



PLANNING AND TRAFFIC COMMISSION  
Ruben Rivera – Chairperson  
Lisa Winkler – Vice-Chairperson  
Alice Abatti – Commissioner  
Francisco Curiel – Commissioner  
Viridiana Rosales-Trujillo – Commissioner

# AGENDA

## PLANNING COMMISSION

220 West 9<sup>th</sup> Street  
IMPERIAL, CA 92251

**WEDNESDAY, JANUARY 28, 2026**  
**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 City Council meetings via Livestream at the City of Imperial 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@citofimperial.org](mailto:cityclerk@citofimperial.org)
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](http://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 AGENDA**

**C-1: Approve Planning Commission Meeting Minutes for November 12, 2025.**

**C-2: Approve Planning Commission Meeting Minutes for December 10, 2025.**

**D. PUBLIC HEARING: (DISCUSSION/ACTION-RECOMMEND/DENY)**

**D-1: Subject: Public Hearing, Discussion/Action: Recommend approval of Variance 25-06 for Circle K, to allow the deviation of Section 24.16 of the Municipal Code Pertaining to Sign Regulations for Commercial Zones at 1400 N. Imperial Avenue (APN 063-040-035). The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the Common Sense Exemption, which applies when it is clearly evident that the activity will not have a significant impact on the environment.**

- 1. Public Hearing**
- 2. Staff Report – Public Comment**
- 3. Commission Discussion**
- 4. Close Public Hearing**
- 5. Recommended Action:** Approve/Deny Resolution No. PC2026-01: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING VARIANCE 25-06 FOR CIRCLE K TO ALLOW THE DEVIATION OF SECTION 24.16 OF THE MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS FOR COMMERCIAL ZONES AT 1400 NORTH IMPERIAL AVENUE (APN 063-314-004).

**D. REPORTS**

**D-1: Commissioners' Reports**

**D-2: Staff Reports**

**E. ADJOURNMENT**

**E-1: Subject: Adjourn the Planning Commission meeting until the next regularly scheduled meeting on February 11, 2026, 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*  
*Viridiana Rosales-Trujillo – Commissioner*

# MINUTES

## PLANNING COMMISSION

220 West 9<sup>th</sup> Street  
IMPERIAL, CA 92251

WEDNESDAY, NOVEMBER 12, 2025  
6:30 P.M.

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

**CALLED TO ORDER:** Chairperson Rivera called the meeting to order at 6:30 p.m.

**ROLL CALL:** Commissioner Curiel, Rosales-Trujillo, Vice Chairperson Winkler, and Chairperson Rivera.

**ABSENT:** Commissioner Abatti

**PLEDGE OF ALLEGIANCE:** Viridiana Rosales-Trujillo led the Pledge of Allegiance.

**ADJUSTMENTS TO THE AGENDA:** There were none.

**B. PUBLIC APPEARANCES:** There were none.

**C. CONSENT CALENDAR:**

**C-1: Approve Planning Commission Meeting Minutes for August 13, 2025.**

**C-2: Approve Planning Commission Meeting Minutes for September 24, 2025.**

**Moved by Rosales-Trujillo, seconded by Curiel, to approve the Consent Calendar.**

**AYES:** Curiel, Rosales- Trujillo, Winkler, and Rivera

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Abatti

**MOTION CARRIES: 4-0**

**D. PUBLIC HEARING: (DISCUSSION/ACTION-RECOMMEND/DENY)**

**D-1: Subject: Continued Public Hearing, Discussion/Action: Conditional Use Permit 25-06 for Steve Cochran to allow an accessory structure that exceeds the height limitations set by the Residential Zone Property Development Standards, and Variance 25-03 to allow a deviation**

**from the side yard and front yard setback requirements for an accessory structure located at 221 W. 12th Street (APN 063-215-006). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303, Class 3(e), for new construction or the conversion of small structures.**

Chairperson Rivera opened the public hearing at 6:34 p.m. and asked if anyone wished to speak on this topic. Applicant Steve Cochran gave a brief explanation of his project and answered questions from the Planning Commission Board. Chairperson Rivera closed the public hearing at 6:57 p.m.

**Presenter:** Yvonne Cordro, Planner

**Recommended Actions:**

Approve/Deny Resolution No. PC2025-15: A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING CONDITIONAL USE PERMIT 25-06 AND VARIANCE 25-03 FOR STEVE COCHRAN TO ALLOW THE DEVIATION OF THE RESIDENTIAL ZONE PROPERTY DEVELOPMENT STANDARDS FOR MAXIMUM HEIGHT, SIDE YARD AND FRONT YARD SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 221 WEST 12<sup>TH</sup> STREET (APN 063-215-006)

**Moved by Rosales-Trujillo, seconded by Curiel,** to approve Resolution No. PC2025-15, Conditional Use Permit 25-06 and Variance 25-03.

**AYES:** Curiel, Rosales- Trujillo, and Rivera

**NOES:** Winkler

**ABSTAIN:** None

**ABSENT:** Abatti

**MOTION CARRIES: 3-1**

**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**

Chairperson Rivera adjourned the meeting at 7:06 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 \_\_\_\_\_ day of January 2026.

\_\_\_\_\_  
KRISTINA SHIELDS  
City Clerk



*PLANNING AND TRAFFIC COMMISSION*  
*Ruben Rivera –Chairperson*  
*Lisa Winkler – Vice-Chairperson*  
*Alice Abatti – Commissioner*  
*Francisco Curiel-Commissioner*  
*Viridiana Rosales-Trujillo – Commissioner*

# MINUTES

## PLANNING COMMISSION

220 West 9<sup>th</sup> Street  
IMPERIAL, CA 92251

WEDNESDAY, DECEMBER 10, 2025  
6:30 P.M.

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

**CALL TO ORDER:** Chairperson Rivera called the meeting to order at 6:31 p.m.

**ROLL CALL:** Commissioner Curiel, Rosales-Trujillo, Vice Chairperson Winkler, and Chairperson Rivera

**ABSENT:** Commissioner Abatti

**PLEDGE OF ALLEGIANCE:** Lisa Winkler led the Pledge of Allegiance.

**ADJUSTMENTS TO THE AGENDA:** There were none.

**B. PUBLIC APPEARANCES:** There were none.

**C. PUBLIC HEARING: (DISCUSSION/ACTION-RECOMMEND/DENY)**

**C-1: Subject: Public Hearing, Discussion/Action: O Street Vacation Between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15305, Class 5-Minor Alterations in Land Use Limitations.**

Chairperson Rivera opened the public hearing at 6:33 p.m. and asked if anyone wished to speak on this topic. Applicant Raul Parra gave a brief explanation of his project and answered questions from the Planning Commission Board. Chairperson Rivera closed the public hearing at 6:43 p.m.

**Presenter:** Yvonne Cordero, Planner

**Recommended Actions:**

Approve/Deny Resolution No. PC2025-16: 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 2<sup>nd</sup> STREET AND 3<sup>rd</sup> STREET.

**Moved by Winkler, seconded by Curiel, to approve Resolution No. PC2025-16.**

**AYES:** Curiel, Rosales- Trujillo, Winkler, and Rivera

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Abatti

**MOTION CARRIES: 4-0**

**D. REPORTS:**

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

**D-2:** Staff reported on their upcoming activities since the last Planning Commission meeting.

**ADJOURNMENT**

Chairperson Rivera adjourned the meeting at 6:48 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 \_\_\_\_\_ day of January 2026.

\_\_\_\_\_  
KRISTINA SHIELDS  
City Clerk



# Staff Report

Agenda Item No. D-2

**To:** City of Imperial Planning Commission

**From:** Yvonne Cordero, Planner

**Date:** January 21, 2026

**Item:** Variance 25-06  
Deviation of the Commercial Sign Ordinance to allow for additional signs

<b>Applicant:</b>	Karen Dodge for Circle K
<b>Project Location:</b>	1400 N Imperial Avenue (APN 064-314-004)
<b>Zoning:</b>	(C-1) Commercial Neighborhood
<b>Recommendation:</b>	Staff recommends Planning Commission approval of Variance 25-06

## **Background**

Karen Dodge, President of Municipal Resolutions, submitted an application on behalf of Circle K for the deviation from the City of Imperial's Commercial Sign Ordinance, which allows a maximum of three signs per business. The submitted application's site plan, provided in Attachment B, includes a total of twenty signs for the project – one pole sign fronting Highway 86, three store building signs, two gas station canopy signs, thirteen directional signs, and one monument sign fronting Neckel Road. Since the thirteen directional signs are not considered business signs, the applicant is requesting a variance to allow an additional four business signs at the new Circle K convenience store.

The State of California requires gas stations to display two signs that display the prices of the products they offer. Staff collaborated with the applicant and mutually agreed to include a 35-foot pole sign along Highway 86 for visibility and advertising, and a more decorative monument sign fronting Neckel Road to accommodate and blend into the residential zones surrounding the project site. The inclusion of gas station canopy signs is a common trend that attracts business; however, they are considered business signs and increase the total sign count, requiring applicants to obtain a variance.

The purpose and intent of the sign regulations is to control signs in a manner that maintains a high quality of development throughout the City, encourages the effective use of signs as a means of communication, and ensures fair and consistent enforcement of these sign restrictions. Although the total number of signs may appear excessive, it is important to consider that the city's fuel stations south of this project also display canopy signs, which add to the overall sign count.

### **Required Finding for Variance 25-06**

In order to approve Variance 25-06, the Planning Commission is required to review six findings per Section 24.19.400 of the City of Imperial's Zoning Ordinance. The findings are listed below, along with the reasons why staff consider that the findings are or are not met in this case. These findings are:

- 1. Special circumstances apply to the property. These can be its size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood, which is zoned the same.**

Circle K's parcel is located at a highly visible corner of Highway 86 and Neckel Road, along the city's main arterial roadway. Due to the parcel's large size and the multi-use business on the lot, multiple strategically placed signs are desired to be seen by southbound and northbound highway traffic. Including four additional signs beyond what the City's Sign Ordinance allows will enable Circle K to promote its convenience store, car wash, and charging stations more effectively to potential patrons.

- 2. The Variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood.**

The project site is situated within the C-2 Commercial General Zone, designated for highway-oriented retail, service, and wholesale commercial activities. Approval of the requested Variance aligns with the zone's intended use, fostering highway commercial development while ensuring no adverse impacts on public health, safety, welfare, or neighboring properties.

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

The City of Imperial's Sign Ordinance, Section 24.16.080 for Permitted Signs, allows for a maximum of three (3) business signs per business. Because Circle K will offer a convenience store, car wash, gas station, and EV charging station, additional signs are needed to advertise their services to attract highway traffic. Quick Quack Car Wash and three nearby fuel stations south of the project site also operate with

additional signage. Additional signage will benefit the businesses by attracting southbound and northbound customers traveling along Highway 86.

- 4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

Granting the four additional signs will not constitute a special privilege, as it is becoming common to include additional business signs in our Commercial Zone. Several commercial businesses in the vicinity along Highway 86 have installed additional signage to attract customers traveling along the city's main arterial road.

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

Granting Variance 25-06 does not alter or restrict any use or activity outside the explicitly permitted uses designated within the boundaries of the Commercial Zone, defined by applicable zoning ordinances and land use regulations governing the parcel.

- 6. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.**

The City of Imperial's General Plan Land Use Element addresses regional factors, specifically the Highway 86 Corridor. It describes Highway 86 as the city's main arterial road and a primary route for regional travelers, with high daily traffic. The benefits of a Commercial Zone along the highway include the opportunity to capitalize on potential sales tax revenue from businesses along the corridor. The goals outlined in the General Plan's Goals, Policies, and Actions include:

**Goal #1 - Growth & Development**

To implement the successful transformation of the city from a small town into a medium, full-service City while maintaining its rural character via planned and orderly development.

**Goal #4 - Economic Prosperity**

Achieve a balanced and varied economic base which provides a broad range of goods, services, and employment for the City's residents and the region in a manner that is aesthetically pleasing and consistent with the character areas.

The recommended approval of Variance 25-06 aligns with the goals of the Land Use Element in the General Plan. The approval will promote growth and development by giving the business greater visibility, attracting more commercial establishments to the area, and attracting patrons who will support Circle K and the city's economic prosperity.

## Land Use Analysis

The project site, Assessor's Parcel Number 064-314-004, consists of an approximately 1.85-acre vacant parcel within the C-1 Commercial Zone on the corner of Highway 86 and Neckel Road. The surrounding areas' zone and land uses are as follows:

DIRECTION	ZONING	LAND USE
North	C-1 Commercial Neighborhood	Commercial
East	R-1 Single Family Residential	Residential
South	C-1 Commercial Neighborhood	Residential
West	C-1 Commercial Neighborhood and R-1 Single Family Residential	Commercial Residential



## CEQA Analysis:

### **1. No significant environmental impact:**

The variance request will not result in significant environmental effects. No sensitive environmental resources, such as wetlands or endangered species habitats, are present at or near the location. The project will not significantly impact air quality, noise levels, or traffic.

### **2. Land Use Consistency:**

The existing project is located within the (C-1) Commercial Neighborhood Zone, with (R-1) Residential Zones surrounding the project site to the east and west. Signs within the Commercial Zone are regulated by our sign ordinance, which allows three signs per business. The surrounding residential zones were considered when requesting modifications, which the applicant complied with by modifying the originally proposed 35-foot pole sign and replacing it with a 20-foot decorative monument sign to align with the existing and surrounding zones and land uses.

### **3. Adequate Infrastructure:**

The variance request will not result in an increase in population or demand for public services that would exceed the capacity of public utilities.

### **4. Traffic and Parking Considerations:**

The variance request does not present to have a significant impact on traffic generation.

**Environmental Compliance and Noticing Requirements:**

This project is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3)-Common Sense Exemption, which applies to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The public hearing scheduled for January 28, 2026, was duly noticed in the Holtville Tribune and Imperial Valley Weekly newspapers of general circulation on January 15, 2026. A Notice of Public Hearing was mailed to all property owners within 300 feet of the project site.

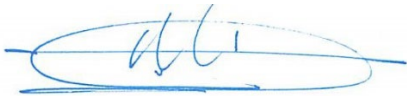
**Recommendation**

It is recommended that the Planning Commission hold a public hearing to gather comments for and against the project. Unless sufficient evidence to the contrary is presented, staff recommends approving Variance 25-06 to allow four additional signs for Circle K.

**Attachments**

- Attachment A – DRAFT Resolution PC2026-01 with Conditions of Approval
- Attachment B - Site Plan

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. PC2026-01**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF  
IMPERIAL, APPROVING VARIANCE 25-06 FOR CIRCLE K TO ALLOW THE  
DEVIATION OF SECTION 24.16 OF THE MUNICIPAL CODE PERTAINING  
TO SIGN REGULATIONS FOR COMMERCIAL ZONES  
AT 1400 NORTH IMPERIAL AVENUE (APN 063-314-004)**

**WHEREAS**, Circle K submitted a variance request to deviate from the Municipal Code pertaining to Sign Regulations for Commercial Zones to allow additional signage; and

**WHEREAS**, a duly notified public hearing was held by the Planning Commission during a meeting on January 28, 2026; and

**WHEREAS**, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comments received, the Planning Commission considered all facts relating to the request for Variance 25-06.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Imperial grants 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) Installation and alteration of the property and deviation from the Municipal Code Pertaining to Sign Regulations for Commercial Zones are ministerial and therefore categorically exempt from the California Environmental Quality Act per Section 15061 [b][3].
- D) 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
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorical Exempt under Section 15061[b][3] of the California Environmental Quality Act; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Variance 25-06** for Circle K to allow for the deviation of the Municipal Code Pertaining to Sign Regulations for Commercial Zones, subject to the Conditions of Approval outlined in Exhibit A and based on the following findings:

- 1. Special circumstances apply to the property. These can be its size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same.**

Circle K's parcel is located at a highly visible corner of Highway 86 and Neckel Road, along the city's main arterial roadway. Due to the parcel's large size and the multi-use business on the lot, multiple strategically placed signs are desired to be seen by southbound and northbound highway traffic. Including four additional signs beyond what the City's Sign Ordinance allows will enable Circle K to promote its convenience store, car wash, and charging stations more effectively to potential patrons.

- 2. The Variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood.**

The project site is situated within the C-2 Commercial General Zone, designated for highway-oriented retail, service, and wholesale commercial activities. Approval of the requested Variance aligns with the zone's intended use, fostering highway commercial development while ensuring no adverse impacts on public health, safety, welfare, or neighboring properties.

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

The City of Imperial's Sign Ordinance, Section 24.16.080 for Permitted Signs, allows for a maximum of three (3) business signs per business. Because Circle K will offer a convenience store, car wash, gas station, and EV charging station, additional signs are needed to advertise their services to attract highway traffic. Quick Quack Car Wash and three nearby fuel stations south of the project site also operate with additional signage. Additional signage will benefit the businesses by attracting southbound and northbound customers traveling along Highway 86.

- 4. The granting of the Variance or its modifications will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

Granting the four additional signs will not constitute a special privilege, as it is becoming common to include additional business signs in our Commercial Zone. Several commercial businesses in the vicinity along Highway 86 have installed additional signage to attract customers traveling along the city's main arterial road.

5. **The granting of this Variance does not allow a use or activity which is not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

Granting Variance 25-06 does not alter or restrict any use or activity outside the explicitly permitted uses designated within the boundaries of the Commercial Zone, defined by applicable zoning ordinances and land use regulations governing the parcel.

6. **That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.**

The City of Imperial's General Plan Land Use Element addresses regional factors, specifically the Highway 86 Corridor. It describes Highway 86 as the city's main arterial road and a primary route for regional travelers, with high daily traffic. The benefits of a Commercial Zone along the highway include the opportunity to capitalize on potential sales tax revenue from businesses along the corridor. The goals outlined in the General Plan's Goals, Policies, and Actions include:

**Goal #1 - Growth & Development**

To implement the successful transformation of the city from a small town into a medium, full-service City while maintaining its rural character via planned and orderly development.

**Goal #4 - Economic Prosperity**

Achieve a balanced and varied economic base which provides a broad range of goods, services, and employment for the City's residents and the region in a manner that is aesthetically pleasing and consistent with the character areas.

The recommended approval of Variance 25-06 aligns with the goals of the Land Use Element in the General Plan. The approval will promote growth and development by giving the business greater visibility, attracting more commercial establishments to the area, and attracting patrons who will support Circle K and the city's economic prosperity.

**PASSED, ADOPTED AND APPROVED** by the Planning Commission of the City of Imperial, this 28<sup>th</sup> day of January 2026.

---

Planning Commission Chairperson

ATTEST:

---

City Clerk

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL Variance 25-06 for Circle K 1400 N. Imperial Avenue (APN 063-314-004)**

1. The owner shall indemnify, defend, and hold harmless the City of Imperial and its officers, officials, employees, and agents from and against any claims, liabilities, damages, or costs arising out of or related to Variance 25-06.
2. The provisions of Variance 25-06 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.
3. The owner shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
4. The owner shall be responsible for ensuring that the property is kept clean and free of litter at all times, including regularly removing waste and debris to maintain proper sanitation and appearance.
5. The owner 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.
6. The approval of Variance 25-06 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.
7. The owner shall be responsible for paying all applicable fees as required by the city, including but not limited to permit fees, processing fees, and other related charges.
8. If the Community Development Department finds and determines that the owner or successor-in-interest has not complied or cannot comply with the terms and conditions of Variance 25-06, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the owner with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) the owner fails to comply, and/or (2) the owner cannot comply with the conditions set forth in the Variance, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
9. As between the City and the owner, any violation of Variance 25-06 approval may be a "nuisance per se". The City may enforce the terms and conditions of Variance 25-06 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.

10. The owner 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.
11. The project shall comply with all applicable fire codes, NFPA standards, and any other regulations related to the project, as reviewed by the Imperial County Fire Department.
12. The owner is responsible for ensuring that all signs are clean, well-maintained, and fully functional at all times.
13. The owner shall obtain all required permits, including but not limited to building permits, encroachment permits, grading permits, and any other permits or approvals required by the City, County, or other applicable agencies, prior to commencement of any construction, installation, or site work related to the project. All work shall be completed in compliance with approved plans and applicable codes.