



PLANNING COMMISSION
Samuel Ross, Chair
Charles Lucas, Vice Chair
Steven Honse, Commissioner
Geoffrey Holbrook, Commissioner
Robert McDade, Commissioner

CITY HALL 420 South Imperial Avenue, Imperial, California 92251
Phone (760)355-4371 || **Fax** (760)355-4718 || **web:** <http://www.cityofimperial.org>

AGENDA

PLANNING COMMISSION AND TRAFFIC COMMISSION REGULAR MEETING

200 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, April 10, 2019
6:30PM

Members of the audience are invited to speak on any item on or off the agenda. If the item is an agenda item, you will be permitted the opportunity to address the Planning Commission when the matter is considered. If you wish to speak on a matter which is not on the agenda, you will be given the opportunity to do so at the Public Comment section. When wishing to address the Planning Commission, please rise and state your name and address for the record. The Chairman reserves the right to place a time limit on each person's presentation of five (5) minutes.

A. PLANNING COMMISSION CALL TO ORDER:

6:30 PM
ROLL CALL
PLEDGE OF ALLEGIANCE

B. PUBLIC APPEARANCES

C. NEW BUSINESS: (DISCUSSION/ACTION –RECOMMEND/DENY)

C-1 Public Hearing, Discussion/Action: Review proposed amendments to existing Conditions of Approval for the tentative Mayfield Unit 3C Subdivision.

1. Open Public Hearing.
2. Staff Report.
3. Public Testimony.
4. Commission Discussion.
5. Recommended Action: Approve **RESO No. PC2019-09**, granting the amendments to the following conditions of approval: #'s 10, 11, 12, 14, 17, 20, 21, 22, 23, 24 and 29 for the proposed Mayfield Unit 3C Subdivision.

C-2 Discussion/Action: Time Extension request for Conditional Use Permit (18-03) AM/PM Car Wash.

1. Staff Report.
2. Commission Discussion.

ADJOURN PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING.

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.



Staff Report

Agenda Item No.

C-1

To: City of Imperial Planning Commission

From: Lisa Tylenda, Planner

Date: April 10, 2019

Subject: Proposed Amendment to Mayfield Subdivision Conditions of Approval for Unit 3C
Martin D. Coyne
APN: 044-200-099; Imperial, CA 92251

Background:

The Planning Commission previously approved Conditions of Approval for the “Doyle Ranch Subdivision” in July 2004, which is now known as the Mayfield Subdivision. Historically, the Mayfield subdivision was owned by one developer. After the housing market crash, Mayfield became a failed subdivision. Since then, the parcels have been sold to different developers. The Conditions of Approval are outdated and are not tailored to existing conditions nor to the actual “phases” in which the subdivision has been developed since the crash.

The existing conditions of approval are tied to the entire subdivision as a whole. There are not any trigger areas in place for the required improvements, nor reimbursement agreements at the moment. Best practice is to treat every development in this subdivision as though nothing will ever be built out. In that scenario we require the developer to comply with all the conditions of approval.

PROPOSED CONDITION MODIFICATIONS/AMENDMENTS REQUESTED:

#’s10-11-12: Applicant requests that the city issue a will serve letter so it may be included to the applicants lender in its loan package and use it to complete it due diligence with the seller.

#14: Applicant is requesting in writing that the small park on the tentative map is to be eliminated in favor of the developer paying park fees with the funds going towards a large regional park.

#17: Applicant is requesting changing this condition as suggested and supported by staff to change wording from creating an HOA to adding 3C to the CFD services annual fee as being charged on Mayfield units 1 and 2. This would be equal to a LLMD [Landscape Lighting and Maintance District] as this levy system is already established. The city would take control and appropriate funding for landscaping and lighting will be in place.

#20: Applicant requests that this condition be eliminated as this condition is typically only requested for commercial projects or never.

#21: Applicant is requesting this condition be changed to granting all public areas to the city as there will not be an HOA and will be built out as a standard single family subdivision.

#22-23-24: Applicant requests the these conditions be eliminated as the applicant will be paying park fees instead to the city to develop a large regional park.

#29: Applicant requests direction and concurrence from staff, commission and council of where and what location of installing an east boundary wall of the subdivision.

Environmental Compliance:

The project has already been previously cleared/mitigated from CEQA during the original Tentative Map Process for the project.

Recommendation:

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the proposed amendments. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution PC2019-09** approving the amendment to existing conditions of approval for the Mayfield Subdivision Unit 3C located at APN: 044-200-099; Imperial, CA 92251 subject to Conditions of Approval.

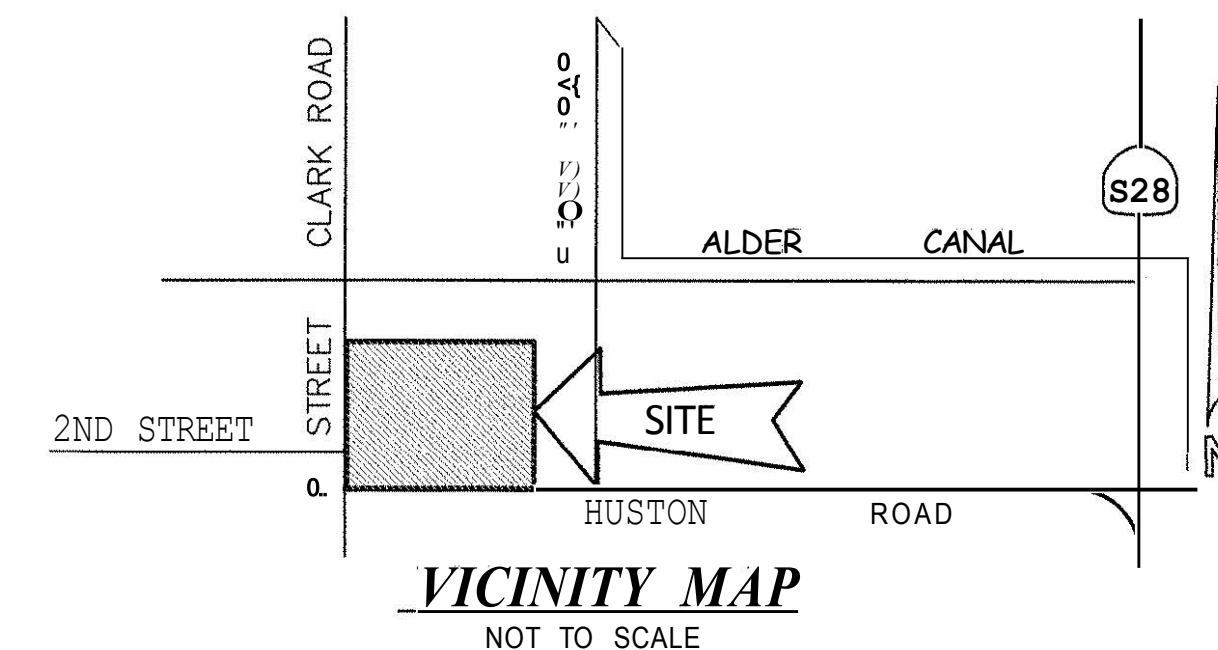
Attachments:

- Tentative Map
- Original Conditions of Approval with the proposed Conditions of Approval in red
- Resolution PC 2019-09
- Location Map

TENTATIVE MAP(RPL-2) - MAYFIELD RANCH SUBDIVISION

CITY OF IMPERIAL, IMPERIAL COUNTY, CALIFORNIA

UNIT 3C



LEGAL DESCRIPTION

THE SOUTH HALF OF THE SOUTH HALF OF THE EAST 320 ACRES OF TRACT 106, TOWNSHIP 15 SOUTH, RANGE 14 EAST, S.8.M., IN AN UNINCORPORATED AREA OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ALL OF THE OIL, GAS, HYDROCARBON SUBSTANCES AND ALL OTHER MINERALS, WHETHER SOLID, LIQUID OR GASEOUS, INCLUDING, BUT NOT LIMITED TO HOT WATER, STEAM, GEOTHERMAL RESOURCES, GEOTHERMAL ENERGY, AND EXTRACTABLE MINERALS, IN AND UNDER SAID LAND LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF, WITHOUT HOWEVER THE RIGHT OF ENTRY THROUGH THE SURFACE THEREOF FOR THE PURPOSE OF PRODUCTION AND EXTRACTION OF THE FORESAID MINERALS AS RESERVED BY F.A.D. FARMS, INC., A CALIFORNIA CORPORATION IN DEED RECORDED APRIL 18, 1991, AS FILE NO. 91006921 IN BOOK 1670, PAGE 1730 OF OFFICIAL RECORDS.

ASSESSOR PARCEL NOS.

A.P.N. 044-200-50-01 & 044-200-51-01
AREA: 80.01 ACRES

OWNER

PGC-MAYFIELD, L.P.
2030 JAIN STREET, STE. 240
IRVINE, CA 92614

DEVELOPER

PACIFIC CENTURY HOMES
525 W. MAIN STREET, STE. 17
EL CENTRO, CA 92243

WILLIAM W. LO

TITLE: PRESIDENT

DATE

CIVIL ENGINEER

WILLIAM H. MCKNIGHT, P.E.
HALE ENGINEERING
7910 CONVOY COURT
SAN DIEGO, CA 92111

WILLIAM H. MCKNIGHT
RCE 69028, EXP 6/30/08
DATE 9-21-07



AERIAL TOPOGRAPHY:

SAN-LO AERIAL SURVEYS
4/29/04

DATUM

BASIS OF BEARINGS: THE BASIS OF BEARINGS FOR THIS MAP IS 71°E CCS 83, ZONE 6, GRID BEARING BETWEEN FIRST ORDER STATION "VGN 38" AND FIRST ORDER STATION "VGN 41", PER RECORD OF SURVEY 13-56 I.E. N 36°28'54" E

BENCHMARK: COUNTY OF IMPERIAL, D 1225
ELEVATION: -57.18' (ALL ELEVATIONS RAISED 1000.00 FEET)

FLOOD ZONE

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP, PANEL 060065 0800 8, THE SITE IS LOCATED IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING.

RECORDED EASEMENTS

(A) AN EASEMENT GRANTED TO THE COUNTY OF IMPERIAL FOR ROAD PURPOSES RECORDED IN BOOK 48, PAGE 164 OF DEEDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. AFFECTS OVER THE EAST 30 FEET OF SAID PROPERTY.

(B) AN EASEMENT GRANTED TO SOUTHERN CALIFORNIA TELEPHONE COMPANY RECORDED IN BOOK 597, PAGE 274 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. AFFECTS THE WESTERLY 20 FEET OF SAID PROPERTY.

(C) AN AGREEMENT BETWEEN ALLAN R. HEVENER AND H.F. McWILLIAMS RELATIVE TO MAINTENANCE AND USE OF AN EASEMENT FOR THE DRAIN OUTLET RECORDED 11-06-1952 IN BOOK 848, PAGE 274 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

(D) AN EASEMENT GRANTED TO ALLAN HEVENER FOR A SUPPLY DITCH RECORDED APRIL 14, 1955 IN BOOK 848, PAGE 5 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS. AFFECTS OVER THE EAST 30 FEET OF SAID LAND.

(E) AN EASEMENT GRANTED TO IMPERIAL IRRIGATION DISTRICT FOR OPEN AND/OR UNDERGROUND CONCRETE LINED CANALS, OVERHEAD AND/OR UNDERGROUND TELEPHONE AND/OR UNDERGROUND AND/OR ELECTRIC POWER LINES RECORDED IN BOOK 1000 1559, PAGE 1388 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

(F) AN EASEMENT GRANTED TO IMPERIAL IRRIGATION DISTRICT FOR OPEN AND/OR UNDERGROUND CONCRETE LINED CANALS, OVERHEAD AND/OR UNDERGROUND TELEPHONE AND/OR UNDERGROUND AND/OR ELECTRIC POWER LINES RECORDED IN BOOK 1000 1559, PAGE 1388 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

(G) THAT PORTION OF SAID LAND LYING WITHIN A STRIP OF LAND 50 FEET IN WIDTH, THE CENTER LINE OF WHICH IS THE CENTER LINE OF THE CONCRETE LINED DATE CANAL AS CONSTRUCTED ACROSS THE WEST SIDE OF SAID LAND, IT IS EXPRESSLY UNDERSTOOD THAT THE EAST BOUNDARY OF SAID RIGHT-OF-WAY SHALL BE 30 FEET EAST OF THE CENTER LINE OF THAT CERTAIN DATE CANAL, IS NOW CONSTRUCTED ALONG THE WEST SIDE OF THE HEREIN DESCRIBED LAND.

(H) AN EASEMENT GRANTED TO IMPERIAL IRRIGATION DISTRICT FOR OPEN AND/OR UNDERGROUND CONCRETE LINED CANALS, OVERHEAD AND/OR UNDERGROUND TELEPHONE AND/OR ELECTRIC POWER LINES RECORDED IN BOOK 1000 1559, PAGE 1388 OF OFFICIAL RECORDS. REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

EASEMENTS WITHIN UNIT NO 1 PER MAP RECORDED APRIL 18, 2006 IN BOOK 25, PAGES 15-18 OR OFFICIAL RECORDS.

EASEMENTS WITHIN UNIT NO 2 PER MAP RECORDED APRIL 18, 2006 IN BOOK 25, PAGES 19-22 OF OFFICIAL RECORDS.

LEGEND

PROPERTY BOUNDARY	---
RIGHT OF WAY	---
EXISTING CONTOURS	---
EXISTING SPOT ELEVATIONS	...
LOT NUMBERS	9
LOT LINES	---
CURB & GUTTER	---
WATER MAIN	---
SEWER MAIN	---
SEWER MANHOLE	---
SEWER FORCE MAIN (PER UNIT 1)	---
CURB INLET	---
S.D./JUNCTION BOX	---
FIRE HYDRANT	---
STREET LIGHT	---
DIRECTION OF FLOW	---

NOTES:

UNIT 1 FINAL MAP RECORDED APRIL 18, 2006 IN BOOK 25, PAGES 15-18 (LOTS 1 - 87).
UNIT 2 FINAL MAP RECORDED APRIL 18, 2006 IN BOOK 25, PAGES 19-22 (LOTS 88 - 185).

TYPICAL STREET SECTION

STREETS "D" & "E"

NOT TO SCALE

TYPICAL STREET SECTION

FIRST ST. (FACING EAST)

NOT TO SCALE

TYPICAL STREET SECTION

CROSS RD. (FACING NORTH)

NOT TO SCALE

TYPICAL STREET SECTION

INTERIOR STREET

NOT TO SCALE

TYPICAL STREET SECTION

FOURTH STREET

NOT TO SCALE

DESIGN CRITERIA

1. WATER AND SEWER FACILITIES FROM THE CITY OF IMPERIAL.
2. GRADING AND DRAINAGE PLAN TO BE APPROVED BY THE CITY OF IMPERIAL CITY ENGINEER PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
3. ALL IMPROVEMENTS TO MEET AND COMPLY WITH ALL STANDARD CODES AND ORDINANCES OF THE CITY OF IMPERIAL.
4. SEWER LINES TO SLOPE A MINIMUM OF 0.004 FT/FT.
5. GUTTER FLOWLINE GRACES TO SLOPE A MINIMUM OF 0.02 FT/FT.
6. STREET NAMES TO BE APPROVED BY THE CITY OF IMPERIAL PLANNING DEPARTMENT.
7. UNDERGROUND CONDUITS FOR ELECTRICAL POWER, CABLE TELEVISION, AND TELEPHONE TO BE LOCATED IN PARKWAYS BETWEEN SIDEWALKS AND PROPERTY LINE.
8. ESTIMATED POPULATION EQUIVALENTS:
R-1 4 PERSONS/LOT
R-1 (135 GALS/PERSON) 540 GALS/LOT

10. ESTIMATED AVERAGE DAY SEWAGE DISCHARGE:
R-1 (100 GALS/PERSON) 400 GALS/LOT
ESTIMATED DISCHARGE AT FULL DEV.(AVERAGE FLOW) 160,400 GALS/DAY
ESTIMATED DISCHARGE AT FULL DEV.(200 GALS/PERSON/PEAK FLOW) 320,800 GALS/DAY
11. STORM DRAIN:
RETENTION BASIN DESIGN TO STORE 100% OF A 100-YEAR STORM (3 INCHES OF RAIN).
CONVEYANCE SYSTEM TO BE DESIGNED TO A 25-YEAR FREQUENCY STORM.
12. BUILDING SET-BACKS: LOTS 1-185
FRONT YARD SET-BACK 20 FT.(MIN.) SIDE YARD SET-BACK AT CORNER 10 FT.(MIN.)
SIDE YARD SET-BACK 5 FT.(MIN.) REAR YARD SET-BACK 10 FT.(MIN.)
-LOTS 186-288, 395-401
BUILDING SET-BACKS TO BE DETERMINED PER P.U.D.
-LOT 186-191 BACKS
TO BE DETERMINED PER P.U.D.
13. A MINIMUM OF TEN OFF-STREET PARKING SPACES (18' X 9') SHALL BE PROVIDED AT THE PARK

PUBLIC SERVICES & UTILITIES

SCHOOL DISTRICT(S) IMPERIAL UNIFIED SCHOOL DISTRICT
FIRE SERVICE IMPERIAL COUNTY FIRE DEPARTMENT EMERGENCY SERVICES
POLICE IMPERIAL COUNTY SHERIFFS DEPARTMENT
WATER CITY OF IMPERIAL
SEWER CITY OF IMPERIAL
ELECTRIC IMPERIAL IRRIGATION DISTRICT
GAS THE GAS COMPANY (SEMPRA ENERGY)
TELEPHONE SBC
CABLE/TELEVISION ADELPHI COMMUNICATIONS

LAND USE DESIGNATIONS

EXISTING ZONE: A (SP)
NORTH A (SP)
EAST A (SP)
SOUTH A (SP)
WEST A (SP)
PROPOSED ZONE: LOTS 186-401
P.U.D. 1 LOT (1.10 AC)
PARK/RETENTION BASIN 2 LOTS (4.84 AC)

uALE E'ATG Th' E'ATG
CML ENGINEERING SURVEYING LAND PLANNING
7910 CONVOY COURT
SAN DIEGO, CA 92111
(858) 715-1422
(858) 715-1424 F.

TENTATIVE MAP
MAYFIELD RANCH SUBDIVISION
CITY OF IMPERIAL
COUNTY OF IMPERIAL, CALIFORNIA

SHEET
1
OC-
1

RESOLUTION NO. PC07-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL OF THE MAYFIELD RANCH PLANNED UNIT DEVELOPMENT TENTATIVE TRACT MAP AND REVISION TO THE DOYLE RANCH TENTATIVE TRACT MAP

WHEREAS, Pacific Century Homes, LLC has submitted an application for a Planned Unit Development, Zone Change and General Plan Amendment for certain real property described as follows:

The south half of the south half of the east 320 acres of Tract 106, Township 15 South, Range 14 East, San Bernardino Meridian, in an unincorporated area of the County of Imperial, State of California, according to Official Plant thereof.

Excepting therefrom all of the oil, gas, hydrocarbon substances and all other minerals, whether solid, liquid, or gaseous; including, but not limited to hot water, steam, geothermal resources, geothermal energy, and extractable minerals, in and under said land lying below a depth of 500 feet from the surface thereof; without however the right of entry through the surface thereof for the purpose and extraction of the aforesaid minerals as reserved by F.A.D. Farms, Inc., a California Corporation in Deed recorded April 18, 1991, as File No. 91006921 in Book 1670, Page 1730 of Official Records; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on September 19, 2007; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the Initial Environmental Study, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the Mayfield Ranch Planned Unit Development Tentative Tract Map and revision to the Doyle Ranch Tentative Tract Map.

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) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of the Mayfield Ranch Planned Unit Development Tentative Tract Map and revision to the Doyle Ranch Tentative Tract Map, subject to Conditions of Approval outlined in Exhibit A; and
- C) All recommendations made by the Planning Commission are based on the following findings:
 - 1. 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.
 - 2. The project is in compliance with the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.

3. The initial environmental assessment shows that there is no substantial evidence that the Tentative Tract Map may have a significant impact on the environment.
4. 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.
5. The proposed Tentative Tract Map and revised Tentative Tract Map are consistent with the intent of the Imperial General Plan to maintain land use designation consistency within the incorporated area of a City's and its sphere of influence.
6. The proposed Tentative Tract Map and revised Tentative Tract Map are consistent with the policies and the land uses of the existing City of Imperial General Plan.
7. The proposed Tentative Tract Map and revised Tentative Tract Map are consistent with the objective of the City of Imperial Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 12th day of September 2007.

Planning Commission Chairman

ATTEST:

Planning Secretary

RESOLUTION PC07-22

EXHIBIT A

CONDITIONS OF APPROVAL

for

Mayfield Ranch Planned Unit Development Tentative Tract Map and revision to the Doyle Ranch Tentative Tract Map

1. The development plan shall be as shown on the following exhibits, collectively described as Exhibit "B," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Planning Director if found to be in substantial conformance to this development plan.
 - a. Mayfield Ranch Tentative Tract Map
 - b. Conceptual Landscape Plan
 - c. Floor Plans
 - d. Colored Elevations at Paseos
 - e. Colored Elevations at Drive Lanes
2. The project shall be subject to the use standards outlined in the Planned Unit Development Ordinance and site development standards as follows:

Daybreak Development Standards	Requirements
Front Setback	20' minimum
Rear Yard Setback	
Living Area	10' minimum
Porches/Patios	5' minimum
Side Yard Setback	5' minimum
Street Side Yard Setback	10' minimum
Driveway Curb-Cuts	20' maximum
Distance between structures	5' minimum

Kensington

Development Standards

Requirements

Front Yard Setback – for the purposes of this Planned Unit Development, the front yard shall be defined as that area occupied by the paseo and setback shall be measured from the property line

Living Area/House	24' minimum
Covered Porch	18' minimum

Rear Yard Setback – for the purposes of this Planned Unit Development, the rear yard shall be that area adjacent to drive lanes and occupied by the garage

Garages	15' minimum
Porches/Patios	20' minimum

Side Yard Setback 5' minimum

Street Side Yard Setback 10' minimum

Distance between structures 5' minimum

3. Developer/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.
4. The Developer/Applicant shall offer for dedication all rights of way, easements, or parcels of land required for both on-site and off-site construction of streets, pipelines, utilities and the storm water retention basin.
5. The Developer/Applicant shall pay all impact and capacity fees.
6. The Developer/Applicant shall pay any and all amounts as determined by the City of Imperial to defray all costs for the review of maps, drawings, reports, field investigations, or other activities related to compliance of this project with City ordinances and/or any other laws, regulations, or requirements that apply. No Tract Map shall record until such costs have been paid to the City.
7. All maps, plans, studies, cost estimates, designs and calculations required for this project shall be subject to the review and approval of the City Engineer, Department of Public Works and Department of Community Development prior to submittal for approval to record the Tract Map.
8. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Tract Map.
9. The Developer shall provide adequate financial assistance to offset the impacts to local law enforcement, fire and school services to ensure the level of service of these

departments are not adversely affected by the estimated population increase as a result of the development of this project.

10. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. A hydraulic study must be submitted to the City to demonstrate that all water pipelines are adequately sized to serve domestic and fire protection demands. The Developer shall construct new water mains and storage facilities in the project area if necessary and built according to City development standards.

Proposed condition: Applicant requests that the city issue a will serve letter so it may be included to the applicants lender in its loan package and use it to complete it due diligence with the seller.

11. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of wastewater. The Developer shall improve the collection system through the construction of new sanitary sewer mains and lift stations where required and in accordance with City development standards.

Proposed condition: Applicant requests that the city issue a will serve letter so it may be included to the applicants lender in its loan package and use it to complete it due diligence with the seller.

12. Developer acknowledges that the potential pace of growth in the City and resulting demand on City services such as water and wastewater may result in such services not being available. Developer acknowledges particular concern with wastewater and agrees that capacity is not allocated until issuance of a building permit. Developer acknowledges that a building permit will not issue unless there is sufficient wastewater capacity based on the total amount of building permits already issued at that time. In order to address a shortage in wastewater capacity, the parties may agree upon the payment of the project's pro rata share for the construction of a new wastewater treatment plant to respond to this project's wastewater demand.

Proposed condition: Applicant requests that the city issue a will serve letter so it may be included to the applicants lender in its loan package and use it to complete it due diligence with the seller.

13. The Developer/Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. Lighting improvements shall include street lights on Cross Avenue, interior streets, paseos, drive lanes, at all intersections, at bus stops and at mail kiosks. The lighting plan shall be reviewed and approved by the City of Imperial Planning and Building Departments.
14. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the recordation of a Tract Map. Landscaping shall be provided in all parks, front yards, drive lanes and paseos. Where perimeter walls are installed, landscaping shall also be provided. All landscaped areas shall be irrigated with automatic sprinkler systems.

Proposed Condition: Applicant is requesting in writing that the small park on the tentative map is to be eliminated in favor of the developer paying park fees with the funds going towards a large regional park.

15. Each front yard shall have a minimum of one (1) tree and five (5) shrubs planted by the Developer.
16. All trees used in landscaping, shall be a minimum of fifteen (15) gallons in size and all shrubs shall be a minimum of five (5) gallons.
17. The Applicant shall form a Home Owners Association (HOA) for all lots with a paseo and record Conditions, Covenants and Restrictions (CC&R's) prior to or concurrently with the Final Map. CC&R's shall include but not be limited to the following:
 - a. Conditions of Approval of this Tentative Tract Map/Planned Unit Development;
 - b. provisions for short and long term maintenance of the paseos;
 - c. reciprocal and public access on all paseos;
 - d. provisions for short term and long term maintenance of landscaping in the paseos and drive lanes;
 - e. provisions for lighting in the paseos;
 - f. provisions for lighting in the drive lanes; and
 - g. posting of no parking signage.

A copy of the recorded CC&R's shall be submitted to the Planning Department prior to issuance of a building permit. Membership in and support of a homeowners association shall be mandatory for all property owners of lots with paseos. The homeowners association shall control all common facilities and shall obtain approval from the Planning Director prior to any modifications of the CC&R's pertaining to or specifying the City or City requirements.

Proposed Condition: Applicant is requesting changing this condition as suggested and supported by staff to change wording from creating an HOA to adding 3C to the CFD services annual fee as being charged on Mayfield units 1 and 2. This would be equal to a LLMD [Landscape Lighting and Maintenance District] as this levy system is already established. The city would take control and appropriate funding for landscaping and lighting will be in place.

18. All mechanical equipment and air conditioning equipment shall be installed a minimum of five feet (5') from any property line.
19. The applicant shall effectively screen from view all ducts, vents, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Director. All required screening shall be provided prior to occupancy.

20. The location of any pad-mounted transformers shall be subject to approval by the Planning Director prior to issuance of permits by the Building and Safety Division. Such transformers shall be screened by landscaping or contained within an enclosure matching the building and with corrugated metal gates, subject to approval by the Imperial Irrigation District. All transformers shall be shown on the plans submitted for issuance of building permits. The applicant shall attempt to locate transformers at the rear of the site.

Proposed Condition: Applicant requests that this condition be eliminated as this condition is typically only requested for commercial projects or never.

21. Prior to the issuance of certificates of use and occupancy, all private open space lots shall be granted in fee to a homeowner's association who shall be responsible for their maintenance and upkeep.

Proposed Condition: Applicant is requesting this condition be changed to granting all public areas to the city as there will not be an HOA and will be built out as a standard single family subdivision.

22. The Developer shall improve the park with appropriate landscaping and playground equipment subject to the review and approval of the Parks Committee. Playground equipment shall consist of equipment suitable for children between the ages of 2 to 5 years old and additional equipment suitable for children between the ages of 5 to 12 years old. The Developer shall also improve the park to include active recreation pursuits such as tennis court or similar uses subject to the review and approval of the parks committee.

Proposed Condition: Applicant requests that these conditions be eliminated as the applicant will be paying park fees instead to the city to develop a large regional park.

23. The Developer shall comply with the Financial Responsibility clause of the Memorandum of Understanding between the City of Imperial and the Imperial Unified School District with regards to mitigation of school impacts. The terms of the Financial Responsibility shall be satisfied prior to the recordation of any Final Map as it relates to cash deposits, dedications and/or funding from a Community Facilities District (CFD). The Development Impact Fees for schools shall be paid prior to issuance of any building permit. The City and the School District will jointly confirm that the terms of the Financial Responsibility have been fulfilled.

Proposed Condition: Applicant requests that these conditions be eliminated as the applicant will be paying park fees instead to the city to develop a large regional park.

24. Prior to the start of any construction activity, a qualified California Department of Fish and Game (CDFG) biologist shall survey the site for any active owl burrows. Any burrows found shall be identified and flagged. Burrows shall not be disturbed during the mating season (February 15 to August 15). After the mating season ends, the burrows shall be destroyed by a qualified CDFG biologist to prevent the return of the owls to these burrows during the next mating season. All mitigation measures outlined in the Mitigated Negative Declaration shall apply.

Proposed Condition: Applicant requests that these conditions be eliminated as the applicant will be paying park fees instead to the city to develop a large regional park.

25. A Grading and Drainage Plan/Study shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan/Study shall address property grading and erosion control which shall include the prevention of sedimentation or damage to off-site properties. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City of Imperial for review and approval. Best Management Practices shall be utilized to minimize or prevent storm water pollution. Prior to the recordation of a Tract Map, the Developer/Applicant shall provide the City with a letter from the Imperial Irrigation District (IID) stating that the plans have been reviewed and approved for the discharge of storm water onto IID facilities.
26. Construction sites shall control dust (PM-10) generation through implementation of the construction mitigation measures detailed in Regulation VIII of the Air Pollution Control District's CEQA handbook and as outlined in the Mitigation Monitoring Program.
27. The Developer/Applicant shall construct a six-foot (6') solid masonry wall along the eastern boundaries of all lots abutting retention basins and parks. A six-foot solid masonry wall shall also be installed on the eastern boundary of Lot 210. Landscaping shall be provided along all walls or fencing abutting roadways. The material and color of all walls required by this section shall be decorative split-faced masonry units consistent with the walls installed along "P" Street/Clark Avenue.
28. All residential development within the project site shall be constructed using building materials and techniques such as dual pane windows, and increased insulation to decrease interior noise levels within dwelling areas to 45 dba or lower.
29. All on-site utilities including power lines, telephone lines, and cable television lines shall be installed underground. In the event that the utility companies, such as the Imperial Irrigation District, determines that on-site utilities cannot be located underground, the Developer/Applicant may install such utilities as needed above ground.

Proposed Condition: Applicant requests direction and concurrence from staff, commission and council of where and what location of installing an east boundary wall of the subdivision.

30. The Developer/Applicant shall provide a soils report indicating, among other things, the suitability of the site for the proposed development, specifications for earthwork, design guidelines for slabs and foundations and recommended roadway sections.
31. The conditional approval of the Tentative Subdivision Map 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. All mitigation measures outlined in the Doyle Ranch Mitigated Negative Declaration are hereby incorporated and made conditions of approval whether restated herein or not.
32. The Developer/Applicant shall obtain, pay for and comply with all permits from the Imperial Irrigation District, and other applicable agencies for all improvements within, across, or affecting the respective rights of way.
33. All Final Tract Maps shall provide for 10-foot public utility easements adjacent to all street rights of way for underground power, communications and cable television systems.

34. All off-site and on-site improvements shall comply with the City of Imperial Development Standards. Where no standards exist, the improvements shall be completed in accordance with the City Engineer's recommendations.
35. The Developer/Applicant shall comply with all requirements of the Imperial County Fire Department. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), and roadway access. All residential water pipelines shall be adequately sized to sustain 1,500 gallons per minute (gpm) for two hours plus peak demand in accordance with the latest edition of the National Fire Protection Association (NFPA) Codes and Standards. Pipeline sizes shall be the next largest standard size with readily available replacement parts (i.e., 12" pipelines for those identified as 10").
36. All cul-de-sacs shall have a minimum unobstructed radius of 60'. For the purposes of this section, obstructions to the cul-de-sac radius include parked cars.
37. Blow-off valves shall be installed for all dead-end water lines.
38. A 26-foot clear area shall be provided along drive lanes, and no parking shall be allowed in the drive lanes. No parking areas shall be clearly marked.
39. The Tentative Subdivision Map shall be valid for a period of two years following the City Council approval and the appeal period. The Developer may request time extensions in accordance with the Subdivision Map Act, but the granting of such time extensions is not automatic and is at the discretion of the City Council.
40. The Developer/Applicant shall record agricultural easements, to put new homeowners on notice regarding the noise, dust, odors and other potential impacts associated with active farming of nearby lands. The Developer/Applicant shall also make homeowners aware of the Imperial County Right to Farm Ordinance when they purchase new homes in the project area.
41. The Tract Map shall include an avigation easement for all lots created. In addition, all lots will be developed and sold with a hold harmless agreement with the City of Imperial and the County of Imperial Airport, and the US Naval Air Facility – El Centro. The avigation easement shall be reviewed and approved by the Imperial County Airport Manager and shall be consistent with the avigation easement recorded for the Sky Ranch Subdivision.
42. The Developer/Applicant shall agree to defend, indemnify and hold harmless the City of Imperial, Imperial County Airport, and the US Naval Air Facility – El Centro and their agents, including consultants, officers and employees from any claim, action or proceeding against the City, County Airport, or Naval Air Facility or their agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys fees, or expert witness costs that may be asserted by any person or entity, including the Developer/Applicant arising out of or in connection with the approval of the Tentative Tract Map and associated Zone Change, General Plan Amendment and Mitigated Negative Declaration, including any claim for private attorney general fees claimed by or awarded to any party from the City, County Airport or Naval Air Facility.

43. All conditions of approval for this Tentative Map shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. It is the responsibility of the applicant to ensure that the project landscape contractor is aware of, and adheres to, the approved landscape and irrigation plans. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.



Staff Report

Agenda Item No.

C-2

To: City of Imperial Planning Commission

From: Lisa Tylenda, Planner

Date: April 5, 2019

Subject: Time Extension request for approved C.U.P (18-03) Carwash at "AM/PM" Gas station in Imperial, CA

Background:

Conditional Use Permit (CUP 18-03) was approved on March 24, 2018 and the permit became effective on April 2, 2018 after the mandatory ten (10) day appeal period. Since the permits approval, the applicant has submitted building and grading permits to the City of Imperials Community Development Department. The Building permit was approved and has been ready for "pick-up" since October 3, 2018. Due to financing constraints, the applicant has not been able to obtain their permits, but is now financially able to- but first must obtain the time extension from the Planning Commission. The applicant is requesting a one (1) year time extension for the Conditional Use Permit in order to secure financing.

The City of Imperial has the following ordinance section "24.19.350 Lapse of Conditional Use Permit" that requires the applicants to request a time extension if they have not commenced building within one year of the approved conditional use permit (Please see attached ordinance). The applicants filed for the time extension request on April 2, 2019.

RESOLUTION NO. PC 2019-10

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A
TIME EXTENSION OF ONE YEAR FOR CONDITIONAL USE PERMIT (CUP 18-03) FOR THE
OPERATION OF A CAR WASH
AT 205 EAST “15TH” STREET; IMPERIAL, CA 92251**

WHEREAS, Paul Marcinkowski submitted a Time Extension Request for Conditional Use Permit (18-03) application for a car wash at 205 E “15th” Street; and

WHEREAS, a hearing was held by the Planning Commission on April 10, 2019; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for Time Extension for Conditional Use Permit (18-03).

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 15301 of the California Environmental Quality Act; and
- E) That the car wash is consistent with those uses allowed in the C-1 Neighborhood Commercial Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** the Time Extension Request for Conditional Use Permit 18-03 (CUP18-03) for a car wash at 205 E 15th Street, subject to 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.
 - 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 24.05.130 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.

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

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 10th day of April 2019.

Planning Commission Chairman

ATTEST:

City Clerk

SECTION 24.19.300 CONDITIONAL USE PERMIT REGULATIONS

24.19.310 PURPOSE

In order to give the use regulations the flexibility necessary to achieve the objectives of this Ordinance, conditional uses are permitted, subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the Zoning Regulations and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to grant and to deny applications for use permits for such conditional uses in such zones as are prescribed in the Zone Regulations and to impose reasonable conditions upon the granting of Conditional Use Permits.

24.19.315 APPLICATION DATA AND MAPS TO BE FURNISHED

Application for a Conditional Use Permit shall be filed with the Planning Director on a form prescribed by the Planning Director and shall include the following data and maps:

- A. Name and address of the applicant.
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located. This provision shall not apply to a proposed public utility right-of-way.
- C. Address and legal description of the property.
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this ordinance, together with any other data pertinent to the findings prerequisite to the granting of a use permit, prescribed in Section 24.19.340.
- E. Plot Plans and elevations, fully dimensioned, indicating the type and location of all buildings and structures, parking and landscape areas and signs. Elevation plans shall be of sufficient detail to indicate the type of materials to be employed and methods of illumination for signs. Screening, landscape and irrigation plans shall be included in the plans.
- F. The Planning Director may waive requirements of this section or require additional data as deemed necessary to the decision-making process.

24.19.320 FEE

The application shall be accompanied by a fee established by Resolution of the City Council to cover the cost of handling and processing the application as prescribed in this Section.

24.19.325 PUBLIC HEARING

The hearing shall be set and notice given as prescribed in Section 24.19.630 (Public Hearing by Planning Commission and City Council). At the public hearing, the Planning Commission shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 24.19.340.

24.19.330 INVESTIGATION AND REPORT

The Planning Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission and made available to the applicant at least 7 days prior to the public hearing.

24.19.335 ACTION OF THE PLANNING COMMISSION

A. Within thirty (30) days following the closing of the public hearing on the Conditional Use Permit application, the Planning Commission shall act on the application. The Commission may grant by Resolution, a Conditional Use Permit as the permit was applied for or in modified form, or the application may be denied. A Conditional Use Permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. Conditions may include, but shall not be limited to requiring:

1. Special yards;
2. Open spaces;
3. Buffers;
4. Fences;
5. Walls;
6. Installation and maintenance of landscaping;
7. Street dedications and improvements;
8. Regulations of points of vehicular ingress and egress;
9. Regulation of traffic circulation;
10. Regulation of signs;
11. Regulation of hours of operation and methods of operations;
12. Control of potential nuisances;
13. The prescription standards for maintenance of building and grounds;
14. Prescription of development schedules and development standards; and
15. Such other conditions as the Commission may deem necessary to ensure compatibility of the use with surrounding developments and uses and to preserve the public health, safety, and welfare.

24.19.335 ACTION OF THE PLANNING COMMISSION (continued)

- B. Variations from the regulations prescribed elsewhere in this Section for fences, walls, hedges, screening, and landscaping; site area, width and depth; front, rear and side yards; coverage; height of structures; distances between structures; usable open space; signs; off-street parking facilities or frontage on a public street, shall be separately administered in accordance with the procedures in Section 24.19.400, (Variances), of this Ordinance.
- C. The decision of the Planning Commission is final and effective within ten (10) calendar days unless an appeal is filed, in writing, in accordance with Section 24.19.345 (Appeal of Planning Commission Action).

24.19.340 FINDINGS

The Planning Commission shall make the following findings before granting a conditional use permit:

- A. 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; and
- B. 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:
 - 1. Harmony in scale, bulk, coverage, and density;
 - 2. The availability of public facilities, services and utilities;
 - 3. The harmful effect, if any, upon desirable neighborhood character;
 - 4. The generation of traffic and the capacity and physical character of surrounding streets;
 - 5. The suitability of the site for the type and intensity of use or development which is proposed;
 - 6. The harmful effect, if any, upon environmental quality and natural resources; and to
 - 7. Any other relevant impact of the proposed use.
- C. 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.

24.19.340 FINDINGS (continued)

- D. That the proposed Conditional Use will comply with each of the applicable provisions of the Ordinance, except for an approved Variance.

24.19.345 APPEALS OF PLANNING COMMISSION ACTION

Appeals of the actions of the Planning Commission, may be made by any person, by filing a written notice of appeal with the City Clerk within ten (10) calendar days following the Planning Commission's decision. The City Council will consider the matter and may affirm or reverse wholly or partly, the action which is in question. While an appeal is pending, the establishment of any affected structure or use is to be held in abeyance.

24.19.350 LAPSE OF CONDITIONAL USE PERMIT

- A. A Conditional Use Permit shall lapse and shall become void one year following the date on which the Use Permit was approved, unless prior to the expiration of one year:
1. A building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application; or
 2. A certificate of occupancy is issued for the structure which was the subject of the Use Permit application; or
 3. The site is occupied in accordance with conditional use, if no building permit or certificate of occupancy is required, or
 4. The use which was the subject of the Use Permit application is commenced, provided that a Use Permit for a public utility installation may be valid for a longer period if specified by the Planning Commission.
- B. Renewal:
1. A Conditional Use Permit subject to lapse may be renewed for an additional period of one year, provided that prior to the expiration date, an application for renewal of the Use Permit is filed with the Director of Planning and accompanied by the necessary data and fees.
 2. The Planning Commission may grant or deny an application for renewal of a Conditional Use Permit.

24.19.350 LAPSE OF CONDITIONAL USE PERMIT (cont.)

- C. If the use, business, or service for which the Conditional Use Permit was issued terminates or ceases operation for a continuous period of time in excess of one hundred eighty (180) calendar days, the Conditional Use Permit shall expire and the permit shall thereafter be of no further force or effect. (Subject to application for extension as provided in Section 24.19.350 B).

Except, if the use ceased operation due to:

1. Destruction or damage by acts of God; or
2. Destruction or damage by malicious acts; or
3. Remodeling or rehabilitation requiring prolonged closure;

The Conditional Use Permit shall expire in three hundred sixty five (365) days (one year).

24.19.355 PRE-EXISTING CONDITIONAL USES

- A. A Conditional Use legally established prior to the effective date of this Ordinance, or prior to the effective date of subsequent amendments to the regulations or zone boundaries, shall be permitted to continue, provided that it is operated and maintained in accordance with the conditions prescribed at the time of its establishment, if any; and provided that it meets the requirements of Section 24.19.350.
- B. Alteration or expansion of a pre-existing Conditional Use shall be permitted only upon the granting of a Conditional Use Permit as prescribed in this Section, provided that minor (not to exceed 10% of assessed value) alterations shall be permitted without the granting of a Conditional Use Permit.

24.19.360 MODIFICATION OF CONDITIONAL USE

Section 24.19.315 through 24.19.350 shall apply to an application for modification, expansion, or other change in a Conditional Use, provided that minor revisions or modifications may be approved by the Planning Director, if it is determined that the changes would not affect the findings prescribed in Section 24.19.340. (Findings).

24.19.365 SUSPENSION AND REVOCATION

A. SUSPENSION BY DIRECTOR OF PLANNING

If in the opinion of the Director of Planning, a violation of any applicable provision of this Ordinance; or, if granted subject to conditions, upon failure to comply with conditions; or that, as a result of evidence now available and not available at the prior hearing when permit was granted and could not have been obtained with reasonable diligence at that hearing, the findings made, pursuant to Section 24.19.340, can no longer be made; or that the Permit was obtained by fraud, a Conditional Use Permit shall be suspended automatically and, if corrections are not made to the satisfaction of the Director of Planning it shall be referred to the Planning Commission for hearing to revoke.

B. REVOCATION BY THE PLANNING COMMISSION

The Planning Commission shall hold a public hearing within 40 days from the date notified by the Planning Director, in accordance with public hearing procedures established in Section 24.19.325.

If Planning Commission is not satisfied that the regulation, general provision, or condition is being complied with, it may revoke the Conditional Use Permit or take such action as may be necessary to ensure compliance with the regulation, general provision, or condition. The decision shall become final 30 days following the date on which the Use Permit was revoked unless a request for an appeal has been filed within the ten (10) calendar days, in which case Section 24.19.345 (Appeals of Planning Commission Action) shall apply.

24.19.370 NEW APPLICATIONS

Following the denial of a Use Permit application or the revocation of a Use Permit, no application for a Use Permit for the same or substantially the same Conditional Use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the Use Permit.

24.19.375 USE PERMIT TO RUN WITH THE LAND

Except for lapse of C.U.P. pursuant to Section 24.19.350, a Use Permit granted pursuant to the provisions of this Section shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the Use Permit application.

24.19.380 USE PERMIT AND CHANGE OF ZONE FILED CONCURRENTLY

Application for a Conditional Use Permit may be made at the same time as application for a change in zone boundaries including the same property, in which case the Planning Commission shall hold the public hearing on the Zoning Change or Reclassification and the Use Permit at the same meeting and may combine the two hearings.



CITY COUNCIL
Geoff Dale – Mayor
Betty Sampson – Mayor Pro Tem
Robert Amparano – Councilmember
Darrell Pechtl – Councilmember
James Tucker – Councilmember

CITY CLERK
Debra Jackson

CITY TREASURER
Stacy Cox

CITY ATTORNEY
Dennis Morita

CITY MANAGER
Stefan T. Chatwin

CONDITIONAL USE PERMIT

Permit Number: CUP 18-03
Issue Date: April 4, 2018
Location: 205 E 15th Street, Imperial, CA 92251
Business Name: AM/PM Gas Station/ Car Wash
Date Effective: April 2, 2018



Othon Mora, MCM CBO
Director of Community Development Department
City of Imperial

CONDITIONS OF APPROVAL

for

205 E “15th” Street; Imperial, CA 92251
APN#: 063-084-052

1. The approved project shall consist of a 65 foot long car wash. Any changes to the project, including those permitted by right, shall require an amendment to this conditional use permit.
2. All mechanical equipment such as HVAC equipment shall be screened for visual and noise attenuation.
3. Applicant is responsible for designing and providing a system that will prevent “run-off” water into the streets from the car wash operation before operation of the car wash. This plan needs to be approved by the City of Imperials Community Development Department and Public Services Department. It must comply with the City of Imperials Storm Water Prevention Plan and other standards from City of Imperial Building Codes and Ordinances that are applicable.
4. The construction or operation of the towing yard shall not add to the contamination of the soil, alter ground water flow, create additional drainage runoff or alter topography in such a way that creates hazards to the proposed site, adjoining properties, or the City.

5. The car wash shall provide the City with a fluid drainage and disposal plan that complies with all federal, state, and local standards.
6. 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.
7. The conditional approval of the Conditional Use Permit 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.
8. The Applicant shall pay all impact and capacity fees as required by the city.
9. If lighting is to be installed on the project site, the Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department.
10. The site shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
11. The development shall utilize building construction techniques such as equipment muffles, and noise insulation to reduce the noise impacts to Normally Acceptable Levels as outlined in Figure N-1 of the City of Imperial General Plan Noise Element
12. All applicable Conditions of Approval shall be completed prior to opening for business.
13. The provisions of the permit 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.
14. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
15. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit 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.
16. Permittee 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.
17. Hours of operation are to be from 8AM-6PM 7 Days a week.
18. Applicant must install a 7 foot high insulated fence and sound barrier mechanism that is subject to approval by the Community Development Department before installation and must be installed prior to operation of the car wash.

19. Noise level from the car wash operation is not to exceed the dba noise levels outlined in the City of Imperials Noise Element for Commercial Zoning. Applicant must provide Noise Level reports from car wash before operation.

RESOLUTION NO. PC 2018-03

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
APPROVING A CONDITIONAL USE PERMIT (16C01) FOR THE OPERATION OF A
CAR WASH AT 205 EAST "15TH" STREET; IMPERIAL, CA 92251**

WHEREAS, Paul Marcinkowski submitted a Conditional Use Permit application for a car wash at 205 E 15th Street; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on February 14, 2018; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Conditional Use Permit.

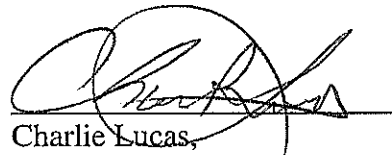
NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

- 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 15301 of the California Environmental Quality Act; and
- E) That the car wash is consistent with those uses allowed in the C-1 Neighborhood Commercial Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit 18-03 (CUP18-03) for a car wash at 205 E 15th Street, subject to 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.

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 24.05.130 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.
4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for an approved Variance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 14th day of March 2018.


Charlie Lucas,
Planning Commission Chairman

ATTEST:


Debra Jackson, City Clerk

**EXHIBIT A
RESOLUTION**

CONDITIONS OF APPROVAL

for

**205 E "15th" Street; Imperial, CA 92251
APN#: 063-084-052**

1. The approved project shall consist of a 65 foot long car wash. Any changes to the project, including those permitted by right, shall require an amendment to this conditional use permit.
2. All mechanical equipment such as HVAC equipment shall be screened for visual and noise attenuation.
3. Applicant is responsible for designing and providing a system that will prevent "run-off" water into the streets from the car wash operation before operation of the car wash. This plan needs to be approved by the City of Imperials Community Development Department and Public Services Department. It must comply with the City of Imperial's Storm Water Prevention Plan and other standards from City of Imperial Building Codes and Ordinances that are applicable.
4. The construction or operation of the car wash shall not add to the contamination of the soil, alter ground water flow, create additional drainage runoff or alter topography in such a way that creates hazards to the proposed site, adjoining properties, or the City.
5. The car wash shall provide the City with a fluid drainage and disposal plan that complies with all federal, state, and local standards.
6. 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.
7. The conditional approval of the Conditional Use Permit 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.
8. The Applicant shall pay all impact and capacity fees as required by the city.
9. If lighting is to be installed on the project site, the Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light

intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department.

10. The site shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.
11. The development shall utilize building construction techniques such as equipment muffles, and noise insulation to reduce the noise impacts to Normally Acceptable Levels as outlined in Figure N-1 of the City of Imperial General Plan Noise Element
12. All applicable Conditions of Approval shall be completed prior to opening for business.
13. The provisions of the permit 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.
14. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
15. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit 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.
16. Permittee 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.
17. Hours of operation are to be from 8:00 A.M. – 6:00 P.M., 7 days a week.
18. Applicant must install a 7 foot high sound barrier mechanism.

CERTIFICATE

OF

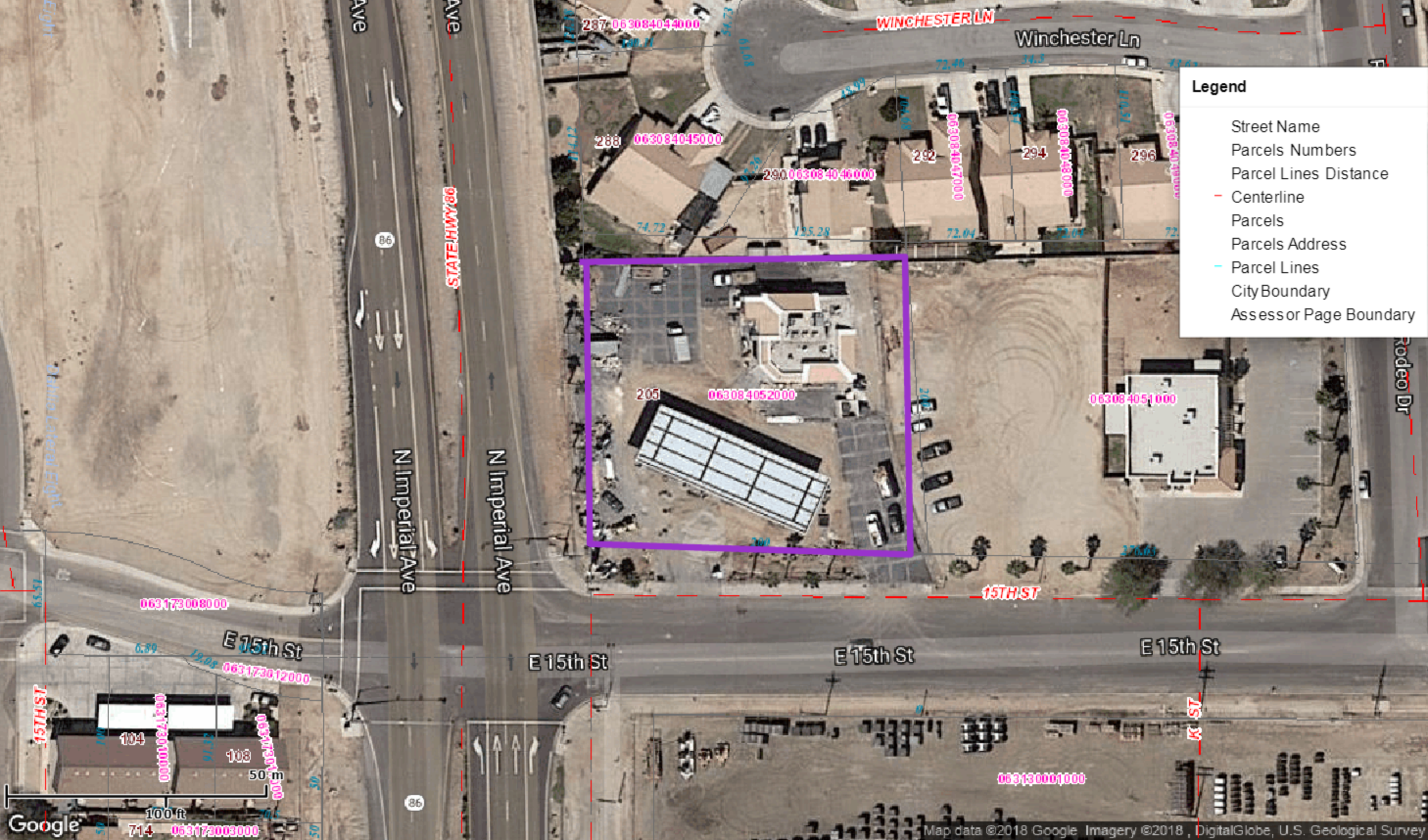
CITY CLERK

I, Debra Jackson, City Clerk of the City of Imperial DO HEREBY CERTIFY THAT the foregoing is a true and correct copy of Resolution No. .PC 2018-03 adopted by the Planning Commission of the City of Imperial at their regular meeting of March 14, 2018.


Debra Jackson
City Clerk
City of Imperial

Dated: October 4, 2018

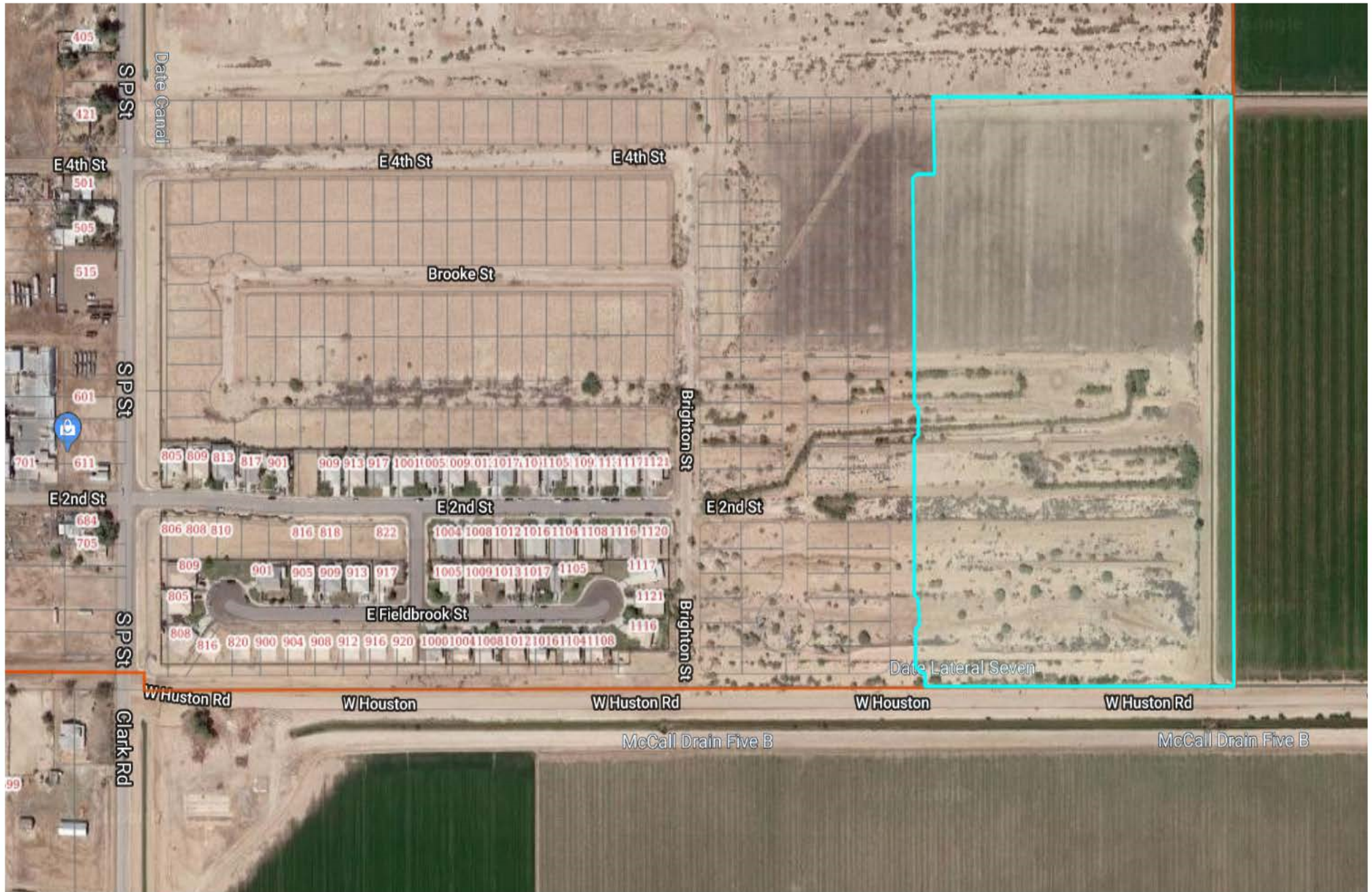




Legend

- Street Name
- Parcels Numbers
- Parcel Lines Distance
- Centerline
- Parcels
- Parcels Address
- Parcel Lines
- City Boundary
- Assessor or Page Boundary

Mayfield Subdivision Unit 3C



1" = 376 ft

Amendments to COAs

04/05/2019



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

RESOLUTION PC2019-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
APPROVING THE AMENDMENTS TO THE DOYLE/MAYFIELD SUBDIVISION FOR UNIT
3C LOCATED AT ASSESSOR PARCEL NUMBER: 044-200-099 IN THE CITY OF IMPERIAL,
CA 92251**

WHEREAS, Martin D. Coyne submitted a request for an amendment to the following conditions of approval numbers: 10, 11, 12, 14, 17, 20, 21, 22, 23, 24 and 29 for the proposed Mayfield Unit 3C Subdivision within the City; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on April 10, 2019 and;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for amendments to the existing Conditions of Approval for the Doyle/Mayfield Subdivision.

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) Existing Mitigated Negative Declaration approved for the entire subdivision and therefore does not undergo CEQA again.
- 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 **APPROVES** the amendments for the following conditions of approval numbers: 10, 11, 12, 14, 17, 20, 21, 22, 23, 24 and 29 for the proposed Mayfield Unit 3C Subdivision.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this February 13, 2019.

Planning Commission Chairman

ATTEST:

Planning Secretary