



PLANNING COMMISSION

Charles Lucas, Chair
Geoffrey Holbrook, Vice Chair
Andie Guillen, Commissioner
Kris Haugh, 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 REGULAR MEETING

200 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, July 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. CONSENT CALENDAR

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

D-1 Public Hearing, Discussion/Action: **Variance (19-02)** to allow from the deviation of the ordained “side and rear yard setbacks” requirements for an existing wood storage shed located at 199 Sylvia Court; Imperial, CA 92251.

1. Open Public Hearing.
2. Staff Report.
3. Public Testimony.
4. Commission Discussion.
5. Recommended Action: **Approve RESO No. PC 2019-11** a Resolution of the Planning Commission of the City of Imperial granting a Variance Permit and Conditions of Approval, outlined in Resolution “No. PC 2019-10” to Ismael Angulo for the deviation from the ordained “side and rear yard setback from 5 feet to 2 feet for a storage shed” for the residence located at 199 Sylvia Ct. ; Imperial, CA 92251.

D-2 Public Hearing/Discussion/Action: **Recommend Adoption** of the 2019 Comprehensive Update of the 2014-2021 Housing Element for the City of Imperial’s General Plan.

1. Open Public Hearing
2. Staff Report
3. Public Testimony
4. Commission Discussion
5. Recommended Action: **Approve RESO No. PC 2019-12.**

D-3 Public Hearing, Discussion/Action: **Conditional Use Permit (19-06)** to allow the use of a “Trucking Facility” that is currently operating and existing at 2475 Clark Road; Imperial, CA 92251.

1. Open Public Hearing.
2. Staff Report.
3. Public Testimony.
4. Commission Discussion.
5. Recommended Action: **Approve RESO No. PC 2019-13** a Resolution of the Planning Commission of the City of Imperial granting a Conditional Use Permit and Conditions of Approval outlined in Resolution “No. PC 2019-12”, to Justo Felix allowing the use of a “Trucking Facility Yard”; currently operating at 2475 Clark Road; Imperial, CA 92251.

E. REPORTS:

- E-1. Commissioners Report
- E-2. Staff Report

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. D-1

To: City of Imperial Planning Commission

From: Lisa Tylenda, Planner

Date: June 26, 2019

Item: **Variance-VAR(19-02)**
Deviation from ordained "Side and Rear-Yard Setback"
development standards.

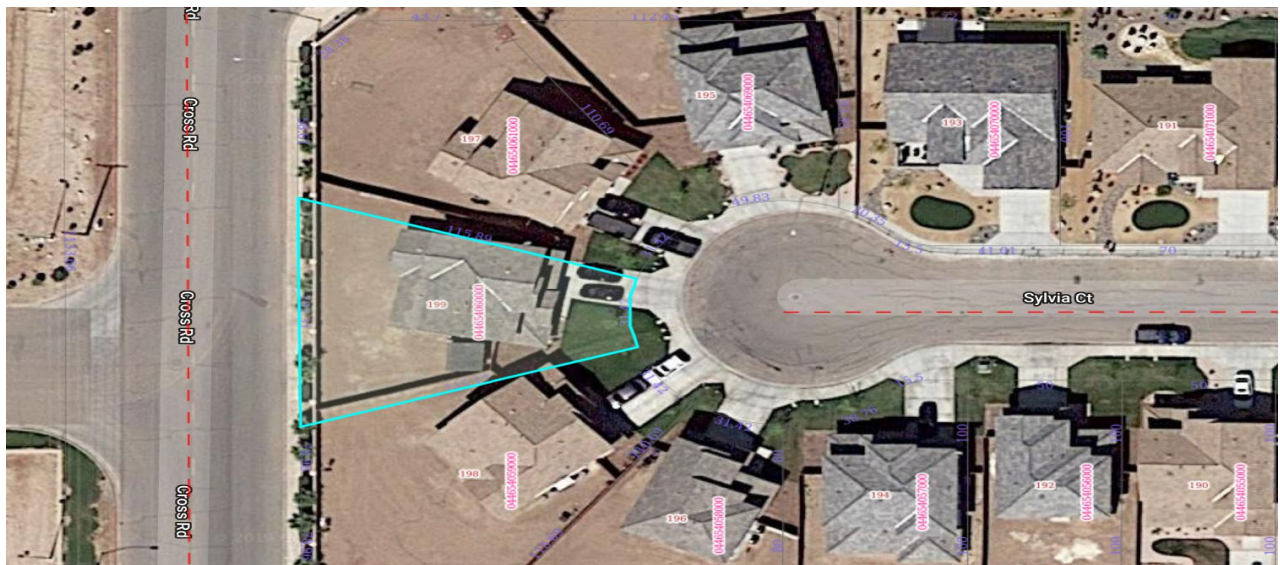
Summary:

Applicant: Ismael Angulo

Project Location: 199 Sylvia Court; Imperial, CA 92251

Zoning: R-1 (Residential Single Family)

Recommendation: Planning Commission to review Variance request.



Background

The applicant is requesting a Variance Permit to allow for deviation from the City of Imperials' "Property Development Standards" Section 24.03.120 of the zoning code regarding "setback requirements" for the side and rear- yards of the property from the ordained 5 feet to 2 feet to allow the use of an existing storage shed which was constructed in the year 2016.

Section 24.19.400 et seq. of the Imperial Zoning Ordinance allows for variances from development standards "only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification."

Required Findings:

For the Planning Commission to approve a variance, all of these findings must be made:

1. **Special circumstances** apply to the property. These can be it's size, shape, topography, location, or surrounding structures. You must explain how these circumstances deprive your property of the privileges enjoyed by other property in the neighborhood which is zoned the same, and;
2. The variance will meet the intent of the zoning on the parcel, and will not be detrimental to public health, safety, and welfare, and not be detrimental to other property in the neighborhood; and,
3. The variance **will not be** a grant of special privilege in the neighborhood, and will not allow you to build in a way that would not be allowed for someone else.

The applicant has provided justification for the required findings. Please see attached document.

Environmental:

The proposed project is not subject to CEQA since it is categorized as a minor project.

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance. Staff recommends that the Planning Commission make the following findings:

- A. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.
- B. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- C. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.
- D. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

Photos of Applicants backyard:



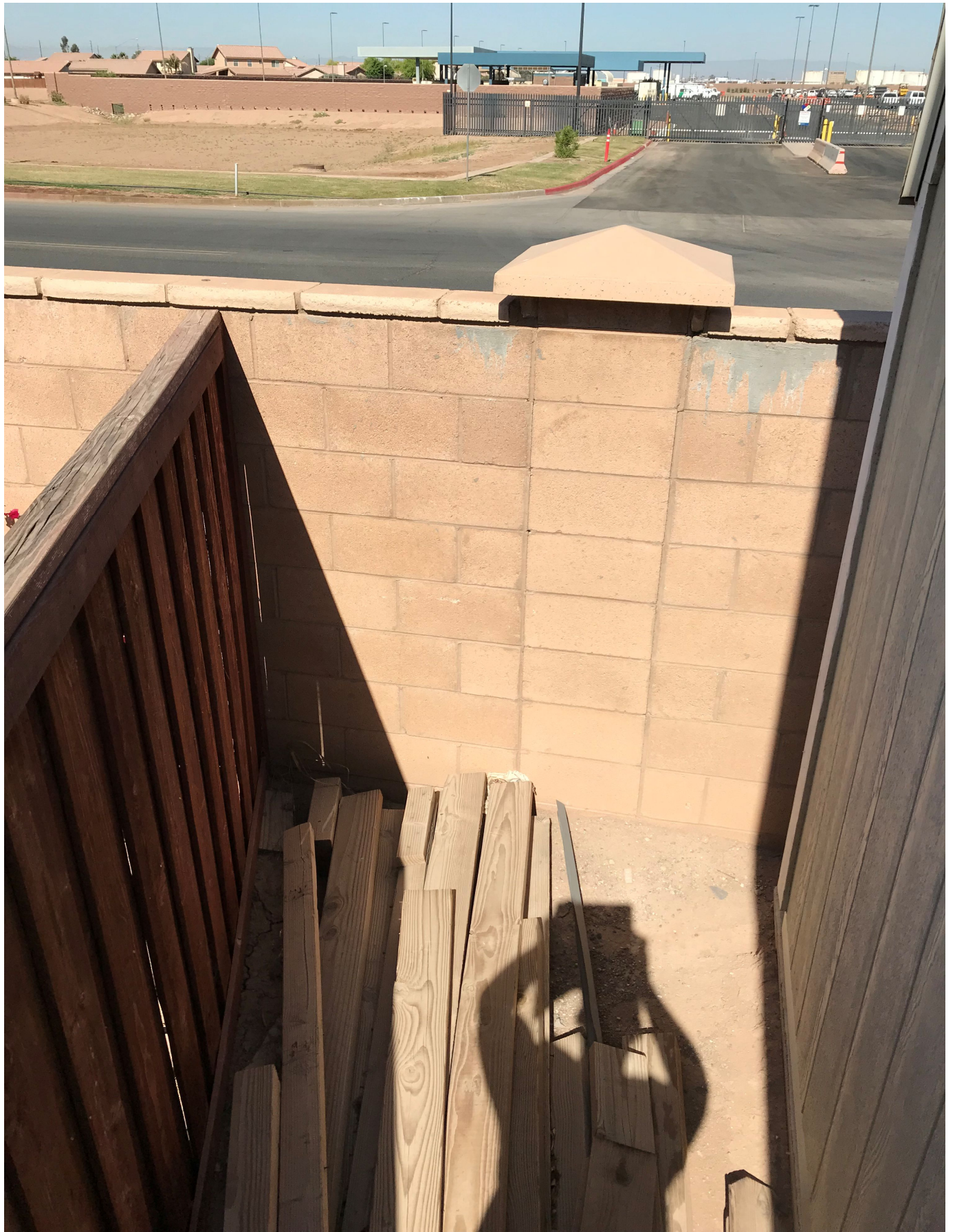














Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Lisa Tylanda, Planner

Date: July 3, 2019

Subject: 2019 Comprehensive Update to 2014-2021 Housing Element

Applicant:	City of Imperial's Community Development Department
Recommendation:	Recommend Adoption of the Updated 2014-2021 Housing Element to City Council.

Discussion/Analysis:

The Housing Element is an integral component of the City's General Plan. The Housing Element addresses existing and future housing needs of all types for persons of all economic groups in the City. The Housing Element is a tool for use by citizens and public officials in understanding and meeting the housing needs in City of Imperial. The Housing Element Update covers the eight-year period of October 2014 through September 2021, and provides an implementation strategy for effectively addressing the housing needs of Imperial residents during this period.

- Planning Commission recommended the draft Housing Element to City Council on 11/28/2018.
- City Council approved the draft Housing Element to be submitted to the Department of Housing and Community Development of the State of California on 12/19/2018.
- Community Development Department Staff submitted the Housing Element Draft update for the 1st review on January 11, 2019.
- Community Development Department Staff submitted the Housing Element Draft update for the 2nd review on April 15, 2019.
- The City of Imperial, received a "Compliance Letter" from the State of California's Housing and Community Development Department on June 13th, 2019 informing the City that the draft housing element is compliant with State of California Housing Laws and can now be formally adopted by the City of Imperial.

Environmental Compliance:

An Initial Study has been prepared for the proposed update. The proposed draft Housing Element update of 2018 for the planning period of 10/2014 through 9/2021 has been found to NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Staff Recommendation:

Staff recommends this item to the Planning Commission for review and recommendation to the City Council.

Attachments:

- Housing Element update for the Planning Period of 10/2014 through 9/2021.
- “Compliance” comment letter from HCD.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



June 13, 2019

Othon Mora, Director
Community Development Department
City of Imperial
400 South Imperial Avenue, Suite "A"
Imperial, California 92251

Dear Othon Mora:

RE: City of Imperial's 5th Cycle (2013-2021) Draft Four-Year Housing Element Update

Thank you for submitting Imperial's revised draft housing element update received for review on April 15, 2019, along with revisions received on June 4 and June 7, 2019. Pursuant to Government Code section 65585, subdivision (b), the Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on May 22, 2019 with Lisa Tylenda, Planner.

The revised draft element meets the statutory requirements described in HCD's March 12, 2019 review. The revised element will comply with State housing element law (Article 10.6 of the Government Code) when it is adopted and submitted to HCD, in accordance with Gov. Code section 65585, subd. (g).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the city must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate.

For your information, some general plan element updates are triggered by housing element adoption. For example, a jurisdiction must address environmental justice in its general plan by the adoption of an environmental justice element, or by the integration of environmental justice goals, policies, and objectives into other general plan elements upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. (Gov. Code, § 65302, subd. (h).) In addition, the safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management and be revised upon each housing element revision. (Gov. Code, § 65302, subd. (g).) Also, the land-use element must identify and analyze

disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long-established legacy communities) on, or before, the housing element's adoption due date. (Gov. Code, § 65302.10, subd. (b).) HCD urges the city of Imperial to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:

http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and

http://opr.ca.gov/docs/Final_6.26.15.pdf.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, CalTrans Senate Bill (SB) 1 Sustainable Communities grants; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and the upcoming SB 2 Planning grant as well as ongoing SB 2 funding consider housing element compliance and/or annual reporting requirements pursuant to Gov. Code section 65400. By having a compliant housing element, Imperial will meet housing element requirements for these funding sources.

HCD appreciates the hard work and dedication Lisa Tylenda, Planner, provided in preparation of the housing element and looks forward to receiving Imperial's adopted housing element. If you have any questions or need additional technical assistance, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Olmstead", with a long horizontal flourish extending to the right.

Zachary Olmstead
Deputy Director



Staff Report

Agenda Item No.

D-3

To: Imperial City Planning Commission

From: Lisa Tylanda, Planner

Date: July 10, 2019

Project: Conditional Use Permit to allow the operation of a "Trucking Facility" at 2475 Clark Road; Imperial, CA 92251

Summary:

Project Location:	West Side of Clark Road ("P" Street) North of Aten Road (27.01 acres) Assessor's Parcel Numbers: 044-200-077, 044-200-079, and 044-200-081
Zoning:	City of Imperial I-2 Rail Served Industrial
General Plan:	Existing: County Land Use Designation Urban Area Proposed: City of Imperial Rail Served Industrial (No Change)
Environmental:	Negative Declaration

Project Description

During the month of June 2019, Mr. Felix applied for Building Permits at the City of Imperial's Community Development Department. While processing the building permits, it was found that Mr. Felix annexation process, did not include a "Conditional Use Permit" for the proposed/ existing use of a "Trucking Facility". The annexation was processed and the use of a "Trucking Facility" was implied throughout the whole process but a Conditional Use Permit was not processed concurrently with the initial annexation process.

The "Trucking Facility" has recently been annexed into the City of Imperial officially during January 2019. Mr. Felix's existing use was implied and transparent throughout the entire process and conditions of approval were composed pertaining to the use, but a "Conditional Use Permit" was not formalized during the process.

Currently, the property is in the process of "relocation transmission lines" as per the initial "Conditions of Approval" that were imposed during the annexation process and formulated because of the use. The relocation of the transmission lines should be completed within the next

four weeks. Once that is completed, the offsite improvements (as per initial conditions of approval) will commence.

BACKGROUND/TIMELINE

T.O. Transport Company began developing a truck parking and storage facility at 2475 Clark Road located in an unincorporated area of the County of Imperial across the street from the Bratton Subdivision. The development project was done without a building permit and was subsequently red-tagged by the County of Imperial. The owner then started the compliance process. The County required that the project obtain water and sewer services from the City of Imperial and City Council approved the extension of services to the project site. Since the project is located outside of City limits, the owner had to also obtain approval from the Local Area Formation Commission (LAFCo). LAFCo required that 2475 Clark Road and the adjacent parcels be annexed into the City of Imperial because of their proximity to the City boundaries (see Exhibit B).

Mr. Felix applied for a pre-zone change and annexation of his property on January 6, 2016. A public hearing was held by the Planning Commission on May 11, 2016. Upon hearing and considering all testimony and arguments, the Planning Commission recommended approval of the annexation, pre-zone change and negative declaration (Resolution No. PC2016-06) subject to the conditions of approval outlined in Exhibit A.

During the regularly scheduled City Council Meeting on June 1, 2016, Council approved the Felix annexation of 27.01 acres of land. The Tax Sharing Annexation was approved by City Council on January 18, 2017 (Resolution No. 2017-01). Under the tax sharing agreement, 40% of the base year tax revenues would be transferred to the City of Imperial. Once the property was developed, the tax increment would be distributed evenly between the City of Imperial and the County of Imperial.

After the annexation approval by City Council, a home owner obtained eighty-seven (87) signatures within a radius of approximately 1,000 feet from the trucking business opposing the annexation due to safety issues (see Exhibit B).

Homeowners attended a LAFCo board meeting to express their disapproval of the Felix Annexation and submitted a letter opposing the annexation, as well as the signatures collected. LAFCo continued the annexation pending discussion with homeowners and action by City Council.

On April 15, 2017, staff met with three homeowners to discuss the possible repeal of the Justo Felix Annexation. During the meeting, homeowners stated their concern of the following: the safety of school children as there is a school bus that picks up and drops off children on Clark Road, the high rate of speed of truck drivers, hours of operation have been as early as 4:30 a.m., Clark Road not being a designated road for heavy vehicles, and trucks constantly blocking traffic.

During the May 3, 2017 council meeting, a homeowner from Paseo Del Sol expressed his disapproval of the Justo Felix annexation. His concerns were the same as addressed during the April 15th meeting with staff.

On May 10, 2017, Mr. Felix met with staff and said he was had purchased other lots and was in the process of moving his trucking business. Mr. Felix desires to move forward with the annexation process.

During the May 17, 2017 council meeting, Mr. Felix brought his attorney Carlos Fox. Mr. Fox made some inaccurate statements with regard to Mr. Felix meeting all of the Conditions of Approval and that the easement was granted in exchange for waiver of water and sewer capacity fees once the location is eligible for those services. In the end, Council did not repeal their

original approval of the annexation and Tax Sharing Agreement. Council is requesting LAFCo continue the hearing to allow Council to place additional Conditions of Approval to the project.

During the June 7, 2017 council meeting, Council did not take action due to Mr. Felix not receiving the updated Conditions of Approval; therefore the public hearing was continued to June 21, 2017.

On June 14, 2017, staff met with Mr. Felix and his attorney Mr. Fox. The revised Conditions of Approval were presented to both Mr. Felix and Mr. Fox. Mr. Felix is requesting flexibility on the hours of operation due to unforeseen circumstances mainly due to traffic. Mr. Felix said late arrivals are out of his control, which may happen approximately twice a day, however not necessarily on a daily basis.

Mr. Felix said the masonry wall serves no purpose due to there not being any noise activity inside the yard. Mr. Felix said he has newer model trucks 2015-2017 that have a quiet exhaust system. There is no running equipment inside the yard and there is no work activity in the shop or office performed after 6:00 pm. through 7:00 am.

During the June 21, 2017 council meeting, Council amended conditions of approval #9, #10, #34 and #35, and referred the matter back to Planning Commission for approval.

On August 9, 2017, the Planning Commission held their regularly scheduled meeting and amended conditions of approval #11 and #34. Due to the amendments made by the Planning Commission the item went back to the City Council.

On September 20, 2017, the City Council approved the amendments proposed by the City Council.

During January 2019, the Annexation was finalized.

RECOMMENDATION

Staff recommends the Planning Commission approve the Conditional Use Permit and the proposed Conditions of Approval.



(Photo of the north side of 2475 Clark Road)



(Photo of south side of 2475 Clark Road)

CONDITIONS OF APPROVAL

For

JUSTO FELIX CONDITIONAL USE PERMIT (19_06) TO ALLOW THE USE OF A "TRUCKING FACILITY" LOCATED AT 2475 CLARK ROAD; IMPERIAL, CA 92251

1. The Applicant shall dedicate a twenty-foot (20') right-of-way along the frontage of the project site in conformance with the requirements of the General Plan Circulation Element to ensure that Clark Road / "P" Street is developed as a Major Arterial.
2. The Applicant shall widen the center turn lane to a minimum of 15' in width and extend the center turn lane to the north to provide sufficient merging distance for trucks.
3. Acceleration and deceleration lanes shall be provided along the frontage of the project site. These lanes shall be provided with a 10:1 taper to the existing roadway and shall be a minimum of 12' width.
4. The Applicant shall install sidewalk, and curb and gutter along the frontage of the project site.
5. A new 80' east-west roadway shall be created to provide emergency secondary access to all portions of the properties. This shall be accomplished through the granting of an irrevocable offer of 40' right-of-way from the northern portion on APN 044-200-079 and a 40' right-of-way from the southern portion on APN 044-200-077.
6. All gates shall be located a minimum of 100' from the edge of right-of-way to ensure sufficient truck cueing space away from roadways
7. Drought-tolerant landscaping shall be installed along the project frontage. At a minimum, landscaping shall include one 24-inch box tree for every 30' of street frontage and shrubs. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the issuance of a building permit. All landscaped areas shall be irrigated with automatic sprinkler systems.
8. All storage areas shall be screened from view of the public. No double-stacking of cargo containers is allowed.
9. Hours of operation shall be limited to between 7:00 a.m. and 8:30 p.m. Mondays through Fridays. No trucks shall enter or exit the project site outside of these hours. This shall include arrivals and departures. No storage containers or materials inside the facility shall be moved outside of these hours.
10. A six-foot high, solid wall, stucco or wood frame shall be installed along the street frontage of the project site.

11. The Imperial County Fire Department shall conduct a ministerial review of the Tentative Tract Map and may provide additional requirements consistent with applicable standards. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), roadway access, storage limitations related to highly flammable materials, and the installation of fire sprinklers 60 days following the approval of LAFCo. The following Conditions of Approval shall also apply:

Fire Protection Water Supply

- a. Private Fire Service main and water supply shall meet the California Fire Code Chapter 5 Section 507.
- b. All plans shall be reviewed and approved by Imperial County Fire Department before construction of the private fire protection water supply is started.
- c. All construction of underground fire lines will be inspected by Imperial County Fire Department.
- d. All components of the will be reviewed and approved by Imperial County Fire Department before any construction of the private fire protection water supply is started.

Firefighting Access

- e. Access to the property shall meet the requirements set forth in the 2013 California Fire Code, and all City of Imperial codes and ordinances.
- f. Firefighting Access shall meet all requirements of the 2013 California Fire Code Chapter 5 Sec. 503.
- g. Access Gates should meet all requirements of the 2013 California Fire Code Chapter 5 sec. 503.6.
- h. An approved KNOX Box/Lock will be required to be installed at all access points to the property.
- i. Secondary Access to the property shall be installed in accordance with the 2013 California Fire Code Chapter 5 Sec. 503.1.2 and local requirements, codes, and ordinances.
- j. An annual fire inspection will be conducted at the facility, in accordance with the California Fire Code 106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

Hazardous Materials

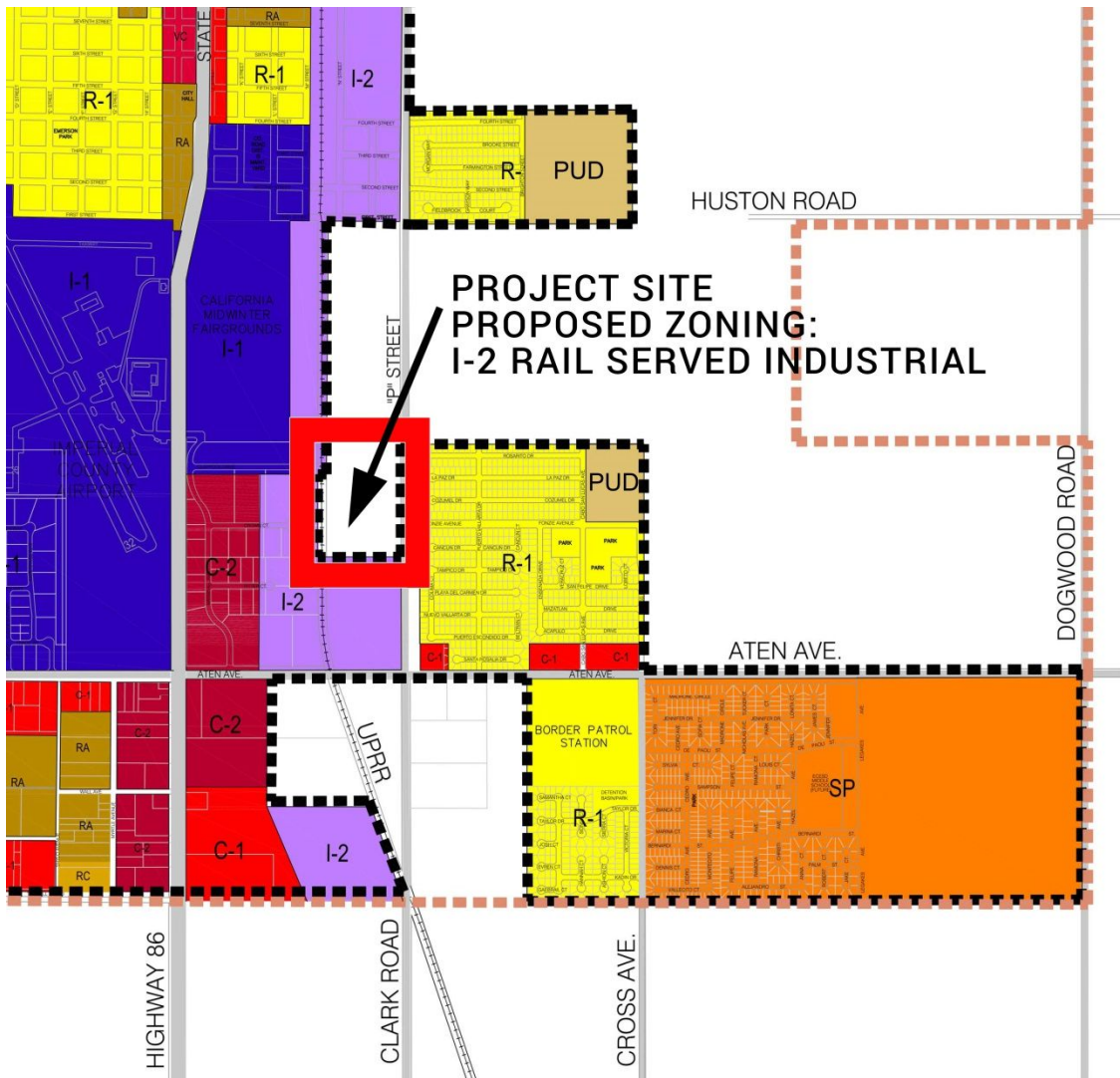
- k. Developer shall comply with Chapter 50 of the California Fire Coded for Hazardous Material and submit a hazardous material management plan and hazardous material inventory statement to Imperial County Fire Department and local CUPA.
- 10. The Developer/Applicant shall submit a lighting plan prior 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. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;
- 11. 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.
- 12. 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.
- 13. The City Council shall have final approval of the Pre-Zone, Annexation and Environmental Review.
- 14. 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 the project. 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 Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
- 15. The Developer/Applicant shall pay all applicable impact and capacity fees.
- 16. 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 Subdivision Map shall record until such costs have been paid to the City.

17. 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 issuance of building permit.
18. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.
19. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.
20. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. 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.
21. Prior to the start of any construction activity, a qualified 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 will be destroyed to prevent the return of the owls to these burrows during the next mating season.
22. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.
23. Construction sites 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.
24. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.

25. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.
26. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan 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.
27. The developer shall reduce potential impacts to the nearby noise-sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
28. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.
29. The conditional approval of the Pre-Zone and Annexation 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.
30. 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.
31. All conditions of approval for this project 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.

32. All Conditions of Approval, with the exception of #11, must be completed and met within twelve (12) months following the approval of the Imperial Valley Local Agency Formation Commission (LAFCo).
33. The applicant shall post a performance bond to guarantee satisfactory completion of the project. Performance bond shall include the cost of improvements plans and the cost estimate approved by the city.



CITY OF IMPERIAL **ZONING MAP**

CITY LIMITS



SPHERE OF INFLUENCE



RESOLUTION PC2019-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE PERMIT FOR ISMAEL ANGULO ALLOWING THE DEVIATION OF THE ORDAINED 5 FOOT SIDE AND REAR YARD SETBACKS TO ALLOW 2 FOOT SIDE AND REAR YARD SETBACKS FOR THE CONTINUED USE OF AN EXISTING STORAGE SHED LOCATED AT 199 SYLVIA COURT IN THE CITY OF IMPERIAL, CA 92251

WHEREAS, Ismael Angulo submitted a request for a Variance for a subdivision advertisement sign size and location within the City; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on June 26, 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 a Variance.

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) Installation and alteration of the sign is ministerial and therefore exempt from CEQA.
- 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** Variance-**VAR 19-02** for Ismael Angulo for the deviation of the “side and rear-yard setback” requirements from 5 feet to 2 feet to allow the continued use of an existing wood shed based on the following findings:

1. That granting the Variance of its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.
2. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
3. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.
4. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this June 26, 2019.

Planning Commission Chairman

ATTEST:

Planning Secretary

**RESOLUTION PC 2019-10
CONDITIONS OF APPROVAL**

For

**Variance Permit #VAR 19-02
Ismael Angulo
199 Sylvia Court
Imperial, CA 92251**

1. A building permit from the City of Imperials' Community Development Department must be obtained after variance approval along with any required development and/or construction plans required and payment of processing fees as well.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit.
3. The provisions of this Variance 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.
4. The proprietor/owner shall be responsible for the removal of all graffiti from the storage shed within 72 hours of its appearance on the property.
5. The proprietor/owner shall be responsible for maintaining the locations where the storage shed is placed and adjacent areas free of litter at all times.
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 Variance 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. Applicant must obtain an approved Building Permit from the Community Development Department within 6 month of approval of the Variance Permit. If the applicant does not obtain and approved Building Permit from the Community Development Department, the Variance Permit becomes null and void based on the final date of approval of the Variance Permit.
10. 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 Variance, 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 Variance, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.

11. 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.
12. 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.

RESOLUTION PC 2019-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL RECOMMENDING THE ADOPTION OF THE 2019 COMPREHENSIVE UPDATE OF THE (2014-2021) HOUSING ELEMENT UPDATE TO THE CITY COUNCIL

WHEREAS, the City of Imperial is required to adopt a Housing Element of the General Plan, in compliance with State Law, which sets forth goals, policies, and programs to define and clarify housing allowances and meet housing objectives; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on July 10, 2019; and

WHEREAS, The City of Imperial initiated a comprehensive update of the 2014-2021 Housing Element;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 10, 2019 to provide citizens an opportunity to comment on the proposed zoning ordinance amendments; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Imperial Planning Commission considered all facts relating to the proposed 2019 Comprehensive updates to the Imperial Zoning Ordinance- (2014-2021) Housing Element ; and

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

- A) That the foregoing recitations are true and correct; and
- B) The document update 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 will require a **Negative Declaration** regarding the California Environmental Quality Act; and
- E) The proposed amendments to the Imperial Zoning Ordinance are consistent with the objectives of the Imperial General Plan.

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

Planning Commission Chairman

ATTEST:

Planning Secretary

RESOLUTION PC2019-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT TO CONDITIONALLY ALLOW FOR A TRUCKING FACILITY IN AN I-2 (RAIL SERVED INDUSTRIAL) ZONE, LOCATED AT 2457 CLARK ROAD; IMPERIAL, CA 92251

WHEREAS, Justo Felix submitted an application for a Conditional Use Permit; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on July 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 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 "Trucking Facility" is consistent with those uses allowed in the I-2 Rail Served Industrial Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby conditionally **APPROVES** the "Trucking Facility" at 2475 Clark Road, via the granting approval of a Conditional Use Permit and Conditions of Approval outlined in EXHIBIT A.

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

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION #PC2019-12
CONDITIONS OF APPROVAL**

For

Conditional Use Permit: CUP (19-06)

**Justo Felix
Trucking Facility Operations
2475 Clark Road; Imperial, CA 92251**

1. The Applicant shall dedicate a twenty-foot (20') right-of-way along the frontage of the project site in conformance with the requirements of the General Plan Circulation Element to ensure that Clark Road / "P" Street is developed as a Major Arterial.
2. The Applicant shall widen the center turn lane to a minimum of 15' in width and extend the center turn lane to the north to provide sufficient merging distance for trucks.
3. Acceleration and deceleration lanes shall be provided along the frontage of the project site. These lanes shall be provided with a 10:1 taper to the existing roadway and shall be a minimum of 12' width.
4. The Applicant shall install sidewalk, and curb and gutter along the frontage of the project site.
5. A new 80' east-west roadway shall be created to provide emergency secondary access to all portions of the properties. This shall be accomplished through the granting of an irrevocable offer of 40' right-of-way from the northern portion on APN 044-200-079 and a 40' right-of-way from the southern portion on APN 044-200-077.
6. All gates shall be located a minimum of 100' from the edge of right-of-way to ensure sufficient truck cueing space away from roadways
7. Drought-tolerant landscaping shall be installed along the project frontage. At a minimum, landscaping shall include one 24-inch box tree for every 30' of street frontage and shrubs. A Landscaping Plan shall be submitted to the City of Imperial for review and approval prior to the issuance of a building permit. All landscaped areas shall be irrigated with automatic sprinkler systems.
8. All storage areas shall be screened from view of the public. No double-stacking of cargo containers is allowed.
9. Hours of operation shall be limited to between 7:00 a.m. and 8:30 p.m. Mondays through Fridays. No trucks shall enter or exit the project site outside of these hours. This shall include arrivals and departures. No storage containers or materials inside the facility shall be moved outside of these hours.
10. A six-foot high, solid wall, stucco or wood frame shall be installed along the street frontage of the project site.
11. The Imperial County Fire Department shall conduct a ministerial review of the Tentative Tract Map and may provide additional requirements consistent with applicable standards. Such requirements may include, but are not limited to, the location and sizing of fire hydrants, premise identification numbers (address numbers), roadway access, storage limitations related to highly flammable materials, and the

installation of fire sprinklers 60 days following the approval of LAFCo. The following Conditions of Approval shall also apply:

Fire Protection Water Supply

- a. Private Fire Service main and water supply shall meet the California Fire Code Chapter 5 Section 507.
- b. All plans shall be reviewed and approved by Imperial County Fire Department before construction of the private fire protection water supply is started.
- c. All construction of underground fire lines will be inspected by Imperial County Fire Department.
- d. All components of the will be reviewed and approved by Imperial County Fire Department before any construction of the private fire protection water supply is started.
- e. Firefighting Access to the property shall meet the requirements set forth in the 2013 California Fire Code, and all City of Imperial codes and ordinances.
- f. Firefighting Access shall meet all requirements of the 2013 California Fire Code Chapter 5 Sec. 503.
- g. Access Gates should meet all requirements of the 2013 California Fire Code Chapter 5 sec. 503.6.
- h. An approved KNOX Box/Lock will be required to be installed at all access points to the property and Secondary Access to the property shall be installed in accordance with the 2013 California Fire Code Chapter 5 Sec. 503.1.2 and local requirements, codes, and ordinances.
- j. An annual fire inspection will be conducted at the facility, in accordance with the California Fire Code 106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

Hazardous Materials

- k. Developer shall comply with Chapter 50 of the California Fire Coded for Hazardous Material and submit a hazardous material management plan and hazardous material inventory statement to Imperial County Fire Department and local CUPA.

10. 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. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department. The Planning Department may require light reducing techniques such as the installation of fencing, mature landscaping, or directing of lighting toward the ground;

11. 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.

12. 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.

13. The City Council shall have final approval of the Pre-Zone, Annexation and Environmental Review.

14. 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 the project. 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 Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.

15. The Developer/Applicant shall pay all applicable impact and capacity fees.

16. 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 Subdivision Map shall record until such costs have been paid to the City.

17. 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 issuance of building permit.

18. All infrastructure improvements shall be constructed, or in lieu thereof, security provided to ensure construction, prior to the recordation of a Final Subdivision Map.

19. The Developer shall comply with the City's Water Master Plan to ensure sufficient volume and flow of water. The Developer shall construct new water mains in the project area if necessary and built according to City development standards.

20. The Developer shall comply with the City's Sewer Master Plan to ensure sufficient handling of waste. 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.

21. Prior to the start of any construction activity, a qualified 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 will be destroyed to prevent the return of the owls to these burrows during the next mating season.

22. The project shall comply with ICAPCD's standard mitigation measures for construction combustion equipment and mandatory Rule VIII to ensure that adequate air quality is maintained.

23. Construction sites 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.

24. A Hydrology Study shall be submitted to the City Engineer for review and approval during the design phase of this project. The Hydrology Study shall determine the need for a pump station and must adequately address drainage for all proposed parcels in compliance with the City's adopted standards.

25. The proposed project and design criteria must provide for the storage capacity of a 100-year storm. If the 100 year storm retention basin is unable to be drained within a 72-hour detention time, a Mosquito Abatement Plan shall also be required.

26. A Grading and Drainage Plan shall be submitted to the City Engineer for review and approval. The Grading and Drainage Plan 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.

27. The developer shall reduce potential impacts to the nearby noise-sensitive residential uses. During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile with properly operating and maintained mufflers, consistent with the manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.

28. Construction scheduling for the project area shall be limited to the hours of 7 a.m. and 8 p.m. Monday through Friday with the exception of legal holidays. The Building Department may issue a written "early work permit" if hot or inclement weather creates a need to start earlier than 7 a.m. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land or residential dwellings.

29. The conditional approval of the Pre-Zone and Annexation 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.

30. 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.

31. All conditions of approval for this project 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.

32. All Conditions of Approval, with the exception of #11, must be completed and met within twelve (12) months following the approval of the Imperial Valley Local Agency Formation Commission (LAFCo).

33. The applicant shall post a performance bond to guarantee satisfactory completion of the project. Performance bond shall include the cost of improvements plans and the cost estimate approved by the city.