



PLANNING AND TRAFFIC COMMISSION
Ruben Rivera –Chairperson
Lisa Winkler – Vice-Chairperson
Alice Abatti – Commissioner
Francisco Curiel – Commissioner
Rebecca Terrazas-Baxter-Commissioner

AGENDA

PLANNING COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, MAY 28, 2025
6:30 P.M.

The Imperial Planning Commission Meetings, including public comments, are being Livestreamed on the City's social media pages. If attending in person, by remaining in the room, you are giving your permission to be recorded.

1. You are encouraged to observe the Planning Commission meetings via Livestream at the City of Imperial's Facebook page.
2. If you are unable to participate in person, and wish to address the City Council on matters within their jurisdiction, please email public comments to cityclerk@imperial.ca.gov
3. All documents containing an executive summary and staff recommendation associated with open session action items are made available for public inspection on the City's website, www.cityofimperial.org seventy-two (72) hours prior to the posted meeting time. Government Code Section 54957.5(b)(2)(B).

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, please contact (760) 355-4373. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting [28cfr 35.102-35.104 ADA title ii]

A. PLANNING COMMISSION CONVENES TO OPEN SESSION AT 6:30 PM:

ROLL CALL
PLEDGE OF ALLEGIANCE
ADJUSTMENTS TO THE AGENDA

B. PUBLIC APPEARANCES

B-1: Matters not appearing on the agenda.

If you wish to address the Planning Commission concerning any item not appearing on the agenda and within the Commission's jurisdiction, please raise your hand and be acknowledged by the Chairperson, and at that time state your name and address for the record. The Chairperson reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Commission in writing.

C. CONSENT CALENDAR

C-1: Approve Planning Commission Meeting Minutes for April 23, 2025.

D. PLANNING COMMISSION NEW BUSINESS: (DISCUSSION/ACTION – RECOMMEND/DENY)

D-1 Subject: Public Hearing, Discussion/Action: City initiated right-of-way vacation of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and

P Street, and 15th Street between N Street and P Street. The project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15305 (Class 5)-Minor Alterations in Land Use Limitations.

1. **Public Hearing**
2. **Staff Report – Public Comment**
3. **Commission Discussion**
4. **Close Public Hearing**
5. **Recommended Actions:**

Approve/Deny Resolution No. PC2025-09: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL FINDING CONFORMANCE WITH THE GENERAL PLAN FOR THE RIGHT OF WAY VACATION OF O STREET BETWEEN 13TH AND 15TH STREET, 13TH STREET BETWEEN N STREET AND P STREET, 14TH STREET BETWEEN N STREET AND P STREET, AND 15TH STREET BETWEEN N STREET AND P STREET

- D-2. Subject: Public Hearing, Discussion/Action: Conditional Use Permit 25-02 for Imperial Hotel Acquisition, LLC to allow off-sale alcoholic beverage sales and gasoline dispensing at a Circle K convenience store to be located at 1400 N. Imperial Avenue (APN 063-314-004). The project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3 (c), New Construction or Conversion of Small Structures.**

1. **Public Hearing**
2. **Staff Report – Public Comment**
3. **Commission Discussion**
4. **Close Public Hearing**
5. **Recommended Actions:**

Approve/Deny Resolution No. PC2025-06: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL, APPROVING CONDITIONAL USE PERMIT 25-02 TO ALLOW OFF-SALE ALCOHOLIC BEVERAGE SALES AND GASOLINE DISPENSING AT A CIRCLE K CONVENIENCE STORE LOCATED AT 1400 N. IMPERIAL AVENUE (APN 063-314-004).

E. REPORTS

E-1: Commissioners' Reports

E-2 Staff Reports

F. ADJOURNMENT

- F-1. Subject: Adjourn the Planning Commission meeting until the next regularly scheduled meeting on June 11, 2025, at 6:30 pm.**

NOTE: Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available at the front counter at City Hall, located at 420 South Imperial Avenue, during normal business hours.



PLANNING AND TRAFFIC COMMISSION

Ruben Rivera –Chairperson

Lisa Winkler – Vice-Chairperson

Alice Abatti – Commissioner

Francisco Curiel – Commissioner

Rebecca Terrazas-Baxter-Commissioner

MINUTES

PLANNING COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, APRIL 23, 2025
6:30 P.M.

A. PLANNING COMMISSION CONVENES TO OPEN SESSION AT 6:30 PM:

CALLED TO ORDER: Vice Chairperson Winkler called the meeting to order at 6:31 p.m.

ROLL CALL: Commissioner Curiel, Terrazas-Baxter, and Vice Chairperson Winkler

ABSENT: Commissioner Abatti and Chairperson Rivera

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Francisco Curiel.

ADJUSTMENTS TO THE AGENDA: None

B. PUBLIC APPEARANCES: None

C. CONSENT CALENDAR:

C-1. Approve Planning Commission Meeting Minutes for March 26, 2025.

Moved by Curiel, seconded by Terrazas-Baxter, to approve the Consent Calendar.

AYES: Curiel, Terrazas-Baxter, and Winkler

NOES: None

ABSTAIN: None

ABSENT: Abatti and Rivera

MOTION CARRIES: 3-0

D. PLANNING COMMISSION NEW BUSINESS: (DISCUSSION/ACTION – RECOMMEND/DENY)

D-1. Appointment of a non-voting Planning Commissioner and an alternate to the Friends of Imperial Parks Committee for the 2025 calendar year.

Moved by Terrazas-Baxter, seconded by Curiel, to approve Francisco Curiel as a non-voting primary and Rebecca Terrazas-Baxter as an Alternate Planning Commission member to the Friends of Imperial Parks Committee for the 2025 calendar year.

AYES: Curiel, Terrazas-Baxter, and Winkler
NOES: None
ABSTAIN: None
ABSENT: Abatti and Rivera
MOTION CARRIES: 3-0

- D-2. Subject: Public Hearing, Discussion/Action: Public hearing to consider approval of Tentative Tract Map 24-02 for Monterrey Park (APN 064-295-084 and APN 064-281-068). The request is consistent with the previously certified Negative Declaration in accordance with the requirements of the California Environmental Quality Act (CEQA).**

The public hearing was opened at 6:38 p.m.

Yvonne Cordero, City Planner, presented the staff report.

The public hearing was closed at 6:58 p.m.

Approve/Deny Resolution No. PC2025-08: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING TENTATIVE TRACT MAP 24-02 FOR MONTERREY PARK SUB #2 UNIT 3D (APNs 064-295-084 & 064-281-068)

Moved by Terrazas-Baxter, seconded by Curiel, to approve Resolution No. PC2025-08 with the condition that Jupiter works with the City to implement traffic calming measures to address traffic issues.

AYES: Curiel, Terrazas-Baxter, and Winkler
NOES: None
ABSTAIN: None
ABSENT: Abatti and Rivera
MOTION CARRIES: 3-0

- D-3. Subject: Public Hearing, Discussion/Action: Conditional Use Permit 25-03 for Steven Schneider to allow the operation of a drive-thru at a Jack in the Box restaurant located at 304 S. Imperial Avenue (APN 064-106-006). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15332, In-fill Development Projects.**

The public hearing was opened at 6:59 p.m.

Yvonne Cordero, City Planner, presented the staff report.

The public hearing was closed at 7:07 p.m.

Approve/Deny Resolution No. PC2025-07: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING CONDITIONAL USE PERMIT 25-03 FOR THE OPERATION OF A DRIVE-THRU AT A JACK IN THE BOX RESTAURANT LOCATED AT 304 S.

IMPERIAL AVENUE (APN 064-106-006).

Moved by Curiel, seconded by Terrazas-Baxter, to approve Resolution No. PC2025-07 and Approving Conditional Use Permit 25-03.

AYES: Curiel, Terrazas-Baxter, and Winkler

NOES: None

ABSTAIN: None

ABSENT: Abatti and Rivera

MOTION CARRIES: 3-0

E. REPORTS

E-1. Commissioners reported on their activities and concerns since the last Planning Commission meeting.

E-2. Staff reported on their upcoming activities since the last Planning Commission meeting.

ADJOURNMENT

Vice Chairperson Winkler adjourned the meeting at 7:05 p.m., seeing no further business before the commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, this 28th day of May 2025.

KRISTINA SHIELDS
City Clerk



staff report

Agenda Item No.

D-1

To: City of Imperial Planning Commission
From: David Dale, PE, Public Services Director
Date: May 28, 2025
Subject: Street Vacation of Portions of 13th Street, 14th Street, 15th Street and O Street between N Street and P Street in the City of Imperial

APPLICANT: City of Imperial Public Services Department

PROJECT LOCATION:

City of Imperial Shop

720 E. 14th Street, Imperial, CA 92251

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution recommending City Council approval of the proposed street vacation of 13th Street, 14th Street, 15th Street, and O Street between N Street and P Street as shown on the attached map.

PROJECT DESCRIPTION:

The City of Imperial is proposing the vacation of the following street segments:

- 13th Street between N Street and P Street
- 14th Street between N Street and P Street
- 15th Street between N Street and P Street
- O Street between 13th Street and 15th Street

The purpose of the proposed vacations is to consolidate these areas to form clear, contiguous parcels in support of existing and future public utility operations, specifically for the City Shop and the Wastewater Treatment Plant.

The proposed vacation of these public right-of-ways will support efficient municipal operations and future planning objectives. The action will clean up existing parcel lines, eliminate unnecessary public easements, and better align land use with operational needs of the City Shop and Wastewater Treatment Plant.

PROJECT PURPOSE & NEED:

The city has identified the need to optimize land use in the area currently serving municipal operations. The vacation of the referenced street segments will:

- Eliminate unnecessary public right-of-way that bisects City-owned property
- Facilitate the reconfiguration and expansion of facilities associated with the City Shop and Wastewater Treatment Plant
- Improve operational efficiency and access for City maintenance and utility staff
- Allow for proper security, fencing, and management of the site without navigating public roadway easements

EXISTING CONDITIONS:

- All streets proposed for vacation are unimproved and not currently utilized for vehicular traffic or public access.
- The surrounding parcels north of 13th Street are owned by the City of Imperial and are designated for public facility and utility use under the current zoning and General Plan land use designations.
- The parcels south of 13th Street are privately owned.
- Existing water pipeline utilities are within the proposed O Street vacation area. An easement for utilities has been prepared and will be recorded.

ANALYSIS:

General Plan Consistency:

The proposed vacation is consistent with the City of Imperial General Plan, which designates this area for public facilities. The vacation facilitates municipal service enhancement and does not conflict with long-term circulation plans.

Circulation Impact:

There is no adverse effect on the local street circulation network. These streets are not currently in service and do not function as through routes. The vacation will not disrupt traffic patterns, emergency access, or connectivity for adjacent parcels.

Utility Considerations:

All relevant utility providers have been notified and have either provided clearance or confirmed no impact. The proposed vacations will not affect underground or overhead facilities.

ENVIRONMENTAL REVIEW:

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15305 (Class 5) – Minor Alterations in Land Use Limitations. The vacations will not result in any physical alterations to the environment or expansion of use.

PUBLIC NOTICE:

Notices of the proposed vacations were provided in accordance with Government Code Section 8320 et seq. All required notifications and postings have been completed.

The public hearing scheduled for May 28, 2025, was duly noticed in the Calexico Chronicle and Holtville Tribune, newspapers of general circulation, on May 15, 2025, and a Notice of Public Hearing was sent to all property owners within 300 feet of the properties and posted at the project sites.

ATTACHMENTS:

- Draft Resolution PC2025-09
- Exhibit “A” Legal Description of the Proposed Vacation
- Exhibit “B” Map of the Proposed Vacation

Respectfully submitted,

David Dale, PE, PLS
Public Services Director

***DRAFT* RESOLUTION PC2025-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
FINDING CONFORMANCE WITH THE GENERAL PLAN FOR THE RIGHT OF WAY
VACATION OF O STREET BETWEEN 13TH AND 15TH STREET, 13TH STREET
BETWEEN N STREET AND P STREET, 14TH STREET BETWEEN N STREET AND P
STREET, AND 15TH STREET BETWEEN N STREET AND P STREET**

WHEREAS, the City of Imperial proposes to vacate portions of the right-of-way of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street; and

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not vacate or abandon any streets until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto; and

WHEREAS, the right-of-way portions of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street are not identified in the Circulation Element of the General Plan as a major or secondary arterial roadway circulation system not will it restrict access to private property; and

WHEREAS, finding conformance with the General Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5) - Minor Alterations in Land Use Limitations.

NOW THEREFORE LET IT BE RESOLVED, that the City of Imperial Planning Commission does hereby find the proposed vacation of the portions of the right-of-way of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street;

BE IT FURTHER RESOLVED that the Planning Commission hereby determines that the City Council should take the necessary procedures to effect the vacation of portions of the right-of-way of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street as shown on Exhibit B.

ADOPTED AND RECOMMENDED FOR APPROVAL to the City Council by the City of Imperial's Planning Commission, this 28th day of May 2025.

Planning Commission Chairman

ATTEST:

Kristina Shields, City Clerk

EXHIBIT "A"
STREET ABANDONMENT
LEGAL DESCRIPTION

THOSE PORTIONS OF "O" STREET, 13th STREET, 14th STREET, AND 15th STREET, ALL IN THE TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP No. 883 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF "O" STREET BOUND TO THE NORTH BY A LINE CONNECTING THE NORTHEAST CORNER OF BLOCK 2 AND THE NORTHWEST CORNER OF BLOCK 1 AND BOUND TO THE SOUTH BY A LINE CONNECTING THE NORTHEAST CORNER OF BLOCK 24 AND THE NORTHWEST CORNER OF BLOCK 23, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA ACCORDING TO SAID MAP No. 883.

IN ADDITION THERETO, THAT PORTION OF 13th STREET BOUND TO THE WEST BY A LINE CONNECTING THE SOUTHWEST CORNER OF BLOCK 22 AND THE NORTHWEST CORNER OF BLOCK 23 AND BOUND TO THE EAST BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 22 AND THE NORTHEAST CORNER OF BLOCK 23, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA ACCORDING TO SAID MAP No. 883.

IN ADDITION THERETO, THAT PORTION OF 14th STREET BOUND TO THE WEST BY A LINE CONNECTING THE SOUTHWEST CORNER OF BLOCK 2 AND THE NORTHWEST CORNER OF BLOCK 21 AND BOUND TO THE EAST BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 2 AND THE NORTHEAST CORNER OF BLOCK 21, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA ACCORDING TO SAID MAP No. 883.

ALSO IN ADDITION THERETO, THAT PORTION OF 14th STREET BOUND TO THE WEST BY A LINE CONNECTING THE SOUTHWEST CORNER OF BLOCK 1 AND THE NORTHWEST CORNER OF BLOCK 22 AND BOUND TO THE EAST BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 1 AND THE NORTHEAST CORNER OF BLOCK 22, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA ACCORDING TO SAID MAP No. 883.

ALSO IN ADDITION THERETO, THAT PORTION OF 15th STREET BOUND TO THE SOUTH BY A LINE CONNECTING THE NORTHWEST CORNER OF BLOCK 2 AND THE NORTHEAST CORNER OF BLOCK 1, BOUND TO THE WEST BY A LINE CONNECTING THE NORTHWEST CORNER OF BLOCK 2 AND THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 2 TO THE CENTERLINE OF 15TH STREET, BOUND TO THE EAST BY A LINE CONNECTING THE NORTHEAST CORNER OF BLOCK 1 AND THE NORTHERLY EXTENSION OF THE EAST LINE OF BLOCK 1 TO THE INTERSECTION OF 15TH STREET, AND BOUND TO THE NORTH BY A LINE CONNECTING THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 2 TO THE CENTERLINE OF 15th STREET AND NORTHERLY EXTENSION OF OF THE EAST LINE OF BLOCK 1 TO THE CENTERLINE OF 15th STREET, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA ACCORDING TO SAID MAP No. 883.

THE ABOVE DESCRIBED PARCEL CONTAINS 3.62 ACRES, MORE OR LESS.

THIS LAND DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE CALIFORNIA PROFESSIONAL LAND SURVEYORS' ACT.

PRELIMINARY

DAVID BELTRAN, PLS 8482
DYNAMIC CONSULTING ENGINEERS, INC.

DATE

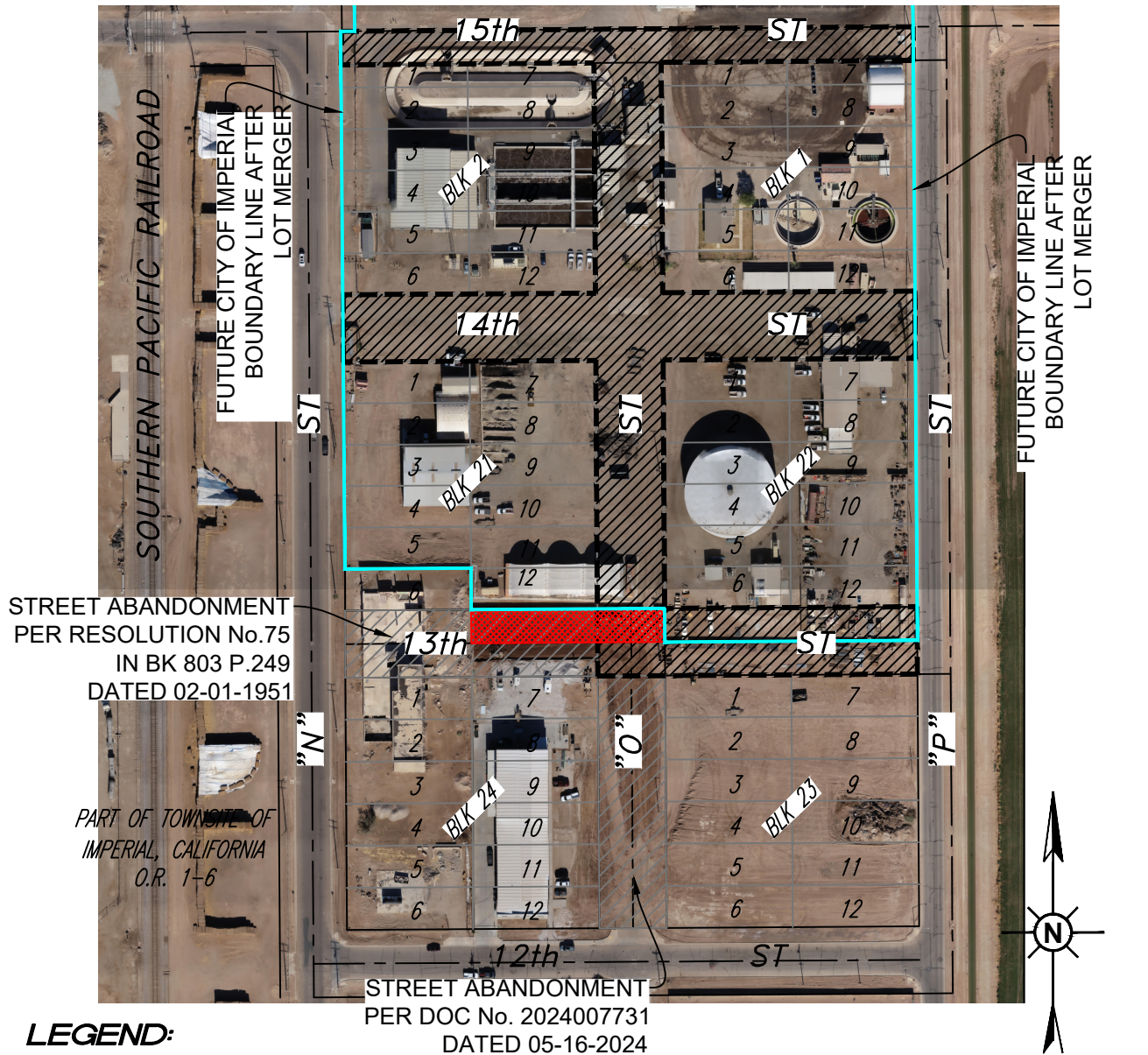
MAY 1, 2025

SHEET 1 OF 1

Dynamic Consulting Engineers, Inc.
2415 Imperial Business Park Drive, Suite B
Imperial, CA 92251

EXHIBIT "B"

ABANDONMENT OF A PORTION OF 'O' STREET FROM 13TH TO 15 STREET;
 ABANDONMENT OF A PORTION OF 13th STREET FROM 'O' TO 'P' STREET;
 ABANDONMENT OF A PORTION OF 14th STREET FROM 'N' TO 'P' STREET;
 ABANDONMENT OF A PORTION OF 15th STREET FROM 'N' TO 'P' STREET;



LEGEND:

- CENTERLINE
- LOT LINE
- FUTURE CITY BOUNDARY AFTER LOT MERGER



AREA TO BE ABANDONED
 AREA 3.62 ACRES



CITY OF IMPERIAL OUTSIDE BOUNDARY
 AREA 0.21 ACRES

PRELIMINARY

SCALE 1" = 200'

MAY 1, 2025

SHEET 1 OF 1

Dynamic Consulting Engineers, Inc.
 2415 Imperial Business Park Drive, Suite B
 Imperial, CA 92251



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: May 19, 2025

Applicant:	Imperial Hotel Acquisitions, LLC
Project Location:	1400 N. Imperial Avenue-Northeast corner of Hwy 86 and Neckel Road
Project Description:	Conditional Use Permit 25-02 to allow the sale of alcohol and gasoline dispensing station at a convenience store
Zoning:	Neighborhood Commercial (C-1)
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to Conditions of Approval

Background

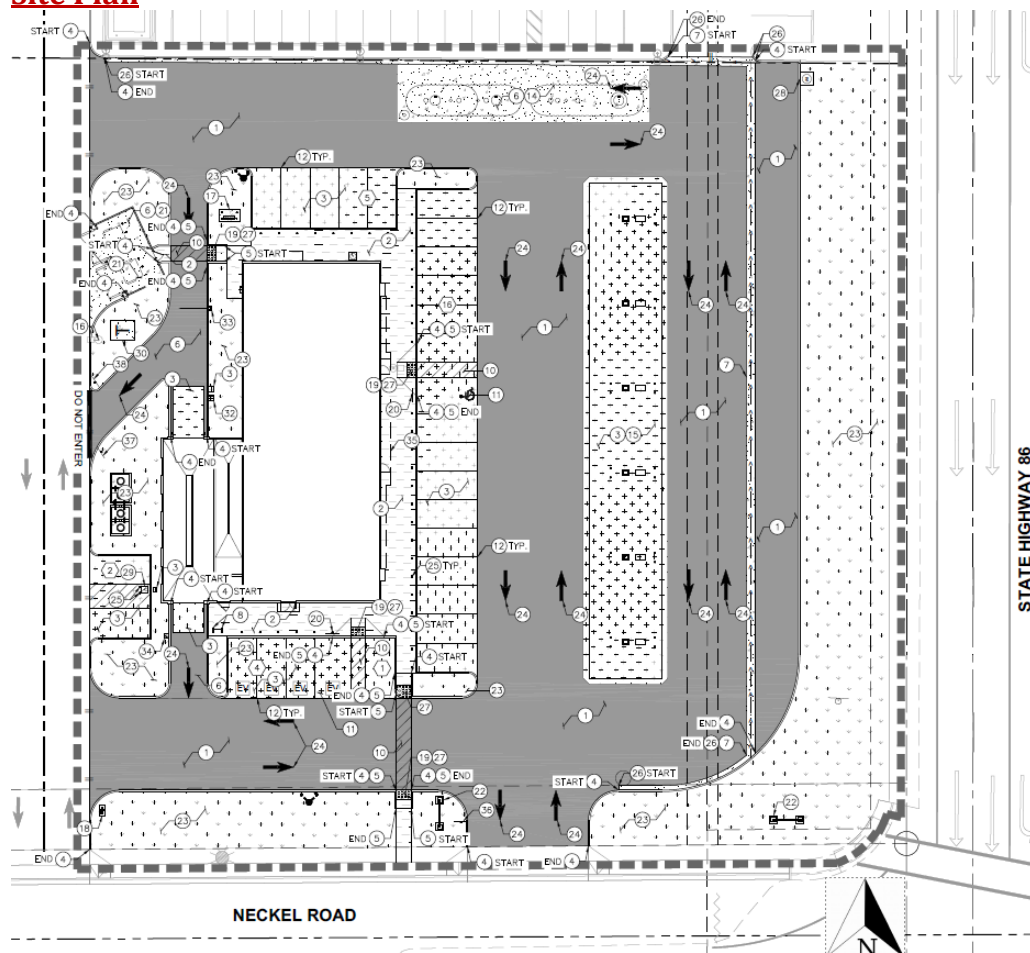
Imperial Hotel Acquisitions, LLC is requesting a Conditional Use Permit to allow the sale of alcohol and a fuel station at a proposed Circle K convenience store at the corner of Highway 86 and Neckel Road. The project site is further identified as 1400 N. Imperial Avenue with an Assessor Parcel Number of 063-314-004. The project consists of the development of a 5,200 square foot convenience store, a 1,428 square foot car wash, and a fuel canopy housing six fuel pumps for gasoline dispensing. Additional improvements consist of a twenty-eight-space parking lot, underground fuel storage tanks, landscaping fronting the property, and improvements along SR 86 and Neckel Road. Mr. Najar will apply for a Type 21 license with the Department of Alcoholic Beverage Control, which authorizes the general off-sale of liquor in California after the Conditional Use Permit approval. The approved license allows businesses to sell a broader selection of alcoholic beverages, including beer, wine, and

distilled spirits for off-site consumption, which is essential for retail establishments looking to expand their offerings beyond just beer and wine.

The sale of alcoholic beverages is allowed in the Neighborhood Commercial (C-1) Zone with a Conditional Use Permit and a valid ABC license. ABC is the regulating agency responsible for the final issuance of the license after the City provides the approved Conditional Use Permit and monitors the Applicant's compliance. The proposed hours of operation are 24 hours daily.

The Development Review Committee reviewed the application, and the Imperial Police Department recommended that the Applicant provide regular training on responsible alcohol sales, which includes recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors. The Imperial County Fire Department required the Applicant to submit a Hazardous Waste Material Plan to the State Department of Toxic Substances' Certified Unified Program Agency for approval and regulation of their underground hazardous materials storage tanks for compliance. The recommendations were incorporated into the Conditions of Approval provided in Resolution PC2025-06 (Attachment A).

Site Plan



Project Location



Discussion/CEQA Analysis

Land Use - The subject site is zoned within the Neighborhood Commercial (C-1) Zone, which is intended for professional, administrative offices, restaurants, and neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance in Commercial Zones. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals. The surrounding designated land uses are as follows:

Direction	Land Use	Zoning
North	Cambria Hotel	Neighborhood Commercial (C-1)
South	Undeveloped Land	Neighborhood Commercial (C-1)
East	Mixed Residential Land Uses	Residential Single-Family (R-1)/Residential Apartment (RA)/Planned Unit Development (PUD)
West	Undeveloped Land	Neighborhood Commercial (C-1)

The relationship between land use and zoning compatibility within the Imperial General Plan is important for orderly development. Land uses must be arranged for compatibility with

abutting land uses and properties should be consistent with the land use policy map. Using the General Plan's Land Use Compatibility Matrix, the adjacent land uses of Neighborhood Commercial (C-1) and Residential Single Family (R-1), Planned Unit Development (PUD) and Residential Apartment (RA) land uses are potentially compatible. Potentially compatible land uses may be found compatible based upon provisions established through a Conditional Use Permit's Conditions of Approval.

Traffic and Circulation - The project site is fronting and accessed directly from SR 86. SR 86 is designated as one of the City's major arterials that move traffic through the City from one point to another. To ensure safe and efficient traffic circulation, a 'Right Turn Only' sign will be installed at the project site's exit onto Neckel Road, and a southbound deceleration lane on SR 86 will be installed, along with an access driveway from SR-86 to the site. The deceleration lane will be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. Additionally, deliveries and fuel tank refilling are limited between 7:00 a.m. and 8:00 p.m. to minimize disturbances impacting nearby residences.

Parking – Parking requirements were reviewed during the Site Plan Review process and the project was determined to have met the City's parking requirements via the Applicant's Reciprocal Parking Agreement with the Cambria Hotel.

Vehicle Miles Traveled (VMT) Analysis - Due to the retail nature of the project being a locally serving retail and gasoline station project of less than 50,000 square feet serving the local community, the project is excluded from VMT Analysis.

Environmental Compliance

This item is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3(c), New Construction or Conversion of Small Structures.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a Conditional Use Permit. The required findings are listed below in ***bold italics***, followed by an evaluation:

- 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The subject site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General

Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.***

The location is ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined in Section 24.19.340.B of the Imperial Zoning Ordinance.

- 3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.***

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.

With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.

4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.

The proposed project, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.

Public Notification

The public hearing scheduled for May 28, 2025, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on May 15, 2025. A Notice of Public Hearing was mailed to all property owners within 300 feet of the property. The City of Imperial has not received any public comments for or against this project as of the date of this report's publication.

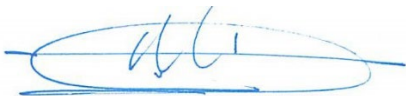
Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit 25-02 to allow the sale of off-sale alcohol sales and a gasoline dispensing station at the proposed Circle K convenience store.

Attachments

- Attachment A – DRAFT Resolution PC2025-06 with Conditions of Approval

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Othon Mora', enclosed within a blue oval shape.

Othon Mora, MCM, CBO
Community Development Director

ATTACHMENT A

***DRAFT* RESOLUTION NO. PC2025-06**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 25-02 TO ALLOW OFF-SALE
ALCOHOLIC BEVERAGE SALES AND GASOLINE DISPENSING AT CIRCLE K
LOCATED AT 1400 N. IMPERIAL AVENUE (APN 063-314-004)**

WHEREAS, Imperial Hotel Acquisitions, LLC submitted an application to allow off-sale alcoholic beverage sales and gasoline dispensing at Circle K located at 1400 N. Imperial Avenue; and

WHEREAS, the subject site is located within the Neighborhood Commercial (C-1) Zone where a store offering alcoholic beverages and gasoline dispensing are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was published on May 15, 2025 in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 25-02, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on May 28, 2025, to hear testimony for and against the proposed Conditional Use Permit;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the project; and

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is categorically exempt under Section 15303, Class 3(c), New Construction or Conversion of Small Structures of the California Environmental Quality Act and is exempt from further environmental review requirements; and

- E) That allowing the sales of off-sale alcoholic beverages and gasoline dispensing at the project site is consistent with the land uses allowed within the Neighborhood Commercial (C-1) Zone; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 25-02**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, the Conditions of Approval outlined in Exhibit A, and based on the following findings:
 - 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.

The subject site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.

The location is ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined in Section 24.19.340.B of the Imperial Zoning Ordinance.

3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.

With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.

4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.

The proposed project, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 28th day of May, 2025.

Planning Commission Chairman

ATTEST:

City Clerk

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 25-02
GAS STATION AND CONVENIENCE STORE WITH SALE OF ALCOHOL
1400 N IMPERIAL AVE
APN 063-314-004**

1. Applicant must obtain an approved building permit from the City of Imperial's Community Development Department along with any required development and/or construction plans, including payment of any related project fees for the project located at 1400 N. Imperial Avenue ("Property").
2. This Conditional Use Permit shall only be valid so long as the Type 21 ABC License authorizing the sale of beer, wine and distilled spirits for consumption off the premises where sold, is valid to the proprietor/owner.
3. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control (ABC) license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
4. The provisions of Conditional Use Permit 25-02 are to run with the land/project and shall bind the current and future owner(s), successor(s) in interest, assignee(s), and/or transferor(s) of said project.
5. The Applicant shall pay its proportionate share reimbursement fee for the installation of the Heritage wastewater lift station located in Heritage, as specified in the applicable agreement. The fee shall be calculated at a rate of \$3,656.77 per acre for commercial properties.
6. A deceleration lane on the southbound side of Old SR-86 shall be provided, along with an access driveway from SR-86 to the Property. The deceleration lane shall be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. The design and construction of the deceleration lane and driveway access shall be subject to review and approval by the Community Development Department and Public Services Department and shall conform to all applicable California Department of Transportation and local engineering standards.
7. To ensure safe and efficient traffic flow, a 'Right Turn Only' sign shall be installed at the Property's exit onto Neckel Road. The sign shall be placed in a visible location and subject to the review and approval of the City's Engineer and Community Development Department.
8. Deliveries and fuel tank refilling shall be limited to the hours between 7:00 AM and 8:00 PM to minimize impacts on nearby residences. No deliveries or refueling shall occur outside of this timeframe, except in an emergency or due to adverse weather conditions..

9. The Applicant shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
10. The Applicant shall be responsible for maintaining the property free of litter at all times.
11. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
12. The approval of Conditional Use Permit 25-02 shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
13. The Applicant shall pay all applicable fees as required by the City, including but not limited to Development Impact and Capacity Fees.
14. Applicant must submit a completed application for a building permit to the Community Development Department within six (6) months of approval of Conditional Use Permit 25-02. If the applicant does not obtain an approved building permit from the Community Development Department, Conditional Use Permit 25-02 becomes null and void based on the final Planning Commission's date of approval.
15. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of Conditional Use Permit 25-02, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth in Conditional Use Permit 25-02, within a reasonable time period, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
16. As between the City and the Applicant, any violation of Conditional Use Permit 25-02 approval may be a "nuisance per se". The City may enforce the terms and conditions Conditional Use Permit 25-02 in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
17. Applicant shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project. Notwithstanding the foregoing, the Applicant's operation and use of the Property as a convenience store and/or motor fuel facility

shall not be considered a nuisance for purposes of this paragraph 17, if the Applicant is in compliance with all applicable laws, rules, and regulations and Conditional Use Permit 25-02.

18. The Imperial Police Department recommends that all Circle K employees undergo regular training on responsible alcohol sales, including recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors.
19. Fire protection water supply shall be reviewed and approved by the Imperial County Fire Department. The review shall include, but not be limited to, public and private fire hydrant locations, required fire flow, fire hydrant specifications, and private fire lines.
20. All fire protection systems, including automatic fire protection systems, shall be designed by a licensed C-16 Contractor and/or licensed Fire Protection Engineer. All systems shall be installed by a licensed C-16 Contractor.
21. The automatic fire protection systems shall be reviewed and approved by the Imperial County Fire Department. This shall include, but not be limited to, the automatic fire sprinkler system, pre-engineered fire suppression systems, commercial cooking fire suppression systems, and other fire protection and fire suppression systems required.
22. All access points shall be reviewed and approved by the Imperial County Fire Department. Access points shall meet the requirements in the California Fire Code. Two (2) approved accessible entries are required for the Property.
23. A Knox Box shall be required for the building and access gates.
24. A Hazardous Waste Material Plan shall be submitted to the Certified Unified Program Agency (CUPA) for their review and approval.
25. All hazardous material and waste shall be handled, stored, and disposed of as per the approved Hazardous Waste Materials Plan in accordance with Federal, State, and local regulations as required.
26. The Applicant shall ensure compliance with all applicable code sections of the California Fire Code.

RESOLUTION NO. PC2025-06

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 25-02 TO ALLOW OFF-SALE
ALCOHOLIC BEVERAGE SALES AND GASOLINE DISPENSING AT CIRCLE K
LOCATED AT 1400 N. IMPERIAL AVENUE (APN 063-314-004)**

WHEREAS, Imperial Hotel Acquisitions, LLC submitted an application to allow off-sale alcoholic beverage sales and gasoline dispensing at Circle K located at 1400 N. Imperial Avenue; and

WHEREAS, the subject site is located within the Neighborhood Commercial (C-1) Zone where a store offering alcoholic beverages and gasoline dispensing are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was published on May 15, 2025 in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 25-02, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on May 28, 2025, to hear testimony for and against the proposed Conditional Use Permit;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the project; and

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is categorically exempt under Section 15303, Class 3(c), New Construction or Conversion of Small Structures of the California Environmental Quality Act and is exempt from further environmental review requirements; and

- E) That allowing the sales of off-sale alcoholic beverages and gasoline dispensing at the project site is consistent with the land uses allowed within the Neighborhood Commercial (C-1) Zone; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 25-02**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, the Conditions of Approval outlined in Exhibit A, and based on the following findings:
1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.

The subject site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.

The location is ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined in Section 24.19.340.B of the Imperial Zoning Ordinance.

3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.

With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.

4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.

The proposed project, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 28th day of May, 2025.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 25-02 GAS STATION AND CONVENIENCE STORE WITH SALE OF ALCOHOL 1400 N IMPERIAL AVE (APN 063-314-004)

1. Applicant must obtain an approved building permit from the City of Imperial's Community Development Department along with any required development and/or construction plans, including payment of any related project fees for the project located at 1400 N. Imperial Avenue ("Property").
2. This Conditional Use Permit shall only be valid so long as the Type 21 ABC License authorizing the sale of beer, wine and distilled spirits for consumption off the premises where sold, is valid to the proprietor/owner.
3. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control (ABC) license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
4. The provisions of Conditional Use Permit 25-02 are to run with the land/project and shall bind the current and future owner(s), successor(s) in interest, assignee(s), and/or transferor(s) of said project.
5. The Applicant shall pay its proportionate share reimbursement fee for the installation of the Heritage wastewater lift station located in Heritage, as specified in the applicable agreement. The fee shall be calculated at a rate of \$3,656.77 per acre for commercial properties.
6. A deceleration lane on the southbound side of Old SR-86 shall be provided, along with an access driveway from SR-86 to the Property. The deceleration lane shall be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. The design and construction of the deceleration lane and driveway access shall be subject to review and approval by the Community Development Department and Public Services Department and shall conform to all applicable California Department of Transportation and local engineering standards.
7. To ensure safe and efficient traffic flow, a 'Right Turn Only' sign shall be installed at the Property's exit onto Neckel Road. The sign shall be placed in a visible location and subject to the review and approval of the City's Engineer and Community Development Department.
8. Deliveries and fuel tank refilling shall be limited to the hours between 7:00 AM and 8:00 PM to minimize impacts on nearby residences. No deliveries or refueling shall occur outside of this timeframe, except in an emergency or due to adverse weather conditions..

9. The Applicant shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
10. The Applicant shall be responsible for maintaining the property free of litter at all times.
11. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
12. The approval of Conditional Use Permit 25-02 shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
13. The Applicant shall pay all applicable fees as required by the City, including but not limited to Development Impact and Capacity Fees.
14. Applicant must submit a completed application for a building permit to the Community Development Department within six (6) months of approval of Conditional Use Permit 25-02. If the applicant does not obtain an approved building permit from the Community Development Department, Conditional Use Permit 25-02 becomes null and void based on the final Planning Commission's date of approval.
15. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of Conditional Use Permit 25-02, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth in Conditional Use Permit 25-02, within a reasonable time period, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
16. As between the City and the Applicant, any violation of Conditional Use Permit 25-02 approval may be a "nuisance per se". The City may enforce the terms and conditions Conditional Use Permit 25-02 in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
17. Applicant shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project. Notwithstanding the foregoing, the Applicant's operation and use of the Property as a convenience store and/or motor fuel facility

shall not be considered a nuisance for purposes of this paragraph 17, if the Applicant is in compliance with all applicable laws, rules, and regulations and Conditional Use Permit 25-02.

18. The Imperial Police Department recommends that all Circle K employees undergo regular training on responsible alcohol sales, including recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors.
19. Fire protection water supply shall be reviewed and approved by the Imperial County Fire Department. The review shall include, but not be limited to, public and private fire hydrant locations, required fire flow, fire hydrant specifications, and private fire lines.
20. All fire protection systems, including automatic fire protection systems, shall be designed by a licensed C-16 Contractor and/or licensed Fire Protection Engineer. All systems shall be installed by a licensed C-16 Contractor.
21. The automatic fire protection systems shall be reviewed and approved by the Imperial County Fire Department. This shall include, but not be limited to, the automatic fire sprinkler system, pre-engineered fire suppression systems, commercial cooking fire suppression systems, and other fire protection and fire suppression systems required.
22. All access points shall be reviewed and approved by the Imperial County Fire Department. Access points shall meet the requirements in the California Fire Code. Two (2) approved accessible entries are required for the Property.
23. A Knox Box shall be required for the building and access gates.
24. A Hazardous Waste Material Plan shall be submitted to the Certified Unified Program Agency (CUPA) for their review and approval.
25. All hazardous material and waste shall be handled, stored, and disposed of as per the approved Hazardous Waste Materials Plan in accordance with Federal, State, and local regulations as required.
26. The Applicant shall ensure compliance with all applicable code sections of the California Fire Code.

***DRAFT* RESOLUTION PC2025-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
FINDING CONFORMANCE WITH THE GENERAL PLAN FOR THE RIGHT OF WAY
VACATION OF O STREET BETWEEN 13TH AND 15TH STREET, 13TH STREET
BETWEEN N STREET AND P STREET, 14TH STREET BETWEEN N STREET AND P
STREET, AND 15TH STREET BETWEEN N STREET AND P STREET**

WHEREAS, the City of Imperial proposes to vacate portions of the right-of-way of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street; and

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not vacate or abandon any streets until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto; and

WHEREAS, the right-of-way portions of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street are not identified in the Circulation Element of the General Plan as a major or secondary arterial roadway circulation system not will it restrict access to private property; and

WHEREAS, finding conformance with the General Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5) - Minor Alterations in Land Use Limitations.

NOW THEREFORE LET IT BE RESOLVED, that the City of Imperial Planning Commission does hereby find the proposed vacation of the portions of the right-of-way of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street;

BE IT FURTHER RESOLVED that the Planning Commission hereby determines that the City Council should take the necessary procedures to effect the vacation of portions of the right-of-way of O Street between 13th Street and 15th Street, 13th Street between N Street and P Street, 14th Street between N Street and P Street, and 15th Street between N Street and P Street as shown on Exhibit B.

ADOPTED AND RECOMMENDED FOR APPROVAL to the City Council by the City of Imperial's Planning Commission, this 28th day of May 2025.

Planning Commission Chairman

ATTEST:

Kristina Shields, City Clerk



PLANNING AND TRAFFIC COMMISSION

Ruben Rivera –Chairperson

Lisa Winkler – Vice-Chairperson

Alice Abatti – Commissioner

Francisco Curiel – Commissioner

Rebecca Terrazas-Baxter-Commissioner

MINUTES

PLANNING COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, APRIL 23, 2025
6:30 P.M.

A. PLANNING COMMISSION CONVENES TO OPEN SESSION AT 6:30 PM:

CALLED TO ORDER: Vice Chairperson Winkler called the meeting to order at 6:31 p.m.

ROLL CALL: Commissioner Curiel, Terrazas-Baxter, and Vice Chairperson Winkler

ABSENT: Commissioner Abatti and Chairperson Rivera

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Francisco Curiel.

ADJUSTMENTS TO THE AGENDA: None

B. PUBLIC APPEARANCES: None

C. CONSENT CALENDAR:

C-1. Approve Planning Commission Meeting Minutes for March 26, 2025.

Moved by Curiel, seconded by Terrazas-Baxter, to approve the Consent Calendar.

AYES: Curiel, Terrazas-Baxter, and Winkler

NOES: None

ABSTAIN: None

ABSENT: Abatti and Rivera

MOTION CARRIES: 3-0

D. PLANNING COMMISSION NEW BUSINESS: (DISCUSSION/ACTION – RECOMMEND/DENY)

D-1. Appointment of a non-voting Planning Commissioner and an alternate to the Friends of Imperial Parks Committee for the 2025 calendar year.

Moved by Terrazas-Baxter, seconded by Curiel, to approve Francisco Curiel as a non-voting primary and Rebecca Terrazas-Baxter as an Alternate Planning Commission member to the Friends of Imperial Parks Committee for the 2025 calendar year.

AYES: Curiel, Terrazas-Baxter, and Winkler
NOES: None
ABSTAIN: None
ABSENT: Abatti and Rivera
MOTION CARRIES: 3-0

- D-2. Subject: Public Hearing, Discussion/Action: Public hearing to consider approval of Tentative Tract Map 24-02 for Monterrey Park (APN 064-295-084 and APN 064-281-068). The request is consistent with the previously certified Negative Declaration in accordance with the requirements of the California Environmental Quality Act (CEQA).**

The public hearing was opened at 6:38 p.m.

Yvonne Cordero, City Planner, presented the staff report.

The public hearing was closed at 6:58 p.m.

Approve/Deny Resolution No. PC2025-08: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING TENTATIVE TRACT MAP 24-02 FOR MONTERREY PARK SUB #2 UNIT 3D (APNs 064-295-084 & 064-281-068)

Moved by Terrazas-Baxter, seconded by Curiel, to approve Resolution No. PC2025-08 with the condition that Jupiter works with the City to implement traffic calming measures to address traffic issues.

AYES: Curiel, Terrazas-Baxter, and Winkler
NOES: None
ABSTAIN: None
ABSENT: Abatti and Rivera
MOTION CARRIES: 3-0

- D-3. Subject: Public Hearing, Discussion/Action: Conditional Use Permit 25-03 for Steven Schneider to allow the operation of a drive-thru at a Jack in the Box restaurant located at 304 S. Imperial Avenue (APN 064-106-006). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15332, In-fill Development Projects.**

The public hearing was opened at 6:59 p.m.

Yvonne Cordero, City Planner, presented the staff report.

The public hearing was closed at 7:07 p.m.

Approve/Deny Resolution No. PC2025-07: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING CONDITIONAL USE PERMIT 25-03 FOR THE OPERATION OF A DRIVE-THRU AT A JACK IN THE BOX RESTAURANT LOCATED AT 304 S.

IMPERIAL AVENUE (APN 064-106-006).

Moved by Curiel, seconded by Terrazas-Baxter, to approve Resolution No. PC2025-07 and Approving Conditional Use Permit 25-03.

AYES: Curiel, Terrazas-Baxter, and Winkler

NOES: None

ABSTAIN: None

ABSENT: Abatti and Rivera

MOTION CARRIES: 3-0

E. REPORTS

E-1. Commissioners reported on their activities and concerns since the last Planning Commission meeting.

E-2. Staff reported on their upcoming activities since the last Planning Commission meeting.

ADJOURNMENT

Vice Chairperson Winkler adjourned the meeting at 7:05 p.m., seeing no further business before the commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California, this 28th day of May 2025.

KRISTINA SHIELDS
City Clerk



staff report

Agenda Item No.

D-1

To: City of Imperial Planning Commission
From: David Dale, PE, Public Services Director
Date: May 28, 2025
Subject: Street Vacation of Portions of 13th Street, 14th Street, 15th Street and O Street between N Street and P Street in the City of Imperial

APPLICANT: City of Imperial Public Services Department

PROJECT LOCATION:

City of Imperial Shop

720 E. 14th Street, Imperial, CA 92251

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution recommending City Council approval of the proposed street vacation of 13th Street, 14th Street, 15th Street, and O Street between N Street and P Street as shown on the attached map.

PROJECT DESCRIPTION:

The City of Imperial is proposing the vacation of the following street segments:

- 13th Street between N Street and P Street
- 14th Street between N Street and P Street
- 15th Street between N Street and P Street
- O Street between 13th Street and 15th Street

The purpose of the proposed vacations is to consolidate these areas to form clear, contiguous parcels in support of existing and future public utility operations, specifically for the City Shop and the Wastewater Treatment Plant.

The proposed vacation of these public right-of-ways will support efficient municipal operations and future planning objectives. The action will clean up existing parcel lines, eliminate unnecessary public easements, and better align land use with operational needs of the City Shop and Wastewater Treatment Plant.

PROJECT PURPOSE & NEED:

The city has identified the need to optimize land use in the area currently serving municipal operations. The vacation of the referenced street segments will:

- Eliminate unnecessary public right-of-way that bisects City-owned property
- Facilitate the reconfiguration and expansion of facilities associated with the City Shop and Wastewater Treatment Plant
- Improve operational efficiency and access for City maintenance and utility staff
- Allow for proper security, fencing, and management of the site without navigating public roadway easements

EXISTING CONDITIONS:

- All streets proposed for vacation are unimproved and not currently utilized for vehicular traffic or public access.
- The surrounding parcels north of 13th Street are owned by the City of Imperial and are designated for public facility and utility use under the current zoning and General Plan land use designations.
- The parcels south of 13th Street are privately owned.
- Existing water pipeline utilities are within the proposed O Street vacation area. An easement for utilities has been prepared and will be recorded.

ANALYSIS:

General Plan Consistency:

The proposed vacation is consistent with the City of Imperial General Plan, which designates this area for public facilities. The vacation facilitates municipal service enhancement and does not conflict with long-term circulation plans.

Circulation Impact:

There is no adverse effect on the local street circulation network. These streets are not currently in service and do not function as through routes. The vacation will not disrupt traffic patterns, emergency access, or connectivity for adjacent parcels.

Utility Considerations:

All relevant utility providers have been notified and have either provided clearance or confirmed no impact. The proposed vacations will not affect underground or overhead facilities.

ENVIRONMENTAL REVIEW:

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15305 (Class 5) – Minor Alterations in Land Use Limitations. The vacations will not result in any physical alterations to the environment or expansion of use.

PUBLIC NOTICE:

Notices of the proposed vacations were provided in accordance with Government Code Section 8320 et seq. All required notifications and postings have been completed.

The public hearing scheduled for May 28, 2025, was duly noticed in the Calexico Chronicle and Holtville Tribune, newspapers of general circulation, on May 15, 2025, and a Notice of Public Hearing was sent to all property owners within 300 feet of the properties and posted at the project sites.

ATTACHMENTS:

- Draft Resolution PC2025-09
- Exhibit “A” Legal Description of the Proposed Vacation
- Exhibit “B” Map of the Proposed Vacation

Respectfully submitted,

David Dale, PE, PLS
Public Services Director



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: May 19, 2025

Applicant:	Imperial Hotel Acquisitions, LLC
Project Location:	1400 N. Imperial Avenue-Northeast corner of Hwy 86 and Neckel Road
Project Description:	Conditional Use Permit 25-02 to allow the sale of alcohol and gasoline dispensing station at a convenience store
Zoning:	Neighborhood Commercial (C-1)
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to Conditions of Approval

Background

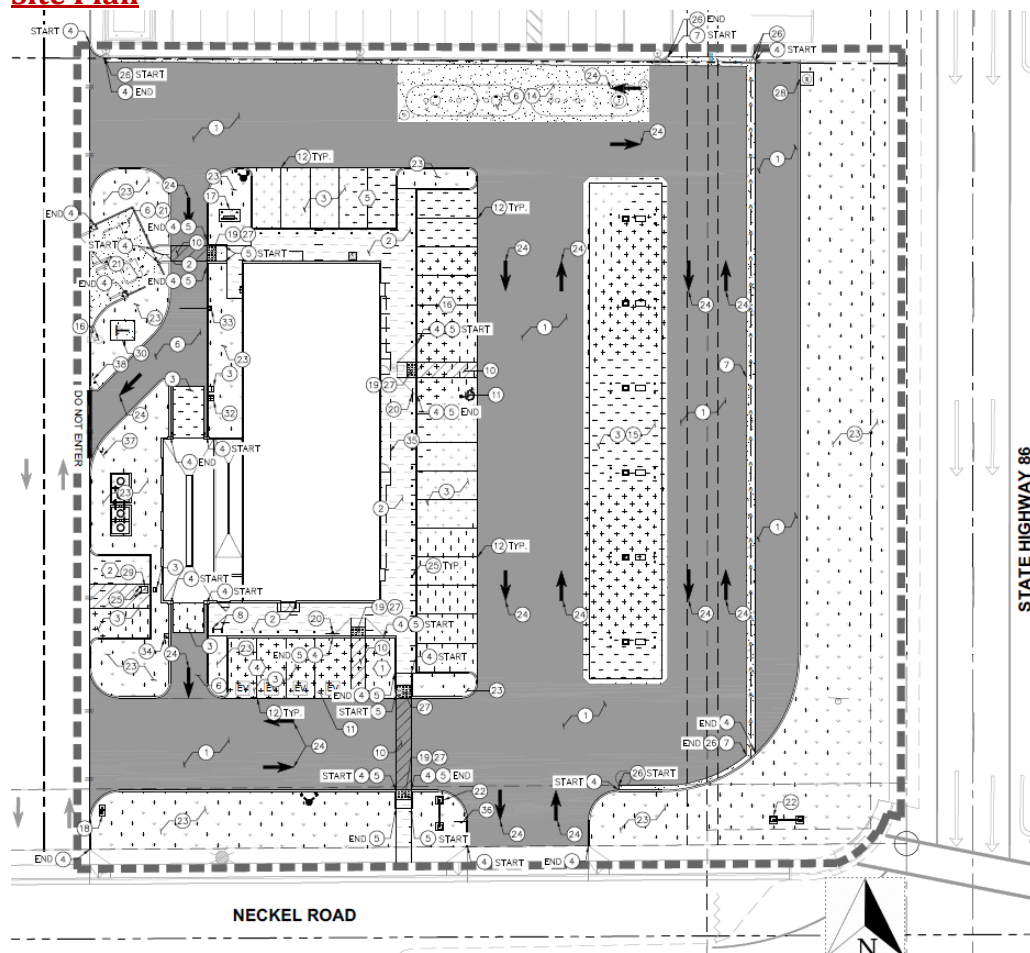
Imperial Hotel Acquisitions, LLC is requesting a Conditional Use Permit to allow the sale of alcohol and a fuel station at a proposed Circle K convenience store at the corner of Highway 86 and Neckel Road. The project site is further identified as 1400 N. Imperial Avenue with an Assessor Parcel Number of 063-314-004. The project consists of the development of a 5,200 square foot convenience store, a 1,428 square foot car wash, and a fuel canopy housing six fuel pumps for gasoline dispensing. Additional improvements consist of a twenty-eight-space parking lot, underground fuel storage tanks, landscaping fronting the property, and improvements along SR 86 and Neckel Road. Mr. Najar will apply for a Type 21 license with the Department of Alcoholic Beverage Control, which authorizes the general off-sale of liquor in California after the Conditional Use Permit approval. The approved license allows businesses to sell a broader selection of alcoholic beverages, including beer, wine, and

distilled spirits for off-site consumption, which is essential for retail establishments looking to expand their offerings beyond just beer and wine.

The sale of alcoholic beverages is allowed in the Neighborhood Commercial (C-1) Zone with a Conditional Use Permit and a valid ABC license. ABC is the regulating agency responsible for the final issuance of the license after the City provides the approved Conditional Use Permit and monitors the Applicant's compliance. The proposed hours of operation are 24 hours daily.

The Development Review Committee reviewed the application, and the Imperial Police Department recommended that the Applicant provide regular training on responsible alcohol sales, which includes recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors. The Imperial County Fire Department required the Applicant to submit a Hazardous Waste Material Plan to the State Department of Toxic Substances' Certified Unified Program Agency for approval and regulation of their underground hazardous materials storage tanks for compliance. The recommendations were incorporated into the Conditions of Approval provided in Resolution PC2025-06 (Attachment A).

Site Plan



Project Location



Discussion/CEQA Analysis

Land Use - The subject site is zoned within the Neighborhood Commercial (C-1) Zone, which is intended for professional, administrative offices, restaurants, and neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance in Commercial Zones. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals. The surrounding designated land uses are as follows:

Direction	Land Use	Zoning
North	Cambria Hotel	Neighborhood Commercial (C-1)
South	Undeveloped Land	Neighborhood Commercial (C-1)
East	Mixed Residential Land Uses	Residential Single-Family (R-1)/Residential Apartment (RA)/Planned Unit Development (PUD)
West	Undeveloped Land	Neighborhood Commercial (C-1)

The relationship between land use and zoning compatibility within the Imperial General Plan is important for orderly development. Land uses must be arranged for compatibility with

abutting land uses and properties should be consistent with the land use policy map. Using the General Plan's Land Use Compatibility Matrix, the adjacent land uses of Neighborhood Commercial (C-1) and Residential Single Family (R-1), Planned Unit Development (PUD) and Residential Apartment (RA) land uses are potentially compatible. Potentially compatible land uses may be found compatible based upon provisions established through a Conditional Use Permit's Conditions of Approval.

Traffic and Circulation - The project site is fronting and accessed directly from SR 86. SR 86 is designated as one of the City's major arterials that move traffic through the City from one point to another. To ensure safe and efficient traffic circulation, a 'Right Turn Only' sign will be installed at the project site's exit onto Neckel Road, and a southbound deceleration lane on SR 86 will be installed, along with an access driveway from SR-86 to the site. The deceleration lane will be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. Additionally, deliveries and fuel tank refilling are limited between 7:00 a.m. and 8:00 p.m. to minimize disturbances impacting nearby residences.

Parking – Parking requirements were reviewed during the Site Plan Review process and the project was determined to have met the City's parking requirements via the Applicant's Reciprocal Parking Agreement with the Cambria Hotel.

Vehicle Miles Traveled (VMT) Analysis - Due to the retail nature of the project being a locally serving retail and gasoline station project of less than 50,000 square feet serving the local community, the project is excluded from VMT Analysis.

Environmental Compliance

This item is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3(c), New Construction or Conversion of Small Structures.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a Conditional Use Permit. The required findings are listed below in ***bold italics***, followed by an evaluation:

- 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The subject site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General

Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.***

The location is ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined in Section 24.19.340.B of the Imperial Zoning Ordinance.

- 3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.***

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.

With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.

4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.

The proposed project, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.

Public Notification

The public hearing scheduled for May 28, 2025, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on May 15, 2025. A Notice of Public Hearing was mailed to all property owners within 300 feet of the property. The City of Imperial has not received any public comments for or against this project as of the date of this report's publication.

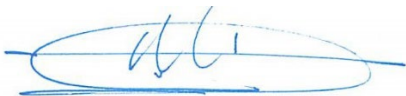
Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit 25-02 to allow the sale of off-sale alcohol sales and a gasoline dispensing station at the proposed Circle K convenience store.

Attachments

- Attachment A – DRAFT Resolution PC2025-06 with Conditions of Approval

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Othon Mora', enclosed within a blue oval shape.

Othon Mora, MCM, CBO
Community Development Director

ATTACHMENT A

***DRAFT* RESOLUTION NO. PC2025-06**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 25-02 TO ALLOW OFF-SALE
ALCOHOLIC BEVERAGE SALES AND GASOLINE DISPENSING AT CIRCLE K
LOCATED AT 1400 N. IMPERIAL AVENUE (APN 063-314-004)**

WHEREAS, Imperial Hotel Acquisitions, LLC submitted an application to allow off-sale alcoholic beverage sales and gasoline dispensing at Circle K located at 1400 N. Imperial Avenue; and

WHEREAS, the subject site is located within the Neighborhood Commercial (C-1) Zone where a store offering alcoholic beverages and gasoline dispensing are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was published on May 15, 2025 in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 25-02, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on May 28, 2025, to hear testimony for and against the proposed Conditional Use Permit;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the project; and

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

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is categorically exempt under Section 15303, Class 3(c), New Construction or Conversion of Small Structures of the California Environmental Quality Act and is exempt from further environmental review requirements; and

- E) That allowing the sales of off-sale alcoholic beverages and gasoline dispensing at the project site is consistent with the land uses allowed within the Neighborhood Commercial (C-1) Zone; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 25-02**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, the Conditions of Approval outlined in Exhibit A, and based on the following findings:
 - 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.

The subject site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.

The location is ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined in Section 24.19.340.B of the Imperial Zoning Ordinance.

3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.

With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.

4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.

The proposed project, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 28th day of May, 2025.

Planning Commission Chairman

ATTEST:

City Clerk

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 25-02
GAS STATION AND CONVENIENCE STORE WITH SALE OF ALCOHOL
1400 N IMPERIAL AVE
APN 063-314-004**

1. Applicant must obtain an approved building permit from the City of Imperial's Community Development Department along with any required development and/or construction plans, including payment of any related project fees for the project located at 1400 N. Imperial Avenue ("Property").
2. This Conditional Use Permit shall only be valid so long as the Type 21 ABC License authorizing the sale of beer, wine and distilled spirits for consumption off the premises where sold, is valid to the proprietor/owner.
3. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control (ABC) license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
4. The provisions of Conditional Use Permit 25-02 are to run with the land/project and shall bind the current and future owner(s), successor(s) in interest, assignee(s), and/or transferor(s) of said project.
5. The Applicant shall pay its proportionate share reimbursement fee for the installation of the Heritage wastewater lift station located in Heritage, as specified in the applicable agreement. The fee shall be calculated at a rate of \$3,656.77 per acre for commercial properties.
6. A deceleration lane on the southbound side of Old SR-86 shall be provided, along with an access driveway from SR-86 to the Property. The deceleration lane shall be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. The design and construction of the deceleration lane and driveway access shall be subject to review and approval by the Community Development Department and Public Services Department and shall conform to all applicable California Department of Transportation and local engineering standards.
7. To ensure safe and efficient traffic flow, a 'Right Turn Only' sign shall be installed at the Property's exit onto Neckel Road. The sign shall be placed in a visible location and subject to the review and approval of the City's Engineer and Community Development Department.
8. Deliveries and fuel tank refilling shall be limited to the hours between 7:00 AM and 8:00 PM to minimize impacts on nearby residences. No deliveries or refueling shall occur outside of this timeframe, except in an emergency or due to adverse weather conditions..

9. The Applicant shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
10. The Applicant shall be responsible for maintaining the property free of litter at all times.
11. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
12. The approval of Conditional Use Permit 25-02 shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
13. The Applicant shall pay all applicable fees as required by the City, including but not limited to Development Impact and Capacity Fees.
14. Applicant must submit a completed application for a building permit to the Community Development Department within six (6) months of approval of Conditional Use Permit 25-02. If the applicant does not obtain an approved building permit from the Community Development Department, Conditional Use Permit 25-02 becomes null and void based on the final Planning Commission's date of approval.
15. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of Conditional Use Permit 25-02, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth in Conditional Use Permit 25-02, within a reasonable time period, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
16. As between the City and the Applicant, any violation of Conditional Use Permit 25-02 approval may be a "nuisance per se". The City may enforce the terms and conditions Conditional Use Permit 25-02 in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
17. Applicant shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project. Notwithstanding the foregoing, the Applicant's operation and use of the Property as a convenience store and/or motor fuel facility

shall not be considered a nuisance for purposes of this paragraph 17, if the Applicant is in compliance with all applicable laws, rules, and regulations and Conditional Use Permit 25-02.

18. The Imperial Police Department recommends that all Circle K employees undergo regular training on responsible alcohol sales, including recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors.
19. Fire protection water supply shall be reviewed and approved by the Imperial County Fire Department. The review shall include, but not be limited to, public and private fire hydrant locations, required fire flow, fire hydrant specifications, and private fire lines.
20. All fire protection systems, including automatic fire protection systems, shall be designed by a licensed C-16 Contractor and/or licensed Fire Protection Engineer. All systems shall be installed by a licensed C-16 Contractor.
21. The automatic fire protection systems shall be reviewed and approved by the Imperial County Fire Department. This shall include, but not be limited to, the automatic fire sprinkler system, pre-engineered fire suppression systems, commercial cooking fire suppression systems, and other fire protection and fire suppression systems required.
22. All access points shall be reviewed and approved by the Imperial County Fire Department. Access points shall meet the requirements in the California Fire Code. Two (2) approved accessible entries are required for the Property.
23. A Knox Box shall be required for the building and access gates.
24. A Hazardous Waste Material Plan shall be submitted to the Certified Unified Program Agency (CUPA) for their review and approval.
25. All hazardous material and waste shall be handled, stored, and disposed of as per the approved Hazardous Waste Materials Plan in accordance with Federal, State, and local regulations as required.
26. The Applicant shall ensure compliance with all applicable code sections of the California Fire Code.