



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 TRAFFIC COMMISSION REGULAR MEETING

200 West 9th Street
 IMPERIAL, CA 92251

WEDNESDAY, June 23, 2021
 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.

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20

1. You are encouraged to observe the Planning Commission meetings via Livestream at the City of Imperial Facebook page.
2. Email public comments to cityclerk@cityofimperial.org by 5:00 pm on Wednesday, June 23, 2021. Comments received by 5:00 pm will be read into the record.

TELECONFERENCE NOTICE

Pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020 and to the extent applicable Government Code Section 54953(b), this Planning Commission Meeting may include teleconference participation by the Planning Commission Members and City staff. Consistent with Executive Order N-29-20 teleconference locations utilized by Planning Commission Members shall not be accessible to the public and are not subject to special posting requirements.

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

A. PLANNING COMMISSION CALL TO ORDER:

ROLL CALL
 PLEDGE OF ALLEGIANCE

B. PUBLIC APPEARANCES

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

- C-1: Public Hearing, Discussion/Action: Conditional Use Permit (21-04): Conditional Use Permit request to operate a, Starbucks-drive-through at 802 N. Imperial Avenue; Imperial, CA 92251.
1. Open Public Hearing
 2. Staff Report
 3. Close Public Hearing
 4. Commission Discussion
 5. Recommended Action: Approve **RESO No. PC 2021-08:** A Resolution of the Planning Commission approving the Conditional Use Permit to operate a, Starbucks-drive-through at 802 N. Imperial Avenue; Imperial, CA 92251. The Project is Categorically Exempt per the California Environmental Quality Act.
- C-2: Public Hearing, Discussion/Action: Zone Change (21-01): The City of Imperial is being requested to zone change from R-1 (Residential Single Family)” to “OP (Open Space)” to be located at APN 063-250-011; Imperial, CA 92251.
1. Open Public Hearing
 2. Staff Report
 3. Close Public Hearing
 4. Commission Discussion
 5. Recommended Action: Approve **RESO No. PC 2021-09:** A Resolution of the Planning Commission approving zone change from R-1 (Residential Single Family)” to “OP (Open Space)”, CEQA Mitigated Negative Declaration and Conditions of Approval at APN 063-250-011.

D. OTHER BUSINESS(DISCUSSION/ACTION-RECOMMENDATION)

- D-1: Appointment of Planning Commission member to Serve on the Friends of Imperial Parks 501C3 Board.
1. Staff Report
 2. Commission Discussion
 3. Recommended Action: Appoint of Planning Commissioner to serve on the Friends of Imperial Parks 501C3 Board

E REPORTS:

- E-1: Commissioners Reports.
E-2: Staff Reports.

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: Othon Mora, Community Development Director

Date: June 18, 2021

**Subject: Conditional Use Permit Request #21.04
Starbucks-Drive-Through
802 N Imperial Avenue, Imperial, CA 92251**

Summary:

Applicant:	Chris Peto
Project Location:	802 N. Imperial Avenue; Imperial, CA 92251
Zoning:	C-2 Commercial General
General Plan:	Commercial
Environmental:	Categorically Exempt under Section 15303
Recommendation:	Approve Conditional Use Permit

Background

The applicant is requesting a Conditional Use Permit (CUP) to construct a Starbucks with a drive-through at 802 N. Imperial Avenue. The project site is part of the ongoing new development that includes a USPS and a McDonalds. The proposed location is ideal for the facility. To the west of the project site there is a convenience store, and to the west there is Frank Wright middle school and an apartment complex is located directly to the south of the proposed project. (An aerial photo of the project site is shown below.)



Discussion/Analysis

The subject site at 802 N Imperial Avenue is currently zoned C-2 Commercial General. This Zoning designation is intended as an area for the location of highway-oriented retail service and wholesale commercial activities such as; restaurant, theatre, health clubs, and for neighborhood shopping centers which provide retail business service and office facilities for the convenience of residents of the neighborhood. Section 24.05.120.B.20.d of the Imperial Zoning Ordinance lists drive-through restaurants as a use subject to a Conditional Use Permit.

A restaurant is permitted by right in commercial zones, but potential traffic issues related to drive-through services require a conditional use permit.

Evaluation

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

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

The subject site is located within C-2 Commercial General. Starbucks will not interfere or conflict with the purposes of the zone.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental***

to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.

The proposed location is ideal for the facility. To the west of the project site there is a convenience store, and to the west there is Frank Wright middle school. The project will be compatible with the adjacent land uses and will not adversely affect residents.

- 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.*

The project is very limited in nature, and as such, will not be detrimental to the public health, safety, or welfare. Cars waiting at drive through locations can sometimes cause traffic issues within parking lots and roadways. The proposed project is required to mitigate for excessive queues.

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

The proposed Starbucks will comply with all provisions of the Zoning Ordinance.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines.

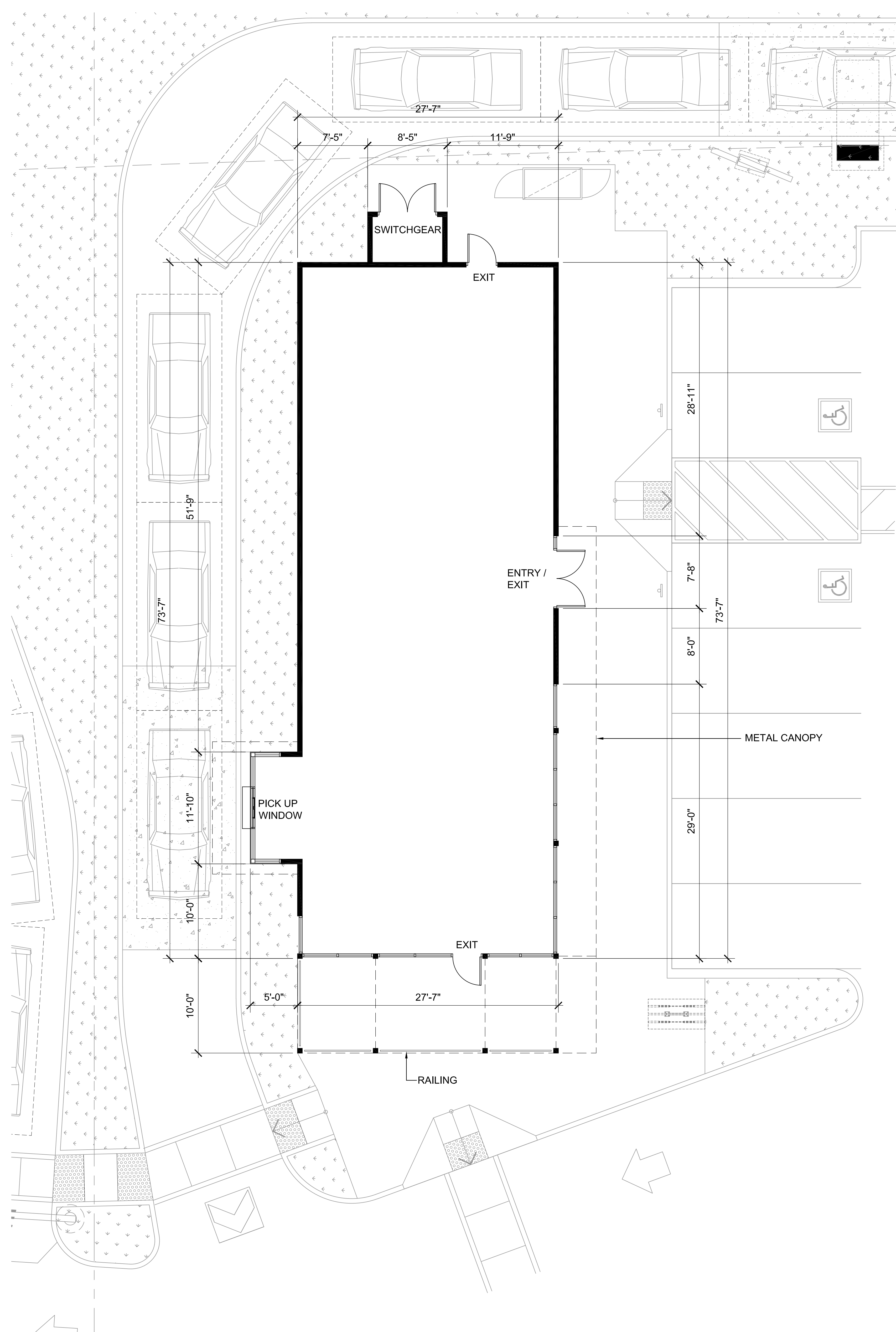
Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution No. PC2016-08** approving a conditional use permit for a Starbucks drive-through located at 802 N Imperial Avenue subject to the following conditions on Exhibit A Conditions of Approval.

Respectfully Submitted

Othon Mora, MCM, CBO
Community Development Director

Attachments: Resolution No. PC2021-08 with Conditions of Approval
Project Site Plan



1 FLOOR PLAN
SCALE: 3/16" = 1'-0"
NORTH

PRELIMINARY SITE PLAN SUBJECT TO CHANGE.

5th Street Development

N.W.C. of Imperial Avenue & E 15th Street
Imperial, California

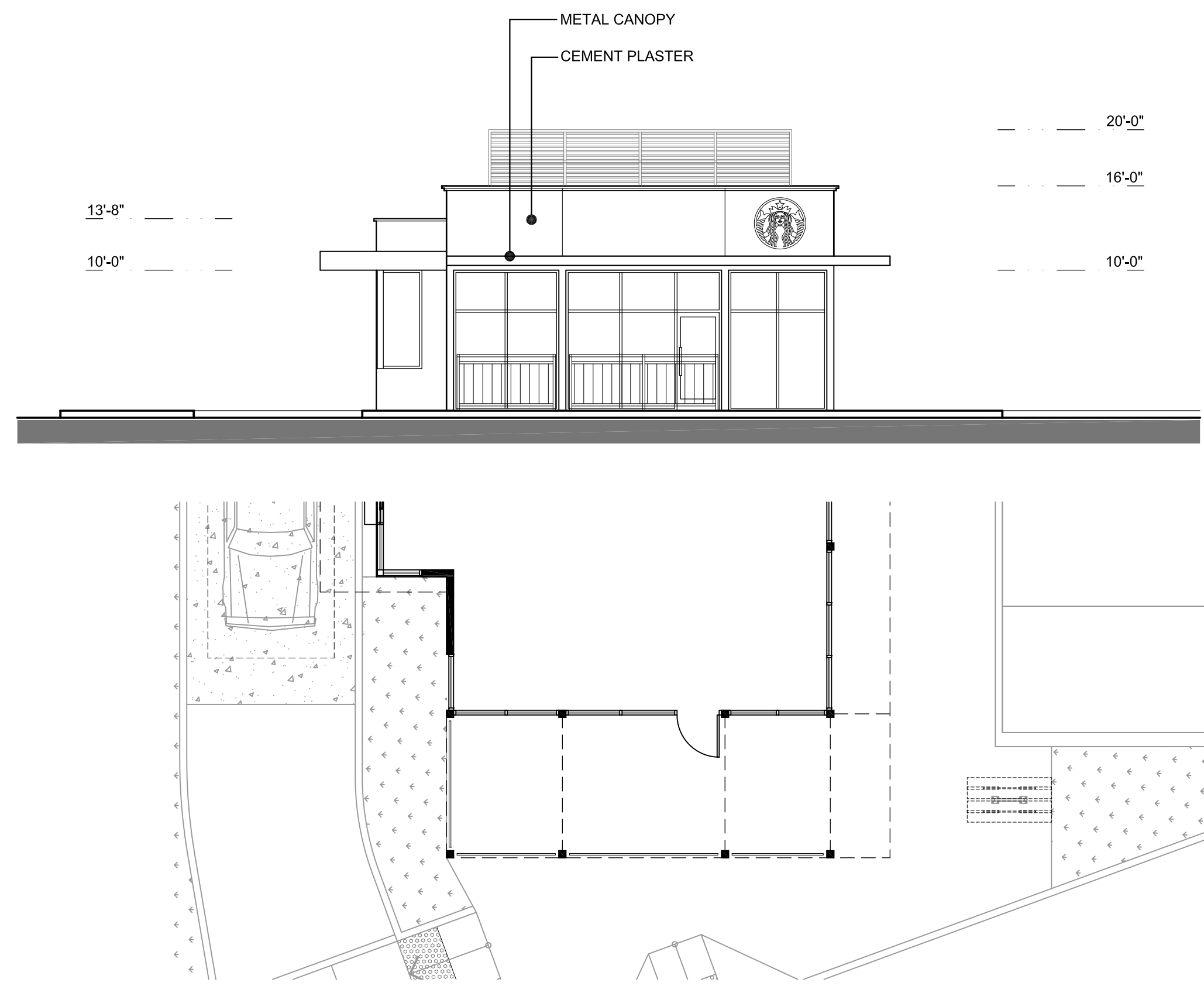
**McKently
Malak**
ARCHITECTS

35 Hugus Alley, Suite 200
Pasadena, California 91103-3648
TEL 626.583.8348 FAX 626.583.8387

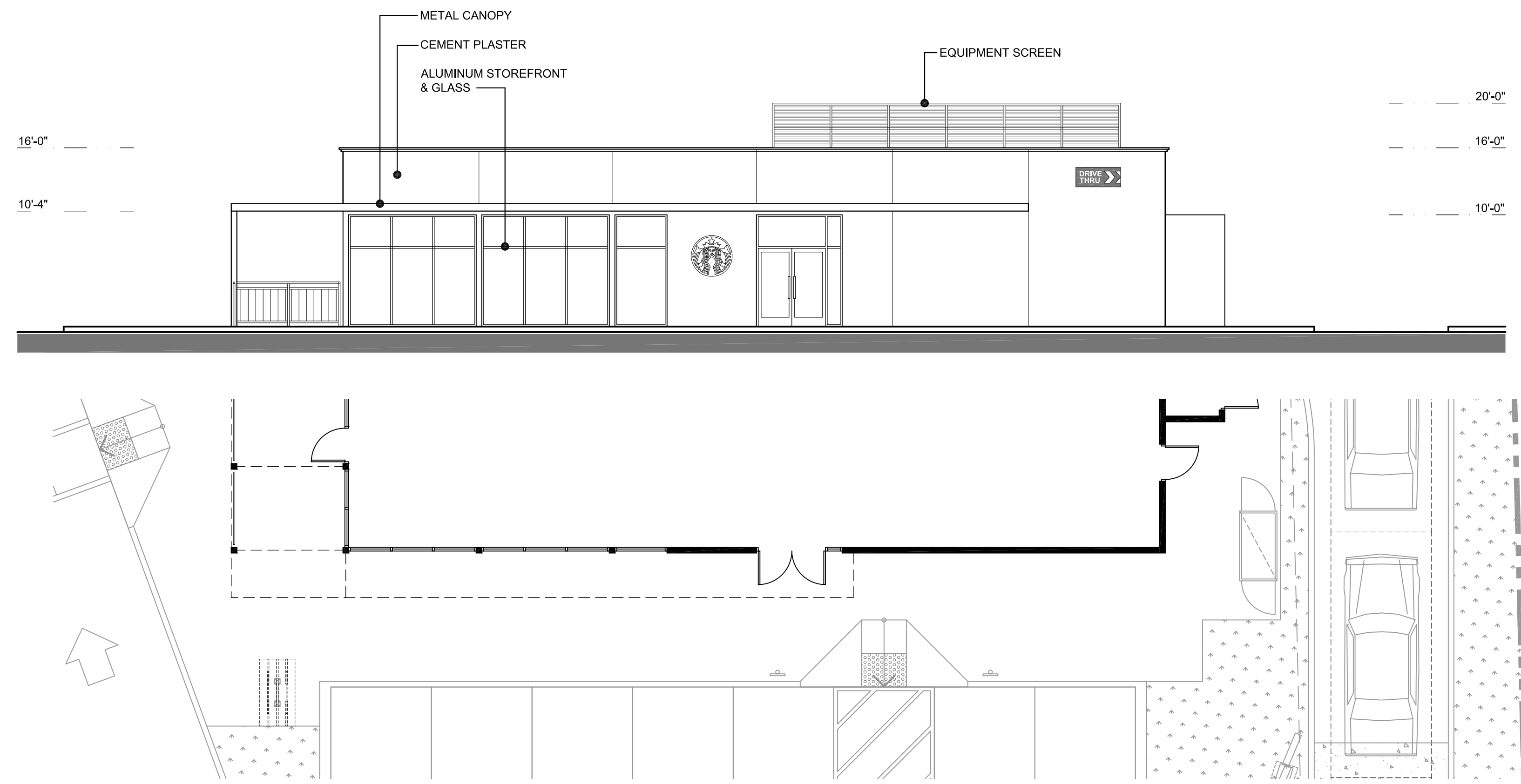
PROPOSED FLOOR PLAN

03.17.2021 17154TMA

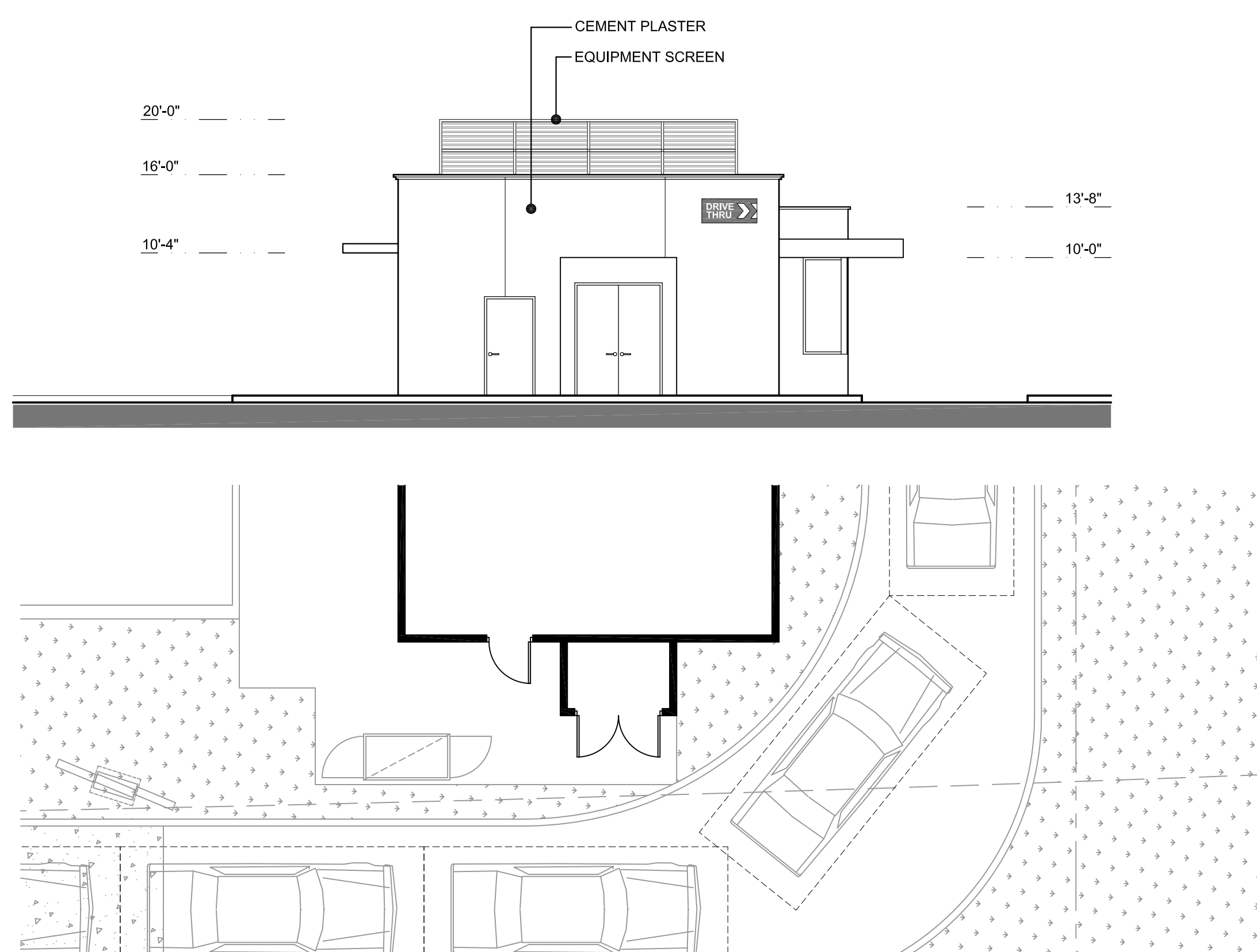
A-101



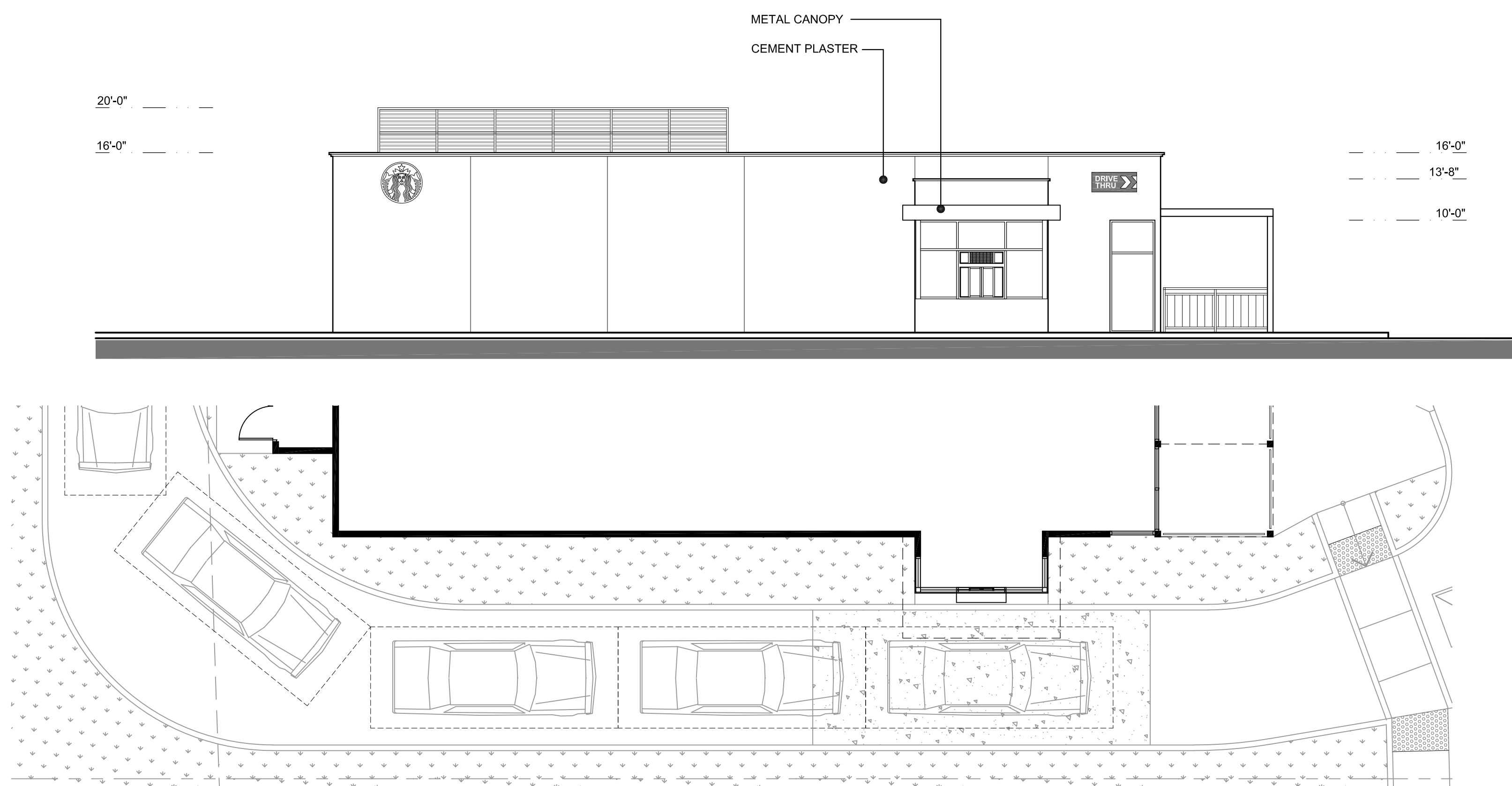
① WEST ELEVATION
SCALE: 1/8" = 1'-0"



② SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



③ EAST ELEVATION
SCALE: 1/8" = 1'-0"



④ NORTH ELEVATION
SCALE: 1/8" = 1'-0"

PRELIMINARY SITE PLAN SUBJECT TO CHANGE.

5th Street Development

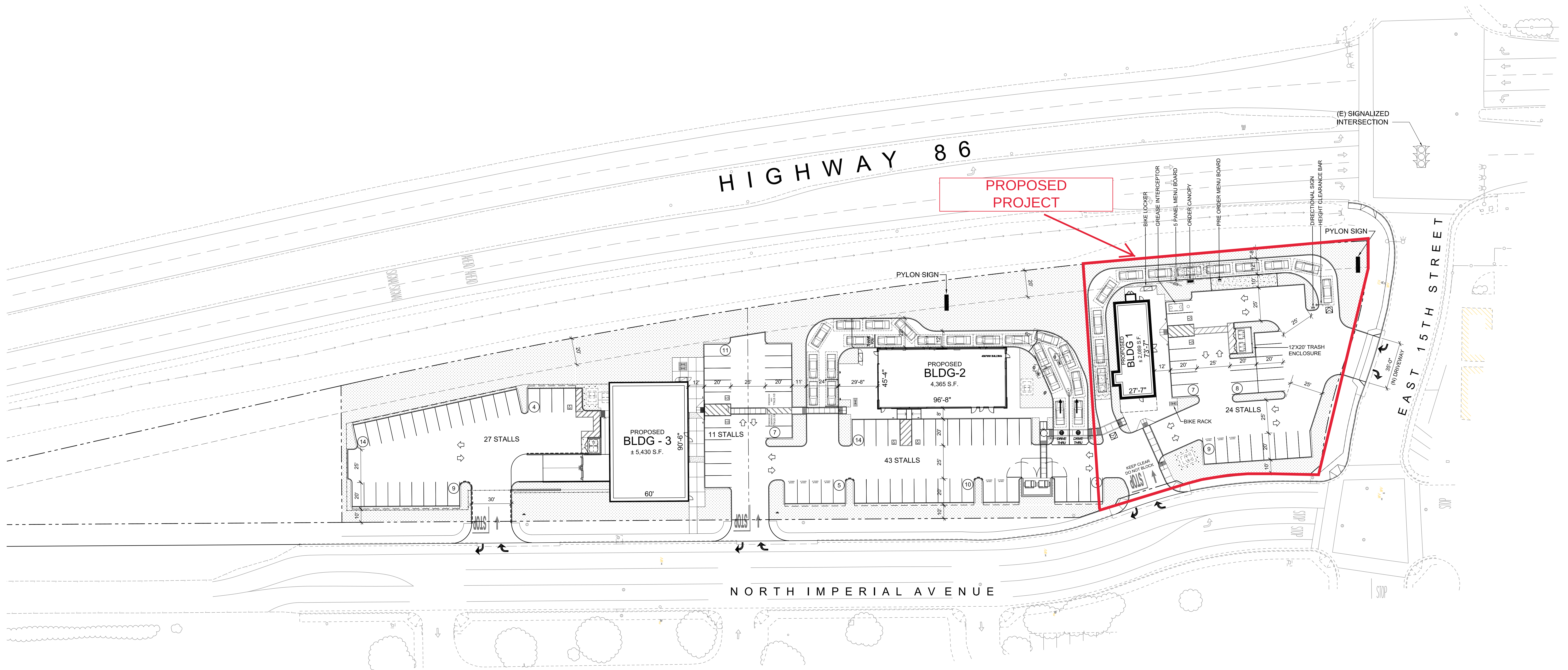
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PROPOSED ELEVATIONS

03.17.2021 17154TMA

A-201



VICINITY MAP
NOT TO SCALE

PROJECT SUMMARY

ZONING

CLIENT: HALFERTY DEVELOPMENT COMPANY

JURISDICTION: CITY OF IMPERIAL, CALIFORNIA

APN: 063-040-25 & 36

SITE AREA

SITE AREA: (± 2.75 AC) ± 119,861 S.F.

BUILDING DATA

BUILDING AREA	
PROPOSED BUILDING-1 (DRIVE THRU)	± 2,089 S.F.
PROPOSED BUILDING-2 (DRIVE-THRU)	± 4,365 S.F.
PROPOSED BUILDING-3 (POST OFFICE)	± 5,430 S.F.
TOTAL BUILDING AREA	± 11,884 S.F.

F.A.R. (11,884 S.F. / 119,861 S.F.) 0.09 RATIO

BUILDING COVERAGE 10 %

BICYCLE PARKING PER CAL GREEN	REQUIRED	PROVIDED
SHORT TERM BICYCLE (15 STALLS @ 5%) 0.75	8	
(Customer parking 105 stalls @ 15% = 15 stalls)		
LONG TERM BICYCLE (90 STALLS @ 5%) 4.5	6	
(Employee parking 105 stalls @ 85% = 90 stalls)		

PARKING DATA

BUILDING - 1	± 2,089 @ 1/75 SF	27.8 STALLS
BUILDING - 2	± 4,365 @ 1/75 SF	58.2 STALLS
BUILDING - 3	± 5,430 @ 1/300 SF	18.1 STALLS
TOTAL REQUIRED		104.1 STALLS

PARKING PROVIDED

STANDARD:	87 STALLS
ADA:	7 STALLS
ELECTRIC / CLEAN AIR VEHICLES:	11 STALLS
PER CAL GREEN TABLE 5.106.5.2 & 5.106.5.3.3	
FUTURE EV VAN ACCESSIBLE	1 STALL
FUTURE EV STANDARD ACCESSIBLE	1 STALL
FUTURE EV CHARGING STATIONS	5 STALLS
CLEAN / AIR VEHICLE	4 STALLS

PARKING PROVIDED: 105 STALLS

PARKING RATIO PROVIDED: 8.8 per 1,000 S.F.

SITE LAYOUT DATA

MIN. DRIVE AISLE WIDTH	25'-0"
STANDARD PARKING STALL	9'-0" x 20'-0"
QUEUE LINE	AT LEAST EIGHT (8) VEHICLES

OPTION - 2

PROPOSED SITE PLAN

SCALE: 1" = 30'-0"

NORTH

GRAPHIC SCALE
1 inch = 30 feet

PRELIMINARY SITE PLAN SUBJECT TO CHANGE.
PROPERTY LINES ARE BASED ON A.L.T.A. SURVEY BY
ATC DESIGN GROUP, DATED 10.10.2019

5th Street Development

N.W.C. of Imperial Avenue & E 15th Street
Imperial, California

**McKently
Malak**
ARCHITECTS

35 Hugus Alley, Suite 200
Pasadena, California 91103-3648
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PROPOSED SITE PLAN

04.28.2021 17154TMA

SP-13



Staff Report

Agenda Item No.

D-2

To: City of Imperial Planning Commission

From: Lisa Nichole Tylanda, Planner

Date: June 18, 2021

Subject: Zone Change and General Plan Amendment (ZC/GPA 21_02)
Town Site Park Project
618 Barioni Blvd, Imperial, CA 92251

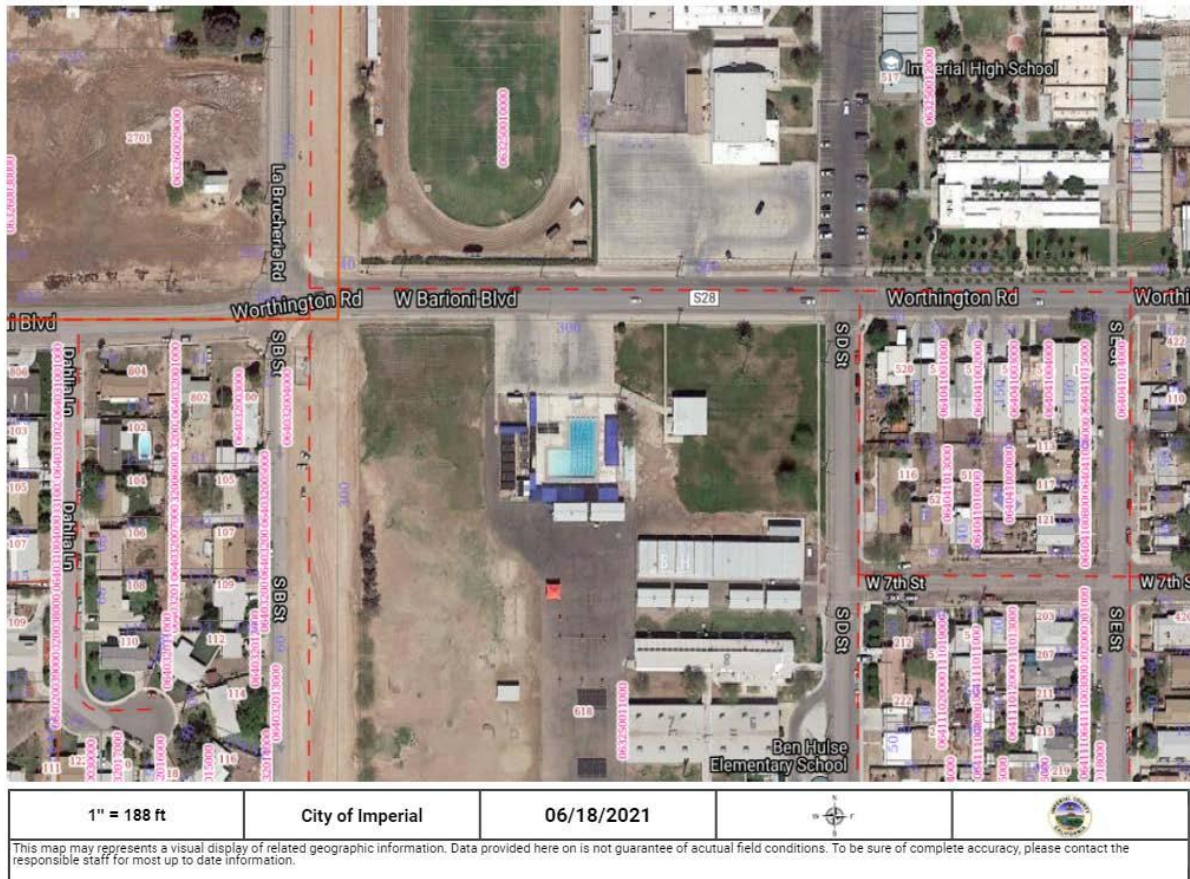
Summary:

Applicant:	City of Imperial
Project Location:	618 Barioni Blvd; Imperial, CA 92251
Current Zoning:	R-1 (Residential Single-Family)
Proposed Zoning:	OP (Open Space)
General Plan:	Residential
Environmental:	Mitigated Negative Declaration

Background:

Town site park project is a community driven project that would be funded by Prop 68 funds available in round 4 of California state parks grant. City of Imperial in partnership with Imperial High school District and has submitted an application to the state seeking the maximum funds available to develop new recreational features for this proposed park project site. The rezone is proposed to be approximately 4.16 AC.

Town Site Park Project



Discussion:

The City of Imperial is proposing to utilize the property as open space recreational. The proposed Zone Change and General Plan Amendment from R-1 (Residential Single Family) to OP (Open Space), is to allow for the conversion of “educational uses” to “outdoor recreational uses”. The proposed use of the site is a Community Park. If the grant is awarded to the City, construction is expected to include, but is not limited to the following proposed and existing items:

- Proposed new playground area to include canopy shade and ADA compliant Wood fibers.
- Proposed new skate park features.
- Proposed ADA compliant multiuse walking trails surrounding the perimeter and connecting amenities.
- Proposed basketball court and volley ball courts.
- Demolition, renovation and expansion of existing pool amenities and parking to include LED lighting, grand stand seating, canopy shading, rinse/ shower station.

- Pool will be built to be competition size.
- Parking is proposed to be expanded in order to create additional spaces to support amenities being built for this project.
- Support/lighting amenities will also be included in way of benches, gazebos, security LED lighting for park features and parking areas.
- Repurposing of the current band storage room to an ADA compliant bathroom for men and women.
- Landscape will be placed throughout the project to include drought tolerant trees, shrubs, and will be placed on a type of “drip irrigation” system
- The project will require the mobilization of grading, excavating and trenching equipment as well as trucking in materials.
- Onsite improvements of electrical, plumbing and other foreseen and possibly unforeseen items will be needs.

Environmental Compliance:

The project is proposed to be a Mitigated Negative Declaration in regards to the California Environmental Quality Act (CEQA). Please see attached the proposed Mitigated Negative Declaration prepared for the study.

Recommendation:

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution No. PC2021-09** approving a zone change and general plan amendment from R-1 (Residential Single Family) to OP (Open Space) for 4.16 AC on parcel number 063-250-011.

Respectfully Submitted,

Lisa Nichole Tylenda
Planner

Attachments:

- Open Space Element of the City of Imperial
- Open Space Ordinance of the City of Imperial
- Resolution No. PC2021-09 with Conditions of Approval
- Project Site Plan

OPEN SPACE ELEMENT

OPEN SPACE ELEMENT

I. INTRODUCTION

California planning law regarding open space is extensive and explicit about what an Open Space Element should do. Article 10.5 of the California Government Code (commencing with Section 65560) states that an open space plan should address the following:

- Preservation of natural resources.
- Preservation of land used for resource production such as agriculture.
- Preservation of open space land used for recreation.
- Avoidance of land that poses a public health and safety hazard.
- Discouragement of premature and unnecessary conversion of open space.
- Definition of an orderly pattern of growth and development that takes into consideration open space requirements.

II. OPEN SPACE LANDS

Open Space Land is any parcel or area of land or water which is essentially unimproved and devoted to an Open Space Use. Open Space Land may include any of the following areas:

- A. Open Space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- B. Open Space used for the managed production of resources, including but

not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

- C. Open Space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; areas which serve as links between major recreation and open space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- D. Open Space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

The Open Space Element is a plan for the comprehensive and long-range preservation and conservation of open space land. Next to the Land Use Element, the Open Space Element is broadest in scope. Because of this breadth, Open Space issues overlap those of several other General Plan Elements. For instance, the Land Use Element's issues pertaining to agricultural land, natural resources, recreation, enjoyment of scenic beauty and (to a certain extent) public grounds are covered by Open Space provisions. "Open Space for the preservation of natural resources", and "open space used for the managed production of resources" encompasses the concerns of the Conservation Element. "Open Space for public health and safety" covers issues similar to those found in the Safety Element. The

Open Space Element must therefore be consistent with all other applicable General Plan Elements.

Public open space areas within the City include primarily the City's parks. The public schools also contain considerable open space areas that are used for outdoor activities by the City's school age children. The agricultural areas surrounding the City within the Sphere of Influence comprise the largest quantity of open space lands.

The agricultural areas should be protected from premature and unnecessary encroachment by development until such time as there is the need to expand the developed area of the City to accommodate new homes or jobs.

Open Space Goal

Preservation of open space in the community should be coordinated with conservation of significant resources of general public interest and benefit.

Objective 1

Open space should be preserved through appropriate land use policies that recognize the valuable natural resources in the City.

Policy 1

- A. Open space lands are a valuable natural resource that enhances Imperial's rural character.
- B. All land use changes should be consistent with the need to preserve Imperial's open space area.

- C. Discontinuous land use patterns which encroach into open space areas shall not be approved.
- D. In-fill development shall be encouraged to preserve outlying open space areas.

Agricultural Lands

Objective 2

Agriculture is an important aspect of the economy of the City and region. Its continuation within the area should be promoted, encouraged and protected.

Policy 2

- A. Agriculture should be encouraged as a part of a rural residential area.
- B. Preservation of existing agricultural production shall be maintained as long as it remains economically viable.
- C. Appropriate setbacks from existing and planned industrial, commercial and residential land uses shall be established.
- D. The City Council shall consider the adoption of a "right-to farm" ordinance to diminish nuisance impacts of urban uses.

- E. Urban growth should be on lands of lower quality soils in order to protect prime agricultural land.
- F. Encourage the usage of Williamson Act contracts on lands currently under agricultural production.

Public and Private Recreation Land

Objective 3

The preservation of open space through public and private recreational land is encouraged as the best means of long-term protection and management.

Policy 3

- A. The City shall encourage public and private recreational uses and areas as a means of preserving large amounts of open space land.
- B. The City shall require provision of adequate open space areas when private development projects are approved.
- C. The City shall maintain and preserve public parks and other public open space areas.

Airport Runway Protection Zones

Objective 4

Maintain the land off the ends of the Imperial County Airport runways as permanent open space areas to the extent feasible.

Policy 4

- A. *Private development within the runway protection zones should include uses such as parking lots and landscaping areas.*
- B. *Permanent structures should be located to minimize exposure of the public to potential aircraft crash hazards.*

Wildlife Habitat

Objective 5

Maintain the agricultural drains within the Sphere of Influence Planning Area as permanent open space for wetland wildlife habitat.

Policy 5

- A. *Prevent premature undergrounding of agricultural drains when development occurs.*
- B. *Preserve agricultural drains as open space to the maximum extent feasible through innovative project*

design.

- C. Coordinate with California Department of Fish and Game to develop mitigation measures when wildlife habitat open space is proposed to be eliminated.

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, APPROVING THE PRE-ZONING OF THE IMPERIAL REGIONAL PARK AND EQUESTRIAN CENTER PROJECT AREA IN CONFORMANCE WITH THE LAND USE POLICIES OF THE IMPERIAL GENERAL PLAN AND IN PREPARATION OF AN APPLICATION FOR AN ANNEXATION INTO THE CITY OF IMPERIAL

WHEREAS, the City Council of the City of Imperial, California considered all of the evidence, including, but not limited to, the City Planning Commission Resolution, staff report and attachments, and public testimony at a duly notified public hearing on June 17, 2015; and

WHEREAS, the City Council finds that the Pre-zoning is consistent with the goals, objectives and policies of the City of Imperial General Plan and will not conflict with the General Plan; and

WHEREAS, the City Council finds that the Pre-zoning will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed action complies with the provisions of the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was adopted for the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES ORDAIN AS FOLLOWS:

Section 1. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Pre-zoning of the Imperial Regional Park and Equestrian Center Project Area as shown on the attached map (Exhibit A), for the purpose of establishing applicable zoning districts in accordance with the land use policies of the Imperial General Plan, in preparation for submission of an application to the Imperial County Local Area Formation Commission seeking annexation of the project area into the City of Imperial.

Section 2. Chapter 24 of the City of Imperial Municipal Code (Zoning Code) is hereby amended as follows:

Section 24.20.100 - O-S OPEN SPACE ZONE

24.20.110 - Intent and purpose. It is the intent of this chapter to provide for the preservation, maintenance and enhancement of valuable natural, environmental and recreational resources while permitting reasonable and compatible uses of land. In order to properly manage these resources, criteria and regulations must be formulated to guide uses in the following open space capacities as defined in the open space element: productive, protective, structural, recreational and scenic preservation. The purpose and intent of this chapter shall be the advancement of the following objectives:

1. To protect and preserve land areas for the managed production of natural resources;
2. To protect, maintain and enhance air quality;
3. To assure the continued availability of open space lands for the enjoyment of outdoor recreation;

4. To preserve and enhance areas of significant scenic amenity, unique natural features, and areas of educational and scientific research;
5. To implement the conservation and open space elements of the general plan;

24.20.120 - Uses permitted. Uses permitted within the open space zone are as follows:

1. Agricultural uses as follows:
 - a. Trees for fruit, nut or timber;
 - b. Bushes or vines for berries and grapes;
 - c. Field, vegetable, and truck or row crops;
 - d. Orchards, vineyards, and bushes for fruit or nuts;
 - e. Drying of crops, hay, straw and seed;
 - f. Storage and wholesaling of crops grown on the property;
 - g. Animal breeding, pasturing or ranching;
 - h. The growing and harvesting of flowers, ornamentals and turf;
 - i. The keeping of farm animals and fowl for recreation, agricultural and school projects;
 - j. Agricultural stand on forty or more acres of land is permitted for the sale of agricultural, horticultural, floricultural or farming products, grown or produced on the premises.
2. Parks and Recreational facilities owned by public agencies;
3. Nurseries and greenhouses without retail sales;
4. Commercial or private stables and riding academies; boarding and care of horses, including living quarters for grooms and caretakers located within the same building;
5. Year-round roadside produce stands and Certified Farmers Market.
6. Seasonal stands (including Christmas trees and pumpkins).
7. Eating Establishments as an accessory use
8. Equestrian Facilities
9. Outdoor Recreation Facilities
10. RV Parks
11. Campsites

24.20.130 - Uses subject to a conditional use permit. The following uses may be permitted if a conditional use permit is obtained in the manner provided in the zoning ordinance and such use conforms to every term and condition of the permit. A permit for any of these uses may be granted by the planning commission if the applicant produces sufficient proof that the use will not be injurious or detrimental to the public health, safety or welfare, or to the property in the vicinity or zone in which the use will be situated; that the effects can be prevented with the imposition of conditions, and that the permit is necessary for the owner of the property to make reasonable use of the property:

1. Radio and television towers and related facilities excluding studios;
2. Hotels and Motels
3. Retail Facilities

4. Eating Establishments as a primary use
5. Residential Structures

24.20.140 - Development standards.

The following development standards shall apply to all developments within the O-S open space zone and all buildings or structures hereinafter erected shall conform to the following:

1. **Lot Area.** No minimum required
2. **Setbacks.** All buildings shall be setback a minimum of twenty feet.
3. **Building Height.** Buildings and structures located within 50' of any public right-of-way shall not exceed 25' in height. There are no height limits when the building or structure is located more than 50' away from any public right-of-way.
4. **Utilities.** All utilities shall be placed underground. This requirement may be waived where the utility agency will not allow the installation of their facilities underground.
5. **Signs.** Signs shall specifically relate to the use of the parcel and shall be approved by the Planning Commission.
6. **Animals and Fowl Maintenance.** The keeping of animals and fowl shall be maintained in accordance with the following:
 - a. The area where animals and fowl are maintained shall not create a nuisance in relation to adjoining property and shall be kept in a healthful manner.
 - b. The animals and fowl shall be contained in such a manner to restrict their movement onto the public right-of-way or adjoining property.
 - c. The area where animals or fowl are maintained shall be a minimum of fifty feet from any building used for human habitation excepting domestic pets such as dogs or cats.

Section 3. Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Imperial ordinance.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2015.



Mayor

ATTEST:



City Clerk

**STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)ss
CITY OF IMPERIAL)**

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 785 had its 1st reading on June 17, 2015 and was passed by the following roll call vote:

AYES:	COX, SAMPSON, AND GRAN	
NOES:	NONE	
ABSENT:	DALE AND TUCKER	
ABSTAIN:	NONE	MOTION CARRIED 3-0

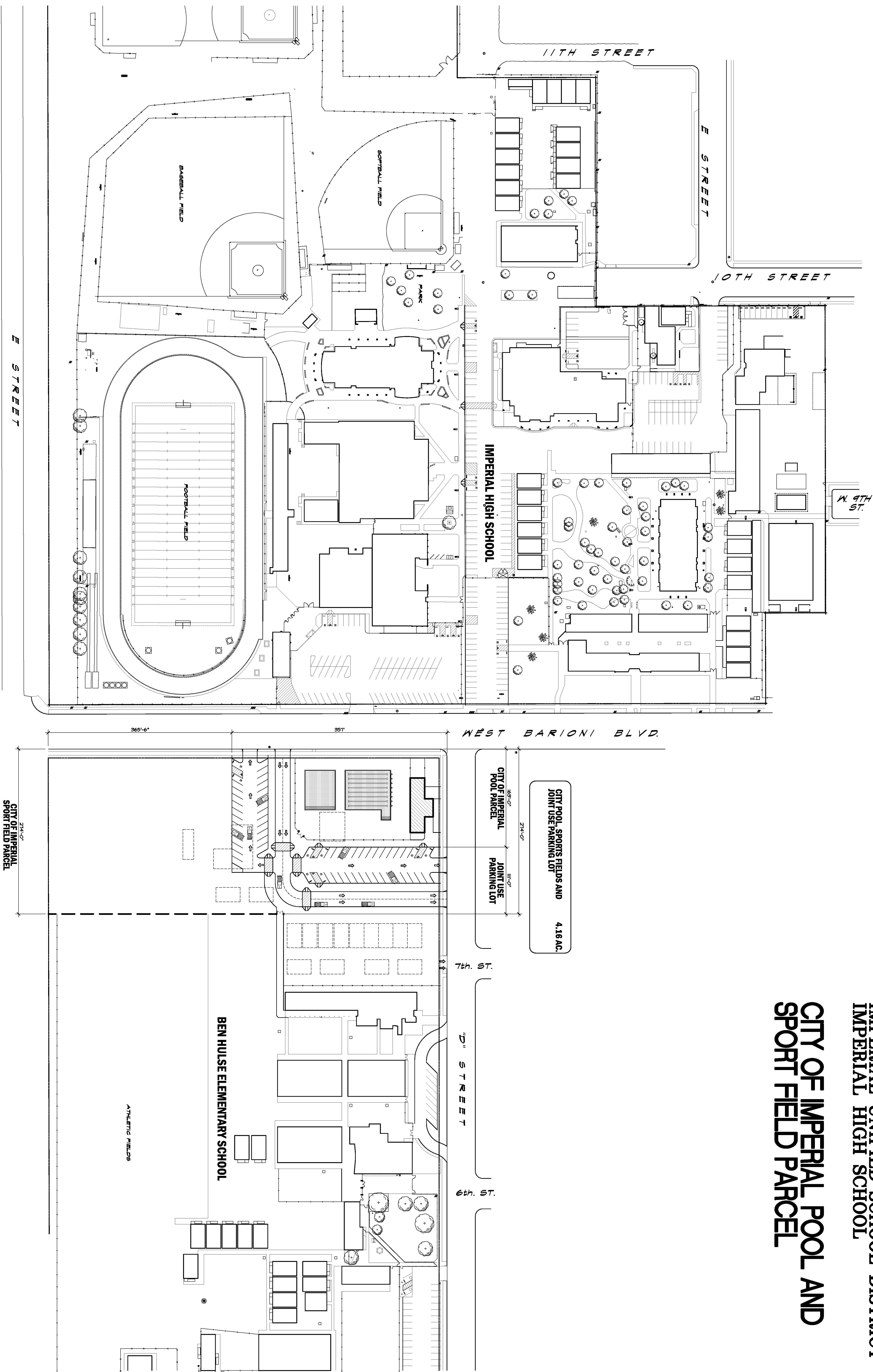
I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 785 had its 2nd reading on July 15, 2015 and was passed by the following roll call vote:

AYES:	COX, SAMPSON, TUCKER, AND GRAN	
NOES:	NONE	
ABSENT:	DALE	
ABSTAIN:	NONE	MOTION CARRIED 4-0



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA

IMPERIAL UNIFIED SCHOOL DISTRICT
IMPERIAL HIGH SCHOOL
**CITY OF IMPERIAL POOL AND
SPORT FIELD PARCEL**



Townsite Park-Pool

Aerial

Legend

- Imperial High School
- Imperial High School



RESOLUTION NO. PC 2021-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL, CALIFORNIA, RECOMMENDING APPROVAL OF THE ZONE CHANGE AND GENERAL PLAN AMENDMENT FOR 4.16 AC OF THE FOLLOWING ASSESSOR PARCEL NUMBER 063-250-011 FROM R-1 (RESIDENTIAL SINGLE FAMILY) TO OP(OPEN SPACE) TO ALLOW FOR THE DEVELOPMENT OF A NEW OUTDOOR RECREATIONAL PARK SITE.

WHEREAS, the Imperial Unified School District jointly with the City of Imperial have submitted an application for a General Plan Amendment and Zone Change from R-1 (Residential Single Family) to OP (Open Space) **4.16 AC** for certain real property described as follows:

ASSESSOR PARCEL NUMBER: 063-250-011

WHEREAS, a duly notified public hearing was held by the Planning Commission on June 23, 2021; 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 General Plan Amendment and Zone Change.

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 finds as follows:
 - 1. The proposed zone change and general plan amendment are consistent with the goals, objectives and policies of the General Plan;
 - 2. The proposed zone change, general plan amendment, mitigated negative declaration and proposed new outdoor recreational park are compatible with the surrounding environment;
 - 3. Public facilities and services can be provided to the proposed new outdoor recreational park development without placing undue additional burden on existing residents and businesses; and

- C) That on the findings made above, the Planning Commission recommends **APPROVAL** of the zone change and general plan amendment; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of the zone change and general plan amendment from R-1 (Residential Single Family) to OP (Open Space) and;
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby recommends **APPROVAL** of a Mitigated Negative Declaration; and
- F) 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 following and 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 zone change and general plan amendment may **NOT** 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 Zone Change and General Plan Amendment 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 Zone Change and General Plan Amendment are consistent with the policies and the land uses of the existing City of Imperial General Plan.
 - 7. The proposed General Plan Amendment and Zone Change are consistent with the objective of the City of Imperial's General Plan Guidelines and Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 23rd day of June 2021.

Planning Commission Chairman

ATTEST:

City Clerk

RESOLUTION PC2021-09

CONDITIONS OF APPROVAL

for

ZONE CHANGE AND GENERAL PLAN AMENDMENT #21_02

(ZC/GPA 21_02)

R-1 (Residential Single Family) to OP (OPEN SPACE)

FOR 4.16 AC OF ASSESSOR PARCEL NUMBER 063-250-011

1. The Zone Change and General Plan amendment approve 4.16 AC of assessor parcel number: 063-250-011 from R-1 (Residential Single Family) to OP (Open Space) contingent upon receipt of official lot split “legal descriptions” and “meets-and-bounds” prepared by a certificated land surveyor and submitted to the City of Imperial’s Community Development Department for review, approval, and recording the approved “Legal Descriptions” at the Imperial County Recorder’s Office.
2. These conditions of approval only cover the zone change and general plan amendment. Applicant must still apply for Site Plan Review and Building Permit Process prior to the commence of any work and can be bound by future conditions of approval if required by the City of Imperial’s Community Development Department
3. The 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 pay all applicable impact and capacity fees.
5. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of this zone change and general plan amendment. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney’s fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the zone change and general plan amendment including any claim for private attorney general fees claimed by, or awarded to any party from the City.
6. All conditions of approval for this zone change and general plan amendment 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. 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.

7. 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.
8. 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 zone change and general plan amendment, 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 then the matter shall be referred to the Planning Commission for modification to conditions of approval, suspension, or termination, or to the appropriate enforcement authority.
9. As between the City and the Permittee, any violation of the conditions of approval 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.
10. 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 project.

Planning Commission Agenda item

Submitted 5/28/21

Action Required 6/21/21

Discussion/ Action: APPOINTMENT OF PLANNING COMMISSIONER TO SERVE ON THE FRIENDS OF IMPERIAL PARKS 501C3 BOARD

1. APPOINT A MEMBER OF THE COMMISSION TO SERVE AS A NON-VOTING BOARD MEMBER FOR THE FRIENDS OF IMPERIAL PARKS, INC 501C3 ORGANIZATION

Presenting: Friends of Imperial Parks, Inc. / Anthony Lopez President

Background/Summary:

Friends of Imperial Parks is a Non-Profit organization that was established in March, 2021. Our purpose is to serve the best interest of the public by providing additional funding for City of Imperial parks, walking trails, right of ways, and youth programs. On May 27, 2021 current members of the board voted unanimously to have a member of the City of Imperial Planning Commission serve as a (non-voting) board member. It is our hope that Planning Commission appoints a member to serve to this capacity since they represent the best interest of the City and it's residents.

RESOLUTION PC2021-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT (CUP 21-04) FOR A STARBUCKS AT 802 N. IMPERIAL AVENUE

(STARBUCKS – DRIVE-THROUGH)

WHEREAS, Christopher Peto submitted a Conditional Use Permit application to operate a, Starbucks-drive-through at 802 N. Imperial Avenue; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on June 23, 2021; 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 15303 of the California Environmental Quality Act; and
- E) That the drive-through coffee shop is consistent with those uses allowed in the C-2 Commercial General Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit #21-04 for a Starbucks-drive-through at 802 N. Imperial Avenue 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 24.19.340.B of the Imperial Zoning Ordinance.

3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
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 24th day of June 2021.

Planning Commission Chairman

ATTEST:

City Clerk

**EXHIBIT A
RESOLUTION PC2021-08**

CONDITIONS OF APPROVAL

For

Conditional Use Permit #21-04

**Starbucks-Drive Though
802 N Imperial Avenue
Imperial, CA 92251**

1. This Conditional Use Permit is granted for a Starbucks-drive-through at 802 N. Imperial Avenue, Imperial, CA 92251.
2. This conditional use permit shall be null and void if a building permit is not obtained within a year.
3. The parking lot shall be paved and must be ADA compliant with the State of California American Disabilities Act Standards.
4. To mitigate the potential for excessive queues, the owner is required to place one or more employees with a headset outside the store to expedite orders, add equipment and headcount (shift employees) to the store to maximize productivity and modify business operations to include curbside pick-up, to relieve drive-through queuing pressures.

In the event that the developer's facility operations result in excessive queues, including queues extending into 15th street right-of-way, blocking traffic and creating potential for safety concerns, even on an intermittent basis, the 15th street driveway shall be closed by traffic control devices approved by the City at the owner's expense.

5. Proprietor/owner shall maintain a paved walking path at all times.
6. One additional south bound lane to be provided on 15th street by developer.
7. Internal Fire Hydrants may be required for the project and that determination will be made during the Building Permit Process.
8. On-site Retention Basin is required and will be reviewed and approved by the Community Development Department during the Building Permit Process.
9. Landscaping in the form of trees, hedges, and low-laying vegetation shall be installed along the street frontage; Plant Palette to mirror the Development Standards and suggested features outline in the City of Imperials Downtown Redevelopment Plan.
10. Decorative architectural treatments shall be provided on all sides of the building.
11. The developer shall be responsible for the installation of one (1) master sign displaying all lessees at the location. The master sign shall conform to zoning code 24.16.
12. There shall be a reciprocal driveway access agreement between APN 064-040-038 (subject site) and APN 063-040-039 (adjacent parcel to the north).

13. The provisions of this Conditional Use 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. This Conditional Use Permit is only valid for 802 N Imperial Avenue.
14. Decorative architectural treatments shall be provided on all sides of the building; Colors, features, enhancements and structures to mirror the Development Standards and suggested features outline in the City of Imperials Downtown Redevelopment Plan.
15. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within 72 hours of its appearance on the property.
16. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times.
17. 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.
18. 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.
19. Applicant must implement sound maintenance and housekeeping procedures.
20. The Applicant shall pay all impact and capacity fees as required by the city.
21. All applicable Conditions of Approval shall be completed prior to opening for business.
22. Colors should visually relate building elements to each other, and also individual facades to each other. The colors chosen for a building façade should relate, but not replicate, neighboring facades. No more than three colors should be used on any given façade. This includes any "natural" colors such as unpainted brick or stone. The three colors constitute the:
 - Primary Base Color. The color of the top, upper portion of the wall façade and the bottom storefront piers is defined as the primary base color. The larger and plainer the building, the more subtle the base color should be.
 - Secondary Color. A secondary color can be used to give additional emphasis to architectural features such as building bases, pilasters, cornices, and bands.
 - Minor Trim Color. If a minor trim is a third color, it should strengthen the color scheme already established by the base and secondary colors. In most cases, when two colors are used on the trim, the minor trim should be darker than the
23. 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.

24. 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.
25. 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.