

PROJECT REPORT

TO: PLANNING COMMISSION

AGENDA DATE: September 11, 2024

FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA TIME 9:00 AM/ No. 2

PROJECT TYPE: Quality Equipment International, LLC.
CUP #23-0034 / LLA #00336 SUPERVISORY DISTRICT #5

LOCATION: 1622 Lach Rd. APN: 059-363-023-000 & 059-363-024-000

Calexico, CA 92231 PARCEL SIZE: +/-1.61 AC & +/- 8 AC

GENERAL PLAN (existing) Specific (Gateway) GENERAL PLAN (proposed) NA

ZONE (existing) G-I (Gateway Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 06/13/2024

INITIAL STUDY: #23-0040

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
AG	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERIFF.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER	<u>IID , California Department of Fish and Wildlife (CDFW)</u>			

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL THE OPPONENTS AND PROPONENTS OF THE PROPOSED PROJECT. STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

- ADOPT THE MITIGATED NEGATIVE DECLARATION BY FINDING THAT THE PROPOSED PROJECT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS RECOMMENDED AT THE ENVIRONMENTAL EVALUATION COMMITTEE HEARING HELD ON JUNE 13, 2024; AND,
- APPROVE THE ATTACHED RESOLUTIONS AND SUPPORTING FINDINGS, APPROVING CONDITIONAL USE PERMIT #23-0034, AND LOT LINE ADJUSTMENT #00336 SUBJECT TO ALL THE CONDITIONS, AND AUTHORIZE THE PLANNING & DEVELOPMENT SERVICES DIRECTOR TO SIGN THE CUP CONTRACT UPON RECEIPT FROM THE PERMITTEE.

Planning & Development Services
 801 MAIN ST., EL CENTRO, CA 92243 442-265-1736
 (Jim Minnick, Director)

STAFF REPORT
PLANNING COMMISSION MEETING
September 11, 2024

Project Name: **Conditional Use Permit (CUP) #23-0034**
 Lot Line Adjustment (LLA) #00336

Applicant: **Quality Equipment International, LLC.**
 P.O. Box 4763,
 Calexico, CA 92231

Project Location:

The project site is located at 1622 Lach Road, Calexico CA 92231 on parcels identified as Assessor's Parcel Numbers (APNs) 059-363-023-000 & 059-363-024-000. They are legally described as LOT 3, GATEWAY TO THE AMERICA, SUB 2, UN 4, ALSO BEING POR LOT B, LLA #00283, and LOT 2, GATEWAY TO THE AMERICA, SUB 2, UN 4, ALSO BEING POR LOT B LLA #00283, in an unincorporated area of the County of Imperial.

Project Summary:

The applicant proposes to relocate and continue the operations of a trucking facility that transports goods in and out of the Imperial Valley.

The reason for this relocation is that the proposed warehouse is near the border and that would reduce time spent on the transportation process. The goods that are delivered range from: pallet racks, filing cabinets, shelves, canned food, etc. They are imported from Mexico (Mexicali); however, there are times where the products go from the warehouse to Mexicali. On average, it takes 24-48 hours to deliver the goods.

This site is currently an undeveloped parcel; the applicant is proposing a 10,000 square foot building mostly occupied by the owner Kudos Transportation, for warehousing and office, and the remainder building will be available for future tenants.

The site will provide 24 automobile parking stalls as required by the County of Imperial zoning regulations. The building will have access from Lach Road. The east side of the main building will serve as a truck docking area for unloading/ loading and will provide 80 truck parking stalls for their shipping business.

A total of fifteen (15) employees will be working in the facility and a total of thirty (30) trucks will be operating daily.

The project will provide 18,305.71 sq. ft. of landscaped area throughout the property. Most of the landscaped areas are provided along Lach Road.

Land Use Analysis:

Under the Land Use Element of the Imperial County General Plan the project site is designated as “Specific”. The site is zoned “G-I” (Gateway Industrial) per Zoning Map #18 under Title 9 Land Use Ordinance.

The proposed trucking facility meets the Gateway of the Americas Specific Plan Area Design Guidelines and the Imperial County Title 9 Ordinance, Chapter 15, Section 90516.02 (bb), which allows for a trucking services and terminals; trucking firms with a Conditional Use Permit.

Surrounding Land Uses, Zoning and General Plan Designations:

DIRECTION	CURRENT LAND USE	ZONING	GENERAL PLAN
Project Site	Vacant	G-I (Gateway Industrial)	Specific
North	Vacant	G-C (Gateway Commercial)	Specific
South	Vacant	G-I (Gateway Industrial)	Specific
East	Vacant	G-C (Gateway Commercial)	Specific
West	Vacant	G-I & G-C (Gateway Industrial) (Gateway Commercial)	Specific

Environmental Determination:

The proposed project was environmentally assessed and reviewed by the Environmental Evaluation Committee (EEC). The Committee consists of a seven (7) member panel, integrated by the Director of Environmental Health Services, Imperial County Fire Chief, Agricultural Commissioner, Air Pollution Control Officer, Director of the Department of Public Works, Imperial County Sheriff, and the Director of Planning and Development Services. The EEC members have the principal responsibility for reviewing CEQA documents for the County of Imperial. On June 13, 2024, after review by the EEC members, the members recommended a Mitigated Negative Declaration.

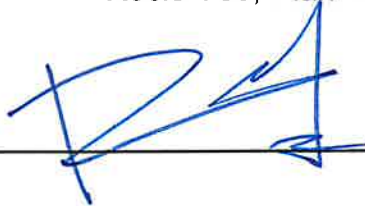
The project was publicly circulated from June 18, 2024, through July 23, 2024; comments were received, reviewed and made part of this project.

Staff Recommendation:

It is recommended that you conduct a public hearing and that you hear all opponents and proponents of the proposed project. Staff would then recommend that you approve the following actions:

1. Adopt the Mitigated Negative Declaration by finding that the proposed project would not have a significant effect on the environment as recommended at the Environmental Evaluation Committee (EEC) hearing held on June 13, 2024; and,
2. Approve the attached Resolutions and supporting findings, approving Conditional Use Permit (CUP) #23-0034 and Lot Line Adjustment (LLA) #00336 subject to all the conditions, and authorize the Planning and Development Services Director to sign the CUP contract upon receipt from the permittee.

PREPARED BY: Rocio Yee, Planner I



REVIEWED BY: Michael Abraham, AICP, Assistant Director
Planning & Development Services



APPROVED BY: Jim Minnick, Director
Planning & Development Services

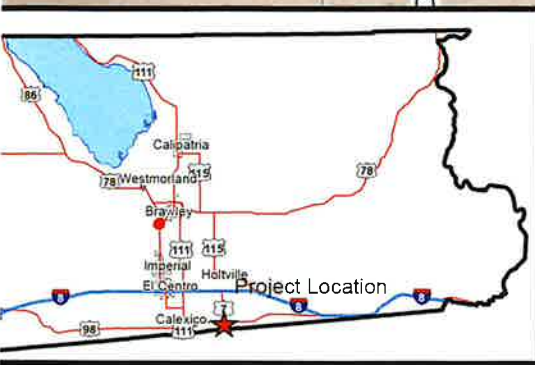
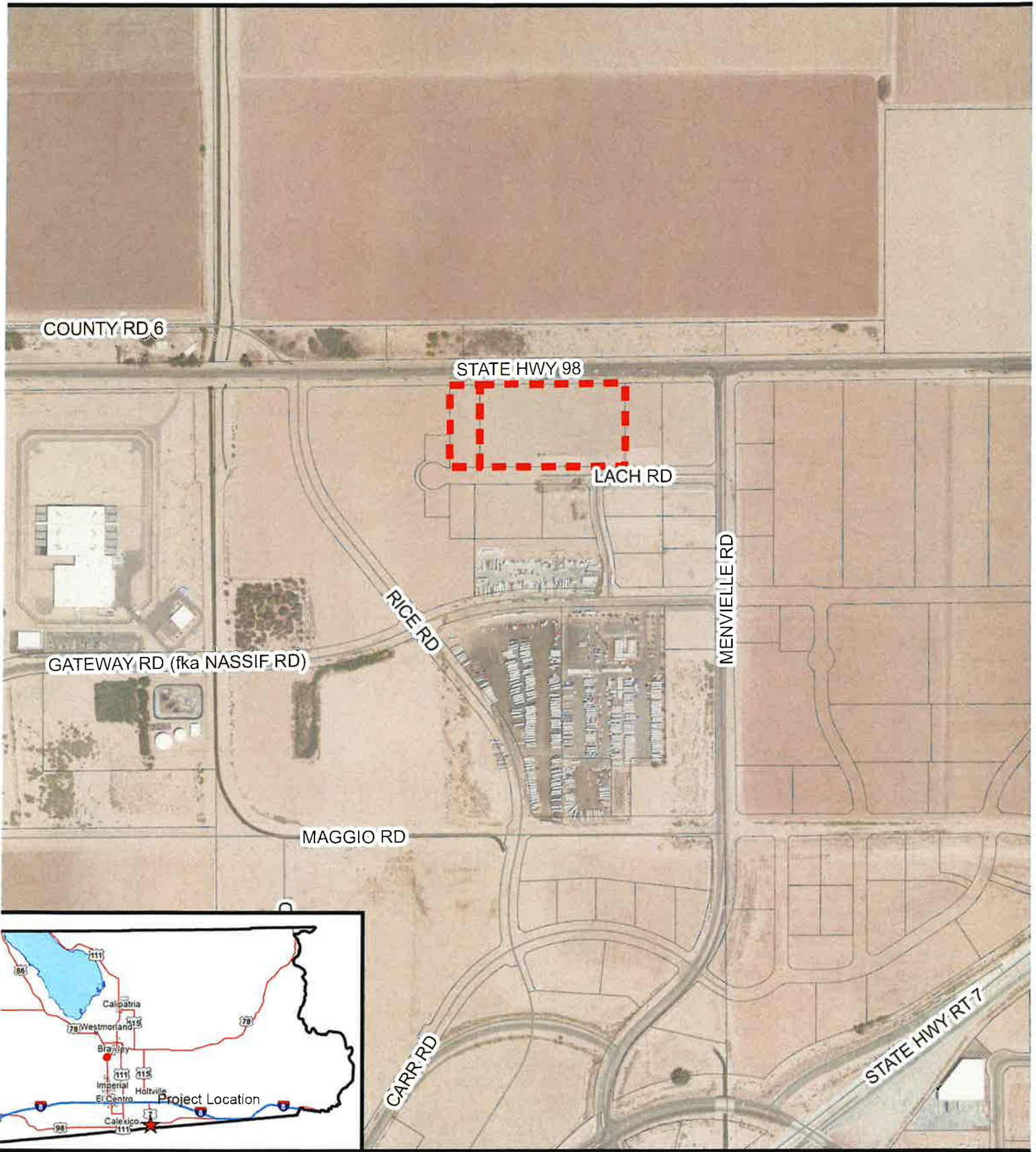


ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan
- C. Planning Commission Resolutions & Findings
- D. LLA00336 PC Resolutions & Findings
- E. LLA00336 Conditions of Approval
- F. CUP23-0034 Conditions of Approval
- G. CUP23-0034/ LLA00336 Submittal Application
- H. EEC Original Package
- I. Comment Letters

ATTACHMENT "A"
VICINITY MAP

PROJECT LOCATION MAP



DUGGINS CONSTRUCTION INC.
CUP #23-0034 / LLA #00336 / IS 23-0040
APN 059-363-023 & -024-000

-  Project Location
-  Centerline
-  Parcels



ATTACHMENT "B"
SITE PLAN

ATTACHMENT "C"
CEQA RESOLUTIONS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION FOR THE COUNTY OF IMPERIAL, CALIFORNIA, ADOPTING THE “MITIGATED NEGATIVE DECLARATION” (INITIAL STUDY #23-0040) FOR CONDITIONAL USE PERMIT #23-0034 AND LOT LINE ADJUSTMENT #00336 FOR QUALITY EQUIPMENT INTERNATIONAL, LLC.

WHEREAS, on May 31, 2024, a Public Notice was mailed to the surrounding property owners advising them of the Environmental Evaluation Committee hearing scheduled for June 13, 2024; and,

WHEREAS, a Mitigated Negative Declaration and CEQA Findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County’s “Rules and Regulations to Implement CEQA, as Amended”; and

WHEREAS, on June 13, 2024, the Environmental Evaluation Committee heard the project and recommended the Planning Commission of the County of Imperial to adopt the Mitigated Negative Declaration for Conditional Use Permit (CUP) #23-0034 and Lot Line Adjustment (LLA) #00336; and,

WHEREAS, the Mitigated Negative Declaration was circulated for 35 days from June 18, 2024, to July 23, 2024; and,

WHEREAS, the Planning Commission of the County of Imperial has been designated with the responsibility of adoptions and certifications; and

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Planning Commission has reviewed the Mitigated Negative Declaration (MND) prior to approval of CUP #23-0034 and LLA #00336. The Planning Commission finds and determines that the Mitigated Negative Declaration is adequate and was prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance and the California Environmental Quality Act (CEQA), which analyses environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein are true, correct and valid; and
2. That the Planning Commission has reviewed the Mitigated Negative Declaration (MND) for CUP #23-0034 and LLA #00336, and considered the information contained in the Mitigated Negative Declaration together with all comments received during the public review period and prior to approving the CUP #23-0034 and LLA #00336; and
3. That the Mitigated Negative Declaration reflects the Planning Commission independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Planning Commission **DOES HEREBY ADOPT** the Negative Declaration for CUP #23-0034 and LLA #00336.

**Rudy Schaffner, Chairperson
Imperial County Planning Commission**

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on September 11, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

**Jim Minnick, Director of Planning & Development Services
Secretary to the Imperial County Planning Commission**

ATTACHMENT “D”
LLA00336 PC RESOLUTIONS &
FINDINGS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING "LOT LINE ADJUSTMENT #00336" QUALITY EQUIPMENT INTERNATIONAL, LLC.

WHEREAS, Duggins Construction Inc. submitted an application for Lot Line Adjustment #00336 to correct an encroachment from "Parcel 1" (059-363-023-000) onto "Parcel 2" (059-363-024-000); and,

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA), per Government Code 15305; and,

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on September 11, 2024; and,

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered the proposed Lot Line Adjustment prior to approval. The Planning Commission finds and determines that the Lot Line Adjustment is adequately prepared in accordance with the requirements of the Imperial County General Plan, Land Use Ordinance, Subdivision Map Act, and California Environmental Quality Act (which assesses environmental effects) based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial regulations, the following findings for approving the Lot Line Adjustment #00336 have been made as follows:

A. Whether the lot line adjustment conforms to State law and County Ordinances.

Lot Line Adjustment (LLA) #00336 conforms to California State Law through Section 66412(d) (Map Act Exclusions) of the Subdivision Map Act and Section 15305(a) (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA); additionally, the Lot Line Adjustment conforms with the Imperial County Land Use Ordinance, Title 9, Division 8 - Subdivision Ordinance, particularly section 90807.00 et. seq. (Lot Line Adjustments).

B. The lot line adjustment is consistent with County Zoning and Building law.

The project parcels are zoned G-I (Gateway Industrial) and are consistent with the Imperial County Land Use Ordinance (Title 9), Section 90508.00 et. seq. No improvements to the land are being proposed at this time.

C. That the lot line adjustment is not a re-subdivision pursuant to Government Code 66499.20 et. seq.

Lot Line Adjustment (LLA) #00336 is not a re-subdivision pursuant to Government Code 66499.20 et. seq.

D. That the lot line adjustment does not create any new lots or parcels or delete any lots or parcels.

Lot Line Adjustment (LLA) #00336 will not create nor delete any new lots or parcels. The proposed project will transfer approximately $\approx \pm 3.64$ acres from Parcel 1 (APN 059-363-023-000) to Parcel 2 (APN 059-363-024-000).

E. Determine what CEQA documentation is necessary to be filed for the applicants.

Lot Line Adjustment (LLA) #00336 is exempt from CEQA pursuant to Article 19, Section 15305 (a) - Minor Alterations to Land Use Limitations. Therefore, no further CEQA documentation is required. Nevertheless, a Notice of Exemption will be filed with Imperial County Recorder's Office for thirty (30) days.

F. Determine what conditions are necessary for compliance with Zoning and Building Ordinances, and to facilitate the relocation of existing utilities, infrastructure, easements or improvements.

The planning staff has established conditions for Lot Line Adjustment (LLA) #00336 to assure that the affected parcels comply with the County's Zoning and Building Ordinances and to facilitate existing improvements (see attachment E).

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Lot Line Adjustment #00336, subject to the attached Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certify that the preceding resolution was taken by the Planning Commission at a meeting conducted on **September 11, 2024**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Minnick, Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT "E"
LLA#00336 CONDITIONS OF
APPROVAL

CONDITIONS OF APPROVAL

LOT LINE ADJUSTMENT (LLA) #00336

APN(s) # 059-363-023-000 & 059-363-024-000

NOTICE TO APPLICANT!

The above-referenced Lot Line Adjustment, upon approval by the County, shall be subject to all of the following conditions, which may include modification or rescission, in whole or in part, by the PLANNING DIRECTOR, PLANNING COMMISSION and/or BOARD OF SUPERVISORS from the conditions recommended by staff. In the event any conditions are deferred the APPLICANT or any subsequent owner(s), shall comply with all of the CONDITIONS specified herein, whether at the time of recordation of the Map/Legal Descriptions or prior to any development permits. It is the obligation of the property owner (current or future) to comply with these conditions; hereinafter the term "applicant" shall mean the current and future owners. If approved, this project having been reviewed for compliance with the General Plan, the Subdivision Map Act and County Land Use Ordinance, the applicant shall comply with all of the requirements of said documents whether specified herein or not.

GENERAL CONDITIONS:

[General Conditions may be either advisory or mandatory depending on the condition. These conditions appear on all lot line adjustments as generic conditions; however, they are as important as the Site Specific Conditions. The Planning Director established these conditions to be consistent, to be informative, and to cover a broad range of generic requirements and notices. The term applicant(s) shall mean the current and future owner(s) of record.]

Unless expressly deferred in these conditions all conditions are to be satisfied prior to recordation of the lot line adjustment.

1. The applicant shall pay any and all amounts as determined by the County to defray all costs for the review of reports, field investigations, or other activities related to compliance with this permit/approval, County Ordinances, and/or any other laws that apply to this Lot Line Adjustment.
2. The applicant shall comply with all local, state and/or federal laws, rules, regulations, and/or standards as they may pertain to this project, whether specified herein or not.
3. As a condition of this Lot Line Adjustment, the applicant agrees to defend, indemnify, hold harmless, and release the County, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the lot line adjustment or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs,

expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this Lot Line Adjustment, whether or not there is concurrent, passive or active negligence on the part of the County, its agents, officers, attorneys, or employees.

4. Each parcel created or affected by this lot line adjustment shall abut a maintained road and/or have legal and physical access to a public road before this Lot Line Adjustment is recorded.
5. Applicant shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning & Development Services Department upon further development.
6. The applicant shall comply with all County Fire Department regulations, rules and standards and shall meet all Fire Department requirements necessary to attain compliance upon further development. Any physical improvements required by the Fire Department shall be inspected and approved prior to a building permit being issued by the Planning & Development Services Building Department.
7. All applicable plans, reports, and studies shall be reviewed and approved by the respective responsible agencies when further development occurs for constructing or installing any site improvements and the installation of future improvements shall be reviewed, inspected, and approved by the respective responsible agency.
8. Applicant shall provide a full legal description acceptable to the Planning & Development Services Department, for review and approval by the County Department of Public Works. The legal description shall be prepared, signed and stamped along with closure sheets by a California Licensed Land Surveyor or a California Registered Civil Engineer licensed to practice in the category of work performed. The legal description shall be typed on plain bond paper (8 1/2" x11"). Letterhead is not acceptable.
9. Applicant shall obtain a **Tax Certificate** from the Tax Collector.
10. Applicant shall pay all applicable fees for the recordation of the **Certificate of Compliance and the Tax Certificate**.

SITE SPECIFIC CONDITIONS:

1. The legal description and plat shall be prepared by a California Licensed Land Surveyor and submitted to the Imperial County Department of Public Works for review and approval.¹
2. Each Parcel affected by this lot line adjustment shall abut a maintained road and/or have legal and physical access to a public road.¹

3. The lot line adjustment shall be reflected in a deed, which shall be recorded.¹
4. It is recommended a record of survey that monuments the new property lines be recorded.¹
5. Provide tax certificated from the Tax Collector's Office prior to recordation of the Lot Line Adjustment.
6. Applicant shall provide a surveyed legal description, and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.²

1. Imperial County Department of Public Works comment letter dated May 30, 2024.
2. Imperial Irrigation District comment letter dated April 23, 2024.

ATTACHMENT “F”
PC RESOLUTIONS AND FINDINGS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF IMPERIAL, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT #23-0034 (QUALITY EQUIPMENT INTERNATIONAL, LLC) FOR A WAREHOUSE AND TRUCKING FACILITY.

WHEREAS, Duggins Construction Inc. has submitted an application for Conditional Use Permit #23-0034 for the construction of 10,000 sq ft. warehousing and trucking facility building; and,

WHEREAS, a Mitigated Negative Declaration and Findings have been prepared in accordance with the requirements of the California Environmental Quality Act, the State Guidelines, and the County's "Rules and Regulations to Implement CEQA, as Amended"; and,

WHEREAS, the Planning Commission of the County of Imperial has been delegated with the responsibility of adoptions and certifications; and,

WHEREAS, public notice of said application has been given, and the Planning Commission has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on September 11, 2024; and,

WHEREAS, on June 13, 2024, the Environmental Evaluation Committee heard the proposed project and recommended the Planning Commission Adopt the Mitigated Negative Declaration; and,

NOW, THEREFORE, the Planning Commission of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Planning Commission has considered Conditional Use Permit #23-0034 and Conditions of Approval prior to approval; the Planning Commission finds and determines that the Conditional Use Permit and Conditions of Approval are adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning Law and the County of Imperial, the following findings for the approval of Conditional Use Permit #23-0034 have been made:

A. The proposed use is consistent with the goals and policies of the adopted County General Plan.

The subject property is designated as "Specific Plan" according to per Imperial County's General Plan Land Use Element, and it is currently zoned "Gateway Industrial" by the Gateway of the Americas Specific Plan Area and the Imperial County Land Use Ordinance. The proposed project is therefore, consistent with the County General Plan and Land Use Ordinance, Division 2, Section 90203.01 "Conditional Use Permit" which authorizes Conditional Use Permit when approved by the County. The proposed project is for the construction of a 10,000 sq ft warehousing and trucking facility building and is a conditionally permitted use pursuant to County's Land Use Ordinance (Section 92102.00).

B. The proposed use is consistent with the purpose of the zone or sub-zone which the use will be used.

The Project could be found consistent with the purpose of the zone it is located within. The proposed warehouse and trucking facility will be used for industrial operations as identified in the project application. The proposed use could be considered a compatible use with a Conditional Use Permit pursuant to the Gateway of the Americas Specific Plan Area.

C. The proposed use is listed as a use within the zone or sub-zone or is found to be similar to a listed conditional use according to the procedures of Section 90203.10.

The proposed Warehouse and Trucking facility is consistent with the definition of Land Use Ordinance, Section 92102.00 with an approved Conditional Use Permit, and with the Gateway of the Americas Specific Plan Area.

D. The proposed use meets the minimum requirements of this Title applicable to the use and complies with all applicable laws, ordinances and regulations of the County of Imperial and the State of California.

The Conditions of Approval will ensure that the project complies with all applicable regulations of the County of Imperial and State of California. Therefore, the proposed project will meet the minimum requirements of the Land Use Ordinance, Section 90203.00 and with the Gateway of the Americas Specific Plan Area requirements.

E. The proposed use will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

The proposed use of the proposed 10,000 sq ft warehouse with offices and trucking facility building as set out in the project application will not be detrimental to the health, safety, and welfare of the public or to the property and residents in the vicinity.

F. The proposed use does not violate any other law or ordinance.

The proposed project is conditioned to be consistent with Title 9, Codified Land Use Ordinance of the County of Imperial and CEQA, and the Gateway of the Americas Specific Plan Area. The proposed project will be subject to a Condition of Conditional Use Permit #23-0034 and current Federal, State, and Local regulations.

G. The proposed use is not granting a special privilege.

The proposed use of the proposed Warehouse and Trucking Facility is a permitted use subject to the conditions of approval of CUP #23-0034 (Gateway of the Americas Specific Plan Area and the Land Use Ordinance, Section 92102.00) and will not grant any special privileges.

NOW, THEREFORE, based on the above findings, the Imperial County Planning Commission **DOES HEREBY APPROVE** Conditional Use Permit #23-0034 subject to the Conditions of Approval.

Rudy Schaffner, Chairperson
Imperial County Planning Commission

I hereby certified that the preceding Resolution was taken by the Planning Commission at a meeting conducted on September 11, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jim Minnick,
Director of Planning & Development Services
Secretary to the Planning Commission

ATTACHMENT "G"

CONDITIONAL USE PERMIT #23-0034

Recorded Requested by and
When Recorded Return To:

Imperial County Planning & Development
Services Department
801 Main Street
El Centro, California 92243

**AGREEMENT FOR CONDITIONAL USE PERMIT #23-0034
QUALITY EQUIPMENT INTERNATIONAL LLC. (WAREHOUSE, OFFICE AND
TRUCKING FACILITY)
Planning Commission Approved Conditions (/ /2024)
Effective Date (/ /2024)**

Conditional Use Permit #23-0034 was approved by the Imperial County Planning Commission Board of Supervisors and has the Effective Date of _____, 2024. This Conditional Use Permit is by and between Pacific West Builders Inc. - (hereinafter referred to as "Permittee"), and the COUNTY OF IMPERIAL, a political subdivision of the State of California, (hereinafter referred to as "COUNTY").

RECITALS

WHEREAS, Permittee is the owner, lessee or successor in interest in certain land in Imperial County located at 1622 Lach Rd, Calexico, CA in County of Imperial that is legally known as described as LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO BEING POR LOT B LLA #00283, & LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO BEING POR LOT B LLA #00283 and Assessor's Parcel Numbers 059-363-023-000 & 059-363-024-000.; and

WHEREAS, Permittee has applied to the County for the development of a 10,000 sq ft. warehousing and trucking facility, with office space mostly occupied by KUDOS Transportation, and the remainder of the main building will be available for future tenants as stated in the project application; and,

WHEREAS, Permittee and/or subsequent owner(s) would be required to and intend to fully comply with all of the terms and conditions of the project as specified in this Conditional Use Permit; and,

WHEREAS, the County, after a noticed public hearing, agreed to issue Conditional Use Permit #23-0034 to Permittee, and/or his or her successor-in-interest subject to the following conditions:

GENERAL CONDITIONS:

The "GENERAL CONDITIONS" are shown by the letter "G". These conditions are conditions that are either routinely and commonly included in all Conditional Use Permits as "standardized" conditions and/or are conditions that the Imperial County Planning Commission has established as a requirement on all CUP's for consistent application and enforcement. The Permittee is advised that the General Conditions are as applicable as the SITE SPECIFIC conditions!

G-1: GENERAL LAWS:

The Permittee shall comply with any and all local, state, and/or federal laws, rules, regulations, ordinances, and/or standards as they may pertain to this project whether specified herein or not.

G-2 EFFECTIVE DATE:

The approved Conditional Use Permit shall not become effective until ten (10) calendar days after the decision of the Planning Director or Commission. Further the Conditional Use Permit shall not be effective until applicable conditions have been met, and the Conditional Use Permit is recorded with the County Recorder, with payment of recording fees being paid by applicant. In the case of a decision by the Board of Supervisors there is no 10-day appeal.

G-3: RECORDATION:

CUP #23-0034 **shall not be effective** until it is recorded at the Imperial County Clerk-Recorder Office and if no appeal has been made after approval from the hearing body. Payment of the recordation fee shall be the responsibility of the Permittee. If this CUP is not recorded within one hundred eighty (180) days from the date of approval the CUP shall be deemed null and void, without notice having to be provided to Permittee. Permittee may submit a written request for a recordation extension for this CUP by filing such a request with the Planning Director at least sixty (60) days prior to the one hundred eighty 180-day expiration. The Director may approve one (1) extension for a period not to exceed one hundred eighty (180) days. An extension may not be granted if the request for an extension is filed after the expiration date. Failure to record this CUP within one (1) year including the granted extension period shall deem this CUP null and void.

G-4: COMMENCEMENT OF WORK:

If the project for which a CUP has been approved has not commenced, or permits for said project have not been issued, within one (1) year from effective date, the CUP shall be null and void. If an applicant cannot initiate or obtain permits for the approved use during the one (1) year, applicant may request a one (1) year

1 extension from the Department. The request for an extension shall be in writing and
2 be submitted with explanation to the Planning & Development Services Department
3 at least sixty days prior to the end of the extended one (1) year period. The Director
4 shall have the authority to extend the initial start-up period, or commencement of
5 work, of a CUP up to two (2) times for a maximum of two (2) years. Should the
6 Permittee desire to continue with the project, a new application shall be submitted,
7 and the entire process would have to begin anew.

8 **G-5: TIME LIMIT:**

9 Unless otherwise specified within the project specific conditions this project shall be
10 limited to a maximum of (3) three years from the recordation date of the CUP. The
11 CUP may be extended for successive three (3) years by the Planning Director upon
12 a finding by the Planning & Development Services Department that the project is in
13 full and complete compliance with all conditions of the CUP and any applicable land
14 use regulation(s) of the County of Imperial. Unless specified otherwise herein, no
15 conditional use permit shall be extended for more than four (4) consecutive periods.
16 If an extension is necessary or requested beyond fifteen (15) years, the Permittee
17 shall file a written request with the Planning Director for a hearing before the
18 Planning Commission. Such request shall include the appropriate extension fee. An
19 extension shall not be granted if the project is in violation of any one or all of the
20 conditions or if there is a history of non-compliance with the project conditions.

21 **G-6 PERMIT/LICENSE:**

22 Permittee shall obtain and comply with any and all required permits, licenses,
23 and/or approvals, for the construction and/or operation of this project. This shall
24 include, but shall NOT be limited to, permits from the County Division of
25 Environmental Health Services (EHS), Planning & Development Services
26 Department, Office of Emergency Services (OES), Imperial County Air Pollution
27 Control District (ICAPCD) and Public Works Department. Permittee shall likewise
28 comply with all such permit requirements for the life of the project. **Additionally,
Permittee shall submit a copy of such additional permit(s) and/or license(s) to
the Planning & Development Services Department within 60-days of receipt,
including amendments or alternatives thereto.**

G-7 CONDITION PRIORITY:

This project shall be constructed/operated as described in the CUP application, the
environmental documents, the project description, and as specified in these
conditions. Where a conflict occurs, the CUP conditions shall govern.

1 **G-8 INDEMNIFICATION:**

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

13 If any claim, action, or proceeding is brought against the County, its agents, officers,
14 attorneys, or employees (including consultants), to attack, set aside, void, or annul
15 the approval of the application or adoption of the environmental document which
16 accompanies it, then the following procedures shall apply:

17 1. The Planning Director shall promptly notify the County Board of
18 Supervisors of any claim, action or proceeding brought by an applicant challenging
19 the County's action. The County, its agents, attorneys and employees (including
20 consultants) shall fully cooperate in the defense of that action.

21 2. The County shall have the final determination on how to best defend the
22 case and will consult with applicant regularly regarding status and the plan for
23 defense. The County will also consult and discuss with applicant the counsel to be
24 used by County to defend it, either with in-house counsel, or by retaining outside
25 counsel provided that the County shall have the final decision on the counsel
26 retained to defend it. Applicant shall be fully responsible for all costs incurred.
27 Applicant shall be entitled to provide his or her own counsel to defend the case, and
28 said independent counsel shall work with County Counsel to provide a joint
defense.

20 **G-9 INSURANCE:**

21 The Permittee shall take out and maintain workers compensation insurance as
22 required by the State of California. The Permittee shall also secure liability
23 insurance and such other insurance as required by state and/or federal law. A
24 Certificate of Insurance is to be provided to the Planning and Development Services
25 Department by the insurance carrier and said insurance and certificate shall be kept
26 current for the life of the project. Certificates of Insurance shall be sent directly to
27 the Planning and Development Services Department by the insurance carrier and
28 shall name the Department as a recipient of both renewal and cancellation notices.

G-10 RIGHT OF ENTRY:

The County reserves the right to enter the premises at any time, announced or unannounced, in order to make the appropriate inspection(s) and to determine if the condition(s) of this CUP are complied with. Access by authorized enforcement agency personnel shall not be denied.

G-11 SEVERABILITY:

Should any condition(s) of this CUP be determined by a Court or other agency with proper jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this CUP.

G-12 PROVISION TO RUN WITH LAND:

The provisions of this CUP are to run with the land/project and shall bind the current and future owner(s) successor(s) of interest; assignee(s) and/or transferee(s) of said CUP. **Permittee shall not without prior notification to the Planning & Development Services Department assign, sell, or transfer, or grant control of CUP or any right or privilege therein.** The Permittee shall provide a minimum of 60 days written notice prior to such proposed transfer becoming effective. The permitted use identified herein is limited for use upon this parcel described herein and may not be transferred to another parcel.

G-13 COMPLIANCE/REVOCAION:

Upon the determination by the Planning & Development Services Department that the project is or may not be in full compliance with any one or all of the conditions of this CUP, or upon the finding that the project is creating a nuisance as defined by law, the issue shall be brought immediately to the appropriate enforcement agency or to the Planning Commission for hearing to consider appropriate response including but not limited to the revocation of the CUP or to consider possible amendments to the CUP. The hearing shall be held upon due notice having been provided to the Permittee and to the public in accordance with established ordinance/policy.

G-14 NON-COMPLIANCE (ENFORCEMENT & TERMINATION):

Should the Permittee violate any condition herein, the County shall give written notice of such violation and actions required of Permittee to correct such violation. If Permittee does not act to correct the identified violation within forty-five (45) days after written notice, County may revoke the CUP. If Permittee pursues correction of such violation with reasonable diligence, the County may extend the cure period. Upon such revocation, County may, at its sole discretion, cease processing, defending any lawsuit or paying for costs associated with the Project.

G-15 COSTS:

Permittee shall pay any and all amounts determined by the County to defray any and all cost(s) for the review of reports, field investigations, monitoring, and other activities directly related to the enforcement/monitoring for compliance of this CUP, County Ordinance or any other applicable law. Any billing against this project, now or in the future, by the Planning & Development Services Department or any County Department for costs incurred as a result of this CUP, shall be billed through the Planning & Development Services Department.

G-16 REPORT(S):

Permittee shall file an annual report with the Planning and Development Services Department to show that Permittee is in full compliance with this CUP. The report shall be filed at least fifteen (15) days prior to the anniversary (recordation date) of this CUP. It shall be the responsibility of the Permittee to provide all reports and to include the information about other users. The County may request information at any time from the Permittee or other users if applicable; however, it shall be the responsibility of the Permittee to assure that the County receives such information in a timely manner.

G-17 RESPONSIBLE AGENT

Permittee shall maintain on file with the Planning and Development Services Department the name and phone number of the responsible agent for the site. A back-up name shall also be provided, and a phone number for twenty-four (24) hour emergency contact shall also be on file. If there are other users, the same information (as applicable) required from the Permittee shall also be made available to the County from such other users.

G-18 WATER AND SEWER:

Permittee shall provide water and sewer to Federal, State and County standards. Water and sewer systems shall be approved by the Environmental Health Services and the Planning & Development Services Department. Permittee shall hook up to a public water system or supplier if and when available.

G-19 DEFINITIONS:

In the event of a dispute, the meaning(s) or the intent of any word(s) phrase(s) and/or conditions or sections herein shall be determined by the Planning Commission of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors ten (10) days from the date of their decision.

G-20 SPECIFICITY:

The issuance of this CUP does not authorize the Permittee to construct or operate this project in violation of any state, federal, local law nor beyond the specified boundaries of the project as shown in the application/project description/ CUP, nor shall this CUP allow any accessory or ancillary use not specified herein. This CUP does not provide any prescriptive right or use to the Permittee for future addition and/or modification to this project.

G-21 HEALTH HAZARD:

If the County Health Officer determines that a significant health hazard exists to the public, the County Health Officer may require appropriate measures, and the Permittee shall implement such measures to mitigate the health hazard. If the hazard to the public is determined to be imminent, such measures may be imposed immediately and may include temporary suspension of the subject operations. However, within forty-five (45) days of any such suspension of operations, the measures imposed by the County Health Officer must be submitted to the Planning Commission for review and approval. Nothing shall prohibit Permittee from requesting a special Planning Commission meeting provided Permittee bears all costs.

G-22 CHANGE OF OWNER/OPERATOR:

In the event the ownership of the site or the operation of the site transfers from the current Permittee to a new successor Permittee, the successor Permittee shall be bound by all terms and conditions of this CUP as if said successor was the original Permittee. Current Permittee shall inform the County Planning & Development Services Department in writing at least sixty (60) days prior to any such transfer. Failure of a notice of change of ownership or change of operator shall be grounds for the immediate revocation of the CUP. In the event of a change, the new Owner/Operator shall file with the Department, via certified mail, a letter stating that they are fully aware of all conditions and acknowledge that they will adhere to all.

G-23 PERMITS OF OTHER AGENCIES INCORPORATED:

Permits granted by other governmental agencies in connection with the Project are incorporated herein by reference. The County reserves the right to apply conditions of those permits, as the County deems appropriate; provided, however, that enforcement of a permit granted by another governmental agency shall require concurrence by the respective agency. Permittee shall provide to the County, upon request, copies and amendments of all such permits.

1 **G-24 FIRE PROTECTION:**

2 Permittee(s) shall provide an adequate fire protection system and accessibility to
3 the site in accordance with the National Fire Protection Act (NFPA), Uniform Fire
4 Code, and County Fire Department standards. This shall include all requirements
5 by the Imperial County Fire Department regarding fire protection water storage with
hydrants.

6 **G-25 MINOR AMENDMENTS:**

7 The Planning Director may approve minor changes or administrative extensions, as
8 requested in writing by the Permittee, provided it does not result in additional
9 environmental impacts and/or are generally procedural or technical and/or which
may be necessary to comply with other government permit compliance
requirements.

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11 (TOTAL "G" CONDITIONS are 25)

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SITE SPECIFIC CONDITIONS**S-1: PROJECT DESCRIPTION:**

This permit authorizes the Permittee to operate a commercial trucking facility. This permit allows for the use of facilities and equipment as outlined in the CUP application, the Initial Study (IS) #23-0040 and the approved site plan.

The project involves the construction of a 10,000 sq. ft. building that will primarily be used for warehousing and office space, with the majority of the space occupied by the owner, Kudos Transportation. The remaining portion of the building will be available for lease to future tenants. The East side of the building will feature a truck docking area designated for loading and unloading.

The facility will employ a total of 15 people and operate 30 trucks daily. The site plan includes 24 automobile parking stalls and 80 truck parking stalls to support the shipping operations. Additionally, there will be two access driveways from Lach Road: one for trucks and one for standard vehicles.

S-2: AESTHETICS:

The applicant shall comply with the Imperial County Title 9 Land Use Ordinance Section 90301.02k, which states "...all exterior lighting shall be shielded and directed away from adjacent properties and away from or shielded from public roads..." furthermore, the project must comply with the Gateway of the Americas Specific Plan Area regulations; and a design review must be submitted and approved by the Imperial County Planning & Development Services Department before any building permit can be issued.

S-3: HOURS OF OPERATION:

Permittee shall be allowed to operate the site twenty-four (24) hours per day and seven (7) days per week, for the trucking facility purposes, while office operations are permitted Monday through Friday, from 7 AM to 5 PM.

S-4: PERMITS:

The Permittee shall secure all necessary building permits and other required permits from the Planning & Development Services Department and other applicable Departments/Agencies for utilities and installation of the additional structures.

S-5: CONSTRUCTION STANDARDS:

All the structures shall be built in accordance with the California Building Code requirements applicable to "Seismic Category D". All structures and facilities shall be designed in accordance with the publication entitled "Recommended Lateral Force Requirements and Commentary by the Structural Engineers Association of California". The structural components of the permitted facilities shall be reviewed by the Imperial County Building Official/Planning & Development Services Department Director. Applicable building permits shall be procured from the County for facilities prior to commencement of construction of such facilities.

S-6: ENFORCEMENT ACTION:

County officials responsible for monitoring and/or enforcing the provisions of this permit shall issue a notice requiring abatement of a violation of its terms within a reasonable time as set by ordinance or County policy. As an example, responsible County officials may issue a citation and/or cease-and-desist order for repeated violation until such violations are abated. Under specific violations, County may order the facility to cease operation until it can or will be operated in full compliance.

In the event there is enforcement action taken by the County it shall at all times be against the Permittee, even if the violation is caused by another party using the tower. It shall be the responsibility of Permittee to assure that the tower is operated in compliance with all terms and conditions of the CUP.

S-7: LIGHT & GLARE:

Permittee is allowed to have security as well as operational lighting. Said lighting shall be shielded and direct to on-site areas to minimize off-site interference from unacceptable levels of light or glare.

S-8: EMERGENCY RESPONSE/ACTION PLAN:

The Permittee shall prepare an Emergency Response/Action Plan that has been approved by the Imperial County Fire/OES Department, and the Local Enforcement Agency. Any hazardous materials storage areas shall be designed with curbs or other containment measures, e.g. double-walled storage tanks, to contain spills and leaks and if on-site hazardous materials exceed 55 gallons, a "Hazardous Material Management Plan" shall be prepared and approved by the County LEA and CUPA.

S-9: ODOR CONTROL:

The Permittee shall control all odor-causing, harmful, noxious emissions to ensure that quantities or air contaminants released as a result of the permitted facilities do not exceed County, State or Federal standards, nor constitute a public nuisance,

1 per the Land Use Ordinance, Division 13, Enforcement, Chapter 2, Abatement of
2 Nuisances, Sections 91302.00 through 91301.02

3 **S-10: PLAN APPROVALS:**

4
5 Permittee shall submit to the Imperial County Planning & Development Services
6 Department, architectural, landscaping and lighting plans prior to construction of
7 any applicable facilities to include painting of structures, planting of trees and/or
8 vegetation, and the Permittee shall receive all approvals prior to commencing
9 construction of the applicable permitted facilities. Approval shall not be
unreasonably withheld so long as the plans are consistent with applicable Land Use
Ordinance requirements.

9 **S-11: PROJECT DESIGN:**

10 All facility access and parking areas shall be constructed to the standards of the
11 Imperial County Land Use Ordinance along with the Gateway of the Americas
12 Specific Plan Area; Applicant must submit a complete set of plans for Design
13 Review subject to approval from the Imperial County Planning & Development
14 Services Department.

14 **S-12: REPORTING AND MONITORING:**

15 The Permittee shall furnish to the County, yearly, any relevant reports/information
16 which the County requires for monitoring purposes to determine whether cause
17 exists for revoking this permit, or to determine compliance with this permit. The
18 Permittee shall submit all required reports to the Imperial County Planning &
Development Services Department Director at 801 Main Street, El Centro, CA
92243.

19 **S-13: MAINTENANCE:**

20 The premises shall be maintained in a good, clean, orderly manner, free of any
21 debris, junk materials, or unsightly plant material, such as weeds, fallen branches,
22 wood pilings or overgrown grass. All walls, fences, and landscaping shall be
maintained in a clean, safe and sound condition at all times.

23 **S-14: SPILLS AND RUNOFF:**

24 The Permittee shall design and construct the permitted facilities to prevent spills off-
25 site to adjacent properties and to prevent runoff from any source being channeled or
26 directed in an unnatural way to cause erosion, siltation, or other detriments pursuant
27 to the approved SWPP.
28

S-15: ACCEPTANCE:

Acceptance of this permit shall be deemed to constitute agreement by Permittee with all terms and conditions herein contained.

S-16: AIR POLLUTION CONTROL DISTRICT:

The permittee shall show compliance with the APCD letter dated July 22, 2024¹ stating that the project and any future construction must comply with all Air District rules and regulations and with regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity. Based on the resultant size of the parcel for the proposed building, the applicant will be required to submit a construction Dust Control Plan and Construction Notification Form from the project.

S-17: IMPERIAL IRRIGATION DISTRICT:

The permittee shall show compliance with the IID letter dated April 23, 2024² Which provided the following comments:

1. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
2. Applicant shall provide a surveyed legal description, and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

S-18: PUBLIC WORKS DEPARTMENT:

The permittee shall show compliance with the ICPW letter dated August 22, 2024³ Which provided the following conditions:

1. The applicant shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per the Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to this department for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included.
2. On site water retention shall be provided per County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation

1 and Checking of Street Improvement, Drainage, and Grading Plans within
2 Imperial County.

- 3 a. Retention volume on retention or detention basins should have a total
4 volume capacity for a three (3) inch minimum precipitation covering
5 the entire site with no C reduction factors. Volume can be considered
6 by a combination of basin size and volume considered within parking
7 and/or landscaping areas.
- 8 b. Drainage to street storm drain system is not allowed since no regional
9 retention basin is available to accommodate runoff from properties
10 adjacent to Lach Road.

11 3. Retention basins should empty within 72 hours and no sooner than 24 hours
12 in order to provide mosquito abatement. Draining, evaporation or infiltration,
13 or any combination thereof can accomplish this. If this is not possible then
14 the owner should be made aware of a potential need to address mosquito
15 abatement to the satisfaction of the Environmental Health Services (EHS)
16 Department. Additionally, if it is not possible to empty the basin within 72
17 hours, the basin should be designed for 5 inches, not 3 inches. This would
18 allow for a saturation condition of the soil due to a 5" storm track. EHS must
19 review and approve all retention basin designs prior to County Public Works
20 approval. Nuisance water must not be allowed to accumulate in retention
21 basins. EHS may require a nuisance water abatement plan if this occurs.

22 4. Propose project is within the GATEWAY OF THE AMERICAS SPECIFIC
23 PLAN. Therefore, the proposed project shall comply with the said SPA and
24 County of Imperial Codified Ordinances Chapter 13.17 – BENEFIT
25 ASSEMENT FEE FOR GATEWAY OF THE AMERICAS SPECIFIC PLAN
26 AREA PUBLIC IMPROVEMENTS. Said fees shall be provided prior to
27 issuance of any building and grading permits.

28 5. An encroachment permit shall be secured from this department for any
construction and/or construction related activities within County Right-of-
Way. Activities to be covered under an encroachment permit shall include
the installation of, but not be limited to, stabilized construction entrances,
driveways, road improvements, temporary traffic control devices, etc.

6. Prior to the issuance grading and building permits, a stabilized construction
entrance shall be installed under an encroachment permit from this
department.

7. The Developer shall be repair any damage caused to County Roads during
construction and maintain such roads in safe conditions as determined by the
Imperial County Road commissioner. Said road repairs shall be completed
under an encroachment permit from this department.

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8. All off-site improvements within Imperial County right-of-way shall be financially secured by either a road improvement bond or letter of credit as approved by this department. No encroachment, building or grading permits shall be issued until such time said financial security has been provided.
9. All permanent structures abutting public roads shall be located outside County right-of-way., public utility easements, and drainage easements.
10. All on-site traffic areas shall be hard surfaced to provide all weather access for emergency vehicles. The surfacing shall meet the Department of Public Works and Fire/Office of Emergency Services (EOS) Standards as well as those of the Air Pollution Control District (APCD).
11. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads and/or dimensions on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
12. The applicant shall submit trip generation calculations related to the proposed project prior to the issuance of Building or Grading Permits. The project generation trips shall be calculated by a California-registered traffic engineer.
13. The applicant shall pay Water and Sewer Fees, Benefit Impact Fees, and Traffic Mitigation Fees per the 2024/2025 Gateway Specific Plan- County Service Area Fee Schedule. Such fees shall be paid to this Department prior to the issuance of Building or Grading Permits.
14. The applicant shall be responsible for any applicable mitigation measures listed on the Gateway Specific Plan.
15. If any construction would be proposed along property lines (i.e. fences, grading, structures, etc.) the following will apply:
 - i. MPR-01 is required prior to construction and must be filled out by a person authorized to practice land surveying.
 - ii. Corner record is required to be filed with the county surveyor prior to construction for monuments:

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- 8771. (b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.
- iii. A second corner record might be required to be filed with the county surveyor for monuments:
- 8771. (c) A permanent monument shall be reset in the surface of the new construction or a witness monument or monuments set to perpetuate the location if any monument could be destroyed, damaged, covered, disturbed, or otherwise obliterated, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.

(TOTAL "S" CONDITIONS are 18)

1. - I. C. Air Pollution Control District's letter dated July 22, 2024
2.- IID letter dated April 23, 2024.
3.- I. C. Public Works Department's letter dated August 22, 2024

FOR PERMITTEE NOTARIZATION

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

STATE OF CALIFORNIA COUNTY OF _____ S.S.

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

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

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

FOR COUNTY NOTARIZATION

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

STATE OF CALIFORNIA COUNTY OF _____ S.S.

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

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

WITNESS my hand and official seal

Signature _____

ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____

Number of Pages _____ Date of Document _____

Signer(s) Other Than Named Above _____

**ATTACHMENT “H”
SUBMITTAL APPLICATION**

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME Quality Equipment International, LLC.	EMAIL ADDRESS smr1960@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) P.O. Box 4763 Calexico, CA.	ZIP CODE 92231	PHONE NUMBER (760) 566-1772
3. APPLICANT'S NAME Duggins Construction, Inc.	EMAIL ADDRESS melissa@dugginsconstruction.com/ iris@dugginsconstruction.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 341 W. Crown Court, Imperial, CA.	ZIP CODE 92251	PHONE NUMBER (760) 355-5600
4. ENGINEER'S NAME	CA. LICENSE NO.	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 059-363-023 & 059-363-024	SIZE OF PROPERTY (in acres or square foot) 9.61 AC	ZONING (existing) GC
7. PROPERTY (site) ADDRESS Lach Rd, Calexico CA 92231		
8. GENERAL LOCATION (i.e. city, town, cross street) Calexico, Highway 98 and Menvielle Rd		
9. LEGAL DESCRIPTION LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO & LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	
New 10,000 sq.ft. Warehouse with truck parking, parking lot and site plan improvements See attached description letter	
11. DESCRIBE CURRENT USE OF PROPERTY	Vacant
12. DESCRIBE PROPOSED SEWER SYSTEM	Connect to existing county sewer system
13. DESCRIBE PROPOSED WATER SYSTEM	Connect to existing county water system
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	Fire sprinkler system fed by existing county water system
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? 15

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

SARAS H. RICO 12/20/23
Print Name Date
[Signature]
Signature

Print Name Date

Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY:	<u>LV.</u>	DATE	_____	REVIEW / APPROVAL BY OTHER DEPT'S required
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	<input type="checkbox"/> P.W.
APPLICATION REJECTED BY:	_____	DATE	_____	<input type="checkbox"/> E.H.S.
TENTATIVE HEARING BY:	_____	DATE	_____	<input type="checkbox"/> A.P.C.D.
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED		DATE	_____	<input type="checkbox"/> O.E.S.
		DATE	_____	<input type="checkbox"/> _____
		DATE	_____	<input type="checkbox"/> _____

CUP #
23-0034
IS 23-0040



DESCRIPTION LETTER

TO: COUNTY OF IMPERIAL (PLANNING AND DEVELOPMENT SERVICES)
FROM: DUGGINS CONSTRUCTION – MELISSA GOMEZ
SUBJECT: KUDOS TRANSPORTATION – CUP APPLICATION
DATE: 12/22/2023
CC:

We are submitting this letter regarding a CUP application for a property located at Lach Road, Calexico CA., under APN: 059-363-023 and part of 059-363-024.

This site is currently an undeveloped dirt parcel. The north side of the property abuts the Interstate Highway 98. The east of the property is abutting an undeveloped dirt parcel. The West side of the property is abutting an undeveloped dirt parcel. The South property line abuts Lach Road (a paved county road).

The proposed building will be a total of 10,000 sq. ft. This building will be a Warehouse with office, truck parking, parking lot and site improvements. The building will have 2 access driveways from Lach Road (one for cars and one for trucks).

This site will provide 24 automobile parking stalls as required by the County of Imperial zoning ordinance. The project will provide 18,305.71 sq. ft. of landscaped area throughout the property.

The proposed building will be constructed using a pre-engineered metal building and structural steel frame.

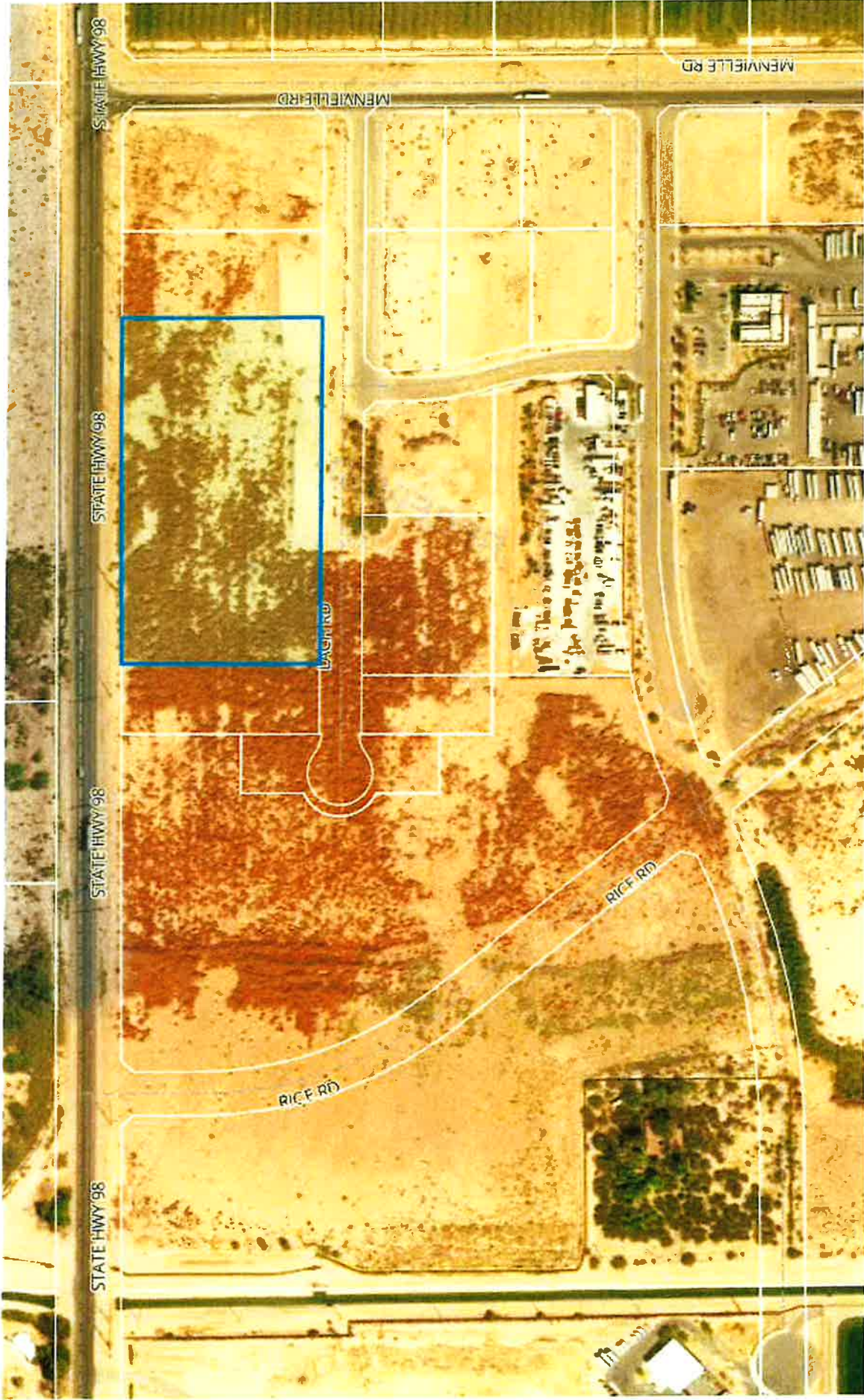
If there are any questions or concerns, please feel free to call me at 760-355-5600 or email at melissa@dugginsconstruction.com

RECEIVED

DEC 22 2023

IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

Detail 111e



1" = 351 ft

Sub Title

12/22/2023



This map may represent a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES GENERAL INDEMNIFICATION AGREEMENT

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

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

1. The Planning Director shall promptly notify the County Board of Supervisors of any claim, action or proceeding brought by an applicant challenging the County's action. The County, its agents, attorneys and employees (including consultants) shall fully cooperate in the defense of that action.
2. The County shall have the final determination on how to best defend the case and will consult with applicant regularly regarding status and the plan for defense. The County will also consult and discuss with applicant the counsel to be used by County to defend it, either with in-house counsel, or by retaining outside counsel provided that the County shall have the final decision on the counsel retained to defend it. Applicant shall be fully responsible for all costs incurred. Applicant shall be entitled to provide his or her own counsel to defend the case, and said independent counsel shall work with County Counsel to provide a joint defense.

Executed at Imperial California on March 21, 2024

APPLICANT

Name: Duggins Construction, Inc.

By Melissa Gomez

Title Designiner

Mailing Address:

341 W. Crown Court,
Imperial, CA. 92251

REAL PARTY IN INTEREST

(If different from Applicant)

Name Santos M Rico

By [Signature]

Title Owner

Mailing Address:

P.O. Box 4763
Calexico, CA. 92231

ACCEPTED/RECEIVED BY _____ Date _____

PROJECT ID NO _____ APN 0 5 9 - 3 6 3 - 0 2 3

S:\FORMS_LISTS\General Indemnification FORM 041516.doc

0 5 9 - 3 6 3 - 0 2 4



Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

NOTICE TO APPLICANT

SUBJECT: PAYMENT OF FEES

Dear Applicant:

Pursuant to County Codified Ordinance Division 9, Chapter 1, Section 90901.02, all Land Use Applications must be submitted with their appropriate application fee. Failure to comply will cause application to be rejected.

Please note that once the Department application is received and accepted, a "time track" billing will commence immediately. Therefore, should you decide to cancel or withdraw your project at any time, the amount of time incurred against your project will be billed and deducted from your payment. As a consequence, if you request a refund pursuant to County Ordinance, your refund, if any, will be the actual amount paid minus all costs incurred against the project.

Please note there will be no exceptions to this policy. Thank you for your attention.

Sincerely yours,

Jim Minnick, Director
Planning & Development Services

RECEIVED BY: *[Signature]* DATE: 3/21/2024

OWNER'S AFFIDAVIT

In the event the applicant is not owner, the following shall be signed and acknowledge by the owner.

Permission is hereby granted to Duggins Construction, Inc. to apply for this
(Lessee, Tenant, Contractor-Specify)

Lot line adjustment on the described property located at address
(State permit type clearly i.e. building, land used)

Lach Road, Calexico CA Further identified by Assessor's Parcel Number

(APN) 059-363-023 & 059-363-024 is hereby granted.

[Signature]
OWNER (SIGNATURE)

Santos M Rico
OWNER (TYPED OR PRINT)

1119 HORIZON ST, CALEXICO CA
OWNER'S ADDRESS

3/21/24
DATE

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

STATE OF CALIFORNIA
COUNTY OF Imperial } S.S.

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or Type of Document _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California }
County of IMPERIAL }
On 3/21/24 before me, SHARON ROSE COWAN, Notary
Date Here Insert Name and Title of the Officer
personally appeared SANTOS RICO
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: DINNERS AFFIDAVIT - LOT LINE Adjustment

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer – Title(s): _____ Corporate Officer – Title(s): _____

Partner – Limited General Partner – Limited General

Individual Attorney in Fact Individual Attorney in Fact

Trustee Guardian or Conservator Trustee Guardian or Conservator

Other: _____ Other: _____

Signer is Representing: _____ Signer is Representing: _____

LOT LINE ADJUSTMENT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S "A" NAME Quality Equipment International, LLC.	EMAIL ADDRESS smr1960@gmail.com	
2. MAILING ADDRESS P.O. Box 4763 Calexico, CA.	ZIP CODE 92231	PHONE NUMBER (760) 566-1772

3. PROPERTY OWNER'S "B" NAME Quality Equipment International, LLC.	EMAIL ADDRESS smr1960@gmail.com	
4. MAILING ADDRESS P.O. Box 4763 Calexico, CA.	ZIP CODE 92231	PHONE NUMBER (760) 566-1772

5. PROPERTY "A" (site) ADDRESS	LOCATION Lach Road, Calexico, CA. 92231
6. PROPERTY "A" ASSESSOR'S PARCEL NO.(s) 059-363-023	SIZE OF PROPERTY (in acres or square foot) 8 Acres
7. PROPERTY "A" LEGAL DESCRIPTION (attach separate sheet if necessary) LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO	

8. PROPERTY "B" (site) ADDRESS	LOCATION Lach Road, Calexico, CA. 92231
9. PROPERTY "B" ASSESSOR'S PARCEL NO.(s) 059-363-024	SIZE OF PROPERTY (in acres or square foot) 1.61 Acres
10. PROPERTY "B" LEGAL DESCRIPTION (attach separate sheet if necessary) LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO	

11.	PARCEL	PROPOSED SIZE	EXISTING USE	PROPOSED USE
	A	4.36 Acres	Vacant	Vacant
	B	5.25 Acres	Vacant	Warehouse and Truck Parking

12. EXPLAIN PROPOSED ADJUSTEMENT Adjust shared property line between lots to reduce lot size A

13. EXPLAIN REASON FOR REQUEST We are soliciting this lot line adjustment in order to build a new 10,000 sq.ft. warehouse with truck parking, car parking and site improvements.

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

Santos M. Rico 3/21/24
Print Name (owner "A") Date

[Signature]
Signature (owner "A")

Print Name (owner "B")

Signature (owner "B")

REQUIRED SUPPORT DOCUMENTS

- A. MAP (20 copies - see instructions on back)
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. NEW LEGAL DESCRIPTIONS - ONE TO DESCRIBE PARCEL "A" AND ONE FOR PARCEL "B"
- D. FEE _____
- E. OTHER _____

APPLICATION RECEIVED BY: _____

APPLICATION DEEMED COMPLETE BY: _____

APPLICATION REJECTED BY: _____

TENTATIVE HEARING BY: _____

FINAL ACTION: APPROVED DENIED

DATE _____

DATE _____

DATE _____

DATE _____

DATE _____

REVIEW / APPROVAL BY OTHER DEPT'S required.

P. W.

E. H. S.

A. P. C. D.

O. E. S.

LLA#

DESCRIPTION LETTER

TO: COUNTY OF IMPERIAL (PLANNING AND DEVELOPMENT SERVICES)
FROM: DUGGINS CONSTRUCTION – MELISSA GOMEZ
SUBJECT: KUDOS TRANSPORTATION – LLA APPLICATION
DATE: 03/21/2024
CC:

We are submitting this letter regarding a Lot line adjustment application for a new project located within Gateway SPA area. The proposed project is located at Lach Road, Calexico CA., under APN: 059-363-023 with legal description LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO and part of 059-363-024 with legal description LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO. Both parcels are located in GC (Gateway Commercial) zone.

We are soliciting a lot line adjustment because the proposed project will not be able to meet its requirements due to the lots square footage if it's located in the lot with APN: 059-363-024. Therefore, it would be necessary to move the property line to provide the total square footage for the proposed warehouse, parking lot and site improvements required.

This site is currently an undeveloped dirt parcel. The north side of the property abuts the Interstate Highway 98. The east of the property is abutting an undeveloped dirt parcel. The West side of the property is abutting an undeveloped dirt parcel. The South property line abuts Lach Road (a paved county road).

The proposed facility will have a building of 10,000 sq. ft. This building will be mostly occupied by Kudos Transportation (owner) for warehousing with a portion of floor space for office use. The remainder of the main building will be available for lease for future tenants.

This site will provide 24 automobile parking stalls as required by the County of Imperial zoning ordinance. The building will have 2 access driveways from Lach Road (one for cars and one for trucks). The East side of the main building serves as a truck docking area for unloading/unloading and will provide 80 truck parking stalls for their shipping business.

The East portion of the property will be a concrete and asphalt paved parking area for the fleet trucks of Kudos Transportation. All the truck parking stalls will be used by the owner. A total of 15 employees will be working in the warehouse/office and a total of 30 trucks will be operating daily.

The project will provide 18,305.71 sq. ft. of landscaped area throughout the property. Most of the landscaped areas are provided along Lach Road. New driveways to be provided along Lach Road. The new facility will not create any environmental impact.

The proposed building will be constructed using a pre-engineered metal building and the office area will be structural wood frame.

If there are any questions or concerns, please feel free to call me at 760-355-5600 or email at melissa@dugginsconstruction.com

EXHIBIT "A"

LOT LINE ADJUSTMENT NO.

LEGAL DESCRIPTION

LOT 1

ALL OF LOT 3 AND THE WEST 347.38 FEET OF LOT 2 OF GATEWAY TO THE AMERICAS SUBDIVISION NO. 2 – UNIT 4, TRACT 942 ON FILE IN BOOK 28, PAGES 15/17 OF FINAL MAPS IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER'S, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, THIS POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 98, THENCE NORTH 89° 18' 10" EAST ALONG SAID SOUTH RIGHT OF WAY AND NORTH BOUNDARY LINES OF SAID LOTS 3 AND 2, A DISTANCE OF 502.41 FEET TO A POINT;

THENCE SOUTH, A DISTANCE OF 457.98 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID LOT 2, BEING ALSO A POINT ON THE NORTH RIGHT OF WAY LINE OF LACH ROAD

THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE AND SOUTH BOUNDARY LINES OF SAID LOTS 2 AND 3, A DISTANCE OF 502.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 451.86 FEET TO THE POINT OF BEGINNING

CONTAINING 228,540 SQUARE FEET (5.25 AC) MORE OR LESS.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

THE ABOVE DESCRIBED "LOT 1" BEING SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE PART HEREOF.

**PRELIMINARY
FOR REVIEW ONLY**

EXHIBIT "A"

LOT LINE ADJUSTMENT NO. _____

LEGAL DESCRIPTION

LOT 2

LOT 2 OF GATEWAY TO THE AMERICAS SUBDIVISION NO. 2 – UNIT 4, TRACT 942 ON FILE IN BOOK 28, PAGES 15/17 OF FINAL MAPS IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER'S, EXCEPTING THE WEST 347.38 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3 OF SAID SUBDIVISION, THIS POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 98;

THENCE NORTH 89° 18' 10" EAST ALONG SAID SOUTH RIGHT OF WAY LINE AND NORTH BOUNDARY LINES OF SAID LOTS 3 AND 2, A DISTANCE OF 502.41 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE MAINTAINING THE SAME BEARING OF NORTH 89° 18' 10" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 412.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 2;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 463.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BEING ALSO A POINT ON THE NORTH RIGHT OF WAY LINE OF LACH ROAD;

THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE AND SOUTH BOUNDARY LINE OF LOT 2, A DISTANCE OF 412.88 FEET TO A POINT;

THENCE NORTH 457.98 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 190,125 SQUARE FEET (4.36 AC) MORE OR LESS.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

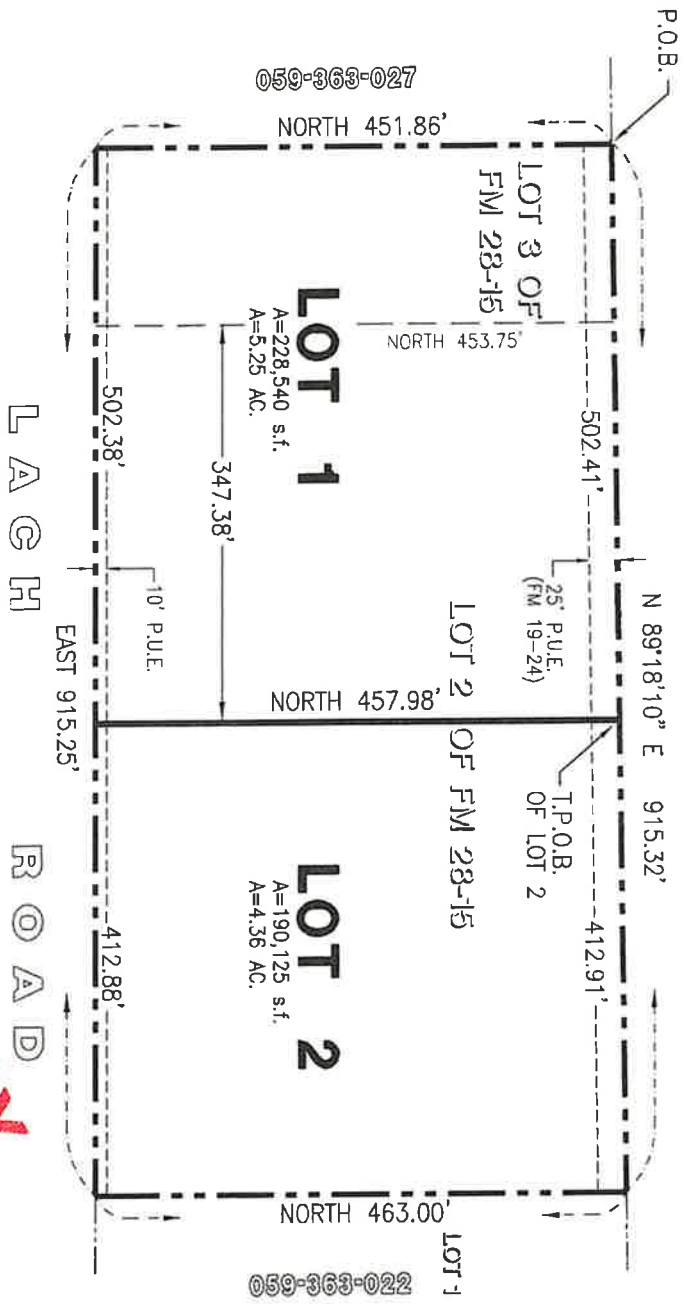
THE ABOVE DESCRIBED "LOT 2" BEING SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE PART HEREOF.

**PRELIMINARY
FOR REVIEW ONLY**

EXHIBIT "B"

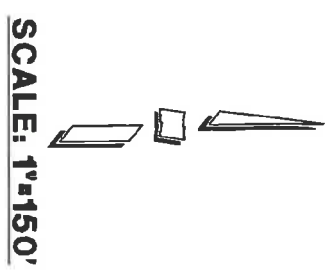
LOT LINE ADJUSTMENT NO. _____

STATE HWY. 98

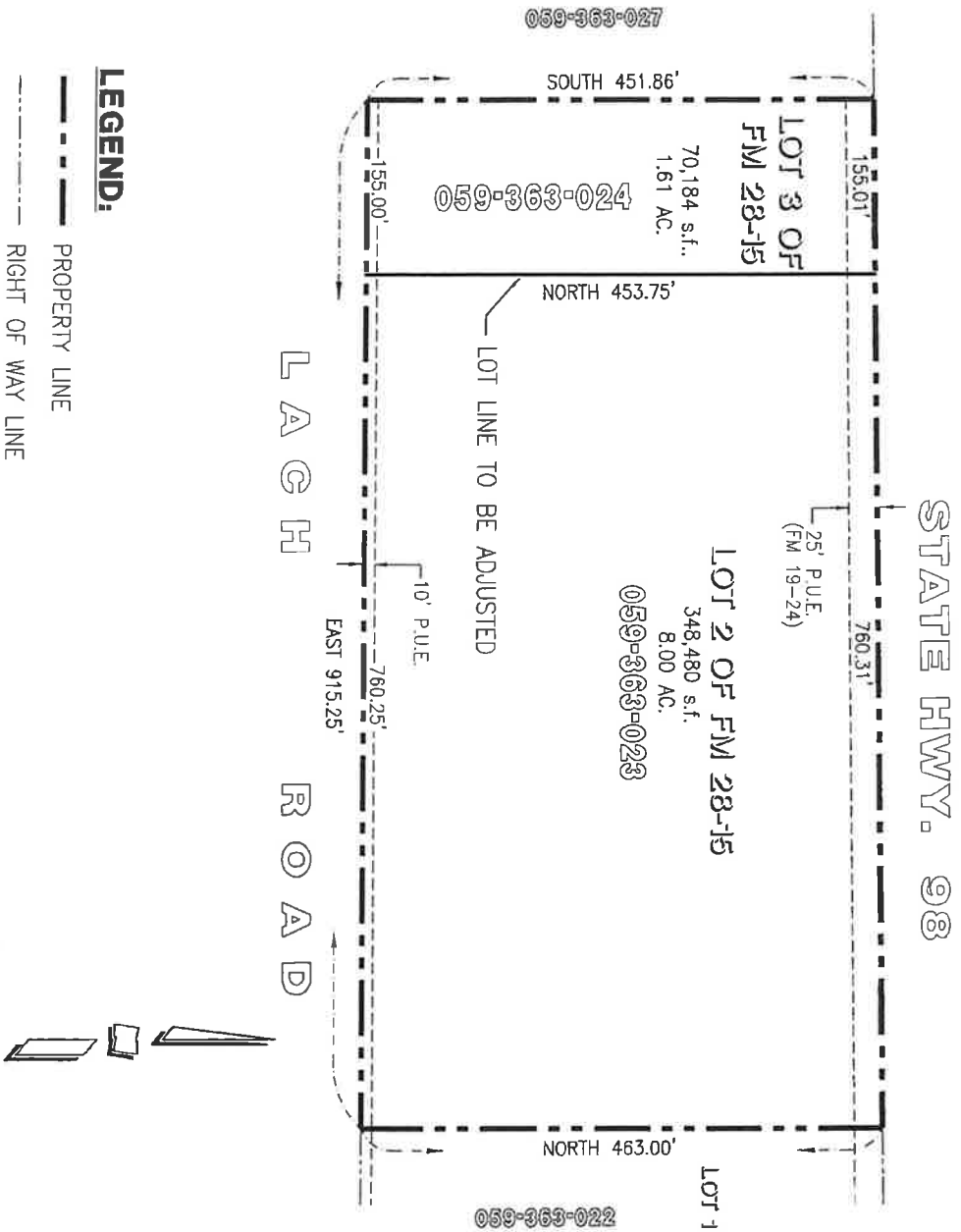


- LEGEND:**
- PROPERTY LINE
 - - - RIGHT OF WAY LINE
 - - - OLD PARCEL LINE
 - NEW LOT LINE

PRELIMINARY
FOR REVIEW ONLY



EXISTING LOTS CONFIGURATION



LEGEND:

-  PROPERTY LINE
-  RIGHT OF WAY LINE

SCALE: 1"=150'



JOB NO.: 24-010

POINT SHEET

POINT SHEET

POINT SHEET

POINT SHEET

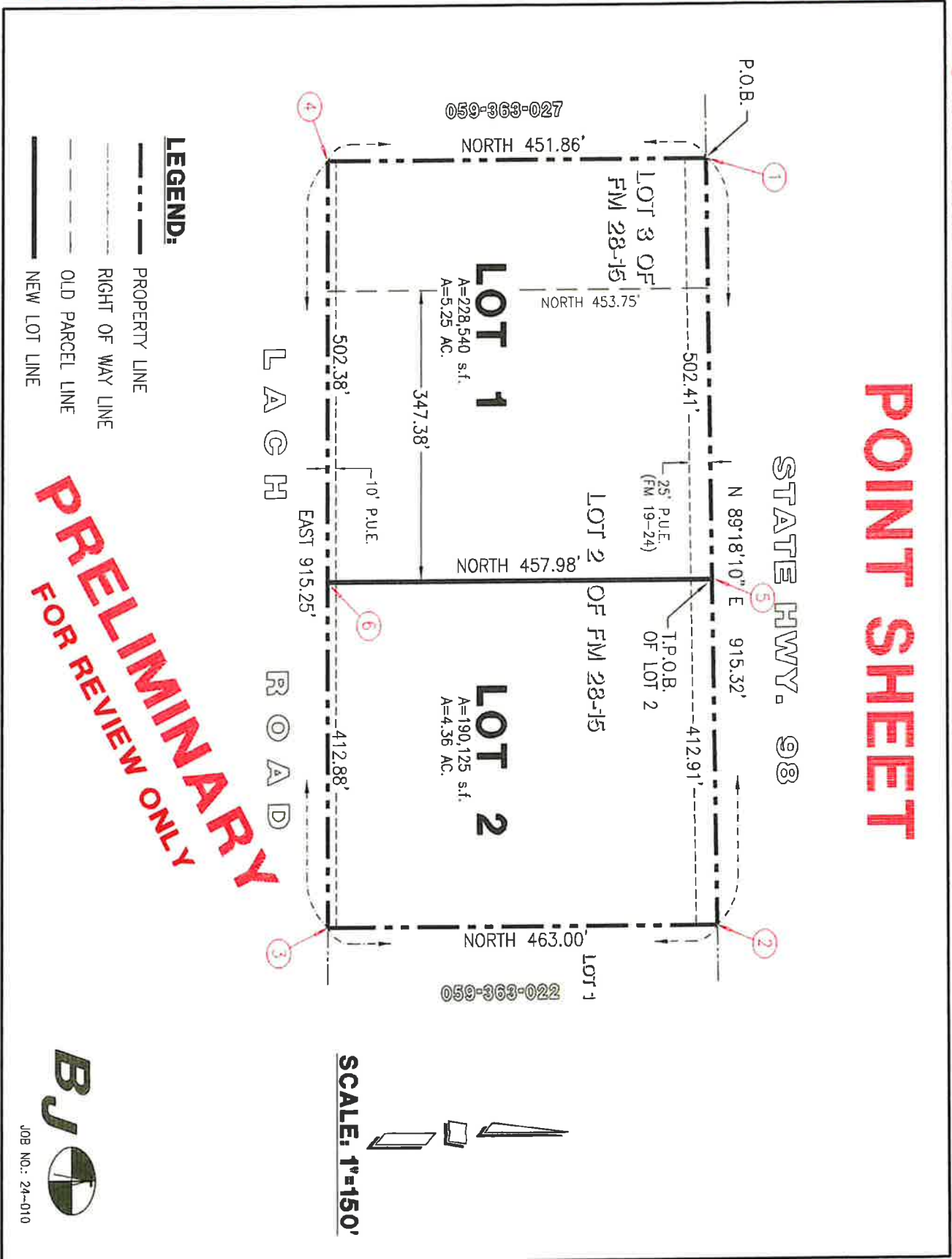
POINT SHEET

POINT SHEET

POINT SHEET

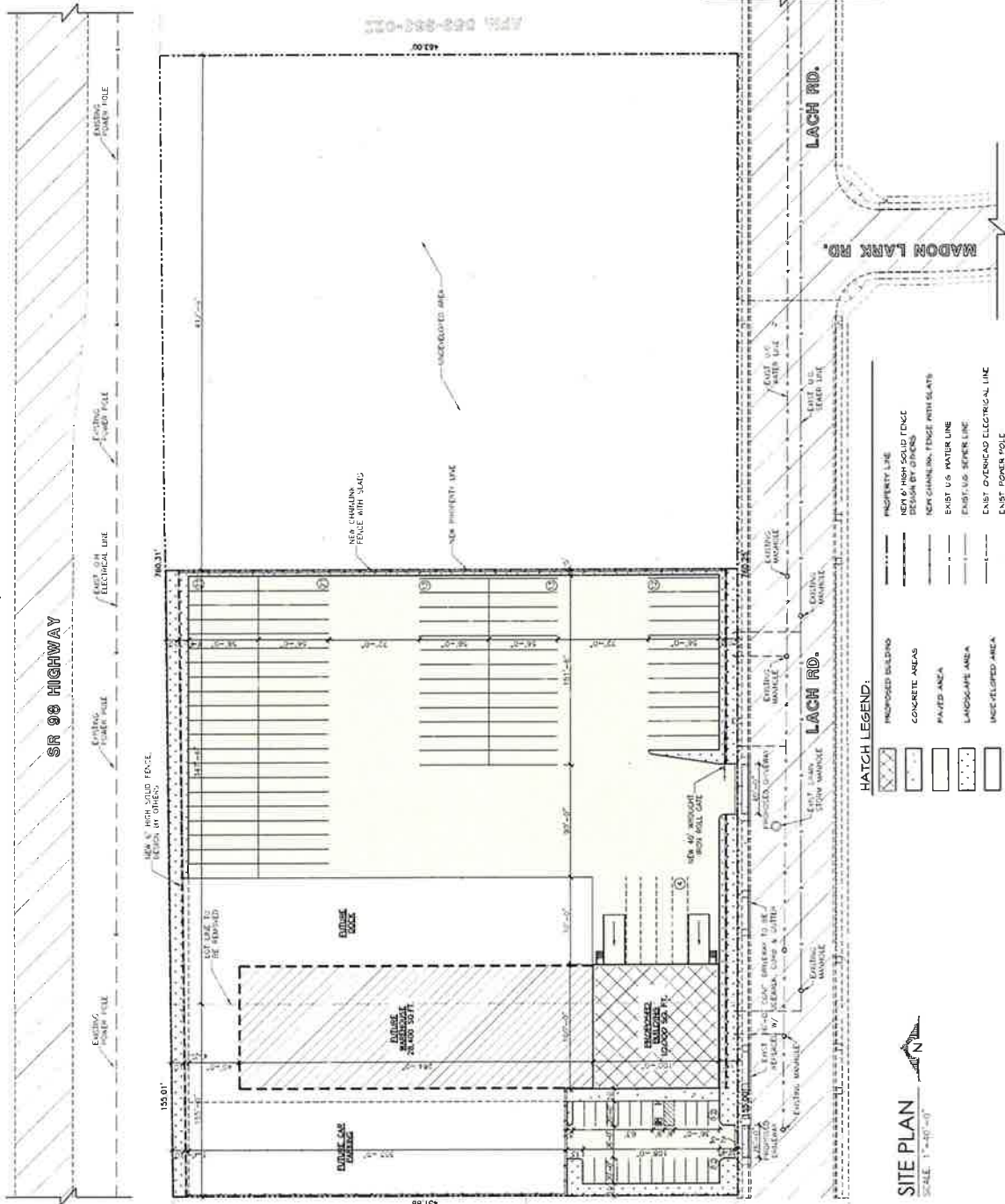
POINT SHEET

POINT SHEET



KUDOS TRANSPORTATION

LACH ROAD, CALEXICO CA 92231



SITE PLAN
SCALE: 1"=40'-0"

- HATCH LEGEND:**
- PROPOSED BUILDING
 - CONCRETE APRON
 - PAVED AREA
 - LANDSCAPE AREA
 - UNDEVELOPED AREA
 - PROPERTY LINE
 - 6' HIGH SOLID FENCE
 - 6' HIGH CHAIN LINK FENCE WITH SLATS
 - EAST US WATER LINE
 - EAST US SEWER LINE
 - EAST OVERHEAD ELECTRICAL LINE
 - EAST POWER POLE



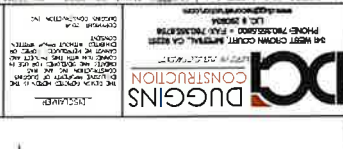
PROJECT DATA
PROPERTY OWNER:
KUDOS TRANSPORTATION LLC
P.O. BOX 1493
CALEXICO CA 92231
PROJECT ADDRESS:
LACH ROAD
CALEXICO CA 92231
CONTRACTOR:
DUGGINS CONSTRUCTION INC
10000 S. GATEWAY
MILPITAS CA 95026

BUILDING DATA

ASSESSOR'S PARCEL NO: 029-304-024
LEGAL DESCRIPTION: LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO ALSO
ZONING: C-1 - OFFICE COMMERCIAL
TOTAL LOT SIZE: 5.75 AC (247834.02 SQ FT)
DEVELOPED AREA: 143,710.20 SQ FT
BUILDING USE: WAREHOUSE
OCCUPANCY GROUP: 5-7
TYPE OF CONSTRUCTION: 4-B
TOTAL PROPOSED BUILDING AREA: 10,000 SQ FT
HEIGHT: 27'-0"
STORIES: 1 STORY
LANDSCAPE REQUIRED: 143,710.20 SQ FT
LANDSCAPE ON SITE: 143,710.20 SQ FT
LANDSCAPE OFF SITE: 2,977.82 SQ FT
TOTAL LANDSCAPE FINISHED: 146,688.02 SQ FT
PARKING REQUIRED: WAREHOUSE
FACT 800X50 FT / 500' - 18 PARKING STALLS
OFFICE: 2,000 SQ FT / 750' - 8 PARKING STALLS
TOTAL REQUIREMENT OF PARKING STALLS: 23 REQUIRE PARKING STALLS
1. 24' WIDE LANDSCAPE STALL
24 TOTAL STALLS
90 TRUCK PARKING
2 WOODEN DOCK RAMP

PROPERTY BOUNDARY NOTE:
THE PROPERTY BOUNDARY LINES SHOWN ON THIS PLAN ARE BASED ON THE RECORD PLAT FOR THE LACH ROAD SUBDIVISION. THE PROPERTY BOUNDARY LINES SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF ACCURACY. THE LAND SURVEYOR WILL PREPARE THE NECESSARY SURVEY

DATE	10/24/2023	AS SHOWN	IP / MA
PROJECT	KUDOS TRANSPORTATION		
SCALE	2023-053	PROJECT NO.	2023-053
PROJECT ADDRESS	34 WEST CROWN COURT, MILPITAS, CA 95026 PHONE: 408.388.0000 WWW.DUGGINSCONSTRUCTION.COM		
DESIGNER	DUGGINS CONSTRUCTION		



PROPERTY

Parcel name: PROPERTY

1 North: 1833191.9338 East : 6825734.3448
Line Course: ~~N 89-18-10 E~~ Length: ~~915.32~~
2 North: 1833203.0719 East : 6826649.5971
Line Course: ~~S 00-00-00 W~~ Length: ~~463.00~~
3 North: 1832740.0719 East : 6826649.5971
Line Course: ~~N 90-00-00 W~~ Length: ~~915.25~~
4 North: 1832740.0719 East : 6825734.3471
Line Course: ~~N 00-00-00 E~~ Length: ~~451.86~~
1 North: 1833191.9319 East : 6825734.3471

Perimeter: 2745.43 Area: 418,665 sq. ft. 9.61 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0029 Course: S 49-27-46 E
Error North: -0.00191 East : 0.00223
Precision 1: 946,700.00

LOT 1

Parcel name: LOT 1

1	North: 1833191.9338	East : 6825734.3448
Line	Course: N 89-18-10 E	Length: 502.41
5	North: 1833198.0474	East : 6826236.7176
Line	Course: S 00-00-00 W	Length: 457.98
6	North: 1832740.0674	East : 6826236.7176
Line	Course: N 90-00-00 W	Length: 502.38
4	North: 1832740.0674	East : 6825734.3376
Line	Course: N 00-00-00 E	Length: 451.86
1	North: 1833191.9274	East : 6825734.3376

Perimeter: 1914.63 Area: ~~228,540~~ sq. ft. 5.25 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0096 Course: S 48-18-14 W
Error North: -0.00641 East : -0.00720
Precision 1: 199,440.63

LOT 2

Parcel name: LOT 2

5	North: 1833198.0474	East : 6826236.7199
Line	Course: N 89-18-10 E	Length: 412.91
2	North: 1833203.0719	East : 6826649.5993
Line	Course: S 00-00-00 W	Length: 463.00
3	North: 1832740.0719	East : 6826649.5993
Line	Course: N 90-00-00 W	Length: 412.88
6	North: 1832740.0719	East : 6826236.7193
Line	Course: N 00-00-00 E	Length: 457.98
5	North: 1833198.0519	East : 6826236.7193

Perimeter: 1746.76 Area: ~~190,125~~-sq. ft., ~~4.36~~-acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0045 Course: N 07-13-50 W
Error North: 0.00450 East : -0.00057
Precision 1: 388,171.11

ATTACHMENT "I"
EEC PACKAGE

PROJECT REPORT

TO: ENVIRONMENTAL EVALUATION COMMITTEE
FROM: PLANNING & DEVELOPMENT SERVICES

AGENDA DATE: June 13, 2024
AGENDA TIME: 1:30PM / No. 4

PROJECT TYPE: Duggins Construction Inc.
CUP23-0034 / LLA00336 SUPERVISOR DIST # 5

LOCATION: 1622 Lach Rd. APN: 059-363-023-000 & 059-363-024-000

Calexico, CA 92231 PARCEL SIZE: 1.61-AC & 8-AC

GENERAL PLAN (existing) Specific GENERAL PLAN (proposed) N/A

ZONE (existing) G-I(Gateway Industrial) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____

APPROVED DENIED OTHER

ENVIROMENTAL EVALUATION COMMITTEE DECISION: HEARING DATE: 06-13-2024

INITIAL STUDY: #23-0040

NEGATIVE DECLARATION MITIGATED NEG. DECLARATION EIR

DEPARTMENTAL REPORTS / APPROVALS:

PUBLIC WORKS	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
AG	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
APCD	<input type="checkbox"/>	NONE	<input checked="" type="checkbox"/>	ATTACHED
E.H.S.	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
FIRE / OES	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
SHERIFF	<input checked="" type="checkbox"/>	NONE	<input type="checkbox"/>	ATTACHED
OTHER		<u>Imperial Irrigation District</u>		

REQUESTED ACTION:

See attached.

NEGATIVE DECLARATION
 MITIGATED NEGATIVE DECLARATION

*Initial Study & Environmental Analysis
For:*

**Conditional Use Permit #23-0034
Initial Study #23-0040
Lot Line Adjustment # 00336
Duggins Construction**



Prepared By:

COUNTY OF IMPERIAL
Planning & Development Services Department
801 Main Street
El Centro, CA 92243
(442) 265-1736
www.icpds.com

June 2024

EEC ORIGINAL PKG

TABLE OF CONTENTS

	<u>PAGE</u>
<u>SECTION 1</u>	
I. INTRODUCTION	3
<u>SECTION 2</u>	
II. ENVIRONMENTAL CHECKLIST	8
PROJECT SUMMARY	10
ENVIRONMENTAL ANALYSIS	13
I. AESTHETICS.....	15
II. AGRICULTURE AND FOREST RESOURCES.....	15
III. AIR QUALITY.....	16
IV. BIOLOGICAL RESOURCES.....	17
V. CULTURAL RESOURCES.....	18
VI. ENERGY.....	18
VII. GEOLOGY AND SOILS.....	16
VIII. GREENHOUSE GAS EMISSION.....	20
IX. HAZARDS AND HAZARDOUS MATERIALS.....	21
X. HYDROLOGY AND WATER QUALITY.....	22
XI. LAND USE AND PLANNING.....	23
XII. MINERAL RESOURCES.....	23
XIII. NOISE.....	24
XIV. POPULATION AND HOUSING.....	24
XV. PUBLIC SERVICES.....	25
XVI. RECREATION.....	25
XVII. TRANSPORTATION.....	26
XVIII. TRIBAL CULTURAL RESOURCES.....	21
XIX. UTILITIES AND SERVICE SYSTEMS.....	26
XX. WILDFIRE.....	26
<u>SECTION 3</u>	
III. MANDATORY FINDINGS OF SIGNIFICANCE	23
IV. PERSONS AND ORGANIZATIONS CONSULTED	24
V. REFERENCES	25
VI. NEGATIVE DECLARATION - COUNTY OF IMPERIAL	26
27 FINDINGS	27
<u>SECTION 4</u>	
VIII. RESPONSE TO COMMENTS (IF ANY)	28
IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)	29

EEC ORIGINAL PKG

SECTION 1 INTRODUCTION

A. PURPOSE

This document is a policy-level, project level Initial Study for evaluation of potential environmental impacts resulting with the proposed Conditional Use Permit #23-0034 / Lot Line Adjustment #00336 (Refer to Exhibit "A" & "B").

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS AND THE IMPERIAL COUNTY'S GUIDELINES FOR IMPLEMENTING CEQA

As defined by Section 15063 of the State California Environmental Quality Act (CEQA) Guidelines and Section 7 of the County's "CEQA Regulations Guidelines for the Implementation of CEQA, as amended", an **Initial Study** is prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project.

According to Section 15065, an EIR is deemed appropriate for a particular proposal if the following conditions occur:

- The proposal has the potential to substantially degrade quality of the environment.
- The proposal has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- The proposal has possible environmental effects that are individually limited but cumulatively considerable.
- The proposal could cause direct or indirect adverse effects on human beings.

According to Section 15070(a), a **Negative Declaration** is deemed appropriate if the proposal would not result in any significant effect on the environment.

According to Section 15070(b), a **Mitigated Negative Declaration** is deemed appropriate if it is determined that though a proposal could result in a significant effect, mitigation measures are available to reduce these significant effects to insignificant levels.

This Initial Study has determined that the proposed applications will not result in any potentially significant environmental impacts and therefore, a Negative Declaration is deemed as the appropriate document to provide necessary environmental evaluations and clearance as identified hereinafter.

This Initial Study and Negative Declaration are prepared in conformance with the California Environmental Quality Act of 1970, as amended (Public Resources Code, Section 21000 et. seq.); Section 15070 of the State & County of Imperial's Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended (California Code of Regulations, Title 14, Chapter 3, Section 15000, et. seq.); applicable requirements of the County of Imperial; and the regulations, requirements, and procedures of any other responsible public agency or an agency with jurisdiction by law.

Pursuant to the County of Imperial Guidelines for Implementing CEQA, depending on the project scope, the County of Imperial Board of Supervisors, Planning Commission and/or Planning Director is designated the Lead

EEC ORIGINAL PKG

Agency, in accordance with Section 15050 of the CEQA Guidelines. The Lead Agency is the public agency which has the principal responsibility for approving the necessary environmental clearances and analyses for any project in the County.

C. INTENDED USES OF INITIAL STUDY AND NEGATIVE DECLARATION

This Initial Study and Negative Declaration are informational documents which are intended to inform County of Imperial decision makers, other responsible or interested agencies, and the general public of potential environmental effects of the proposed applications. The environmental review process has been established to enable public agencies to evaluate environmental consequences and to examine and implement methods of eliminating or reducing any potentially adverse impacts. While CEQA requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including economic and social goals.

The Initial Study and Negative Declaration, prepared for the project will be circulated for a period of 20 days (30-days if submitted to the State Clearinghouse for a project of area-wide significance) for public and agency review and comments. At the conclusion, if comments are received, the County Planning & Development Services Department will prepare a document entitled "Responses to Comments" which will be forwarded to any commenting entity and be made part of the record within 10-days of any project consideration.

D. CONTENTS OF INITIAL STUDY & NEGATIVE DECLARATION

This Initial Study is organized to facilitate a basic understanding of the existing setting and environmental implications of the proposed applications.

SECTION 1

I. INTRODUCTION presents an introduction to the entire report. This section discusses the environmental process, scope of environmental review, and incorporation by reference documents.

SECTION 2

II. ENVIRONMENTAL CHECKLIST FORM contains the County's Environmental Checklist Form. The checklist form presents results of the environmental evaluation for the proposed applications and those issue areas that would have either a potentially significant impact, potentially significant unless mitigation incorporated, less than significant impact or no impact.

PROJECT SUMMARY, LOCATION AND ENVIRONMENTAL SETTINGS describes the proposed project entitlements and required applications. A description of discretionary approvals and permits required for project implementation is also included. It also identifies the location of the project and a general description of the surrounding environmental settings.

ENVIRONMENTAL ANALYSIS evaluates each response provided in the environmental checklist form. Each response checked in the checklist form is discussed and supported with sufficient data and analysis as necessary. As appropriate, each response discussion describes and identifies specific impacts anticipated with project implementation.

SECTION 3

III. MANDATORY FINDINGS presents Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

EEC ORIGINAL PKG

IV. PERSONS AND ORGANIZATIONS CONSULTED identifies those persons consulted and involved in preparation of this Initial Study and Negative Declaration.

V. REFERENCES lists bibliographical materials used in preparation of this document.

VI. NEGATIVE DECLARATION – COUNTY OF IMPERIAL

VII. FINDINGS

SECTION 4

VIII. RESPONSE TO COMMENTS (IF ANY)

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP) (IF ANY)

E. SCOPE OF ENVIRONMENTAL ANALYSIS

For evaluation of environmental impacts, each question from the Environmental Checklist Form is summarized and responses are provided according to the analysis undertaken as part of the Initial Study. Impacts and effects will be evaluated and quantified, when appropriate. To each question, there are four possible responses, including:

1. **No Impact:** A "No Impact" response is adequately supported if the impact simply does not apply to the proposed applications.
2. **Less Than Significant Impact:** The proposed applications will have the potential to impact the environment. These impacts, however, will be less than significant; no additional analysis is required.
3. **Potentially Significant Unless Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact".
4. **Potentially Significant Impact:** The proposed applications could have impacts that are considered significant. Additional analyses and possibly an EIR could be required to identify mitigation measures that could reduce these impacts to less than significant levels.

F. POLICY-LEVEL or PROJECT LEVEL ENVIRONMENTAL ANALYSIS

This Initial Study and Negative Declaration will be conducted under a policy-level, project level analysis. Regarding mitigation measures, it is not the intent of this document to "overlap" or restate conditions of approval that are commonly established for future known projects or the proposed applications. Additionally, those other standard requirements and regulations that any development must comply with, that are outside the County's jurisdiction, are also not considered mitigation measures and therefore, will not be identified in this document.

G. TIERED DOCUMENTS AND INCORPORATION BY REFERENCE

Information, findings, and conclusions contained in this document are based on incorporation by reference of tiered documentation, which are discussed in the following section.

1. Tiered Documents

As permitted in Section 15152(a) of the CEQA Guidelines, information and discussions from other documents can be included into this document. Tiering is defined as follows:

EEC ORIGINAL PKG

"Tiering refers to using the analysis of general matters contained in a broader EIR (such as the one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project."

Tiering also allows this document to comply with Section 15152(b) of the CEQA Guidelines, which discourages redundant analyses, as follows:

"Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including the general plans, zoning changes, and development projects. This approach can eliminate repetitive discussion of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration."

Further, Section 15152(d) of the CEQA Guidelines states:

"Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:

- (1) Were not examined as significant effects on the environment in the prior EIR; or
- (2) Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means."

2. Incorporation By Reference

Incorporation by reference is a procedure for reducing the size of EIRs/MND and is most appropriate for including long, descriptive, or technical materials that provide general background information, but do not contribute directly to the specific analysis of the project itself. This procedure is particularly useful when an EIR or Negative Declaration relies on a broadly-drafted EIR for its evaluation of cumulative impacts of related projects (*Las Virgenes Homeowners Federation v. County of Los Angeles* [1986, 177 Ca.3d 300]). If an EIR or Negative Declaration relies on information from a supporting study that is available to the public, the EIR or Negative Declaration cannot be deemed unsupported by evidence or analysis (*San Francisco Ecology Center v. City and County of San Francisco* [1975, 48 Ca.3d 584, 595]). This document incorporates by reference appropriate information from the "Final Environmental Impact Report and Environmental Assessment for the "County of Imperial General Plan EIR" prepared by Brian F. Mooney Associates in 1993 and updates.

When an EIR or Negative Declaration incorporates a document by reference, the incorporation must comply with Section 15150 of the CEQA Guidelines as follows:

- The incorporated document must be available to the public or be a matter of public record (CEQA Guidelines Section 15150[a]). The General Plan EIR and updates are available, along with this document, at the County of Imperial Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.
- This document must be available for inspection by the public at an office of the lead agency (CEQA Guidelines Section 15150[b]). These documents are available at the County of Imperial Planning &

EEC ORIGINAL PRO

Development Services Department, 801 Main Street, El Centro, CA 92243 Ph. (442) 265-1736.

- These documents must summarize the portion of the document being incorporated by reference or briefly describe information that cannot be summarized. Furthermore, these documents must describe the relationship between the incorporated information and the analysis in the tiered documents (CEQA Guidelines Section 15150(c)). As discussed above, the tiered EIRs address the entire project site and provide background and inventory information and data which apply to the project site. Incorporated information and/or data will be cited in the appropriate sections.
- These documents must include the State identification number of the incorporated documents (CEQA Guidelines Section 15150(d)). The State Clearinghouse Number for the County of Imperial General Plan EIR is SCH #93011023.
- The material to be incorporated in this document will include general background information (CEQA Guidelines Section 15150(f)). This has been previously discussed in this document.

EEC ORIGINAL PKG

II. Environmental Checklist

1. **Project Title:** Conditional Use Permit #23-0034 / Initial Study #23-0040 / Lot Line Adjustment #00336
Duggins Construction Inc.
2. **Lead Agency:** Imperial County Planning & Development Services Department
3. **Contact person and phone number:** Rocio Yee, Planner I, (442)265-1736, ext.1750.
4. **Address:** 801 Main Street, El Centro CA 92243
5. **E-mail:** rocioyee@co.imperial.ca.us
6. **Project location:** The project site is located at 1622 Lach Road, Calexico CA 92231. The parcel is identified as Assessor's Parcel Numbers (APN) 059-363-023-000 with legal description LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO and 059-363-024-000 and is legally described as LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO. Both parcels are located in GSPA (Gateway Specific Plan Area), in an unincorporated area of the County of Imperial.
7. **Project sponsor's name and address:** Duggins Construction, Inc.
314 W. Crown Court, Imperial, CA.
8. **General Plan designation:** Specific Plan Area
9. **Zoning:** GI (Gateway Industrial)
10. **Description of project:** The proposed facility will have a building of 10,000 sq. ft. This building will be mostly occupied by Kudos Transportation (owner) for warehousing with a portion of floor space for office use. The remainder of the main building will be available for lease for future tenants. The future warehouse is expected to have capacity for 15 employees, and it will be available for lease for future tenants.
The reason for this proposed facility is relocation, it is important that the warehouse is near the border to reduce time spent on the transportation process. The goods that are delivered range from: pallet racks, filing cabinets, shelves, canned food, etc. They are imported from Mexico (Mexicali), however there are times where the products go from the warehouse to Mexicali. On average, it takes 24-48 hours to deliver the goods. Trucks have 24-hour access to the premises while the office hours of operation are from 8:00 am to 5:00 pm for the public.
This site will provide 24 automobile parking stalls as required by the County of Imperial zoning ordinance. The building will have 2 access driveways from Lach Road (one for cars and one for trucks). The East side of the main building serves as a truck docking area for unloading/unloading and will provide 80 truck parking stalls for their shipping business.
The East portion of the property will be a concrete and asphalt paved parking area for the fleet trucks of Kudos Transportation. All the truck parking stalls will be used by the owner. A total of 15 employees will be working in the warehouse/office and a total of 30 trucks will be operating daily.
The project will provide 18,305.71 sq. ft. of landscaped area throughout the property. Most of the landscaped areas are provided along Lach Road. New driveways to be provided along Lach Road.

EEC ORIGINAL PKG

The proposed building will be constructed using a pre-engineered metal building and the office area will be structural wood frame.

11. **Surrounding land uses and setting:** The project site is surrounded at North abuts State Highway 98 and undeveloped dirt parcel, South property line abuts Lach Road, a paved county road, both zoned as GI (Gateway Industrial) zones; GC (Gateway Commercial) zoned undeveloped dirt parcels are located East and West of the project site.

12. **Other public agencies whose approval is required** (e.g., permits, financing approval, or participation agreement.):

13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Pursuant to AB52, a consultation request letter was sent out to the Quechan Indian Tribe for a 30-day consultation period for review and comment. No comments were received.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code, Section 21080.3.2). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code, Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code, Section 21082.3 (c) contains provisions specific to confidentiality.

EEC ORIGINAL PKG

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

ENVIRONMENTAL EVALUATION COMMITTEE (EEC) DETERMINATION

After Review of the Initial Study, the Environmental Evaluation Committee has:

- Found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- Found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- Found that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Found that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EEC VOTES

- PUBLIC WORKS
- ENVIRONMENTAL HEALTH SVCS
- OFFICE EMERGENCY SERVICES
- APCD
- AG
- SHERIFF DEPARTMENT
- ICPDS

YES

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NO

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ABSENT

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 Jim Minnick, Director of Planning/EEC Chairman

6-13-2024
 Date: _____

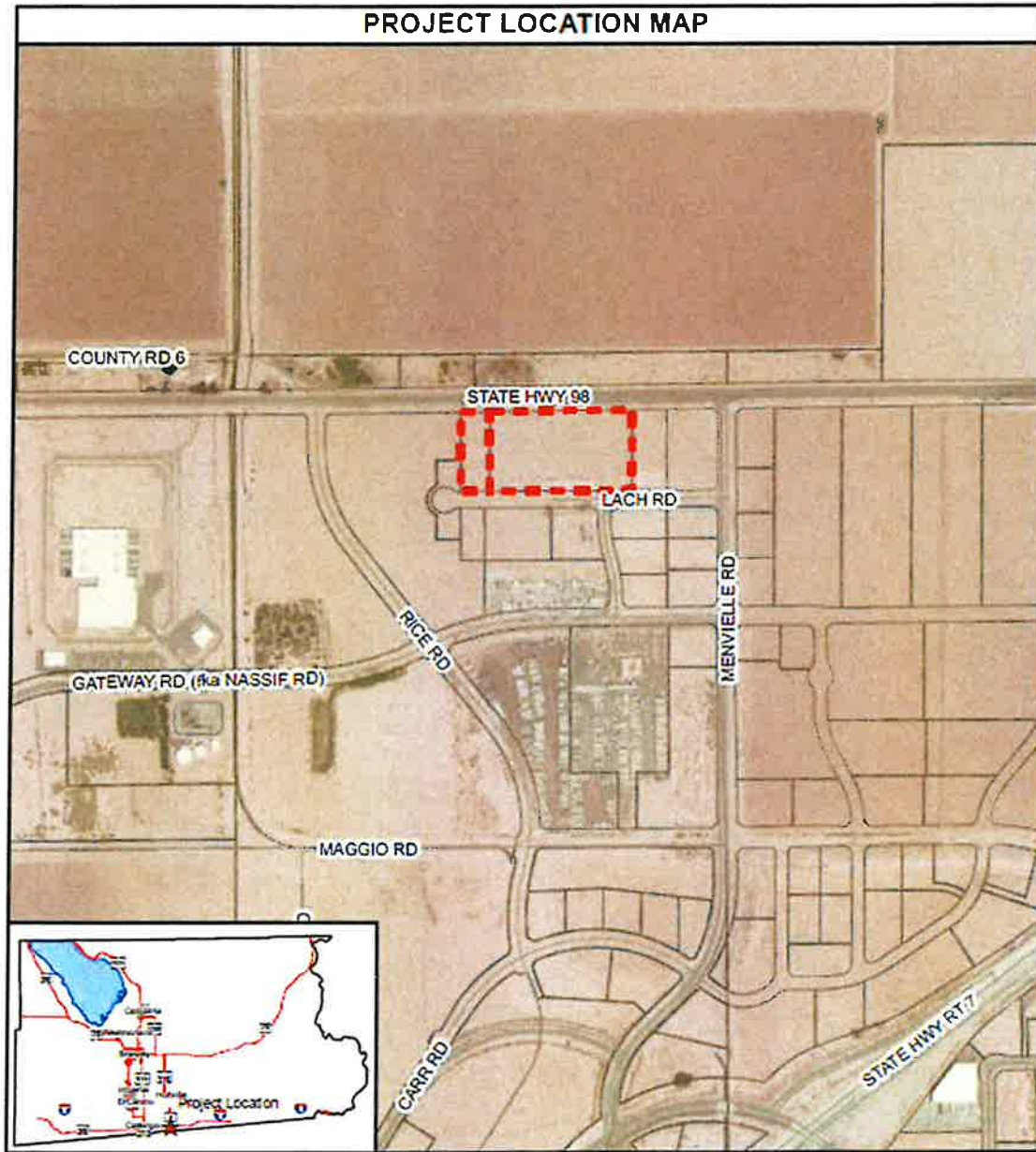
EEC ORIGINAL PKG

PROJECT SUMMARY

- A. Project Location:** The project site is located at Lach Road, Calexico CA 92231. The parcel is identified as Assessor's Parcel Numbers (APN) 059-363-023-000 with legal description LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO and 059-363-024-000 and is legally described as LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO. Both parcels are located in GSPA (Gateway Specific Plan Area) in an unincorporated area of the County of Imperial.
- B. Project Summary:** The proposed facility will have a building of 10,000 sq. ft. This building will be mostly occupied by Kudos Transportation (owner) for warehousing with a portion of floor space for office use. The remainder of the main building will be available for lease for future tenants. The future warehouse is expected to have capacity for 15 employees, and it will be available for lease for future tenants.
- C. Environmental Setting:** The project site is surrounded at North abuts State Highway 98 and undeveloped dirt parcel, South property line abuts Lach Road, a paved county road, both zoned as GI (Gateway Industrial) zones; GC (Gateway Commercial) zoned undeveloped dirt parcels are located East and West of the project site.
- D. Analysis:** Under the Land Use Element of the Imperial County General Plan, the project site is designated as "Specific Plan Area" and is zoned "GI (Gateway Industrial) Zone" and would be considered consistent with the Imperial County's General Plan, the Gateway to the Americas Specific Plan under "3.GI (Gateway Industrial), c. Uses permitted with a Conditional Use Permit Only, page IV-21, 5.Wholesale, Storage and Distribution, a. Heavy Wholesale, Storage and Distribution..." and with the County's Land Use Ordinance requirements with the approval of the Conditional Use Permit.
- E. General Plan Consistency:** The project is located within the County's General Plan designation of "Specific Plan Area" and within the Gateway to the Americas Specific Plan. The Project could be considered consistent with the General Plan and the County Land Use Ordinance upon the approval of the proposed CUP.

EEC ORIGINAL PKG

Exhibit "A"
Vicinity Map



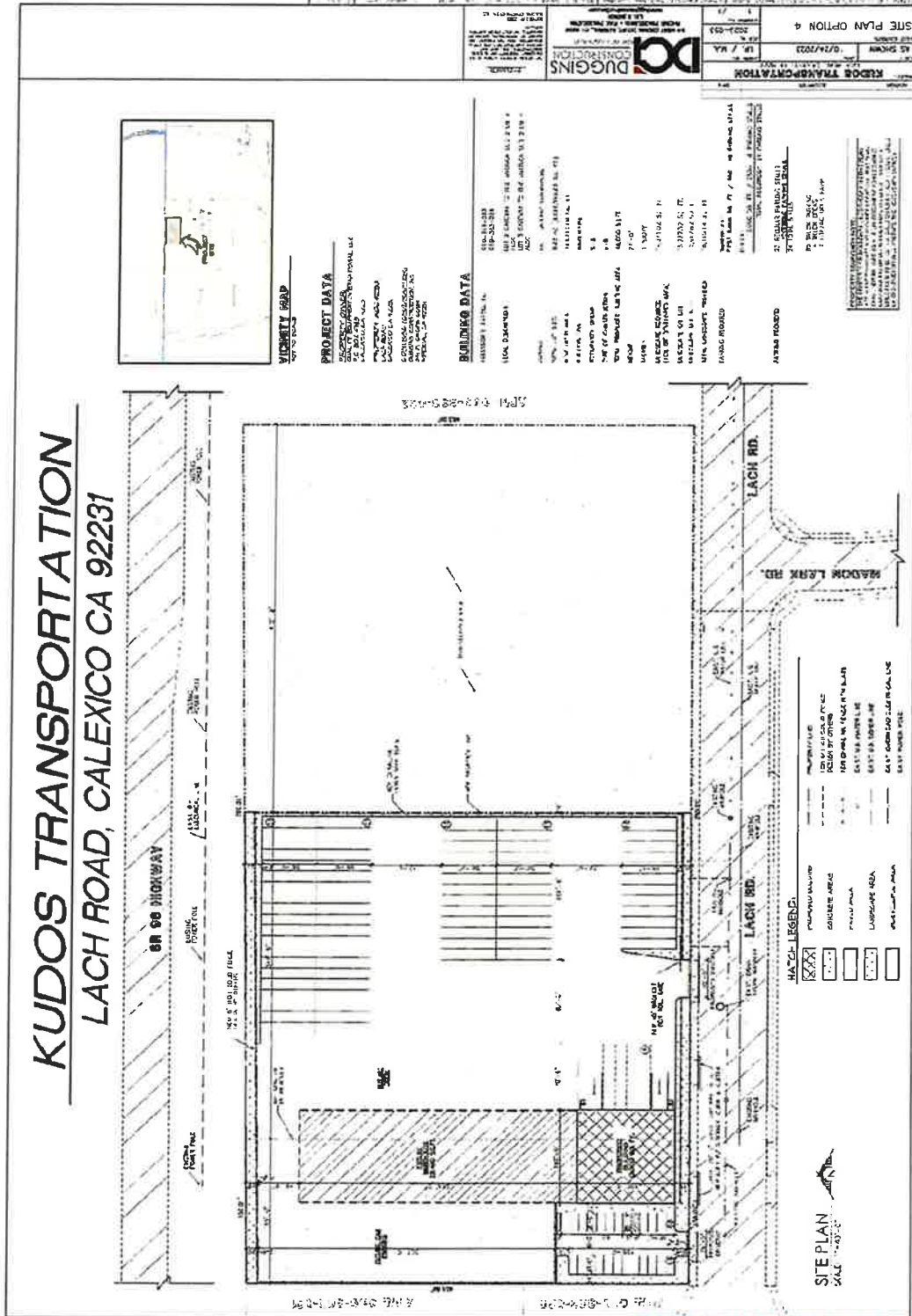
DUGGINS CONSTRUCTION INC.
 CUP #23-0034 / LLA #00336 / IS 23-0040
 APN 059-363-023 & -024-000

	Project Location
	Centerline
	Parcels



EEC ORIGINAL PKG

Exhibit "B" Site Plan



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EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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I. **AESTHETICS**

Except as provided in Public Resources Code Section 21099, would the project:

- a) Have a substantial adverse effect on a scenic vista or scenic highway?

a) According to the Imperial County General Plan Circulation and Scenic Highways Element, State Highway 98 is not considered a "scenic" highway. Therefore, no impact is expected.
- b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

b) There are no scenic resources such as trees, rock outcroppings or historic buildings surrounding the project site; therefore, no impacts are expected.
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surrounding? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

c) The proposed project site is located within the Gateway of the Americas Specific Plan³⁵ and will not degrade the existing visual character or quality of the site or its surrounding area. The Final environmental Impact Report (FEIR) for the Gateway of the Americas Specific Plan concluded that the aesthetic impacts resulting from converting agriculture land to industrial/commercial development would be significant but mitigable; the impact would be reduced below the threshold of significance through adherence to architectural and landscape design guidelines.

PEIR – Implementation of the following mitigation measures from the FEIR would reduce aesthetic impact to below a level of significance:

Mitigation Measure 1: Each subsequent development shall conform to the design guidelines in Chapter IV of the Gateway of the Americas Specific Plan (Mitigation Measure 4.5-1).

Mitigation Measure 2: A detailed landscape plan shall be prepared in conformance with the design guidelines of Chapter IV of the Gateway of the Americas Specific Plan (Mitigation Measure 4.5-2).

Mitigation Measure 3: The County shall confirm that the proposed development is consistent with the design and landscaping guidelines contained with the Gateway of the Americas Specific Plan.

Additionally, every commercial development for Gateway are subject to a design review, that must be consistent with the Specific plan.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

d) The proposed project may create an additional source of light or glare for security purposes, but all lighting shall be shielded into the property to avoid affecting neighboring parcels. Less than significant impacts are expected.

II. **AGRICULTURE AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. --Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
a) The site of the proposed project is located within the Gateway of the Americas Specific Plan ³⁵ (a master-planned Industrial and Commercial Complex). The proposed project is located within an industrial zoning district. The FEIR concluded that the future development within the proposed project would not result in significant impacts to agriculture. No mitigation measures or environmental conditions for agriculture are applicable to this proposed project. Therefore, the impact would be less than Significant.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? b) The County of Imperial has no current active Williamson Act contracts. According to the California Williamson Act Enrollment Finder ⁴ , Imperial County is withdrawn from the 2022 Williamson Act; Additionally, the proposed project site is located within the Gateway to the Americas Specific Plan therefore, the proposed project is not expected to conflict with existing zoning for agricultural use, or a Williamson Act Contract. No Impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? c) As mentioned under item (II) a) above, the subject property is located with the Gateway to the Americas Specific Plan and will not conflict with existing zoning for or cause rezoning of forest land, timberland, or zoned Timberland Production. Therefore, no impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? d) As explained under Item (II) c) above, the proposed project will not result in the loss of forest land or conversion of forest land to non-forest use. Therefore, no impact is expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? e) As mentioned under item (II) a) above, the proposed project site is located within the Gateway to the Americas Specific Plan and will involve change to existing environment, but as explained the development of the proposed project would not result in significant impact to agriculture. Additionally, the property has not been cultivated before. No mitigation measures or environmental conditions for agriculture are applicable to the proposed project. The impacts would be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to the following determinations. Would the Project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
a) The proposed project would be required to conform to the requirements of the Imperial County Air Pollution Control District's comment letter³⁷ received on April 25, 2024, stating that the project must comply with all Air District rules and regulations and would emphasize Regulation VIII. Regulation VIII is a collection of rules designed to limit emissions of fugitive dust to 20% opacity.
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
b) The project proposes does not anticipate exposing receptors to substantial pollutants concentrations. Furthermore, as stated above, with the continued adherence to the ICAPCD rules and regulations, the proposed project impacts would be less than significant. The proposed project does not appear to have any significant cumulative net increase of any criteria pollutant for which the project is not compliant. The FEIR for the Gateway Specific Plan³⁵ addressed air quality and concluded that the development of the Specific Plan Area (SPA) would result in a significant, but mitigable short-term air quality impact related to fugitive dust generation during site grading and construction activities. And dust control measures used during construction were considered adequate to reduce short-term dust emission to below a level than significant.

Implementation of the following mitigation measures from the FEIR would reduce the short-term air quality impacts to below a level less than significance:

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Mitigation Measure 4: Dust and vehicle control measures, Dust Control Plan with BACM (Best Available Control Measures) and water trucks, compliance with "Anti-idling" rule for truck regulations prior and during grading and construction activities (Mitigation Measure 4.9.1).

- c) Expose sensitive receptors to substantial pollutants concentrations?
c) The proposed project does not anticipate exposing receptors to substantial pollutants concentrations. Furthermore, as stated above under (III) a), with the continued adherence to the ICAPCD comment letter³⁷ rules and regulations, the proposed project impacts would be less than significant.
- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?
d) The construction and operation of the proposed facility does not anticipate creating any more objectionable odors that already exist however with the continuance adherence to the ICAPCD rules and regulations, any odors would be at a level less than significant.

IV. BIOLOGICAL RESOURCES *Would the project:*

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

a) The site of the proposed project is located within disturbed land (there is an existing truck and automobile parking facility located approximately 370 feet south the property) and is situated within the Gateway to the Americas Specific Plan which could have a substantial adverse effect, either directly or through habitat modification, or any species identified as a candidate, sensitive, or special status species in local or regional plan, policies, or regulation, or by the California Department of Fish and Wildlife or U. S. Fish and Wildlife Services⁶. However, the site and its habitat and wildlife species have been reviewed previously within the FEIR. The FEIR found that direct impact on sensitive vegetation communities resulting from future development, specifically impacts on the burrowing owl due to direct habitat modification, were found to be significant and mitigable. The FEIR found uncontrolled project lighting from implementation of the Gateway Specific Plan³⁵ would indirectly impact sensitive wildlife and biological near the Alamo River and sedimentation/siltation and urban runoff also would occur.

Implementation of the following mitigation measures identified in the FEIR would reduce impacts to the burrowing owl to below the level of significance:

Mitigation Measure 5: Prior to issuance of a grading permit, the permit shall require a pre-construction survey in accordance with CDF&W Guidelines. The survey shall be conducted no more than 30 days prior to construction (Mitigation Measure 4.7.6).

Mitigation Measure 6: Any observed burrowing owls within 50 meters of construction shall be relocated pursuant to a management plan approved by the California Division of Fish and Wildlife (Mitigation Measure 4.7-7).

Mitigation Measure 7: A detailed erosion control plan shall be approved by the Department of Public Works (Mitigation Measure 4.7-10)

Mitigation Measure 8: A storm Water Pollution Control Plan shall be prepared and implemented in accordance with state and local regulations (Mitigation Measure 4.7-11).

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b) As mentioned above under item (IV) a), the proposed project site is located within the Gateway to the Americas Specific Plan and could have a substantial effect on any riparian habitat or other sensitive natural community as identified in local or regional plan, policies, or regulations or by the California Fish and Wildlife or U.S. Fish and Wildlife Service.

EEC ORIGINAL PAGE

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Wildlife Services⁶. However, with the implementation of the mitigation measures listed in (IV) a) above, the impact would be less than significant.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

c) According to the National Wetlands Inventory⁷: Surface Waters and Wetlands Map⁹, National Water Information System: Mapper¹⁰, and California Sustainable Groundwater Management Act (SGMA) Data Viewer¹¹, the proposed project is not located within a riparian habitat and which will not cause a substantial adverse effect on federal protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Any impacts are expected to be less than significant.

- d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

d) As previously stated on item (IV)(b) above, the project site is not located within a Sensitive Habitat; therefore, it would not interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Any impacts are expected to be less than significant.

- e) Conflict with any local policies or ordinance protecting biological resource, such as a tree preservation policy or ordinance?

e) The proposed project does not conflict with any local policy or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, no impact is expected.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

f) The proposed project is located within the Gateway to the Americas Specific Plan³⁵ and does not lie within a Sensitive Area as shown on Figures 2a, (Sensitive Plants), 2b (Sensitive Wildlife Areas), or 2c (Unusual Plant Assemblages) of the Conservation and Open Space Element of the Imperial County General Plan; it also does not appear to conflict with any provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. No impacts are anticipated.

V. CULTURAL RESOURCES *Would the project:*

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

a) The proposed project is located on disturbed land, and it is designated in the Imperial County General Plan Conservation and Open Space Element⁵, Figure 4, as an area to have "zero to rare" sensitivity paleontological resources; therefore, no impacts are anticipated.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

b) As mentioned under item (V) a) above, the proposed project is located on disturbed land within the Gateway to the Americas Specific Plan with a zero to rare sensitivity resource; therefore, no impacts are anticipated.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

c) As mentioned under Item (V) a) above, the project site is located on disturbed land and is not expected to result in the disturbance of any human remains, including those interred outside of dedicated cemeteries. Therefore, no impacts are anticipated.

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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VI. **ENERGY** *Would the project:*

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
- a) **The proposed facility is not proposing any changes in the existing surrounding uses; therefore, it will not result in potentially significant environmental impacts due to wasteful, insufficient, or unnecessary consumption of energy resources, during the project construction or operation. Additionally, the proposed project site is located within the Gateway Specific Plan³⁵. New developments require compliance with the latest edition of the California Building Code and ministerial building permits with the Imperial County Planning and Development Services Department. Furthermore, per a comment letter received from the Imperial Irrigation District³⁶ dated April 23, 2024, if any temporary and/or permanent electrical service for the project is required, the applicant should be advised to contact them. Any impacts are expected to be less than significant.**
- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
- c) **Any developments would require compliance with the latest energy efficiency and renewable energy standards and regulations. Therefore, the proposed project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Any impacts are expected to be less than significant.**

VII. **GEOLOGY AND SOILS** *Would the project:*

- a) Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury, or death involving:
- a) **The construction of the proposed facility does not appear to conflict with the geology and soils of adjacent parcels in the area. Additionally, the warehouse facility and office proposed is listed as permitted uses with a Conditional Use Permit (CUP) under the Gateway of the Americas Specific Plan³⁵ (GSPA). Any developments on the parcel will be subject to compliance with the latest edition of the California Building Code as well as to go through a ministerial building permit review. Therefore, the proposed project would not directly or indirectly cause potential substantial adverse effects regarding impacts to geology and soils. Any impacts are expected to be less than significant.**
- 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?
- 1) **The proposed project is not located within a known fault zone according to the California Department of Conservation Earthquake Zone Map¹⁷. The Imperial Fault Zone is located approximately one (1) mile Northeast of the proposed project; However, Imperial County is classified as Seismic Zone D per the Uniform Building Code, which required that any developments within this zone be required to incorporate the most stringent earthquake resistant measures, However, all human occupancy structures in the vicinity of the onsite Imperial Fault would be set back a minimum of 50 feet from any fault trace. Any developments will be subject to compliance with the latest edition of the California Building Code as well as to go through a ministerial building permit review. Adherence and compliance to these standards and regulations would bring any impacts to less than significant.**
- 2) Strong Seismic ground shaking?
- 2) **As previously stated on item (VII)(a)(1) above, the proposed project is located approximately one (1) mile away northeast of the proposed warehousing and office facility, indicating seismic ground shaking is expected. Adherence to the latest edition of the California Building Code and as well as to go through a ministerial building permit review would bring any impacts to less than significant.**
- 3) Seismic-related ground failure, including liquefaction and seiche/tsunami?
- 3) **The proposed project site is not located in a seiche/tsunami area per the California Tsunami Data Maps¹⁷. Any impacts are expected to be less than significant.**

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
4) Landslides? 4) Per the Imperial County General Plan Landslide Activity Map, Figure 2 ¹ , Seismic and Public Safety Element, the project site is not located within a landslide activity area; therefore, no impacts are anticipated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? b) The proposed project is not located within an area of erosion activity per the Imperial County Seismic and Public Safety Element ¹⁹ , Figure 3; therefore, potential impact is expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? b) The proposed project site is not located on a geological unit or soil that is unstable or would become unstable due to the construction to the new facility; as mentioned under the Gateway of the Americas Specific Plan Area ³⁵ , under: Mitigation Measure 4.6-2: If liquefiable soils are present, special building foundations (e.g., driven piles, cast-in-drilled-hole piers, stone columns) and/or ground modification (e.g., dynamic compaction) shall be incorporated into the design of all applicable human-occupancy structures. Therefore, less than significant impacts are expected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in the latest Uniform Building Code, creating substantial direct or indirect risk to life or property? d) The proposed project site is not characterized by any expansive soils that would be considered environmentally significant. Potential impact deriving from expansive soils are considered negligible. Therefore, no impacts are anticipated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? e) The proposed project site is located within the Gateway to the Americas Specific Plan ³⁵ which includes sewer facilities, as shown under the master plans for water and sewer (Exhibit V-3). Therefore, no impacts are anticipated.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? f) The proposed project site is located on already disturbed lands located in Gateway of the Americas Specific Plan Area and does not appear to directly or indirectly destroy a unique paleontological resource or site of unique geologic feature on site as there are no known unique resources or features on site or records of. Additionally, in the event of any paleontological findings on site during construction, if excavation or drilling activities greater than 10 feet in depth below ground surface, all work shall be stopped. Any impacts are expected to be less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. **GREENHOUSE GAS EMISSION** *Would the project:*

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
a) Due to the small amount of traffic and equipment during construction and operation, the project would not create a substantial greenhouse gas emissions, Additionally, as previously stated on item (III)(a) above, adherence and compliance to ACPD's rules and regulations as mentioned on the comment letter ³⁷ received on April 25, 2024, will bring any impacts to less than significant. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan or policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?
b) The proposed project does not anticipate conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, no impact expected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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IX. HAZARDS AND HAZARDOUS MATERIALS *Would the project:*

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

a) The proposed project for warehouse and office is not expected to create a significant hazard to the public or the environment since it does not include any handling of hazardous materials. Impacts are considered to be less than significant.

b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

b) The nature of the proposed project and the potential cargo haul could include material that if an accident occurred could result in minor spill impacts. The FEIR identified significant but mitigable hazards/hazardous material impacts related to soil contamination from hazardous material used and stored in future industrial buildings.

Implementation of the following mitigation measures (refer to "Public Safety/Health Risk" in the FEIR) would reduce public safety and hazard risk impacts to a below a level of significance.

Mitigation Measure 10: All future development shall provide proof of a hazardous material business plan and that appropriate permits have been obtained for any hazardous material to be kept on-site along with a secondary containment unit that is approved by Planning & development Services, EHS/Health Department, and Certified Unified Program Agency (CUPA).

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

a) The proposed project is located in Gateway which is designed as a master-planned industrial and commercial complex, is not within 5 miles of a school and would not pose a risk to school facilities, therefore, no impact expected.

d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

d) The proposed project site is not located on a site included on a list of hazardous material sites. However, according to the Department of Toxic Substances Control (DTSC) the DTSC EnviroStor Database²¹; Additionally, under the Gateway of the Americas Specific Plan Area³⁹ The Imperial County Fire Department's Office of Emergency Service (OES) and Hazardous Materials Response Team:

Mitigation Measure 4.11-3: Prior to issuance of a certificate of occupancy for all buildings within each phase or unit of development within the SPA, the applicant shall provide evidence to the Planning Director that: 1) a hazardous materials business plan has been prepared and implemented in accordance with federal, state and local regulations; and 2) all local, state and federal permit requirements to generate, use, store and transport hazardous materials have been satisfied. In coordination with the County Fire Department's Office of Emergency Services and the Hazardous Materials Response Team, specific routes shall be established for the transport of hazardous materials to avoid public use areas. Implementation of the following mitigation measure would reduce public safety risks associated with open irrigation canals, but not to below a level of significance. Full mitigation would require undergrounding or covering of all canals within, and adjacent to, the SPA. As undergrounding/covering of adjacent canals is economically infeasible, the project impacts are considered unmitigable even if all the onsite canals are. Therefore, less than significant impacts are expected with mitigation measures incorporated.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

e) The proposed project site is not located within an Airport Land Use Compatibility Area²³ and would appear not to have any significant impact to people residing or working in the project area. Therefore, no impact expected.

FEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) The proposed project site does not appear to interfere with an adopted emergency response plan or emergency evacuation plan; The County also maintains a substation in Heber which provides limited backup support. This station is located within 10 miles of the SPA. Therefore, no impact is expected.				
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) The proposed project site is not located in an area susceptible to wildland fires, therefore, no impact is expected.				

X. **HYDROLOGY AND WATER QUALITY** *Would the project:*

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) The proposed project is located within the Gateway to the Americas Specific Plan ³⁵ is not expected to violate any water quality standards or waste discharge requirements, because of the water line provided by the Gateway Commission. Additionally, The EIR describes the design measures and emergency response procedures required by standard regulations to prevent significant impacts to surface and groundwater quality from use, storage or transport of toxic or hazardous materials onsite. It also describes the wastewater treatment facility required to adequately serve proposed and future development within the SPA and IID service area. Therefore, no impacts are anticipated.				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) As mentioned above in (X) a) no groundwater resources will be used, therefore, no impacts are anticipated.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The proposed project does not anticipate a physical alteration to the site that would substantially alter the existing drainage pattern of the site or area, including the alteration of the course or a stream or river or though the addition of impervious surfaces. Any proposed grading will require drainage review and approval from the Imperial County Public Works Department. Any impacts are expected to be less than significant.				
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) The proposed project is not expected to substantially alter the existing drainage patterns of the site or area, including the alteration of stream or river, which would result in substantial erosion or siltation on or off-site. According to Figure 9 (Erosion Activity Map), the area is in a designation of a low activity. Additionally, the Imperial County Public Works Department will require a Drainage and Grading Plan/Study for the expansion property. This would ensure that the impact would be reduced to a level less than significant.				
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) The proposed project will not substantially alter the existing drainage patterns or increase the rate or amount of surface runoff, resulting in flooding on- or off-site; therefore, no impacts are expected. Additionally, Imperial County Public Works will require that a drainage and grading plan be submitted at the time of development. Therefore, any impacts are expected to be less than significant.				
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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(iii) The proposed project will not create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems, thus no change to existing drainage patterns of the site are expected. As previously stated on items (X)(c) and (X)(c)(ii) above, Imperial County Public Works Department will require a Drainage and Grading Plan/Study. Through the implementation of this plan, the impacts would, therefore, be less than significant.

(iv) impede or redirect flood flows?

(iv) The project site is located on Zone X, per Federal Emergency Management Agency's (FEMA)¹⁷ Flood Insurance Rate Map Panel 06025C2100C effective September 26, 2008; therefore, no impacts are expected.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

d) The proposed project site is not located in a Tsunami Inundation Area¹⁸ according to the California Emergency Management Agency and the Department of Conservation; therefore, no impacts are anticipated.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

e) The proposed project site is located in Gateway and has been previously disturbed land designed as a master-planned industrial and commercial complex consisting of 1,570 (Refer to Appendix "B") gross developable acres in private ownership; therefore, less than significant impacts are expected.

XI. **LAND USE AND PLANNING** *Would the project:*

a) Physically divide an established community?

a) The proposed project is not expected to divide any established communities. The site is surrounded by industrial and agricultural zoned land and the proposed use is industrial, therefore, no impacts are expected.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

b) The proposed project consists of a warehouse and office facility for Kudos Transportation, which under the Land Use Element of the Imperial County General Plan, the project site is designated as "Specific Planned Area and lies within the Gateway to the Americas Specific Plan³⁵." The parcel is classified as GI (Gateway Industrial) and would not conflict with the General Plan or Land Use Ordinance, since it is permitted use with an approved conditional use permit. Therefore, less than significant impacts are expected.

XII. **MINERAL RESOURCES** *Would the project:*

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

a) The project site is not located in an area classified to be a regionally important mineral resource per the California Department of Conservation- Mineral Land Classification; therefore, no impacts are anticipated.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

b) The proposed warehouse facility will not result in the loss of availability of locally important mineral resources recovery site delineated on a local general plan, specific plan or other land use plan. No impacts are expected.

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XIII. **NOISE** *Would the project result in:*

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

a) The proposed project is not expected to expose persons or generation of noise levels in excess of standards established in the Gateway to the Americas Specific Plan, General Plan or Noise Ordinance, or applicable standards of other agencies. The construction of the new 10,000 warehouse and office facility would appear to be a less than significant impact in related to the existing truck and automobile noises. The proposed facility shall be fenced and landscaped, subject to the Gateway of the Americas Specific Plan Area requirements and Design review. Therefore, less than significant impacts are expected.

- b) Generation of excessive groundborne vibration or groundborne noise levels?

b) The proposed project is not expected to generate of excessive grounbome vibration or groundbome noise levels, during the construction. Less than significant impacts are expected

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

c) The proposed project site is not located within any Airport Land Use Plan²³ area or within the vicinity of a private air strip. Therefore, the proposed project will not result in any impacts.

XIV. **POPULATION AND HOUSING** *Would the project:*

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

a) The proposed project is not expected to generate substantial population growth. Therefore, no impact are anticipated.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

b) The proposed project is not expected to displace substantial numbers of exiting housing, necessitating the construction of replacement housing elsewhere. Housing is limited to a scattering of single-family residences, with the majority of homes situated in the northwestern quadrant of the SPA; therefore, no impact is expected.

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
-

a) As indicated in the FEIR, development within the Specific Plan would have a significant but mitigable impact on fire services due to the addition of new areas needing fire protection services. Dedication of a site for the future development of a police and fire station were considered adequate to reduce this impact to below a level of significance. As a fire station has already been dedicated in accordance with Mitigation Measures 4.3-1 from the FEIR, no mitigation measures are required.

The Final EIR concluded that the Specific Plan would not have any impacts to schools, parks, or other public facilities. The proposal to construct, operate, and maintain the proposed project would not increase the magnitude of public service impact assumed in the FEIR, nor would it result in the need of any new public facilities (other than potential expansion of the Gateway Water Treatment Plant and/or Gateway Wastewater Treatment Plant facilities/distribution lines). Thus, the project impact is anticipated to be less than significant.

- 1) Fire Protection?

1) The proposed project is not expected to result in substantial impacts on fire protection; "Gateway" is located in the unincorporated area of Imperial County. Emergency medical response to the project area would be provided by the Imperial County Fire Department, which reports to the base hospital in El Centro. An emergency room physician in El Centro determines to which facility the patient will be sent. However, any impacts would be less than significant.

- 2) Police Protection?

2) The proposed project is not expected to result in substantial impacts on police protection; Gateway" is currently served by the Imperial County Sheriff Department. The closest station is located just south of the City of El Centro on Applestill Road. any new impacts would be less than significant.

- 3) Schools?

3) The proposed project is located in Gateway which is designed as a master-planned industrial and commercial complex usually and is not within 5 miles of a school, therefore, no impact expected.

- 4) Parks?

4) The proposed project will not result in impacts to parks; therefore, less than significant impact would be expected.

- 5) Other Public Facilities?

5) As explained in (XV) a) above, the proposed project is not expected to result in impacts to other facilities. Less than significant impacts would be expected.

XVI. RECREATION

- a) Would the project increase the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

a) The proposed project site is in Gateway, an industrial designated area and not appear to increase the use of the existing neighborhood, regional parks or recreational facilities; however, any increase would be minor; therefore, no impacts are expected.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

b) The proposed project is in an industrial designated area and does not include recreational facilities or require the construction or expansion of recreation facilities which might have an adverse effect on the environment. Therefore, no impacts are expected.

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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XVII. **TRANSPORTATION** *Would the project:*

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

a) The proposed project will result in an increase in traffic to and from the project site on local County roads. The Imperial County Public Works will review the proposed project traffic impacts. Additionally, a concluded in the FEIR, future development within the proposed area in combination with other development in the Specific Plan, would result in less than significant traffic/circulation impacts.

Implementation of the following measures from the FEIR would reduce traffic impacts to below a level of significance.

Mitigation Measure 11: Appropriate traffic impact fees and Gateway Specific Plan, off-site improvements fees, shall be paid. (Mitigation Measure 4.1-1/ Public Works Department)

Mitigation Measure 12: Any appropriate roadway segments and intersection required by Public Works shall be completed or adequately assured prior to issuance of a certificate of occupancy for future development. (Mitigation Measure 4.1-4).

- b) Would the project conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b)?

b) The proposed project will not conflict or be inconsistent with the CEQA Guidelines section 15064.3, subdivision (b) as it is not expected to have a significant transportation impact within transit priority areas with no proposed change on the existing land use. However, it would depend on traffic studies if required, therefore. No impacts are expected.

- c) Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

c) The proposed project does not appear to substantially increase hazards due to design features or incompatible uses. Access will be via Lach Road, an already paved street. Any impact would appear to be less than significant.

- d) Result in inadequate emergency access?

d) The proposed project would not result in inadequate emergency access; Additional, the proposed access appears to be suitable for emergency response vehicles. therefore, no impact is expected.

XVIII. **TRIBAL CULTURAL RESOURCES**

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:

(i) The project would not cause an adverse change in the significance of a tribal cultural resource; therefore, any impacts are considered less than significant. Based on Figure 6 Known Areas of Native American Sensitivity of the Conservation and Open Space Element of the Imperial County General Plan, the project site is not located with any sensitive area. Additionally, a letter was sent to the Quechan Indian Tribe and on April 10, 2024, no comments were received from any tribe members.

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) The proposed project would not cause a substantial change in the significance of a tribal cultural resource and no historical resources have been identified as significant in the project area; therefore, any impact is considered less than significant.				
0 (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) As mentioned in a) above, a letter was sent to the Quechan Indian Tribe and on April 10, 2024, they have no comments. No impacts are expected.				

XIX. UTILITIES AND SERVICE SYSTEMS *Would the project:*

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?
-

a) The proposed project for warehousing and office for Kudos Transportation is not expected to result in exceeding wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects; therefore, no impacts are expected.

Additionally, on April 23, 2024, ICPDS received a comment letter from The Imperial Irrigation District³⁶ requesting an encroachment permit or encroachment agreement to utilize existing surface-water drainpipe connections to drains and receive drainage service from the district.

Any new, relocated, modified, or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.). IID should be consulted prior to the installation of any facilities adjacent to IID's facilities. Certain conditions may be placed on adjacent facilities to mitigate or avoid impacts to IID's facilities.

Applicant compliance with IID requirements is expected to bring any impact to less than significant levels.

- b) Have sufficient water supplies available to serve the project from existing and reasonably foreseeable future development during normal, dry and multiple dry years?
-

b) The proposed project for the construction of warehousing and office is not expected to exceed the capacity of the current services provider and no new or expanded entitlements are needed. Therefore, any impacts are expected to be less than significant.

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
-

c) The proposed project does not anticipate any impacts to wastewater as it does not propose to generate any wastewater. Additionally, the EIR describes the design measures and emergency response procedures required by standard regulations to prevent significant impacts to surface and groundwater quality from use, storage or transport of toxic or hazardous materials onsite. It also describes the wastewater treatment facility required to adequately serve proposed and future development within the SPA and IID service area; therefore, any impacts are expected to be less than significant.

EEC ORIGINAL PKG

	Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>d) The proposed project does not anticipate an excess generation of solid waste. Additionally, The Calexico Landfill, located west of the City of Calexico on SR-98, would be the primary solid waste disposal site for the SPA. Also mentioned under Mitigation Measure 4.3-2: Prior to approval of final maps for each phase or unit of development within the SPA, a waste management plan shall be prepared in accordance with the County's Solid Waste Management Plan, and approved by the Director, Planning/Building Department. The plan shall include, but shall not be limited to, an assessment of the type and quantity of waste materials expected to enter the waste stream; source and separation techniques and onsite storage of separated materials; methods of transport and destination of waste materials; and where economically feasible, implementation of buy-recycled programs. Implementation of the following mitigation measure would reduce project impacts on solid waste to below a level of significance. Less than significant impacts are expected.</p>				
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>e) As mentioned above in (XIX) d); the proposed project does not anticipate the generation of any solid waste and shall comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Any impact is expected to be less than significant.</p>				

XX. **WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>a) As previously stated, the proposed project is located at Gateway Specific Plan. The FEIR identified significant but mitigable hazards/hazardous material impacts related to soil contamination from hazardous material used and stored in future industrial buildings. Compliance with the Fire Department's requirement shall lessen any potential impacts to less than significant levels.</p> | | | | |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) The proposed project located in Gateway SPA is surrounded by flat agricultural and industrial land, Additionally, the applicant will be subject to I. C. Fire Department requirements; therefore impacts are expected to be less than significant.</p> | | | | |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Any developments may be subject to the inclusion of fire sprinklers and have either a private water or public source as pressurized hydrants for fire suppression. Compliance with Imperial County Fire Department's standards would bring any impacts to less than significant.</p> | | | | |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>d) The proposed project is not expected to expose people or structures to significant risks by flooding or landslides as a result of runoff, post-fire slope instability or drainage changes. The project site is located on a generally flat terrain and is already developed. Impacts are expected to be less than significant.</p> | | | | |

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

Revised 2009- CEQA

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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Revised 2011- ICPDS
 Revised 2016 – ICPDS
 Revised 2017 – ICPDS
 Revised 2019 – ICPDS

EEC ORIGINAL PKG

Potentially Significant Impact (PSI)	Less than Significant with Mitigation Incorporated (LTSWMI)	Less Than Significant Impact (LTSI)	No Impact (NI)
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SECTION 3
III. MANDATORY FINDINGS OF SIGNIFICANCE

The following are Mandatory Findings of Significance in accordance with Section 15065 of the CEQA Guidelines.

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

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IV. PERSONS AND ORGANIZATIONS CONSULTED

This section identifies those persons who prepared or contributed to preparation of this document. This section is prepared in accordance with Section 15129 of the CEQA Guidelines.

A. COUNTY OF IMPERIAL

- Jim Minnick, Director of Planning & Development Services
- Michael Abraham, AICP, Assistant Director of Planning & Development Services
- Diana Robinson, Planning Division Manager
- Rocio Yee, Project Planner
- Imperial County Air Pollution Control District
- Department of Public Works
- Fire Department
- Ag Commissioner
- Environmental Health Services
- Sheriff's Office

B. OTHER AGENCIES/ORGANIZATIONS

- Imperial Irrigation District
- Caltrans, District 11
- Quechan Indian Tribe
- Campo Band of Mission Indians

(Written or oral comments received on the checklist prior to circulation)

EEC ORIGINAL PKG

V. REFERENCES

1. Imperial County General Plan: Circulation and Scenic Highway Element
<https://www.icpds.com/assets/planning/circulation-scenic-highway-element-2008.pdf>
2. California State Scenic Highway System Map
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
3. California Farmland Mapping & Monitoring Program: Imperial County Important Farmland Map 2018
<https://maps.conservation.ca.gov/DLRP/CIFF/>
4. California Williamson Act Enrollment Finder
<https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/index.html>
5. Imperial County General Plan: Conservation and Open Space Element
<https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
 - a) Figure 1: Sensitive Habitat Map
 - b) Figure 2: Sensitive Species Map
 - c) Figure 3: Agency-Designated Habitats Map
 - d) Figure 5: Areas of Heighten Historic Period Sensitivity Map
 - e) Figure 6: Known Areas of Native American Cultural Sensitivity Map
 - f) Figure 7: Seismic Hazards Map
 - g) Figure 8: Existing Mineral Resources Map
6. US. Fish and Wildlife Service – Best Practices for Communication Towers
<chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.fws.gov/sites/default/files/documents/usfws-communication-tower-guidance.pdf>
7. National Wetlands Inventory Map: Surface Waters and Wetlands
<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>
8. National Water Information System: Mapper
<https://maps.waterdata.usgs.gov/mapper/index.html>
9. California Sustainable Groundwater Management Act (SGMA) Data Viewer
<https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#currentconditions>
10. California Geological Survey Hazard Program: Alquist-Priolo Fault Hazard Zones
<https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=32.538703%2C-110.920388%2C6.00>
11. California Department of Conservation: Fault Activity Map
<https://maps.conservation.ca.gov/cgs/fam/>
12. United States Geological Survey's Quaternary Faults Map
<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>
13. California Department of Conservation: Geological Hazards
<https://maps.conservation.ca.gov/geologichazards/>
14. Imperial County General Plan: Seismic and Public Safety Element
<https://www.icpds.com/planning/land-use-documents/general-plan/seismic-and-public-safety>
 - a) Figure 1: Seismic Activity in Imperial County
15. Imperial County General Plan: Conservation and Open Space Element
<https://www.icpds.com/assets/planning/conservation-open-space-element-2016.pdf>
 - a) Figure 7: Seismic Hazards Map
16. Imperial County is Classified as:
 - a) Seismic Zone 4 by the Uniform Building Code Sections 1626 through 1635 (UBC 1997); - (Reference Only)
 - b) Seismic Zone D by the California Building Code Section 1613 et seq. (CBC 2022) – (Current)
17. Federal Emergency Management Agency (FEMA): Earthquake Hazard Maps - Western United States
https://www.fema.gov/sites/default/files/2020-07/fema_hazard_maps_western-map_graphic.jpg

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18. California Tsunami Data Maps

<https://www.conservation.ca.gov/cgs/tsunami/maps>

19. Imperial County General Plan: Seismic and Public Safety Element

<https://www.icpds.com/assets/planning/seismic-and-public-safety.pdf>

a) Figure 1: Seismic Activity in Imperial County Map

b) Figure 2: Landslide Activity Map

c) Figure 3: Erosion Activity Map

d) Figure 5: Hazardous Materials Sites Map

e) Figure 7: Seismic Hazards Map

20. United States Department of Agriculture- Natural Resources Conservation Service: Soils Map

<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

21. California Department of Toxic Substances Control: EnviroStor

<https://www.envirostor.dtsc.ca.gov/public/>

22. California State Water Resources Control Board: GeoTracker Dataset Manager

https://geotracker.waterboards.ca.gov/site_type_definitions

23. Imperial County Airport Land Use Compatibility Maps

<https://www.icpds.com/planning/maps/airport-land-use-compatibility-maps>

24. Cal Fire: Fire Hazard Severity Zones (FHSZ) Viewer

<https://egis.fire.ca.gov/FHSZ/>

25. Federal Emergency Management Agency (FEMA) Flood Map Service Center: Flood Insurance Rate Map

<https://msc.fema.gov/portal/search?AddressQuery=851%20pitzer%20road%20heber%20ca#searchresultsanchor>

26. California Department of Water Resources

<https://gis.bam.water.ca.gov/bam/>

27. Imperial County General Plan: Noise Element

<https://www.icpds.com/assets/planning/noise-element-2015.pdf>

28. California Historic Resources: Imperial County

<https://ohp.parks.ca.gov/ListedResources/?view=county&criteria=13>

29.

"County of Imperial General Plan EIR", prepared by Brian F. Mooney & Associates in 1993; and as Amended by County in 1996, 1998, 2001, 2003, 2006 & 2008, 2015, 2016.

30.

Comment Letters/Emails from EEC Members (ICSO, APCD, EHS, ICFD, AG Commissioner, and Public Works) and Other Agencies: i.e. IID, Indian Tribes, other Cities or Jurisdictions.

31.

Imperial County Clerk-Recorder's Office Recorder Works (Grantor/Grantee Search)

<https://ic-grapp01.co.imperial.ca.us/RecorderWorksCountyDepartments/>

32. California Secretary of State Business Search

<https://bizfileonline.sos.ca.gov/search/business>

33. Imperial County School Districts Map

<https://www.arcgis.com/apps/MapJournal/index.html?appid=8089fcc51248416b92cf87f7d86d3004>

34. ICPDS School District Maps and Boundaries

<https://www.icpds.com/assets/planning/school-boundaries-w-highschool.pdf>

35. Gateway of the Americas Specific Plan

<https://www.icpds.com/assets/planning/specific-plans/gateway/01-gateway-sp.pdf>

36. Imperial Irrigation District comment letter dated April 23, 2024

37. Air Pollution Control District comment letter dated April 25, 2024

EEC ORIGINAL PKG

VI. NEGATIVE DECLARATION – County of Imperial

The following Negative Declaration is being circulated for public review in accordance with the California Environmental Quality Act Section 21091 and 21092 of the Public Resources Code.

Project Name: Conditional Use Permit (CUP) #23-0034 / Initial Study #23-0040 / Lot Line Adjustment (LLA) #00336

Project Applicant: Duggins Construction Inc.

Project Location:

The project site is located at 1622 Lach Road, Calexico CA 92231. The parcel is identified as Assessor's Parcel Numbers (APN) 059-363-023-000 with legal description LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO and 059-363-024-000 and is legally described as LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO. Both parcels are located in GSPA (Gateway Specific Plan Area), in an unincorporated area of the County of Imperial.

Description of Project:

The proposed facility will have a building of 10,000 sq. ft. This building will be mostly occupied by Kudos Transportation (owner) for warehousing with a portion of floor space for office use. The remainder of the main building will be available for lease for future tenants. The future warehouse is expected to have capacity for 15 employees, and it will be available for lease for future tenants.

The reason for this proposed facility is relocation, it is important that the warehouse is near the border to reduce time spent on the transportation process. The goods that are delivered range from: pallet racks, filing cabinets, shelves, canned food, etc. They are imported from Mexico (Mexicali), however there are times where the products go from the warehouse to Mexicali. On average, it takes 24-48 hours to deliver the goods. Trucks have 24-hour access to the premises while the office hours of operation are from 8:00 am to 5:00 pm for the public.

This site will provide 24 automobile parking stalls as required by the County of Imperial zoning ordinance. The building will have 2 access driveways from Lach Road (one for cars and one for trucks). The East side of the main building serves as a truck docking area for unloading/unloading and will provide 80 truck parking stalls for their shipping business.

The East portion of the property will be a concrete and asphalt paved parking area for the fleet trucks of Kudos Transportation. All the truck parking stalls will be used by the owner. A total of 15 employees will be working in the warehouse/office and a total of 30 trucks will be operating daily.

The project will provide 18,305.71 sq. ft. of landscaped area throughout the property. Most of the landscaped areas are provided along Lach Road. New driveways to be provided along Lach Road.

The proposed building will be constructed using a pre-engineered metal building and the office area will be structural wood frame.

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VII. FINDINGS

This is to advise that the County of Imperial, acting as the lead agency, has conducted an Initial Study to determine if the project may have a significant effect on the environment and is proposing this Negative Declaration based upon the following findings:

The Initial Study shows that there is no substantial evidence that the project may have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

The Initial Study identifies potentially significant effects but:

- (1) Proposals made or agreed to by the applicant before this proposed Mitigated Negative Declaration was released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- (2) There is no substantial evidence before the agency that the project may have a significant effect on the environment.
- (3) Mitigation measures are required to ensure all potentially significant impacts are reduced to levels of insignificance.

A MITIGATED NEGATIVE DECLARATION will be prepared.

If adopted, the Negative Declaration means that an Environmental Impact Report will not be required. Reasons to support this finding are included in the attached Initial Study. The project file and all related documents are available for review at the County of Imperial, Planning & Development Services Department, 801 Main Street, El Centro, CA 92243 (442) 265-1736.

NOTICE

The public is invited to comment on the proposed Negative Declaration during the review period.

6-13-2024 
 Date of Determination Jim Minnick, Director of Planning & Development Services

The Applicant hereby acknowledges and accepts the results of the Environmental Evaluation Committee (EEC) and hereby agrees to implement all Mitigation Measures, if applicable, as outlined in the MMRP.


 Applicant Signature 06/17/2024
 Date
 Melissa Gómez

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SECTION 4

VIII. RESPONSE TO COMMENTS

(ATTACH DOCUMENTS, IF ANY, HERE)

EEC ORIGINAL PKG

IX. MITIGATION MONITORING & REPORTING PROGRAM (MMRP)

(ATTACH DOCUMENTS, IF ANY, HERE)

COMMENT LETTERS

EEC ORIGINAL PKG



COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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<https://twitter.com/CountyDpw/>

Public Works works for the Public



May 29, 2024

Mr. Jim Minnick, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Attention: Rocio Yee, Planner I

SUBJECT: CUP 23-0034 / IS 23-0040 Duggins Construction, Inc.
Located on Lach Rd, Calexico, CA 92231
APN's 059-363-023 & 059-363-024

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on April 10, 2024, for the above-mentioned project. The applicant is proposing a new 10,000 sq. ft. warehouse facility occupied by Kudos Transportation.

Please note that in order for our Department to provide comments on this project, individual packets requesting comments for each project should be provided. The Initial Study information was not included in the request for comments making our Department unable to determine requirements. Please recirculate the information to move forward.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

John A. Gay, PE
Director of Public Works

By:

Veronica Atondo, PE, PLS
Deputy Director of Public Works - Engineering

RECEIVED

By Imperial County Planning & Development Services at 11:37 am, May 30, 2024



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Since 1911

April 23, 2024

Ms. Rocio Yee
Planner I
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: Kudos Transportation Warehouse and Office Building Project; CUP#24-0034/IS24-0040/LA00336

Dear Ms. Yee:

On April 10, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on the Kudos Transportation warehouse project; Conditional Use Permit No. 23-0004, Initial Study No. 23-0040, Lot Line Adjustment No.00336. The applicant proposes to build a 10,000 sq. ft. building for warehousing and office uses and adjust a property line to provide the necessary total area for the proposed building, parking lot and site improvements. The site is located at 801 W. Main Street, El Centro, California (APNs 059-363-023 and -024).

The IID has reviewed the application and has the following comments:

1. If the proposed project requires electrical service, the applicant should be advised to contact Joel Lopez, IID project development planner senior, at (760) 482-3444 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

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AIR POLLUTION CONTROL DISTRICT



April 25, 2024

Jim Minnick, Director
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 3:13 pm, Apr 25, 2024

SUBJECT: Conditional Use Permit 23-0034 & Lot Line Adjustment 00336 – Duggins
Construction

Dear Mr. Minnick,

The Imperial County Air Pollution Control Districts (Air District) thanks you for the opportunity to comment on the Conditional Use Permit (CUP) 23-0034 and Lot Line Adjustment (LLA) 00336 (Project). The project proposes a 10,000 sqft building that will be mostly occupied by Kudos Transportation (owner) for warehousing and a portion for office use; the remainder will be available for lease for future tenants. The project is sited on two existing parcels identified with Assessor's Parcel Numbers (APN) 056-363-023 and 056-363-024. The parcels are currently approximately 8 acres and approximately 1.61 acres respectively and the LLA will result in the parcels becoming approximately 4.36 acres and approximately 5.25 acres respectively.

The Air District reminds the applicant that the project and any future construction must comply with all Air District rules and regulations and the Air District would emphasize Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity. Based on the resultant size of the parcel for the proposed building, the applicant will be required to submit a Construction Dust Control Plan and Construction Notification Form for the project.

The Air District also requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found online for your review at <https://apcd.imperialcounty.org/rules-and-regulations/> and construction forms can be found at <https://apcd.imperialcounty.org/planning/#construction>. Should you have any questions please feel free to contact the Air District for assistance at (442) 265-1800.

CUP#23-0034

APPLICATION

EEC ORIGINAL PKG

CONDITIONAL USE PERMIT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT.
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S NAME Quality Equipment International, LLC.	EMAIL ADDRESS smr1960@gmail.com	
2. MAILING ADDRESS (Street / P O Box, City, State) P.O. Box 4763 Calexico, CA.	ZIP CODE 92231	PHONE NUMBER (760) 566-1772
3. APPLICANT'S NAME Duggins Construction, Inc.	EMAIL ADDRESS melissa@dugginsconstruction.com/ iris@dugginsconstruction.com	
4. MAILING ADDRESS (Street / P O Box, City, State) 341 W. Crown Court, Imperial, CA.	ZIP CODE 92251	PHONE NUMBER (760) 355-5600
4. ENGINEER'S NAME	CA. LICENSE NO.	EMAIL ADDRESS
5. MAILING ADDRESS (Street / P O Box, City, State)	ZIP CODE	PHONE NUMBER
6. ASSESSOR'S PARCEL NO. 059-363-023 & 059-363-024	SIZE OF PROPERTY (in acres or square foot) 9.61 AC	ZONING (existing) GC
7. PROPERTY (site) ADDRESS Lach Rd, Calexico CA 92231		
8. GENERAL LOCATION (i.e. city, town, cross street) Calexico, Highway 98 and Menvielle Rd		
9. LEGAL DESCRIPTION <u>LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO &</u> <u>LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO</u>		

PLEASE PROVIDE CLEAR & CONCISE INFORMATION (ATTACH SEPARATE SHEET IF NEEDED)

10. DESCRIBE PROPOSED USE OF PROPERTY (list and describe in detail)	
<u>New 10,000 sq.ft. Warehouse with truck parking, parking lot and site plan improvements</u> <u>See attached description letter</u>	
11. DESCRIBE CURRENT USE OF PROPERTY	<u>Vacant</u>
12. DESCRIBE PROPOSED SEWER SYSTEM	<u>Connect to existing county sewer system</u>
13. DESCRIBE PROPOSED WATER SYSTEM	<u>Connect to existing county water system</u>
14. DESCRIBE PROPOSED FIRE PROTECTION SYSTEM	<u>Fire sprinkler system fed by existing county water system</u>
15. IS PROPOSED USE A BUSINESS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, HOW MANY EMPLOYEES WILL BE AT THIS SITE? <u>15</u>

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

SPRUIS H. QICO 12/20/23
Print Name Date
[Signature]
Signature
Print Name Date
Signature

REQUIRED SUPPORT DOCUMENTS

A. SITE PLAN	_____
B. FEE	_____
C. OTHER	_____
D. OTHER	_____

APPLICATION RECEIVED BY:	<u>LV.</u>	DATE	_____	REVIEW / APPROVAL BY OTHER DEPT'S required.
APPLICATION DEEMED COMPLETE BY:	_____	DATE	_____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY:	_____	DATE	_____	<input type="checkbox"/> E. H. S.
TENTATIVE HEARING BY:	_____	DATE	_____	<input type="checkbox"/> A. P. C. D.
FINAL ACTION:	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE	_____	<input type="checkbox"/> O. E. S.
		DATE	_____	<input type="checkbox"/> _____

CUP #
23-0034
IS 23-0040

EEC ORIGINAL PKG



DESCRIPTION LETTER

TO: COUNTY OF IMPERIAL (PLANNING AND DEVELOPMENT SERVICES)
FROM: DUGGINS CONSTRUCTION - MELISSA GOMEZ
SUBJECT: KUDOS TRANSPORTATION - CUP APPLICATION
DATE: 12/22/2023
CC:

We are submitting this letter regarding a CUP application for a property located at Lach Road, Calexico CA., under APN: 059-363-023 and part of 059-363-024.

This site is currently an undeveloped dirt parcel. The north side of the property abuts the Interstate Highway 98. The east of the property is abutting an undeveloped dirt parcel. The West side of the property is abutting an undeveloped dirt parcel. The South property line abuts Lach Road (a paved county road).

The proposed building will be a total of 10,000 sq. ft. This building will be a Warehouse with office, truck parking, parking lot and site improvements. The building will have 2 access driveways from Lach Road (one for cars and one for trucks).

This site will provide 24 automobile parking stalls as required by the County of Imperial zoning ordinance. The project will provide 18,305.71 sq. ft. of landscaped area throughout the property.

The proposed building will be constructed using a pre-engineered metal building and structural steel frame.

If there are any questions or concerns, please feel free to call me at 760-355-5600 or email at melissa@dugginsconstruction.com

RECEIVED
DEC 22 2023
IMPERIAL COUNTY
PLANNING & DEVELOPMENT SERVICES

LLA#00336
APPLICATION

EEC ORIGINAL PKG

LOT LINE ADJUSTMENT

I.C. PLANNING & DEVELOPMENT SERVICES DEPT
801 Main Street, El Centro, CA 92243 (442) 265-1736

- APPLICANT MUST COMPLETE ALL NUMBERED (black) SPACES - Please type or print -

1. PROPERTY OWNER'S "A" NAME Quality Equipment International, LLC.	EMAIL ADDRESS smr1960@gmail.com	
2. MAILING ADDRESS P.O. Box 4763 Calexico, CA.	ZIP CODE 92231	PHONE NUMBER (760) 566-1772

3. PROPERTY OWNER'S "B" NAME Quality Equipment International, LLC.	EMAIL ADDRESS smr1960@gmail.com	
4. MAILING ADDRESS P.O. Box 4763 Calexico, CA.	ZIP CODE 92231	PHONE NUMBER (760) 566-1772

5. PROPERTY "A" (site) ADDRESS	LOCATION Lach Road, Calexico, CA. 92231
6. PROPERTY "A" ASSESSOR'S PARCEL NO.(s) 059-363-023	SIZE OF PROPERTY (in acres or square foot) 8 Acres
7. PROPERTY "A" LEGAL DESCRIPTION (attach separate sheet if necessary) LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO	

8. PROPERTY "B" (site) ADDRESS	LOCATION Lach Road, Calexico, CA. 92231
9. PROPERTY "B" ASSESSOR'S PARCEL NO.(s) 059-363-024	SIZE OF PROPERTY (in acres or square foot) 1.61 Acres
10. PROPERTY "B" LEGAL DESCRIPTION (attach separate sheet if necessary) LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO	

11	PARCEL	PROPOSED SIZE	EXISTING USE	PROPOSED USE
	A	4.36 Acres	Vacant	Vacant
	B	5.25 Acres	Vacant	Warehouse and Truck Parking

12. EXPLAIN PROPOSED ADJUSTEMENT Adjust shared property line between lots to reduce lot size A

13. EXPLAIN REASON FOR REQUEST We are soliciting this lot line adjustment in order to build a new 10,000 sq.ft. warehouse with truck parking, car parking and site improvements.

I / WE THE LEGAL OWNER (S) OF THE ABOVE PROPERTY CERTIFY THAT THE INFORMATION SHOWN OR STATED HEREIN IS TRUE AND CORRECT

Santos M. Rico
Print Name (owner "A")
[Signature]
Signature (owner "A")

3/21/24
Date

Print Name (owner "B")

Signature (owner "B")

Date

REQUIRED SUPPORT DOCUMENTS

- A. MAP (20 copies - see instructions on back)
- B. PRELIMINARY TITLE REPORT (6 months or newer)
- C. NEW LEGAL DESCRIPTIONS - ONE TO DESCRIBE PARCEL "A" AND ONE FOR PARCEL "B"
- D. FEE _____
- E. OTHER _____

APPLICATION RECEIVED BY: _____	DATE _____	REVIEW / APPROVAL BY _____
APPLICATION DEEMED COMPLETE BY: _____	DATE _____	<input type="checkbox"/> P. W.
APPLICATION REJECTED BY: _____	DATE _____	<input type="checkbox"/> E H S
TENTATIVE HEARING BY: _____	DATE _____	<input type="checkbox"/> A. P. C. D
FINAL ACTION: <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	DATE _____	<input type="checkbox"/> O. E. S
	DATE _____	<input type="checkbox"/> _____
	DATE _____	<input type="checkbox"/> _____

LLA#

EEC ORIGINAL PKG



DESCRIPTION LETTER

TO: COUNTY OF IMPERIAL (PLANNING AND DEVELOPMENT SERVICES)
FROM: DUGGINS CONSTRUCTION – MELISSA GOMEZ
SUBJECT: KUDOS TRANSPORTATION – LLA APPLICATION
DATE: 03/21/2024
CC:

We are submitting this letter regarding a Lot line adjustment application for a new project located within Gateway SPA area. The proposed project is located at Lach Road, Calexico CA., under APN: 059-363-023 with legal description LOT 2 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO and part of 059-363-024 with legal description LOT 3 GATEWAY TO THE AMERICA SUB 2 UN 4 ALSO. Both parcels are located in GC (Gateway Commercial) zone.

We are soliciting a lot line adjustment because the proposed project will not be able to meet its requirements due to the lots square footage if it's located in the lot with APN: 059-363-024. Therefore, it would be necessary to move the property line to provide the total square footage for the proposed warehouse, parking lot and site improvements required.

This site is currently an undeveloped dirt parcel. The north side of the property abuts the Interstate Highway 98. The east of the property is abutting an undeveloped dirt parcel. The West side of the property is abutting an undeveloped dirt parcel. The South property line abuts Lach Road (a paved county road).

The proposed facility will have a building of 10,000 sq. ft. This building will be mostly occupied by Kudos Transportation (owner) for warehousing with a portion of floor space for office use. The remainder of the main building will be available for lease for future tenants.

This site will provide 24 automobile parking stalls as required by the County of Imperial zoning ordinance. The building will have 2 access driveways from Lach Road (one for cars and one for trucks). The East side of the main building serves as a truck docking area for unloading/unloading and will provide 80 truck parking stalls for their shipping business.

The East portion of the property will be a concrete and asphalt paved parking area for the fleet trucks of Kudos Transportation. All the truck parking stalls will be used by the owner. A total of 15 employees will be working in the warehouse/office and a total of 30 trucks will be operating daily.

EXHIBIT "A"

LOT LINE ADJUSTMENT NO.

LEGAL DESCRIPTION

LOT 1

ALL OF LOT 3 AND THE WEST 347.38 FEET OF LOT 2 OF GATEWAY TO THE AMERICAS SUBDIVISION NO. 2 - UNIT 4, TRACT 942 ON FILE IN BOOK 28, PAGES 15/17 OF FINAL MAPS IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER'S, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, THIS POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 98, THENCE NORTH 89° 18' 10" EAST ALONG SAID SOUTH RIGHT OF WAY AND NORTH BOUNDARY LINES OF SAID LOTS 3 AND 2, A DISTANCE OF 502.41 FEET TO A POINT;

THENCE SOUTH, A DISTANCE OF 457.98 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID LOT 2, BEING ALSO A POINT ON THE NORTH RIGHT OF WAY LINE OF LACH ROAD

THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE AND SOUTH BOUNDARY LINES OF SAID LOTS 2 AND 3, A DISTANCE OF 502.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 451.86 FEET TO THE POINT OF BEGINNING

CONTAINING 228,540 SQUARE FEET (5.25 AC) MORE OR LESS.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

THE ABOVE DESCRIBED "LOT 1" BEING SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE PART HEREOF.

**PRELIMINARY
FOR REVIEW ONLY**

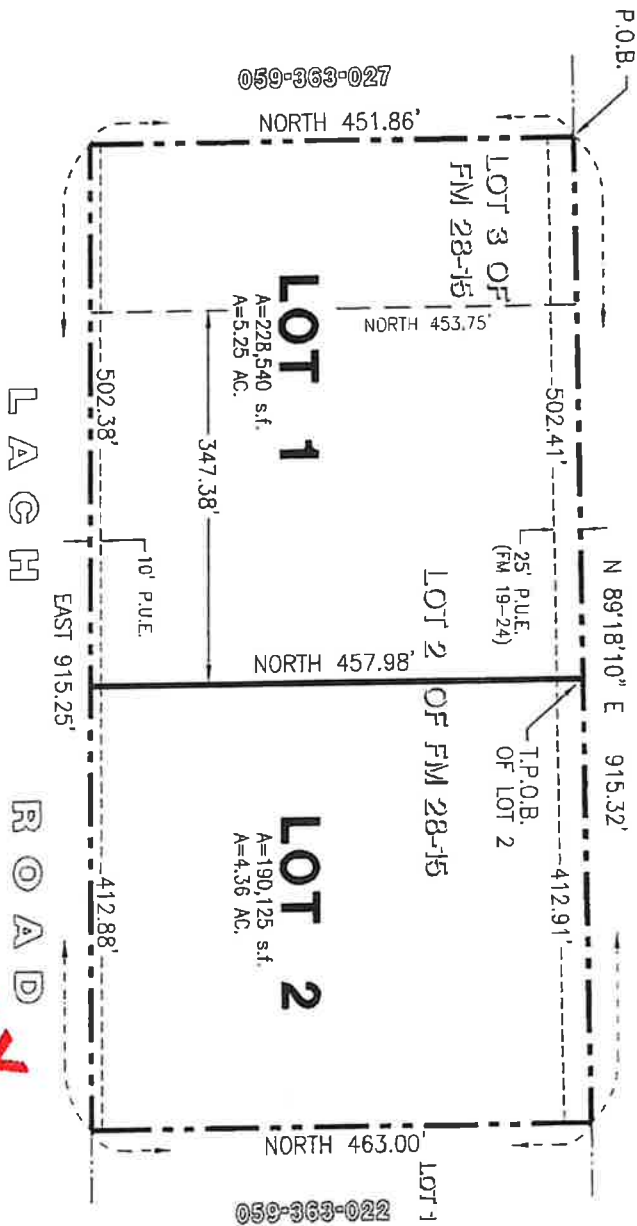
SHEET 1 OF 1

EEC ORIGINAL PKG

EXHIBIT "B"

LOT LINE ADJUSTMENT NO. _____

STATE HWY. 98



- LEGEND:**
- PROPERTY LINE
 - - - RIGHT OF WAY LINE
 - - - OLD PARCEL LINE
 - NEW LOT LINE

PRELIMINARY
FOR REVIEW ONLY

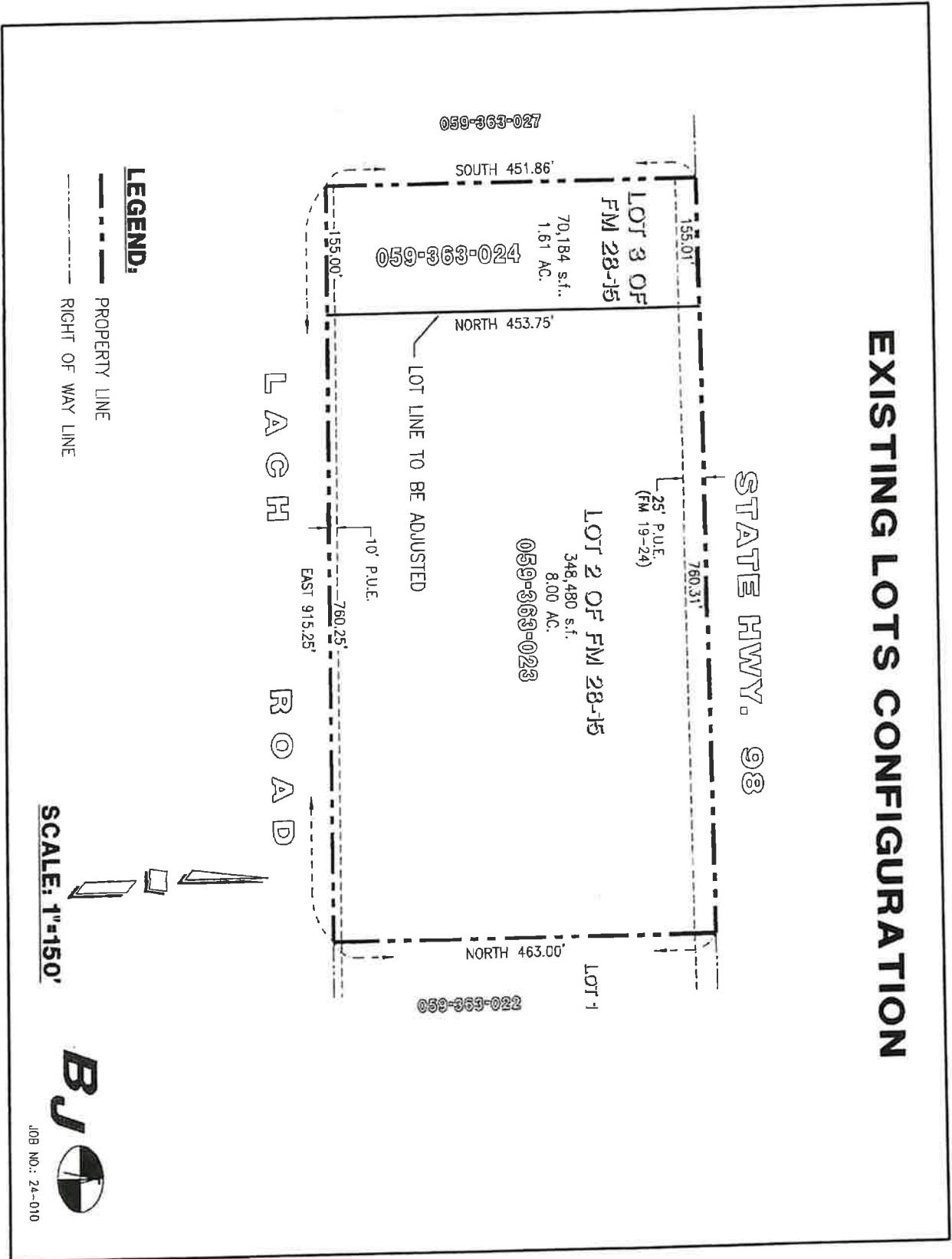
SCALE: 1"=150'



JOB NO.: 24-010

EEC ORIGINAL PKG

EXISTING LOTS CONFIGURATION



LEGEND:

- — — — — PROPERTY LINE
- - - - - RIGHT OF WAY LINE

SCALE: 1"=150'



JOB NO.: 24-010

EEC ORIGINAL PKG

EXHIBIT "A"

LOT LINE ADJUSTMENT NO. _____

LEGAL DESCRIPTION

LOT 2

LOT 2 OF GATEWAY TO THE AMERICAS SUBDIVISION NO. 2 – UNIT 4, TRACT 942 ON FILE IN BOOK 28, PAGES 15/17 OF FINAL MAPS IN THE OFFICE OF THE IMPERIAL COUNTY RECORDER'S, EXCEPTING THE WEST 347.38 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 3 OF SAID SUBDIVISION, THIS POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 98;

THENCE NORTH 89° 18' 10" EAST ALONG SAID SOUTH RIGHT OF WAY LINE AND NORTH BOUNDARY LINES OF SAID LOTS 3 AND 2, A DISTANCE OF 502.41 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE MAINTAINING THE SAME BEARING OF NORTH 89° 18' 10" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 412.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 2;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 463.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BEING ALSO A POINT ON THE NORTH RIGHT OF WAY LINE OF LACH ROAD;

THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE AND SOUTH BOUNDARY LINE OF LOT 2, A DISTANCE OF 412.88 FEET TO A POINT;

THENCE NORTH 457.98 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 190,125 SQUARE FEET (4.36 AC) MORE OR LESS.

SUBJECT TO ALL COVENANTS, EASEMENTS AND AGREEMENTS OF RECORD.

THE ABOVE DESCRIBED "LOT 2" BEING SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE PART HEREOF.

**PRELIMINARY
FOR REVIEW ONLY**

SHEET 1 OF 1

EEC ORIGINAL PKG

**ATTACHMENT “J”
COMMENT LETTERS**



Public Works works for the Public

COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street El Centro, CA 92243

Tel: (442) 265-1818 Fax: (442) 265-1858

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August 22, 2024

Mr. Jim Minnick, Director Planning & Development Services Department 801 Main Street El Centro, CA 92243

Attention: Rocio Yee, Planner I

SUBJECT: CUP 23-0034 Duggins Construction, Inc. Located on Lach Rd, Calexico, CA 92231 APN's 059-363-023 & 059-363-024

RECEIVED

AUG 22 2024

IMPERIAL COUNTY PLANNING & DEVELOPMENT SERVICES

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on April 10, 2024, for the above-mentioned project. The applicant is proposing a new 10,000 sq. ft. warehouse facility occupied by Kudos Transportation.

Department staff has reviewed the package information, and the following comments shall be Conditions of Approval:

- 1. The applicant shall furnish a Drainage and Grading Plan to provide for property grading and drainage control, which shall also include prevention of sedimentation of damage to off-site properties. Said plan shall be completed per the Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County. The Drainage and Grading Plan shall be submitted to this department for review and approval. The applicant shall implement the approved plan. Employment of the appropriate Best Management Practices (BMP's) shall be included.
2. On site water retention shall be provided per County of Imperial Department of Public Works Engineering Design Guidelines Manual for the Preparation and Checking of Street Improvement, Drainage, and Grading Plans within Imperial County.
a. Retention volume on retention or detention basins should have a total volume capacity for a three (3) inch minimum precipitation covering the entire site with no C reduction factors. Volume can be considered by a combination of basin size and volume considered within parking and/or landscaping areas.
b. Drainage to street storm drain system is not allowed since no regional retention basin is available to accommodate runoff from properties adjacent to Lach Road.
3. Retention basins should empty within 72 hours and no sooner than 24 hours in order to provide mosquito abatement. Draining, evaporation or infiltration, or any combination thereof can accomplish this. If this is not possible then the owner should be made aware of a potential need to address mosquito abatement to the

- satisfaction of the Environmental Health Services (EHS) Department. Additionally, if it is not possible to empty the basin within 72 hours, the basin should be designed for 5 inches, not 3 inches. This would allow for a saturation condition of the soil due to a 5" storm track. EHS must review and approve all retention basin designs prior to County Public Works approval. Nuisance water must not be allowed to accumulate in retention basins. EHS may require a nuisance water abatement plan if this occurs.
4. Propose project is within the GATEWAY OF THE AMERICAS SPECIFIC PLAN. Therefore, the proposed project shall comply with the said SPA and County of Imperial Codified Ordinances Chapter 13.17 – BENEFIT ASSEMENT FEE FOR GATEWAY OF THE AMERICAS SPECIFIC PLAN AREA PUBLIC IMPROVEMENTS. Said fees shall be provided prior to issuance of any building and grading permits.
 5. An encroachment permit shall be secured from this department for any construction and/or construction related activities within County Right-of-Way. Activities to be covered under an encroachment permit shall include the installation of, but not be limited to, stabilized construction entrances, driveways, road improvements, temporary traffic control devices, etc.
 6. Prior to the issuance grading and building permits, a stabilized construction entrance shall be installed under an encroachment permit from this department.
 7. The Developer shall repair any damage caused to County Roads during construction and maintain such roads in safe conditions as determined by the Imperial County Road commissioner. Said road repairs shall be completed under an encroachment permit from this department.
 8. All off-site improvements within Imperial County right-of-way shall be financially secured by either a road improvement bond or letter of credit as approved by this department. No encroachment, building or grading permits shall be issued until such time said financial security has been provided.
 9. All permanent structures abutting public roads shall be located outside County right-of-way, public utility easements, and drainage easements.
 10. All on-site traffic areas shall be hard surfaced to provide all weather access for emergency vehicles. The surfacing shall meet the Department of Public Works and Fire/Office of Emergency Services (EOS) Standards as well as those of the Air Pollution Control District (APCD).
 11. A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads and/or dimensions on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
 12. The applicant shall submit trip generation calculations related to the proposed project prior to the issuance of Building or Grading Permits. The project generation trips shall be calculated by a California-registered traffic engineer.
 13. The applicant shall pay Water and Sewer Fees, Benefit Impact Fees, and Traffic Mitigation Fees per the 2024/2025 Gateway Specific Plan – County Service Area Fee Schedule. Such fees shall be paid to this Department prior to the issuance of Building or Grading Permits.

14. The applicant shall be responsible for any applicable mitigation measures listed on the Gateway Specific Plan.
15. If any construction would be proposed along property lines (i.e. fences, grading, structures, etc.) the following will apply:
 - i. MPR-01 is required prior to construction, and must be filled out by a person authorized to practice land surveying.
 - ii. Corner record is required to be filed with the county surveyor prior to construction for monuments:
 - o 8771. (b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.
 - iii. A second corner record might be required to be filed with the county surveyor for monuments:
 - o 8771. (c) A permanent monument shall be reset in the surface of the new construction or a witness monument or monuments set to perpetuate the location if any monument could be destroyed, damaged, covered, disturbed, or otherwise obliterated, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.

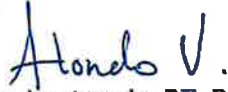
INFORMATIVE

- All solid and hazardous waste shall be disposed of in approved solid waste disposal sites in accordance with existing County, State and Federal regulations (Per Imperial County Code of Ordinances, Chapter 8.72).
- The project may require a National Pollutant Discharge Elimination System (NPDES) permit and Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB) prior county approval of onsite grading plan (40 CFR 122.28).
- A Transportation Permit may be required from road agency(s) having jurisdiction over the haul route(s) for any hauls of heavy equipment and large vehicles which impose greater than legal loads and/or dimensions on riding surfaces, including bridges. (Per Imperial County Code of Ordinances, Chapter 12.10.020 B).
- Coordination with Caltrans may be required for access to project site from SR-86.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

By:

A handwritten signature in blue ink that reads "Atondo V." with a stylized flourish at the end.

Veronica Atondo, PE, PLS

Deputy Director of Public Works - Engineering



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April 23, 2024

Ms. Rocio Yee
Planner I
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 11:57 am, Aug 19, 2024

SUBJECT: Kudos Transportation Warehouse and Office Building Project; CUP#24-0034/IS24-0040/LLA00336

Dear Ms. Yee:

On April 10, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, a request for agency comments on the Kudos Transportation warehouse project; Conditional Use Permit No. 23-0004, Initial Study No. 23-0040, Lot Line Adjustment No.00336. The applicant proposes to build a 10,000 sq. ft. building for warehousing and office uses and adjust a property line to provide the necessary total area for the proposed building, parking lot and site improvements. The site is located at 801 W. Main Street, El Centro, California (APNs 059-363-023 and -024).

The IID has reviewed the application and has the following comments:

1. If the proposed project requires electrical service, the applicant should be advised to contact Joel Lopez, IID project development planner senior, at (760) 482-3444 or e-mail Mr. Lopez at JFLopez@IID.com to initiate the customer service application process. In addition to submitting a formal application (available for download at the website <http://www.iid.com/home/showdocument?id=12923>), the applicant will be required to submit an AutoCAD file of site plan, approved electrical plans, electrical panel size and panel location, operating voltage, electrical loads, project schedule, and the applicable fees, permits, easements and environmental compliance documentation pertaining to the provision of electrical service to the project. The applicant shall be responsible for all costs and mitigation measures related to providing electrical service to the project.
2. Electrical capacity is limited in the project area. A circuit study may be required. Any system improvements or mitigation identified in the circuit study to enable the provision of electrical service to the project shall be the financial responsibility of the applicant.
3. Applicant shall provide a surveyed legal description and an associated exhibit certified by a licensed surveyor for all rights of way deemed by IID as necessary to accommodate the project electrical infrastructure. Rights-of-Way and easements shall be in a form acceptable to and at no cost to IID for installation, operation, and maintenance of all electrical facilities.

4. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at the district website <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements. No foundations or buildings will be allowed within IID's right of way.
5. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, water deliveries, canals, drains, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully analyzed. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Energy Dept.
Paul Rodriguez – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.



April 25, 2024

Jim Minnick, Director
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 3:13 pm, Apr 25, 2024

SUBJECT: Conditional Use Permit 23-0034 & Lot Line Adjustment 00336 – Duggins
Construction

Dear Mr. Minnick,

The Imperial County Air Pollution Control Districts (Air District) thanks you for the opportunity to comment on the Conditional Use Permit (CUP) 23-0034 and Lot Line Adjustment (LLA) 00336 (Project). The project proposes a 10,000 sqft building that will be mostly occupied by Kudos Transportation (owner) for warehousing and a portion for office use; the remainder will be available for lease for future tenants. The project is sited on two existing parcels identified with Assessor's Parcel Numbers (APN) 056-363-023 and 056-363-024. The parcels are currently approximately 8 acres and approximately 1.61 acres respectively and the LLA will result in the parcels becoming approximately 4.36 acres and approximately 5.25 acres respectively.

The Air District reminds the applicant that the project and any future construction must comply with all Air District rules and regulations and the Air District would emphasize Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity. Based on the resultant size of the parcel for the proposed building, the applicant will be required to submit a Construction Dust Control Plan and Construction Notification Form for the project.

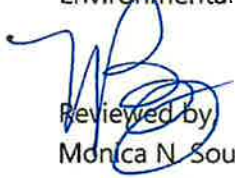
The Air District also requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found online for your review at <https://apcd.imperialcounty.org/rules-and-regulations/> and construction forms can be found at <https://apcd.imperialcounty.org/planning/#construction>. Should you have any questions please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,



Ismael Garcia
Environmental Coordinator



Reviewed by
Monica N. Soucier
APC Division Manager



Public Works works for the Public

COUNTY OF
IMPERIAL

DEPARTMENT OF
PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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[https://twitter.com/
CountyDpw/](https://twitter.com/CountyDpw/)

May 29, 2024

Mr. Jim Minnick, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Attention: Rocio Yee, Planner I

SUBJECT: CUP 23-0034 / IS 23-0040 Duggins Construction, Inc.
Located on Lach Rd, Calexico, CA 92231
APN's 059-363-023 & 059-363-024

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on April 10, 2024, for the above-mentioned project. The applicant is proposing a new 10,000 sq. ft. warehouse facility occupied by Kudos Transportation.

Please note that in order for our Department to provide comments on this project, individual packets requesting comments for each project should be provided. The Initial Study information was not included in the request for comments making our Department unable to determine requirements. Please recirculate the information to move forward.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

John A. Gay, PE
Director of Public Works

By:

Veronica Atondo, PE, PLS
Deputy Director of Public Works - Engineering

RECEIVED

By Imperial County Planning & Development Services at 11:37 am, May 30, 2024



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COUNTY OF IMPERIAL

DEPARTMENT OF PUBLIC WORKS

155 S. 11th Street
El Centro, CA
92243

Tel: (442) 265-1818
Fax: (442) 265-1858

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May 30, 2024

Mr. Jim Minnick, Director
Planning & Development Services Department
801 Main Street
El Centro, CA 92243

RECEIVED

By Imperial County Planning & Development Services at 11:49 am, Aug 19, 2024

Attention: Rocio Yee, Planner I

SUBJECT: LLA 336 Duggins Construction, Inc.
Located on Lach Rd, Calexico, CA 92231
APN's 059-363-023 & 059-363-024

Dear Mr. Minnick:

This letter is in response to your submittal received by this department on April 10, 2024, for the above-mentioned project. The applicant is proposing a new 10,000 sq. ft. warehouse facility occupied by Kudos Transportation and with the lot line adjustment the lot square footage will be met.

Department staff has reviewed the package information, and the following comments shall be Conditions of Approval:

1. The legal description and plat shall be prepared by a California Licensed Land Surveyor and submitted to the Imperial County Department of Public Works for review and approval.
2. Each parcel affected by this lot line adjustment shall abut a maintained road and/or have legal and physical access to a public road.
3. The lot line adjustment shall be reflected in a deed, which shall be recorded.
4. It is recommended a record of survey that monuments the new property lines be recorded.

Should you have any questions, please do not hesitate to contact this office. Thank you for the opportunity to review and comment on this project.

Respectfully,

John A. Gay, PE
Director of Public Works

By:

Veronica Atondo, PE, PLS
Deputy Director of Public Works - Engineering

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By Imperial County Planning & Development Services at 3:10 pm, Jun 24, 2024

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June 24, 2024

Ms. Rocio Yee
Planner I
Planning & Development Services Department
County of Imperial
801 Main Street
El Centro, CA 92243

SUBJECT: NOI for the Preparation of an MND for the Kudos Transportation Warehouse and Office Building Project; CUP#23-0034/IS23-0040/LLA00336

Dear Ms. Yee:

On June 18, 2024, the Imperial Irrigation District received from the Imperial County Planning & Development Services Department, the Notice of Intent for the preparation of a Mitigated Negative Declaration for the Kudos Transportation warehouse project; Conditional Use Permit No. 23-0034, Initial Study No. 23-0040, Lot Line Adjustment No. 00336. The applicant proposes to build a 10,000 sq. ft. building for warehousing and office uses and adjust a property line to provide the necessary total area for the proposed building, parking lot and site improvements. The site is located at 801 W. Main Street, El Centro, California (APNs 059-363-023 and -024).

The IID has reviewed the IS/MND and found that the comments provided in the April 23, 2024 district letter (see attached) continue to apply.

Should you have any questions, please do not hesitate to contact me at 760-482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Compliance Administrator II

Enclosure

Jamie Asbury – General Manager
Mike Pacheco – Manager, Water Dept.
Matthew H Smelser – Manager, Energy Dept.
Paul Rodriguez – Deputy Mgr. Energy Dept.
Geoffrey Holbrook – General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate
Jessica Humes – Environmental Project Mgr. Sr., Water Dept.

AIR POLLUTION CONTROL DISTRICT



RECEIVED

By Imperial County Planning & Development Services at 8:11 am, Jul 24, 2024

July 22, 2024

Jim Minnick, Director
Imperial County Planning & Development Services
801 Main Street
El Centro, CA 92243

SUBJECT: Notice of Intent for a Mitigated Negative Declaration for Conditional Use Permit
23-0034 & Lot Line Adjustment 00336 – Duggins Construction

Dear Mr. Minnick,

The Imperial County Air Pollution Control Districts (Air District) thanks you for the opportunity to comment on the Notice of Intent (NOI) for a Mitigated Negative Declaration (MND) for Conditional Use Permit (CUP) 23-0034 and Lot Line Adjustment (LLA) 00336 (Project). The project proposes a 10,000 sqft building that will be mostly occupied by Kudos Transportation (owner) for warehousing and office use; the remainder will be available for lease for future tenants. The project is sited on two existing parcels identified with Assessor's Parcel Numbers (APN) 056-363-023 and 056-363-024. The parcels are currently approximately 8 acres and approximately 1.61 acres respectively and the LLA will result in the parcels becoming approximately 4.36 acres and approximately 5.25 acres respectively.

The Air District previously provided comments for the project in a letter dated April 25, 2024 and will restate its previous comments. The project and any future construction must comply with all Air District rules and regulations and the Air District would emphasize Regulation VIII – Fugitive Dust Rules, a collection of rules designed to maintain fugitive dust emissions below 20% visual opacity. Based on the resultant size of the parcel for the proposed building, the applicant will be required to submit a Construction Dust Control Plan and Construction Notification Form for the project.

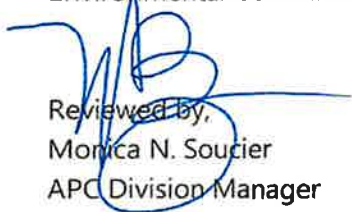
The Air District also requests a copy of the draft CUP prior to recording for review.

The Air District's rules and regulations can be found online for your review at <https://apcd.imperialcounty.org/rules-and-regulations/> and construction forms can be found at <https://apcd.imperialcounty.org/planning/#construction>. Should you have any questions please feel free to contact the Air District for assistance at (442) 265-1800.

Respectfully,



Ismael Garcia
Environmental Coordinator II



Reviewed by,
Monica N. Soucier
APC Division Manager



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
 3602 Inland Empire Blvd, Suite C-220
 Ontario, VA 91764
 www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



July 22, 2024
 Sent via e-mail

Jim Minnick, Director
 Rocio Yee, Planner I
 Imperial County Planning and Development Services Department
 801 Main Street
 El Centro, CA 92243
JimMinnick@co.imperial.ca.us; RocioYee@co.imperial.ca.us

**CUP 23-0034, LLA0036, IS23-0040, Duggins Construction Inc. (PROJECT)
 MITIGATED NEGATIVE DECLARATION (MND)
 SCH# 2024060974**

Dear Jim Minnick and Rocio Yee:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Imperial County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California’s **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Duggins Construction Inc.

Objective: The objective of the Project is to adjust a lot line and construct a 10,000 square foot facility for warehousing and office use. The applicant is soliciting a lot line adjustment because the proposed Project will not be able to meet its requirements due to the lot’s square footage if it is located in Assessor’s Parcel Number 059-363-024-000. Therefore, it would be necessary to move the property line to provide the total square footage for the proposed warehouse, parking lot, and site improvements. The building will be mostly

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

occupied by Kudos Transportation (owner) for warehousing with a portion of floor space for office use. The remainder of the main building will be available for lease for future tenants.

Trucks will have 24-hour access to the premises while the office hours of operation are from 8:00 am to 5:00 pm for the public. This site will provide 24 automobile parking stalls as required by the County of Imperial zoning ordinance. The building will have 2 access driveways from Lach Road. The East side of the main building will serve as a truck docking area for unloading/unloading and will provide 80 truck parking stalls for their shipping business. The Project will provide 18,305.71 square feet of landscaped area throughout the property. The proposed building will be constructed using a pre-engineered metal building, and the office area will be structural wood frame. Primary Project activities include site preparation, grading, building construction, and paving.

Location: The Project will be located at 1622 Lach Road, City of Calexico, County of Imperial, State of California, 92251; Assessor's Parcel Numbers 059-363-023-000 and 059-363-024-000; near the intersection of Hwy 98 and Hwy 7. The parcels are 8 acres and 1.6 acres in size, respectively. The Alamo River is approximately 1 mile east of the Project area and the South Alamo Canal is approximately 0.25 miles west of the Project area.

Timeframe: The MND does not provide any information regarding the timeframe for the proposed Project.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist Imperial County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Incomplete Project Description

Initial Study/Mitigated Negative Declaration (IS/MND), Section #I and #IV, Pages #15-17

Issue: CDFW is concerned that the MND does not provide a complete description of the Project.

Specific impact: The MND (p.15) states that "the proposed project site is located within the Gateway of the Americas Specific Plan." It appears that the MND has been tiered from the Environmental Impact Report adopted for the Gateway of the Americas Specific Plan, which was not provided with the documents circulated for review of the MND. The MND also contains no Initial Study.

The MND (p. 15) states, "The proposed project may create an additional source of light or glare for security purposes, but all lighting shall be shielded into the property to avoid affecting neighboring parcels." The MND (p. 17) also states, "The FEIR found uncontrolled project lighting from implementation of the Gateway Specific Plan would indirectly impact sensitive wildlife and biological [resources] near the Alamo River." However, no further information regarding artificial lighting to be used during the construction and operation of the Project is provided in the MND. Without a complete Project description regarding the use of artificial nighttime lighting, CDFW cannot accurately assess the impacts to biological resources that have potential to occur.

The MND does not include any information regarding a construction schedule for the Project; the MND lacks information regarding Project construction start and end dates, daily hours of construction activities, and if the Project will be completed in phases. If the Project site is left vacant or left graded and inactive in the interim period between construction phases, environmental conditions may change. Grading and leaving a site inactive may result in the area becoming occupied by wildlife that utilize disturbed areas (e.g., ground squirrels and burrowing owls). Burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). Without a complete Project description regarding the construction schedule, CDFW cannot accurately assess the impacts to biological resources that have potential to occur.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the Project description.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends that Imperial County recirculate a revised MND that includes a complete Project description with all the relevant documents, including the FEIR for the Gateway of the Americas Specific Plan, the details regarding the timeline for all Project activities, and information regarding plans for artificial nighttime lighting use throughout the duration of construction activities and operations. The revised MND should also include the timing of Project activities and should analyze impacts to biological resources resulting from an extended timeline for Project activities and pauses in construction.

II. Environmental Setting and Related Impact Shortcoming

COMMENT #2: Incomplete Environmental Setting

IS/MND, Section #IV, Page #17

Issue: CDFW is concerned that the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant.

Specific impact: The MND (p. 17) states that “the site and its habitat and wildlife species have been reviewed previously within the FEIR.” CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. CDFW is concerned that no recent biological field assessment and no recent focused or protocol-level surveys were performed for the detection of special-status species on the Project site and in the surrounding area.

CDFW is concerned about the potential for special-status species to occur on or near the Project site. The California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, or other special-status species have been reported within a 3-mile radius of the Project area, including, but not limited to, the following: **Birds:** burrowing owl (*Athene cunicularia*), crissal thrasher (*Toxostoma crissale*), Gila woodpecker (*Melanerpes uropygialis*), great blue heron (*Ardea herodias*), horned lark (*Eremophila alpestris*), loggerhead shrike (*Lanius ludovicianus*), mountain plover (*Charadrius montanus*), northern harrier (*Circus cyaneus*), prairie falcon (*Falco mexicanus*), sandhill crane (*Grus canadensis*), white-faced ibis (*Plegadis chihi*), white-tailed kite (*Elanus leucurus*), yellow-breasted chat (*Icteria virens*), yellow warbler (*Setophaga petechia*), Yuma Ridgway's rail (*Rallus obsoletus yumanensis*); **Amphibians:** lowland leopard frog (*Lithobates yavapaiensis*); **Reptiles:** Colorado Desert fringe-toed lizard (*Uma notata*); **Mammals:** American badger (*Taxidea taxus*),

pallid bat (*Antrozous pallidus*), southern grasshopper mouse (*Onychomys torridus*), Townsend's big-eared bat (*Corynorhinus townsendii*).

Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant. Additionally, the MND should acknowledge that if the Project site is left vacant or left graded and inactive in the interim period between construction phases, environmental conditions may change. Grading and leaving a site inactive may result in the area becoming occupied by wildlife that utilize disturbed areas (e.g., ground squirrels and burrowing owls).

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed.

Recommended Potentially Feasible Mitigation Measure: To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised MND include the results of recent biological surveys as described in the following mitigation measure, as well as mitigation measures to reduce impacts to less than significant.

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for CDFW-recommended MM BIO-[A] through MM BIO-[E].

III. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #3: Burrowing Owl

IS/MND, Section #IV, Page #17

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to burrowing owl (*Athene cunicularia*) or ensure that impacts are reduced to a level less than significant.

Specific impact: The MND (p. 17) states, "The FEIR found that direct impact on sensitive vegetation communities resulting from future development, specifically impacts on the burrowing owl due to direct habitat modification, were found to be significant and mitigable." CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993), and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al. 2003). In addition, burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971). In Imperial Valley, burrowing owls are highly dependent on irrigation canals for nesting habitat (Wilkerson and Siegel 2011). CNDDDB/BIOS report occurrences of burrowing owl less than 0.5 miles from the Project site.

Impacts to burrowing owls from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities.

CDFW notes that impacts to burrowing owls could also occur outside of the peak nesting season because burrowing owls may start breeding earlier (in January) and because young owls may still be dependent on the adults until later in the fall. In addition, because some burrowing owls are resident in burrows year-round, impacts to this species could also occur outside of the peak nesting season.

Evidence impact would be significant: Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended Potentially Feasible Mitigation Measure: Although the MND includes Mitigation Measures 5 and 6, CDFW considers these measures insufficient in scope and timing to reduce impacts to burrowing owl to less than significant. CDFW recommends including the following mitigation measure in a revised MND to ensure that impacts to burrowing owl are reduced to less than significant. If there are pauses in construction, CDFW recommends that prior to commencing Project activities for all phases of Project construction, focused surveys for burrowing owl be conducted for the entirety of the Project site by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). CDFW recommends Imperial County include the following Mitigation Measure in a revised MND:

MM BIO-[B]: Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

COMMENT #4: Nesting Birds

IS/MND, Section #IV, Page #17

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are reduced to a level less than significant.

Specific impact: The MND (p. 17) states that "the proposed project site is located within the Gateway to the Americas Specific Plan and could have a substantial effect on any riparian habitat or other sensitive natural community." The riverine and riparian habitat associated with the Alamo River and South Alamo Canal are suitable for multiple nesting bird species. Vegetation on the Project site itself and in nearby open areas and agricultural fields may also provide suitable nesting and foraging habitat. The MND does not discuss avoidance, minimization, and mitigation measures for nesting birds. All nesting birds and their nests and eggs need to be protected, and mitigation

measures need to be identified in the MND for impacts to nesting birds to be reduced to less than significant.

Nesting bird species such as those listed in Comment #2 have the potential to be directly or indirectly impacted by the proposed Project activities. CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting onsite. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Evidence impact would be significant: It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended Potentially Feasible Mitigation Measure: Although the MND includes Mitigation Measure 5 for a pre-construction survey, CDFW considers this insufficient in scope and timing to reduce impacts to nesting birds to less than significant. CDFW recommends the revised MND include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but are not limited to, Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site be avoided any time birds are nesting onsite. CDFW recommends Imperial County add the following measure for nesting birds in a revised MND to ensure that impacts to nesting birds are reduced to less than significant:

MM BIO-[C]: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the

nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

COMMENT #5: Landscaping

IS/MND, Section #II Page #8

Issue: The IS/MND indicates that landscaping will be incorporated in the Project; however, details are not provided.

Specific impact: The MND (p. 8) states, "The project will provide 18,305.71 square feet of landscaped area throughout the property." No other details are provided in the MND on the Project's proposed landscaping plans.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources.

Recommended Potentially Feasible Mitigation Measure: To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: <https://calscape.org/>. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>.

COMMENT #6: Artificial Nighttime Lighting

IS/MND, Section #II, Page #8 and Section #IV, Page #15-17

Issue: The MND does not analyze impacts to biological resources from artificial nighttime lighting and includes no mitigation measures to avoid or reduce impacts to biological resources to a level less than significant.

Specific impact: The proposed Project will result in new sources of artificial nighttime lighting adjacent to riverine/riparian habitat and open agricultural land. The MND (p. 8) states, "Trucks have 24-hour access to the premises." The MND (p. 15) states "The proposed project may create an additional source of light or glare for security purposes, but all lighting shall be shielded into the property to avoid affecting neighboring parcels." The MND (p. 17) states, "The FEIR found uncontrolled project lighting from implementation of the Gateway Specific Plan would indirectly impact sensitive wildlife and biological [resources] near the Alamo River." However, no further information regarding impacts of artificial lighting on biological resources and no mitigation measures to reduce impacts to biological resources to less than significant are included in the MND.

Impacts to biological resources resulting from the use of artificial nighttime lighting during construction and during 24-hour operation of the Project are not analyzed, and

no mitigation measures are proposed. Designs for lighting to be used during operation of the Project should be included in a revised MND, along with details of artificial nighttime lighting to be used during construction. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures to reduce impacts to less than significant should be included in a revised MND.

Evidence impact would be significant: There is habitat within the Project site that provides suitable nesting, roosting, foraging and refugia habitat for birds, migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. In addition, the Project is surrounded by agricultural land that may also support wildlife. Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for artificial nighttime light to negatively impact wildlife, CDFW recommends a revised MND include details of the use of artificial nighttime lighting proposed for construction and operation of the Project and an analysis of impacts to biological resources, as well as specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant. CDFW recommends Imperial County include the following mitigation measure in a revised MND:

MM BIO-[D]: Artificial Nighttime Light

During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT #7: Construction Noise

IS/MND, Section #XIII, Page #24

Issue: The MND does not include an assessment of the impacts of construction noise on biological resources. Additionally, the MND does not include mitigation measures to avoid or reduce impacts to biological resources from construction noise to a level less than significant.

Specific impact: The MND (p. 24) states, "The proposed project is not expected to generate of excessive groundborne vibration or groundborne noise levels, during the construction." However, no details are provided regarding specific decibels levels expected from construction activities. CDFW is concerned that the MND does not

acknowledge or assess impacts to biological resources that have potential to occur due to construction noise. Direct and indirect impacts may occur to nesting birds and other wildlife using habitat within and near the Project site and agricultural land in proximity to the Project site.

Evidence impact would be significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for construction noise to negatively impact wildlife, CDFW recommends a revised MND include a noise impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. CDFW recommends adding the following mitigation measure to a revised MND:

MM BIO-[E]: Construction Noise

During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist Imperial County in identifying and mitigating Project impacts on biological resources. CDFW concludes that the MND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete Project description and a recent assessment of biological resources. The CEQA Guidelines indicate that recirculation is required when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised MND, including a complete Project description and a recent assessment of biological resources, be recirculated for public comment. CDFW also recommends that additional mitigation measures and analysis as described in this letter be added to a revised MND.

Questions regarding this letter or further coordination should be directed to Julia Charpek, Environmental Scientist, at 909.354.0937 or Julia.Charpek@wildlife.ca.gov.

Sincerely,

DocuSigned by:

4ADE68D23780401

for
Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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Attachment 1: Mitigation Monitoring and Reporting Program (MMRP) for Biological Resources

Mitigation Measure (MM) Description	Implementation Schedule	Responsible Parties
<p>Mitigation Measure BIO-[A]: Assessment of Biological Resources Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.</p>	<p>Prior to Project construction activities</p>	<p>Imperial County</p>
<p>MM BIO-[B]: Focused and Pre-Construction Surveys for Burrowing Owl Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, 2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall</p>	<p>Focused surveys: Prior to the start of Project-related activities</p> <p>Preconstruction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance</p>	<p>Imperial County</p>

<p>implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, 2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p>		
<p>MM BIO-[C]: Nesting Birds Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>	<p>No more than 3 days prior to vegetation clearing or ground-disturbing activities</p>	<p>Imperial County</p>
<p>MM BIO-[D]: Artificial Nighttime Light During Project construction and the lifetime operations of the Project, the County and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at during the hours of dawn and dusk when many wildlife species are most active. The County and Project proponent shall ensure that lighting for Project activities is shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The County and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>	<p>Throughout construction and the lifetime operations of the Project</p>	<p>Imperial County</p>
<p>MM BIO-[E]: Construction Noise During all Project construction, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as</p>	<p>During all Project construction</p>	<p>Imperial County</p>

mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.		
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