the effective date of the ordinance codified in this title, or prior to the effective date of subsequent amendments to this title or zone boundaries, shall be permitted to continue, provided that it is operated and maintained in accordance with the conditions prescribed at the time of its establishment, if any; and provided that it meets the requirements of Section 17.01.545.

B. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of a conditional use permit as prescribed in this article, provided that minor alterations as determined by the director of planning shall be permitted without the granting of a conditional use permit.

C. A conditional use permit shall be required for the reconstruction of a structure which has a pre-existing conditional use, if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to an extent greater than fifty percent. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the city engineer and building official and shall be based on the minimum cost of construction in compliance with the building code. (1992 zoning ord. (part))

Exhibit H

2. That one or more of the conditions upon which such development review approval was granted have been violated.

3. That the use for which the development review approval was granted is so conducted as to be detrimental to the public health or safety, or as to be a nuisance.

4. That construction on the subject property is not in conformance with the development review approval or other applicable requirements.

B. Notification. The director shall notify the owner of the property of his action in the same manner as specified in the building code for revocation of a building permit, or by written notice to the owner of the subject property as shown on the latest assessment roll or as indicated by later information available to the director.

C. Appeal. Revocation or modification of a development review approval may be appealed pursuant to Section 17.01.760. (1992 zoning ord. (part))

17.01.790 Automatic revocation of development review approval.

Whenever there becomes final any judgement of a court of competent jurisdiction declaring one or more of such conditions to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one or more of such conditions said development review approval shall also cease to be valid. (1992 zoning ord. (part))

17.01.795 Expiration and extension.

Any approval of a development review shall expire within one year of such approval except where construction or use of the property in reliance on such development review approval has commenced prior to its expiration. If construction and use of the property in reliance on a development review approval has not commenced within the one year period, said period may be extended by the director for a period not exceeding six months for each application up to a maximum of two years from the date of original approval. (1992 zoning ord. (part))

Article VIII. Nonconforming Uses and Structures

17.01.810 Purposes.

A. Uses. This section is intended to limit the number and extent of nonconforming uses by prohibiting or limiting their enlargement, their re-establishment after abandonment, and the alteration or restoration after destruction of the structures they occupy.

B. Structures. While permitting the use and maintenance of existing nonconforming structures, this section is intended to:

1. Limit the number and extent of nonconforming structures by prohibiting their relocation, alteration, or enlargement in a manner that would increase the nonconformity; and

2. Prohibit restoration of nonconforming uses and structures after destruction. (1992 zoning ord. (part))

17.01.820 Continuation and maintenance.

A. A use lawfully occupying a structure or a site, that does not conform with the use regulations or the performance standards for the zone in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this section.

B. A structure, lawfully occupying a site, that does not conform with the property development standards for front yard, side yards, rear yard, height coverage, or distances between structures, for the zone in which the structure is located, shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this section.

Exhibit I

THE PLANNING COMMISSION OF THE CITY OF CALEXICO MET IN REGULAR SESSION ON THE 11th DAY OF JULY, 2016 AT 6:30 P.M. AT THE CITY OF CALEXICO FERNANDO "NENE" TORRES COUNCIL CHAMBERS, 608 HEBER AVENUE, CALEXICO, CA THE DATE, HOUR AND PLACE DULY ESTABLISHED FOR THE HOLDING OF SAID MEETING.

CALL TO ORDER:

The meeting was called to order at 6:31 p.m. by Vice-Chairman Jason Jung and those present were led in the Pledge of Allegiance by Commissioner Ouzan.

ATTENDANCE:

Present:

Jason Jung, Commissioner
Josie Felix, Commissioner
Jose Yepez, Commissioner

Absent: Cesar Rodriquez, Chariman

ROLL CALL: Commissioner Ouzan arrived at approximately 6:35

APPROVAL OF AGENDA:

Motion was made by Comm. Ouzan and seconded by Comm. Yepez to approve the agenda as presented. Motion passed unanimously.

PUBLIC COMMENTS (NON AGENDIZED ITEMS - 3 MINUTES)

Calexico resident, Manuel Yanez approached the microphone and stated his name and address for the record. Mr. Yanez explained to the Planning Commission that his client, Luis Cota is interested in processing a lot line adjustment on the corner of 5th St. and Encinas Ave. He continued by stating that his client spoke with city staff & that he was told the project did not comply with the city's ordinance & codes. Mr Yanez asked that the city please work with his client and suggested that there should not be any reason why the proposed lot line adjustment would not be possible. In conclusion, he asked if this was an item that should be placed on the agenda.

In response to Mr. Yanezs' comments, Building and Planning Manager, Ralph Morales mentioned that he did in fact speak with Mr. Cota concerning the lot line adjustment.

Exhibit J

CONSENT ITEMS:

Approval of Regular Planning Commission Meeting Minutes for June 13, 2016.

Motion was made by Commissioner Yepez and seconded by Commissioner Felix to approve minutes of June 13, 2016 as presented. Motion passed unanimously.

PUBLIC HEARING ITEMS:

UA2016-07, Zoning Ordinance Text Amendment and Zone Change - The zoning ordinance text amendment intends to modify Municipal Code Section 17.01.140 - Establishment of Zones and Chapter 17.07 INDUSTRIAL ZONES to create two new industrial zone designations and delete the I, General Industrial zone for the Mega Park project These two new zones are Light Industrial (IL) and Business Park (BP). Currently, there is a Business Park land use designation in the General Plan, but there is no associated zoning. The new zones would allow for light industrial and business park uses to be used to create transition buffering between heavy industrial and residential zoning. This request also proposes to extend the expiration time limits for Final Maps (Chapter 16.24, Section 16.24.010 - Time limit for filing and recording), Conditional Use Permits (Article V. - Conditional Use Permit Regulations, Section 17.01.545 - Lapse of Conditional Use Permit), and Development Permits (Article VII. - Development Review Procedure Section 17.01.795 - Expiration and extensions). Finally, this request includes applying the new zoning designations created to the portion of the currently zoned I, General Industrial areas in the MegaPark project approved by the City Council on March 3, 2015 to Light Industrial and Business Park zones.

Mark Vasquez, Associate Planner, provided a summary of the Zoning Ordinance Text Amendment (4 in 1) being requested by explaining that the intent of Mega Park LLC all along was to return to the city after approval in March 2015, in order to apply for two new zoning designation of IL, Light Industrial and BP, Business Park.

Afterwards, John Ziebarth, representative for the Mega Park project approached the microphone and cited various sections out of the municipal code which would have to be amended in order to accommodate the Mega Park project. He discussed each one in depth as follows:

1.) Section 17.01.140 - Establishment of Zones and Chapter 17.07, Industrial Zones

2.) Chapter 16.24, Final Map Section 16.24.010 - Time limit for filing and recordin

3.) Article V, Section 17.01.545 - 17.01.5345 - Lapse of Conditional Use Permit

4.) Article VII. Section 17.01.795 - Expiration and Extension

5.) Zone Change which would apply new designation to existing zoning

Mr. Zeibarth clarified that when the Mega Park project was approved in 2015, the applicant expressed interest in creating two new industrial zoning designations in order to develop smaller "mom and pop" type industrial businesses. The city-wide Ordinance was being updated concurrently and due to time constraints the designations were never included. This issue was discussed with the city's land use consultant and all parties agreed that the new designations should be addressed in the Environmental Impact Report for any associated impacts. The Environmental Impact Report was circulated for a 45 day review period with this information included and no negative comments were received by any public reviewing agencies.

Commissioner Yepez asked about whether the development would create a buffer zone between the light industrial zone being proposed in Mega Park and the housing portion of Estrella to the east.

Commissioner Jung inquired about whether any infrastructure had been installed as of the current date since the project has lingered on for 8 years.

Commissioner Felix expressed concern with the applicant's request since there was nothing enclosed in the agenda packet with respect to the CUP approvals in 2015.

In response to commissioner Felix's comments, Mr. Ziebarth continued by saying that the original CUP's were for the gas station on the north side of the property and the health center planned for the south side of the property and clarified that the new zoning designations were being applied city wide and not just to the Mega Park project.

Commissioner Felix stated she was confused because Mr. Zeibarth implied that he was making decisions for staff by suggesting that the new designations would be applied city-wide. Per the staff report, Ms. Felix continued by saying there was no indication that a project needed to be voted on for approval so why would the new designations need to be approved city-wide tonight.

Building/Planning Manager, Ralph Morales clarified that in his professional opinion, creating the two new industrial zoning designations was a good idea per the consultant's presentation.
He continued by saying it's not so much about a project being ready to be constructed at this time but instead it was about being at the forefront so that when there is a project, it can move quickly through the process.

Mr. Ziebrath explained the differences between IL, Light Industrial and BP, Business Park uses.

Commissioner Ouzan clarified that he would be in favor of applying the new designations to the Mega Park project only and not city-wide.

Commissioner Jung pointed out the fact that there was a concrete contractor that moved into the building on 5th and Emerson.

Real Estate agent Linda Barrientos approached the microphone and mentioned her name and address for the record. She clarified the fact that at the current time, the city's industrial zones allow for many types of commercial uses.

Commissioner Ouzan mentioned that what's being proposed is actually a good idea because it allows for a wide variety of industrial uses and not just one as is currently the case. He said the IL, Light Industrial and BP, Business Park zoning designations would cause less intense impacts thereby creating a better quality of life.

Mr. Ziebarth described how the City of San Diego has 26 different zones but doesn't use all of them. He recommended applying the new designations city-wide as a "tool" for property owners and staff to evaluate and analyze smaller industrial-sized lots in Calexico.

Commissioner Felix summarized her comments by stating that city staff should have provided a map of the entire city showing those areas that would potentially be affected if the two new zones were to be applied city wide.

Commissioner Jung also felt that applying the two new zones city-wide instead of to the Mega Park project only was not a good idea.

After much discussion, staff explained that there were options available to the commission regarding the zoning ordinance text amendment as follows:

1. Motion to approve Resolution No. 2016-01 for the zoning ordinance text amendment as submitted with the adoption of the appropriate findings.

2. Motion to deny Resolution No. 2016-01 for the zoning ordinance text amendment as submitted with the adoption of the required findings and conditions.

3. Motion to approve Resolution 2016-01 as submitted and modify certain conditions with the adoption of the required findings and conditions.

Commissioner Ouzan, made a motion to approve zoning ordinance text amendment 2016-01, with a second by Commissioner Yepez to adopt applicable findings as submitted. Motion did not pass with 2-2 vote.

Mr. Ziebarth asked if the proposal could be taken to the City Council because of the 2-2 deadlock and Commissioner Ouzan explained that it could be.

Mr. Vasquez reminded Planning Commission that the Zone Change resolution which would apply the two new zones of IL, Light Industrial and BP, Business Park also had to be voted on with option available as follows:

1. Motion to approve Resolution No. 2016-01 for the Zone Change as submitted with the adoption of the appropriate findings.

2. Motion to deny Resolution No. 2016-01 for the Zone Change as submitted with the adoption of the required findings and conditions.

3. Motion to approve Resolution 2016-01 as submitted and modify certain conditions with the adoption of the required findings and conditions.

Before taking action on this item, Commissioner Jung asked whether the zone change would be applicable city wide or just to the Mega Park project. Mr. Ziebarth stated that the zone change would be applicable to the Mega Park project only.

Commissioner Ouzan asked if it would be OK to vote on the second resolution because of the fact that there was a deadlock on the first resolution. After carefully considering the issue at hand, shortly thereafter, he made a motion to approve Zone Change 2016-01, with a second by Commissioner Yepez to adopt applicable findings as submitted. Motion passed unanimously.

Upon Mr. Ziebarth's request for clarification, Commissioner Ouzan explained that if staff would have provided a better presentation then maybe the outcome overall would have been different. In reference to expiration time limit extensions of prior 2015 Mega Park approvals, Mr. Ouzan said staff should decide on their own whether an extension may be granted or not.

STAFF COMMENTS:
None

PLANNING COMMISSIONER'S COMMENTS:

Commissioner Ouzan, had concerns with the noise occurring in the early morning hours at the construction site of the new Downtown Port of Entry. He continued by saying that the noise is interfering with our daily lives and that something should be done about it.

Mr. Morales mentioned that he could speak to the City Manager who attends the meetings for the Downtown Port of Entry project.

ADJOURNMENT:

There being no further business, the meeting was adjourned at approximately 8:15 p.m.

Vice-Chairman, Jason Jung

Attest:

Mark Vasquez, Secretary

ATTACHMENT 1

ORDINANCE NO. _____

A ZONING TEXT AMENDMENT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, AMENDING SECTION 17.01.140 (ESTABLISHMENT OF ZONES), CHAPTER 17.07 (INDUSTRIAL ZONES), SECTION 17.01.545 (CUP REGULATIONS -LAPSE OF CUP), AND SECTION 17.01.795 (DEVELOPMENT REVIEW - EXPIRATION AND EXTENSIONS) AND SECTION 16.24.010 (TIME LIMIT FOR FILING AND RECORDING) OF THE CALEXICO ZONING CODE

WHEREAS, the City of Calexico ("City") has the authority to regulate to ensure the public's health, safety, and general welfare; and

WHEREAS, the City Council of the City of Calexico now desires to amend Section 17.01.140 (Establishment of Zones), Chapter 17.07 (Industrial Zones), Section 17.01.545 (CUP Regulations - Lapse of Conditional Use Permit), Section 17.01.795 (Development Review – Expiration and Extensions), and Section 16.24.010 (Time limit for filing and recording); and

WHEREAS, the City finds that the proposed amendments are in the interest of the public health, safety, and general welfare.

THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The Recitals set forth above are true and correct and are incorporated into this Ordinance.

SECTION 2. Amendment to Municipal Code. Section 17.01.140 of the Calexico Municipal Code is hereby amended in its entirety to read as below. Additions to Section 17.01.140 are unlined and deletions are ~~stricken~~ for ease of review:

"17.01.140 - Establishment of zones.

A. In order to classify, regulate, restrict, and separate the use of land, buildings and structures in the various districts and to regulate the areas of yards and other open areas abutting and between buildings and structures and to regulate the density of population, the city is divided into the following zones:

1. Residential Zones.

RR	Residential rural zone,
R-1	Residential single-family zone,
RC	Residential condominium zone,
RA,	Residential apartment zone;

2. Commercial Zones.

CO	Commercial office zone,
CN	Commercial neighborhood zone,
CH	Commercial highway zone,
CS	Commercial specialty zone;

3. Industrial Zones.

I	Industrial zone,
IL	Light Industrial
BP	Business Park

Special Purpose Zones.

MHP	Mobile home park zone,
PD	Planned development overlay zone,
SP	Specific plan overlay zone,
A	Agriculture zone.

B. Adoption of Zones—Maps. Several zones and boundaries of those zones are established and adopted as shown, delineated and designated on the "official zoning map" of the city of Calexico, Imperial County, California, which map, together with all notations, references, data, zone boundaries, and other information thereon, is made a part hereof and is adopted concurrently herewith.

C. Filing. The original and current official zoning map shall be kept on file with the city clerk and shall constitute the original record. A copy of said map shall be also filed with the planning department.

D. Changes to the Zoning Map. Changes in the boundaries of the zones shall be made by ordinance and shall be reflected on the official zoning map."

SECTION 3. Amendment to Municipal Code. Chapter 17.07 of the Calexico Municipal Code is hereby amended in its entirety to read as below. Additions to Chapter 17.07 are unlined and deletions are stricken for ease of review:

Chapter 17.07 - INDUSTRIAL ZONES

Sections:

17.07.110 Purposes.

In addition to the objectives outlined in Section 17.01.110, Purpose and scope, the industrial zones are included to provide for a quality working environment and to achieve a harmonious mixture of uses which might otherwise be considered incompatible when located in close proximity. Activities are intended to promote employment opportunities in manufacturing, service, research and development, engineering and wholesale trade. In addition, the industrial zones are included to advance the following objectives:

1. To reserve appropriately located areas for industrial use and protect these areas from

1. To reserve appropriately located areas for industrial use and protect these areas from intrusion by dwellings and other inharmonious uses.

2. To protect residential and commercial uses from noise, odor, dust, smoke, light intrusion, truck traffic, and other objectionable influences and to prevent fire, explosion, radiation, and other hazards incidental to certain industrial activities.

3. To provide sufficient open space around industrial structures to protect them from hazard and to minimize the impact of industrial operations on nearby residential or commercial zones.

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting construction of buildings of excessive size in relation to the amount of land around them.

I General Industrial Zone. This zone is intended as an area for modern industrial manufacturing and heavy industrial uses while permitting research, and administrative facilities that can meet high performance and development standards. Retail commercial uses are limited to those that occupy up to twenty-five percent of the gross floor area in conjunction with a permitted or conditional use.

IR Industrial Rail Served Zone.–This zone is intended to incorporate higher design standards than traditional industrial zones in order to provide a transition from residential to industrial areas as well as provide high quality design in areas visible from major highways. Standards for this zone shall include higher landscaping setbacks and quality of plant materials, provision of transit service facilities within the development, centrally located small commercial/support use areas for the use of workers within the planned development area, a coordinated sign program, and upgraded architectural design and/or materials from standard industrial uses to attract a variety of industrial users such as the high tech industry. as an area for uses which can avail themselves of the railroad line in the area. The zone also permits many general industrial uses. (1992 zoning ord. (part))

IL Light Industrial Zone. This zone is intended as a transition zone between the heavy industrial uses in General Industrial Zone (I) to residential and commercial zones. It is intended to provide for a mix of light non-polluting types industrial, office and commercial uses. As a transition zone it provided the flexibility of responding to economic demands for various types of compatible uses.

BP Business Park. This zone intends to accommodate various low-intensity, nonpolluting types of manufacturing operations, research and development, and small businesses. This zone promotes campus-style industrial and business parks and is intended to provide "clean" industries that do not generate nuisance or unsafe levels of noise, vibration, air emissions, truck traffic, or liquid and solid waste.

17.07.120 – Permitted and conditional uses – I zones.

The following uses shall be permitted uses where the symbol "P" appears and shall be permitted uses subject to a conditional use permit where the symbol "C" appears in the column beneath each zone designation. Where the symbol "X" appears the use shall be prohibited.

	IR	~~IRPID~~ IL	BP
A. Manufacturing			
1. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials such as canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semi-precious stones or metals, plaster, plastics, shells, textiles, tobaccos, wood, and yarns; novelty items, (not including fireworks or other explosive type items), electrical and related parts; electrical appliances, motors, and devices; radio, televisions, phonograph, and computers; electronic precision instruments; audio machinery; visual machinery; cosmetics, drugs, perfumes, toiletries, and soap (not including refining or rendering of fats or oils); furniture upholstering.	P	P	C
~~G.~~2. Bottling plants	P	P	X
~~H.~~3. Cement products manufacturing	C	C	X
~~I.~~4. Citrus products manufacturing, including frozen foods	P	P	X
~~6.~~5. Laboratories; chemical, dental, electrical, optical, mechanical, and medical	P	P	C
7.6. Packing houses	P	~~P~~C	X
~~8.~~7. Recycling Centers	P	P	C
~~9.~~8. Rubber and metal stamp manufacturing	P	P	X
B. Storage and Wholesale Trades			
1. Automobile fleet storage	P	P	X
2. Building equipment storage, sales, rentals	P	P	X
3. Building materials and lumber storage yards and/or contractors yards	P	P	X
4. Livestock sales and feed yards	X	C	X
5. Mini storage, public storage, and storage warehouses. (No retail or wholesale selling is permitted, no outdoor storage and no habitation of any kind)	P	P	P
6. Moving and storage firms	P	P	X
7. Trailer, truck or bus terminal office	P	P	X

7. Trailer, truck or bus terminal office	P	P	X
C. Services			
1. Animal hospital or veterinary clinic and/or office			
	I	**~~IRPID~~ IL**	**BP**
a. ~~Large animal~~without boarding	P	P	P
b. ~~Small animal~~with boarding	P	P	C
2. Automobile, truck, mobile home, and/or tractor services including but not limited to sales, rental agencies, body repair, painting, and car washes	P	P	X
3. Athletic and Health Clubs	X	C	C
~~2.~~4. Bakeries	X	P	P
~~3.~~5. Blueprinting and photocopying	P	P	P
~~4.~~6. Business, professional, and research offices	P	P	P
~~5.~~7. Cleaning and dying plant	~~X~~P	C	X
~~6.~~8. Distributors, showrooms, and administrative offices	P	P	P
~~7.~~9. Eating and drinking establishments			
a. Restaurants, coffee shops and delicatessens (with or without alcoholic beverages and no entertainment)~~a. Bars~~	~~C~~P	~~C~~P	P
b. Bars, night clubs and cabarets (with alcoholic beverages and/or entertainment)~~b. Nightclubs, cabarets, restaurants, coffee shops, delicatessens~~	C	C	C
c. Breweries, microbreweries, and ~~microbreweries~~wineries; including production, wholesale distribution and/or retail activities.	P	C	C
~~a.~~ d. Snack bars, take-out only, refreshment stands contained within a building.	~~C~~P	~~C~~P	P
e. Fast food restaurants with drive-in or drive-through. ~~b.~~	~~P~~X	~~P~~X	X
10. Funeral and mortuary services	X	P	P
11. Kennels.	P	P	X
~~8.~~12. Maintenance and Repair Services			
~~9.~~13. Newspaper publishing, printing, and distribution, general printing, and lithography.			
14. Gasoline dispensing and/or automotive service station	P	C	C

15. Radio and Television Studios	X	P	P
~~10.~~ 16. Retail Commercial when parking meets requirements for commercial uses as defined in Chapter 17.13	X	P	X
~~11.~~ 17. Tire retreating and recapping	P	C	X
~~12.~~ 18. Swap meets (in accordance with Chapter 5.76)	P	P	X
~~12. D.~~ **Public and Semi-Public Uses**			
~~5.~~ 1. Day nurseries, day care schools and nursery schools	~~P~~X	~~P~~C	C
~~13.~~ 2. Post offices and post terminals	P	P	P
~~14.~~ 3. Educational institutions public or private including vocational schools	C~~P~~	C~~P~~	C
4. Religious Institutions	C	~~P~~C	C
5. Public Facilities, including but not limited to IID, Public Utilities, and other public offices	X	P	P
~~15.~~ 6. Public utility service yards	P	P	X
~~D.~~**E. Agricultural Uses**	P	P	X
1. Farms or ranches for orchards, tree crops, field crops, truck or flower gardening, and growing of nursery plants, including the sale of products raised on the premises	X	X	X
2. Animal grazing and raising, commercial or noncommercial, only when said property is vacant and one acre or greater in size	X	X	X
~~E.~~**F. Accessory Uses**			
1. Accessory structures and uses located on the same site as a permitted or conditional use	P	P	P
2. Incidental services for employees on a site occupied by a permitted or conditional use, including day care, recreational facilities, showers and locker rooms	P	P	P
3. Watchman's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use	P	P	X
~~F.~~**G. Temporary Uses**			
1. Temporary uses as prescribed in Section 17.11.120	P	P	P

17.07.130 Property development standards-- I zones.

Prior to the construction of any building or structure on any lot within the I zones, a development review is required pursuant to Chapter 17.01, Article VII. The following property development standards shall apply to all land and buildings other than accessory buildings authorized in this zone. Any legal lot may be used as a building site, except no building permit shall be issued for any lot having a lot size less than four thousand square feet. Each building site shall have a minimum twenty-foot-wide vehicular access to a street.

A. General Requirements. The following requirements are minimums unless otherwise stated.

~~1. A. General Requirements~~	**I**	**~~IRPIDIL~~**	**BP**
~~2. The following requirements are minimums unless otherwise stated~~			
~~5.~~1. Lot area, net square feet	~~1~~20,000	~~43,560 (1 Ac.)~~ 20,000	43,560 (1 Ac.)
~~6.~~2. Lot width (in feet)	100	~~100~~75	75
~~7.~~3. Lot depth (in feet)	100	100	100
~~8.~~4. Front yard setback (in feet)	15	15	15
~~9.~~5. Side yard setback, each side (in feet)	0	0	0
~~10.~~6. Street side yard setback (in feet)	10	10	15
~~11.~~7 Rear yard setback (in feet)	0	0	0
~~12.~~8. Lot coverage, maximum	60%	60%	50%
~~13.~~9. Building height, maximum	~~3~~50 feet or ~~2~~4 stories, whichever is less		
~~14.~~10. Distance between detached structures on the same lot, measured in linear feet between eaves	10	10	10
~~15.~~11. Off-street parking and loading	(see Chapter 17.13)		

B. Special Requirements.

1. In ~~any~~ the General Industrial (I) zone, a minimum setback of ~~fifteen~~ twenty-five feet shall be required wherever a lot in the I zone abuts a lot in any residential zone. Said setback may be used for required open off-street parking areas. The setback may be increased by the approving authority in situations where additional distance would help to mitigate or alleviate potential problems or hazards.

2. ~~In any I zone,~~ Tthe average setback shall be no less than the minimum of the zone. The minimum setback shall be no less than ten feet.

3. Landscaping Requirements. Required setbacks shall be landscaped. Landscaping shall consist predominantly of drought tolerant, low maintenance plant materials and shall be irrigated by automatic sprinklers. All landscaping shall be permanently maintained in a clean and healthy and thriving condition, free of weeds, trash and debris.
   a. Along all street frontages situated across from any residentiallv zoned property, a minimum three feet high landscaped earthen berm shall be constructed. Along all other lot lines adjacent to residential zones, a maximum six feet high masonry wall shall be constructed. Fences should blend in with the site's architecture. In addition, along lot lines adjacent to residentiallv zoned property, five gallon trees twenty feet on-center and shrubbery shall be installed and maintained along the inside of the wall to provide a dense landscape screen.
   b. All surface parking lots shall be designed and well maintained in accordance with Section 17.13.160(BH3).

~~3. Along all street frontages situated across from any residentially zones property, a minimum three foot high landscaped earther berm shall be constructed. Along all other lot lines adjacent to residential zones, a maximum six foot high masonry wall shall be constructed. Fenceds should blend in with the site's architecture. In addition, along lot lines adjacent to residentially zoned property, five gallon trees twenty feet on center and shrubbery shall be installed and maintained along the inside of the wall to provide a dense landscape screen.~~

4. Streetscapes shall be enhanced to provide an ease in the transition from the street to the building. Patios, parking and circulation spaces can be included in setback areas to help buffer adjoining parcels from one another.

5. Reciprocal ingress and egress, circulation and parking arrangements shall be promoted where possible and feasible to facilitate ease of vehicular movement between adjoining properties and to limit superfluous driveways.

17.07.131 Property development standards-IL zone.

A. Site Planning.- Site design in the PID zone shall include the following elements:

1. Controlled and convenient access, vehicular circulation, employee and visitor parking and truck loading areas;

2. Service areas located at the sides and rear of buildings:

3. Screening of outdoor storage, work areas and equipment: and

4. Landscaped areas a minimum of 5 feet wide separating buildings from paved parking and vehicle circulation areas.

5. Varying building and parking setbacks to avoid long monotonous building facades and to create diversity.

6. Where manufacturing uses are adjacent to non-industrial zones, appropriate buffering techniques such as setbacks proportional to building size and screening with walls and landscaping shall be provided to mitigate any negative effects of manufacturing operations.

B. Architectural Design Guidelines.

~~d.~~ 1. Employ a diversity of materials and structure forms, to create visual character and interest. Appropriate alteration of colors and materials shall be used to produce diversity and enhance architectural forms.

~~e. Avoid long, unarticulated facades. Wall planes shall not exceed fifty (50) feet without articulation of at least four (4) feet.~~

~~f. Avoid blank front and side street wall elevations on street frontages.~~

2. Design elements that are undesirable in the street wall elevations and shall be generally avoided include:

a. Highly reflective surfaces;

b. Large blank, unarticulated building facades and wall surfaces;

c. Exposed, untreated precision block walls;

d. Chain link, barbed wire or razor wire fencing visible from public rights-of-way;

~~e. False fronts mansard roofs on small portions of the roofline;~~

3. Quality building materials that will withstand weather extremes and accidental damage from machinery and vehicles shall be chosen, whenever feasible.

4. No metal buildings shall be allowed unless the building is designed with architectural enhancements on facades visible from public rights-of-way.

5. All roof top equipment must be screened from public view by screening materials of the same nature as the building's basic materials. The roof design should be considered as a component of the overall architectural design theme. Mechanical equipment generally shall be located below the highest vertical element of the building.

C. Parking and Loading

~~c.~~ 1. Large expansive paved areas located between the street and the building are to be avoided in favor of smaller multiple lots separated by landscaping and buildings.

~~d.~~ 2. The circulation system shall be designed to reduce conflicts between vehicular and pedestrian traffic, combine circulation and access areas where possible, provide adequate maneuvering and stacking areas and consideration for emergency vehicle access.

~~e.~~ 3. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage where multiple access points are provided. The use of sidewalks, pavement, gates, lighting and landscaping to and from entrances and exits shall also be used to clearly guide the public.

~~f.~~ 4. Vehicles shall not be required to enter the street in order to move from one area to another on the same site.

~~g.~~ 5. Parking lots adjacent to and visible from public streets shall be adequately screened from view through the use of rolling earth berms, low screen walls, changes in elevation, landscaping or combinations thereof whenever possible.

~~h.~~ 6. The manufacturing site shall be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.

~~i.~~ 7. Uses that rely on larger trucks for pickup and deliveries shall include separated truck parking facilities on-site to support the use.

~~j.~~ 8. ~~Loading facilities shall not be located at the front of buildings where it is difficult to adequately screen them from view. Loading facilities shall be located at the rear of the site where special screening may not be required.~~ Loading facilities shall be screened from view from the public right-of-way.

D. Landscaping: Landscaping shall be used to help define entrances to buildings and parking areas, separate buildings from adjacent paved parking and vehicle circulation areas, providing transition between neighboring properties (buffering) and providing screening for outdoor storage, loading and equipment areas.

1. A landscape and irrigation plan showing the location of all landscaped areas with the proposed shrubs, trees, groundcover and irrigation equipment clearly labeled. The landscape plan shall be subject to review and approval by the planning director.
2. A minimum of ~~fifteen (15)~~ ten (10) percent of the net lot area shall be landscaped and irrigated. Landscaping within the public right of way, when appropriate, shall not be included.
3. A ten-foot-wide landscape strip shall be installed along all street frontages, except for driveway openings. This may include landscaping within the public right-of-way.
4. Where provisions for a six-foot-high solid fence or wall are made along the side street property line, a minimum of five and one-half (5 1/2) feet of the public right-of-way shall be permanently landscaped and maintained.
5. All primary entrances to Light Industrial Developments shall receive special landscape treatment.
6. Landscaping shall be in scale with adjacent buildings and be of appropriate size at maturity to accomplish its intended purpose.
7. Use of vines on walls is appropriate in manufacturing areas because such walls often tend to be large and blank.
8. Landscaped areas a minimum of five (5) feet wide shall be provided ~~around the perimeter of buildings, especially where offices and similar customer-oriented areas are located to soften the edge between the building and adjacent paved areas,~~ between the building and the public right-of-way.
9. Trees and other landscaping shall be distributed throughout the parking lot and between the public street and parking areas, not simply at the ends of parking aisles. Landscaping shall be protected from vehicular damage by raised planting surfaces, use of curbs or some other appropriate manner.
10. Landscaping plant materials and features for individual lots shall be made an integral part of the overall landscaping park theme. The use of earth mounds is recommended, both to screen and to add to the natural theme of landscaping semipublic to private space. Walls should also be used to screen automobiles, loading and storage areas and utility structures and provide barriers to conflicting uses. Walls should be as low as possible while still performing their screening and security functions.

E. Walls and fences.

~~D.~~ 1. Where walls are used to screen storage and equipment areas, they shall be designed to blend with the site's architecture. Perimeter screening walls shall be architecturally treated from public view. Plant materials should be used in combination with such walls.

~~E.~~ 2. When security fencing is required, it shall be a combination of solid pillars or short solid wall segments and open fence work if visible from the public right of way. No chain link fencing is allowed along the public right of way.

~~F.~~ 3. Long lengths of fence or wall surfaces shall be offset a minimum of two (2) feet every fifty (50) feet if visible from the public right of way or articulated to the satisfaction of the Planning Director.

F. Screening.

1. Screening for outdoor storage shall be determined by the height of the material being screened.

2. Where screening of outdoor storage or equipment yards is required, a combination of elements shall be used including buildings, solid masonry walls, landscaping and landscaped berms.

3. Black powder or vinyl-coated chain link fencing with slatting is an acceptable screening material only for areas of a lot not visible from the public right-of-way.

4. Any equipment, whether on the roof, side of building or ground, shall be screened from view of public and private streets. The method of screening shall be architecturally integrated in terms of materials, color, shape and size. The screening design shall blend with the building design. Where groupings of equipment are provided, a continuous screen is desirable.

5. All roof-mounted mechanical equipment and/or duct work, which projects more than one and one-half (1 1/2) feet above the roof or roof parapet and is visible from an adjoining street is to be screened by an enclosure which is architecturally consistent with the building.

6. ~~Roof-mounted mechanical equipment and/or duct work which projects one and one-half (1 1/2) feet or more above the roof or roof parapet is to be painted in its entirety consistent with the color scheme of the building.~~

7. No mechanical equipment except for emergency equipment and air conditioning equipment is to be exposed on the wall surface of a building. Such mechanical equipment shall be screened by an enclosure which is consistent with the building architecture.

8. All outdoor storage areas and service yards, loading docks and ramps, electrical cage enclosures and storage tanks are to be screened from view from adjacent streets, by an eight-foot high fence or wall.

9. No outdoor storage of materials or equipment shall be permitted in required setbacks, off-street parking and loading, required access drives, maneuvering areas or public streets.

10. Except for trucks or other vehicles necessary for the operation of the business, no materials or equipment shall be stored to a height greater than eight (8) feet if visible from the public right-of-way.

11. Except for properly screened outdoor storage of materials and finished products, all processes and activities related to a permitted or conditional use shall be conducted within a completely enclosed structure.

12. All outside refuse collection areas shall be screened by a six-foot high decorative block concrete, or stucco wall with concrete floor and apron and a solid or chain link gate with wood slats. The location, size and number of trash bins and enclosures shall be subject to review and approval by the Director of Community Development.

G. Lighting.

1. Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking lots, walkways, entrances, exits and related areas.
2. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site. Lighting shall be integrated with the architectural design for the buildings.
3. As a security device, lighting shall be adequate but not overly bright. All accesses to buildings shall be well lighted.
4. All exterior fixtures shall be illuminated from dusk until dawn, unless otherwise approved for the site.
5. When feasible, any exterior lighting device designed for security lighting shall be protected by weather and vandal-resistant covering.
6. All lighting shall be shielded to confine light spread within the site boundaries and reduce glare impacts to adjacent properties.
7. Lighting shall be maintained at all times to the standards approved for the site.

17.07.132 Property development standards-BP zone.

Site Planning.- Site design in the BP zone shall include the following elements:

A. Controlled and convenient access, vehicular circulation, employee and visitor parking and truck loading areas:
B. Service areas located at the sides and rear of buildings:
C. Screening of outdoor storage, work areas and equipment: and
D. Landscaped areas a minimum of 5 feet wide separating buildings from paved parking and vehicle circulation areas.
E. Varying building and parking setbacks to avoid long monotonous building facades and to create diversity.
F. Where manufacturing uses are adjacent to non-industrial zones, appropriate buffering techniques such as setbacks proportional to building size and screening with walls and landscaping shall be provided to mitigate any negative effects of manufacturing operations.

B. Architectural Design Guidelines.

1. Employ a diversity of materials and structure forms, to create visual character and interest. Appropriate alteration of colors and materials shall be used to produce diversity and enhance architectural forms.
2. Design elements that are undesirable and shall be generally avoided include:
   a. Highly reflective surfaces;
   b. Large blank, unarticulated building facades and wall surfaces;
   c. Exposed, untreated precision block walls;
   d. Chain link, barbed wire or razor wire fencing visible from public rights-of-way;
3. Quality building materials that will withstand weather extremes and accidental damage from machinery and vehicles shall be chosen, whenever feasible.
4. No metal buildings shall be allowed unless the building is designed with architectural enhancements on facades visible from public rights-of-way.
5. All roof top equipment must be screened from public view by screening materials of the same nature as the building's basic materials. The roof design should be considered as a component of the overall architectural design theme. Mechanical equipment generally shall be located below the highest vertical element of the building.

C. Parking and Loading.

1. Large expansive paved areas located between the street and the building are to be avoided in favor of smaller multiple lots separated by landscaping and buildings.
2. The circulation system shall be designed to reduce conflicts between vehicular and pedestrian traffic, combine circulation and access areas where possible, provide adequate maneuvering and stacking areas and consideration for emergency vehicle access.
3. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage where multiple access points are provided. The use of sidewalks, pavement, gates, lighting and landscaping to and from entrances and exits shall also be used to clearly guide the public,
4. Vehicles shall not be required to enter the street in order to move from one area to another on the same site.
5. Parking lots adjacent to and visible from public streets shall be adequately screened from view through the use of rolling earth berms, low screen walls, changes in elevation, landscaping or combinations thereof whenever possible.
6. The manufacturing site shall be a self-contained development capable of accommodating its own parking needs. The use of the public street for parking and staging of trucks is not allowed.
7. Uses that rely on larger trucks for pickup and deliveries shall include separated truck parking facilities on-site to support the use.

8. Loading facilities shall be screened from public view. Loading facilities should be located at the rear of the site where special screening may not be required.

D. Landscaping: Landscaping shall be used to help define entrances to buildings and parking areas, separate buildings from adjacent paved parking and vehicle circulation areas, providing transition between neighboring properties (buffering) and providing screening for outdoor storage, loading and equipment areas.

1. A landscape and irrigation plan showing the location of all landscaped areas with the proposed shrubs, trees, groundcover and irrigation equipment clearly labeled. The landscape plan shall be subject to review and approval by the planning director.
2. A minimum of fifteen (15) percent of the net lot area between the building and the public Right-of-Way and the building shall be landscaped and irrigated.
3. A ten-foot-wide landscape strip shall be installed along all street frontages, except for driveway openings. This may include landscaping within the public right-of-way,
4. Where provisions for a six-foot-high solid fence or wall are made along the side street property line, a minimum of five and one-half (5 1/2) feet of the public right-of-way shall be permanently landscaped and maintained.
5. All primary entrances to Business Park Developments shall receive special landscape treatment.
6. Landscaping shall be in scale with adjacent buildings and be of appropriate size at maturity to accomplish its intended purpose.
7. Use of vines on walls is appropriate in manufacturing areas because such walls often tend to be large and blank.
8. Landscaped areas a minimum of five (5) wide shall be provided around the perimeter of buildings, especially where offices and similar customer-oriented areas are located to soften the edge between the building and adjacent paved areas.
9. Trees and other landscaping shall be distributed throughout the parking lot and between the public street and parking areas, not simply at the ends of parking aisles. Landscaping shall be protected from vehicular damage by raised planting surfaces, use of curbs or some other appropriate manner.
10. Landscaping plant materials and features for individual lots shall be made an integral part of the overall landscaping park theme. The use of earth mounds is recommended, both to screen and to add to the natural theme of landscaping semipublic to private space. Walls should also be used to screen automobiles, loading and storage areas and utility structures and provide barriers to conflicting uses. Walls should be as low as possible while still performing their screening and security functions.

E. Walls and fences.

1. Where walls are used to screen storage and equipment areas, they shall be designed to blend with the site's architecture. Plant materials should be used in combination with such walls.
2. When security fencing is required, it shall be a combination of solid pillars or short solid wall segments and open fence work. No chain link fencing will be allowed along the public right-of-way.
3. Long lengths of fence or wall surfaces shall be offset a minimum of two (2) feet every fifty (50) feet or articulated to the satisfaction of the Planning Director, and shall be consistent with the architecture of the buildings.

F. Screening.

1. Screening for outdoor storage shall be determined by the height of the material being screened.
2. Where screening of outdoor storage or equipment yards is required, a combination of elements shall be used including buildings, solid masonry walls, landscaping and landscaped berms.
3. Black powder or vinyl-coated chain link fencing with slatting is an acceptable screening material only for areas of a lot not visible from the public right-of-way.
4. Any equipment, whether on the roof, side of building or ground, shall be screened from view of public and private streets. The method of screening shall be architecturally integrated in terms of materials, color, shape and size. The screening design shall blend with the building design. Where groupings of equipment are provided, a continuous screen is desirable.
5. Roof-mounted mechanical equipment and/or duct work which projects one and one-half (1 1/2) feet or more above the roof or roof parapet is to be painted in its entirety consistent with the color scheme of the building.
6. No mechanical equipment except for emergency equipment and air conditioning equipment is to be exposed on the wall surface of a building. Such mechanical equipment shall be screened by an enclosure which is consistent with the building architecture.
7. All outdoor storage areas and service yards, loading docks and ramps, electrical cage enclosures and storage tanks are to be screened from view from adjacent streets, by an eight-foot high fence or wall.
8. No outdoor storage of materials or equipment shall be permitted in required setbacks, off-street parking and loading, required access drives, maneuvering areas or public streets.
9. Except for trucks or other vehicles necessary for the operation of the business, no materials or equipment shall be stored to a height greater than eight (8) feet if visible from the public right-of-way.
10. Except for properly screened outdoor storage of materials and finished products, all processes and activities related to a permitted or conditional use shall be conducted within a completely enclosed structure.

11. All outside refuse collection areas shall be screened by a six-foot high decorative block concrete, or stucco wall with concrete floor and apron and a solid or chain link gate with wood slats. The location, size and number of trash bins and enclosures shall be subject to review and approval by the Director of Community Development.

G. Lighting.

1. Lighting shall be used to provide illumination for the security and safety of on-site areas such as parking lots, walkways, entrances, exits and related areas.
2. The design of light fixtures and their structural support shall be architecturally compatible with main buildings on-site. Lighting shall be integrated with the architectural design for the buildings.
3. As a security device, lighting shall be adequate but not overly bright. All accesses to buildings shall be well lighted.
4. All exterior fixtures shall be illuminated from dusk until dawn, unless otherwise approved for the site.
5. When feasible, any exterior lighting device designed for security lighting shall be protected by weather and vandal-resistant covering.
6. All lighting shall be shielded to confine light spread within the site boundaries and reduce glare impacts to adjacent properties.
7. Lighting shall be maintained at all times to the standards approved for the site.

17.07.140 Performance standards--I zones.

A. ~~In all I zones the required setbacks shall be landscaped. Landscaping shall consist predominantly of drought tolerant, low maintenance plant materials and shall be irrigated by automatic sprinklers. All landscaping shall be permanently maintained in a clean and healthy and thriving condition, free of weeds, trash and debris.~~ All ground mounted mechanical equipment, including heating and air conditioning units and trash receptacle areas, shall be completely screened from surrounding properties by use of a parapet, wall or fence, or shall be enclosed within a building. Exposed gutters, downspouts, vents, louvers, and other similar elements shall be painted to match the surface to which they are attached unless they are used as part of the design theme.

B. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and overhead cable shall be installed undergrounding. In the case of power lines and overhead cable owner by Imperial Irrigation district, the planning commission shall have the authority to waive undergrounding requirements when the costs for undergrounding are found to be excessive.

C. Lighting: ~~All light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties. Illuminators shall be integrated within the architecture of the building. Freestanding lamp posts shall be no taller than eighteen feet. The intensity of light at the boundary of any I zone shall not exceed seventy five feet lamberts from a source of reflected light. All exterior shall be low pressure sodium.~~ Outdoor lighting shall be permitted so as to provide safe pedestrian and vehicular access and to provide security lighting in compliance with the following standards:

1. Lights shall be used for the purpose of illumination only, and not designed for or used as an advertising display.

2. Light fixtures shall be so designed and adjusted as to reflect light away from the following: any road or street: adjoining premises on which a dwelling is located: or land zoned for other than business or industrial uses.

3. Light fixtures for any light source shall be shielded from above in such a manner that the edge of the shield is level with or below the bottom of the light source in order to minimize the direct emission of light above the horizontal. For the purposes of this section, the term light source shall include light-directing refractors and exclude incandescent lamps of two hundred (200) watts or less and light produced directly by the combustion of natural gas or other fuels.

4. No light or glare shall be transmitted or reflected in such concentrated quantities or intensities as to be detrimental or harmful to, or to interfere with, the use of surrounding properties or streets.

5. Freestanding light posts located on projects which contain less than 15 acres shall be no taller than ~~18~~ 30 feet. ~~On projects which are 15 acres or larger in size, freestanding light posts not exceeding 30 feet in height may be permitted: provided, that the property is located in an area which is already lighted by street lights or adjacent development.~~

~~E.~~D. Electrical Disturbance, Heat and Cold, Glare. No use except a temporary construction operation shall be permitted which creates changes in temperature or direct glare, detectable by the human senses without the aid of instruments, beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.

~~F.~~E. Fire and Explosion Hazard. All storage of and activities involving inflammable and explosive materials shall be provided with adequate safety and fire fighting devices to the specifications of the Uniform Fire Code and the fire chief. All incineration is prohibited. Adequate emergency sprinklers and smoke detectors shall be installed in all new construction and upon expansion or change of an existing use.

~~G.~~F. Noise. No use except a temporary construction operation shall be permitted which creates noise level which exceeds five decibels (as defined in the Occupational Safety and Health Act of 1970) above the ambient level of the area measured at the property line.

~~H.~~G. Odor. No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.

~~I.~~H. Radioactivity. In all I zones, the use of radioactive materials shall be limited to measuring, gauging, calibration devices, and medical x-ray diagnostic equipment except for trucking companies which comply with the regulations of the federal government regarding such materials.

~~J.~~I. Vibration. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible without instruments at the boundary of the lot on which the use is located.

~~K.~~J. In any I zone the conversion of a project to condominium ownership shall meet all the requirements of the zone to the maximum extent possible within the constraints of the existing development. In no case shall the requirements of the fire code, sign ordinance, and screening standards be waived. Specific city council waiver shall be required where the zone requirements except as noted herein, cannot be met.

~~L.~~K. Air Pollution. There shall be no emission on any site, for more than one minute in any hour, of air contaminants which, at the emission point or within a reasonable distance of the emissions point, are as dark or darker in shade as that designated as No. 1 on the Ringelman Chart as published in the United States Bureau of Mines Information Circular 7718.

~~M.~~L. Testing. Whenever there is a question of conformance with the performance standards of this section, the planning director shall require the property owner or operator to engage the services of a certified testing firm. Copies of all such tests shall be furnished to the planning director.

~~N.~~M. Energy Conservation. Buildings shall be located on the site to provide adjacent buildings adequate sunlight for solar access. All buildings shall meet the requirements of Title 24 of the California Building Code and submit calculations to receive a building permit. (1992 zoning ord. (part))

17.07.150 Accessory structures.

A. In any I zone, accessory structures shall not be located in the front setback area.

B. In any I zone, accessory structures shall meet all of the setback requirements for main buildings.

C. In any I zone, porches, steps, architectural features such as canopies or eaves, and chimneys, balconies or stairways may project not more than four feet into any required yard area.

17.07.160 Walls and fences.

A. In any required front or street side yard area, a visually open (e.g., chain link, chain link with solid pylon, etc.) wall or fence shall not exceed eight feet in height.

B. In any required rear or interior side yard area, a wall or fence shall not exceed eight feet in height.

17.07.170 Signs.

No sign or outdoor advertising structure shall be permitted in any I zones except as provided in Chapter 17.01, Article XI."

SECTION 4. Amendment to Municipal Code. Section 17.01.545 of the Calexico Municipal Code is hereby amended in its entirety to read as below. Additions to Section 17.01.545 are unlined and deletions are ~~stricken~~ for ease of review:

"17.01.545 - Lapse of conditional use permit.

A. A conditional use permit shall lapse and shall become void three years following the date on which the use permit was approved, unless prior to the expiration of the permit:

1. A building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application; or

2. A certificate of occupancy is issued for the structure which was the subject of the use permit application; or

3. The site is occupied in accordance with conditional use, if no building permit or certificate of occupancy is required; or

4. The use which was the subject of the use permit application is commenced, provided that a use permit for a public utility installation may be valid for a longer period if specified by the commission.

B. A conditional use permit subject to lapse may be renewed for an additional period of three years, provided that ninety calendar days prior to the expiration date, an application for renewal of the use permit is filed with the director of planning on the prescribed form and accompanied by the necessary data and deposits.

C. The planning commission may grant or deny an application for renewal of a conditional use permit.

D. If the use, business, or service for which the conditional use permit was issued terminates or ceases operation for a continuous period of time in excess of one hundred and eighty calendar days except for:

1. Destruction or damage by acts of God; or

2. Destruction or damage by malicious acts; or

3. Remodeling or rehabilitation requiring prolonged closure;

The conditional use permit shall expire and the permit shall thereafter have no further force or effect."

SECTION 5. Amendment to Municipal Code. Section 17.01.795 of the Calexico Municipal Code is hereby amended in its entirety to read as below. Additions to Section 17.01.795 are unlined and deletions are ~~stricken~~ for ease of review:

- **"17.01.795 - Expiration and extension.**

Any approval of a development review shall expire within one year of such approval except where construction or use of the property in reliance on such development review approval has commenced prior to its expiration. If construction and use of the property in reliance on a development review approval has not commenced within the three three years period, said period may be extended by the director for a period not exceeding six years from the date of original approval."

SECTION 6: Amendment to Municipal Code. Section 16.01.795 of the Calexico Municipal Code is hereby amended in its entirety to read as below. Additions to Section 16.24.010 are unlined and deletions are ~~stricken~~ for ease of review:

- **"16.24.010 - Time limit for filing and recording.**

After the approval or conditional approval of the tentative map, the subdivider shall cause the proposed subdivision to be accurately surveyed and a final map thereof prepared and filed with the city engineer. The failure of a subdivider to so file such map with the city engineer and to have said map recorded in the office of the county recorder within three years after the date of approval of the tentative map shall automatically terminate and void the proceedings. The time limit for such filing and recording may be extended by the city council for a period not exceeding three years unless permitted by an extension granted to state law or by any development permit extension granted by the City Council by ordinance."

SECTION 7. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 8. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional,

such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

SECTION 9. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 10. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

ORDINANCE PASSED AND APPROVED on this ____ day of _____, 2016 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

~~Joong S. Kim~~ Luis Castro
Mayor

ATTEST:

Gabriela Garcia, City Clerk

APPROVED AS TO FORM:

Carlos Campos, Interim City Attorney

ATTACHMENT 2

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA APPROVING A CHANGE OF ZONE FOR 36.03 ACRES OF LAND GENERALY LOCATED ON THE SOUTHEAST CORNER OF JASPER ROAD AND HIGHWAY 111 FROM I, GENERAL INDUSTRIAL TO LI, LIGHT INDUSTRIAL AND BP, BUSINESS PARK (MEGA PARK - ZONE CHANGE NO. 2016-01)

WHEREAS, Mega Park LLC, initiated an application to change the zoning classification for 36.03 acres along the eastern portion of the property from I, General Industrial to IL, Light Industrial and BP, Business Park within the 146 acre Mega Park development located on the southeast corner of Jasper Road and Highway 111 herein depicted on map attached as **Exhibit A.** The Mega Park property can be further described as APN#: 059-010-063, which was recorded as document No. 2007-010593 on file in the Office of the County Recorder of Imperial County on November 11, 2008; and

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

WHEREAS, the Planning Commission, at its regular meeting on July 11, 2016, held a duly noticed public hearing, and decided on a 2-2 split vote; and

WHEREAS, the City Council held a duly noticed public hearing regular meeting on September 7, 2016 and the City Council has considered evidence presented by the Development Services Department and other interested parties; and

WHEREAS, the City Council of the City of Calexico, California finds that the proposed Zone Change is consistent with the policies, goals and objective of the adopted General Plan and in accordance with State Planning and Zoning law and City Municipal Code.

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 considered and certified Final Environmental Impact Report No. 2011-01(SCH #2007031043) in March of 2015 prepared by Dudek Engineering for the Calexico Mega Park project and this document serves as the broader environmental document for the proposed zone change since it analyzed the entire project site area. As permitted under Section 15152(a) of the CEQA guidelines, information and conclusions in an Environmental Impact Report can be based or incorporated by reference of tiered documentation and technical studies completed prior. The City Council as lead agency finds and determines that "tiering" is appropriate for the proposed zone change because the EIR written for the Calexico Mega Park was site specific.

SECTION 3. That in accordance with State Planning and Zoning law, and the City of Calexico Municipal Code requirements, and substantial evidence in the record, the City Council agrees to designate the eastern portion or approximately 36 acres of the site from I, General Industrial to 21.56 acres of IL, Light Industrial and 14.47 acres to BP, Business Park. The following findings for the approval of the proposed Zone Change No. 2016-01 have been made:

1. 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 property. Health, safety, and welfare will not be degraded as a result of the project.

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

   Based on its analysis, staff has concluded that the requested Zone Change is consistent with land use designations of the General Plan as amended and the Zone Change will assist in achieving the development of a well-balanced and functional mix of residential uses, within the City boundaries.

SECTION 4. Zone Change No. 2016-01 is hereby approved and the Official Zoning Map of the City shall be amended to reflect Zone Change No. 2016-01. The Mega Park property can be further described as APN#: 059-010-063, which was recorded as document No. 2007-010593 on file in the Office of the County Recorder of Imperial County on November 11, 2008.

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 and Sections 65009 and 65860 of the Government code.

SECTION 6. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications therefore which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this ordinance are declared to be severable.

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 6th day of September, 2016 and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Calexico, California on the 6th day of September 2016, by the following vote:

CITY OF CALEXICO

_____
LUIS CASTRO, MAYOR

ATTEST:

_____
GABBY GARCIA, CITY CLERK
APPROVED AS TO FORM:

_____
CARLOS CAMPOS, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) SS
CITY OF CALEXICO)

I Gabriela Garcia, City Clerk of the City of Calexico, California, do hereby certify under penalty of perjury that the foregoing is a true and correct copy of Ordinance No. ____, that was duly and regularly introduced at a regular meeting of said City Council held on _____, 2016 and was adopted by said City Council at a regular meeting held on _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
GABRIELA GARCIA, CITY CLERK

SEAL