



PLANNING COMMISSION
MARK HAMMERNESS, CHAIRPERSON
STACY MENDOZA, VICE CHAIRPERSON
ALICE ABATTI, COMMISSIONER
VERONICA HARVEY, COMMISSIONER
RUBEN RIVERA, COMMISSIONER

AGENDA

**PLANNING COMMISSION
TRAFFIC COMMISSION
REGULAR MEETING**

**200 West 9th Street
IMPERIAL, CA 92251**

**WEDNESDAY, JULY 13, 2022
6:30PM**

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

1. You are encouraged to observe the City Council meetings via Livestream at the City of Imperial Facebook page.
2. Email public comments to publicinformation@cityofimperial.org by 5:00 pm on Wednesday, July 13th 2022. Comments received by 5:00 pm will be read into the record during the regular meeting.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT (760) 355-4373. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28CFR 35.102-35.104 ADA TITLE II]

A. PLANNING COMMISSION CALL TO ORDER:

**6:30 PM
ROLL CALL
PLEDGE OF ALLEGIANCE**

B. PUBLIC APPEARANCES

B-1. Matters not appearing on the agenda. If you wish to address the Planning Commission concerning any item within the Commission's jurisdiction, please raise your hand and be acknowledged by the Chairperson, and at that time state your name and address for the record. The Chairperson reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Commission in writing.

B-2. Matters appearing on the agenda. If you wish to address the Planning Commission concerning any item within the Commission's jurisdiction, please raise your hand and be acknowledged by the Chairperson, and at that time state your name and address for the record. The Chairperson reserves the right to place a time limit on each person's presentation of three (3) minutes. It is requested that longer presentations be submitted to the Commission in writing.

C. CONSENT CALENDAR

C-1. Approve Planning Commission Meeting Minutes for March 23rd, 2022.

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

D-1: Subject: Public Hearing, Discussion/Action: Conditional Use Permit (CUP 22-04) to allow for the construction of an accessory structure exceeding the allowed height limit at the following address: 253 Puerto Escondido, Imperial, CA 92251, APN#: 044-697-048.

1. Approval of Resolution No. PC2022-05: A Resolution of the Planning Commission approving Conditional Use Permit (CUP 22-04) to allow for an eighteen-foot accessory structure within a Residential Zone located at 253 W. Puerto Escondido Drive, Imperial, CA 92251, APN#:044-697-048. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303 of the Guidelines-New Construction or Conversion of Small Structures.

D-2: Subject: Public Hearing, Discussion/Action: Conditional Use Permit (CUP 22-03) to allow the onsite sale and consumption of alcoholic beverages and onsite live entertainment in an existing restaurant within the Neighborhood Commercial Zone located at 297 S. Imperial Avenue, APN #064-103-005.

1. Approval of Resolution No. PC2022-04: A Resolution of the Planning Commission approving Conditional Use Permit (CUP 22-03) for the onsite sale and consumption of alcoholic beverages and onsite live entertainment at Saltcedar BBQ located at 297 S. Imperial Avenue, APN#: 064-103-005. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines-Existing Facilities.

F. REPORTS:

F-1: Commissioners Reports

F-2: Staff Reports

ADJOURN PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING JULY 27TH 2022.

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. _____

To: City of Imperial Planning Commission
From: Othon Mora, Community Development Director
Date: June 27, 2022

Subject: Conditional Use Permit Request #22-0
Guadalupe Cardenas
253 W. Puerto Escondido

Summary:

Applicant:	Guadalupe Cardenas
Project Location:	253 W. Puerto Escondido
Project Description:	Installation of an 18-foot structure
Zoning:	Residential Single-Family Zone
General Plan:	Residential
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to conditions

Background

Applicant, Guadalupe Cardenas, is proposing to install an eighteen-foot pre-manufactured storage shed within his property located at 253 W. Puerto Escondido. The submitted plans detail an eighteen-foot structure used for storage and to accommodate his recreational vehicle. The eighteen-foot structure's height deviates from the twelve foot maximum allowable height within a Residential Zone. A Conditional Use Permit may be issued for accessory structures higher than twelve feet within Residential Zones. Other than the accessory structure's height, the proposed accessory structure meets all of the property development standards outlined in Imperial's Zoning Ordinance.

Vicinity Map/Aerial View



Accessory Structure Rendering



Discussion/Analysis

The subject site is zoned R-1 (Residential Single-Family Zone) and located within the Paseo Del Sol Subdivision. The surrounding land uses and zoning of the project site are R-1. Residential Zones' designations are intended for family living at a broad range of dwelling unit densities consistent with the General Plan and with sound standards of public health, safety and welfare

Environmental Compliance

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

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 the R-1 (Residential Single-Family) zone which is intended to provide an area for single family residential development. Additional uses are permitted that are complementary to, and can exist in harmony with, a single-family residential neighborhood.

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 applicant's residence is located in a cul de sac therefore providing more lot square footage and sufficient space for the accessory structure to the east of the residence. The structure will not be a detriment nor adversely affect his residence or the neighboring residence. The applicant has agreed to make the structure compatible with the neighborhood's architecture by painting the structure in the same color scheme as his and the neighboring homes.

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

With the Conditions of Approval put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site. The applicant has submitted his structural plans to the City of Imperial's Building Division to ensure his project is structurally safe and abides by the California Building Codes adopted by the City.

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 facility complies with all provisions of the Zoning Ordinance.

Public Notification

The public hearing scheduled for July 13, 2022 was duly noticed in the Holtville Tribune and Calexico Chronicle, a newspaper of general circulation on June 28, 2022 and a Notice of Public Hearing was sent to all property owners within 300-feet of the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve the Conditional Use Permit (CUP) application to allow for the installation of an eighteen-foot accessory structure within the applicant's property.

Attachments

- RESO PC 2022-05
- Conditions of Approval

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

**CONDITIONS OF APPROVAL
FOR
GUADALUPE CARDENAS' CONDITIONAL USE PERMIT 22-04
FOR THE ALLOWANCE OF AN 18' ACCESSORY STRUCTURE LOCATED AT
253 W. PUERTO ESCONDIDO DRIVE; IMPERIAL, CA 92251 (APN 044-697-048)**

1. The 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.
2. The Applicant shall pay all applicable permit fees.
3. 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.
4. 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 Conditional Use Permit. 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.
5. All conditions of approval for this Conditional Use Permit 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.
6. All storage of materials waiting or to be worked on shall be stored within the building during the time that the business is not open for business. There shall be no outdoor storage of materials.
7. Accessory structure shall comply with all Residential Zone setback requirements and shall be located no closer than three (3) feet to an interior side or rear lot line and is at least ten (10) feet from the main structure.

8. Accessory structure's paint colors shall be consistent with the residential structure's paint colors.
9. The provisions of the 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.
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 conditional use permit, 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 conditional use permit, 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 re-located business.

The undersigned hereby declare and certify that under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval as outlined above. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Signature

Date

Printed Name



staff report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: June 28, 2022

**Subject: Conditional Use Permit Request #22-03
Saltcedar BBQ
297 S. Imperial Avenue**

Summary:

Applicant:	Daniel Hughes
Project Location:	297 S. Imperial Avenue
Project Description:	Conditional Use Permit (CUP) to allow the onsite sale and consumption of alcoholic beverages and onsite live entertainment
Zoning:	V-C (Village Commercial)
General Plan:	Commercial Village
Environmental:	Categorically Exempt – 15301 Existing Facilities
Recommendation:	Approve, subject to conditions

Background

Applicant, Daniel Hughes, is the owner and has been operating Saltcedar BBQ Restaurant since February 19, 2022. Currently, his limited hours of operation are 5 p.m. to sell out on Saturdays. Mr. Hughes' barbequed plates have become popular with residents as he regularly sells out. Effective June 25, 2022, Mr. Hughes will close his restaurant for the Summer, but will be diligently working on site improvements with funds he obtained from the California Dream Grant Program to create an inviting Texas barbeque style setting. In hopes of expanding and growing his business, Mr. Hughes would like to include the sale of alcoholic beverages and live entertainment at his establishment. Because he is located within the Village Commercial Zone, he must obtain a Conditional Use Permit for the sale and consumption of alcoholic beverages and onsite live entertainment to acquire a Type 41 California Alcoholic Beverage Control License. Saltcedar BBQ will reopen in the Fall with expanded operating hours Thursday through Saturday 10:00 a.m. to 10:00 p.m.

Vicinity Map



Aerial View



Discussion/Analysis

The project site is zoned V-C Village Commercial. The Village Commercial zone is intended as the social and civic heart of the City of Imperial with small retail shops, outdoor dining, parks and civic facilities in a vibrant, pedestrian friendly and family-oriented atmosphere.

Environmental Compliance

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

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 a Commercial Village zone, which is intended to provide restaurants, retail and business uses located within the Downtown Core area.

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

The location is ideal for the restaurant as it is surrounded by other downtown restaurants, retail and businesses. The project site abuts a residential apartment complex to the South within the Village Commercial zone as well. Diane Johnson, the apartment complex's owner voiced her opposition to the project via a telephone call to the Community Development Department on June 27, 2022. She stated her concerns were that Saltcedar BBQ's patrons will occupy her residents' parking spaces and the noise pollution coming from the onsite live entertainment. The project is compatible with the adjacent land uses and it will not adversely affect residents living in the apartment complex with the established conditions of approval and Mr. Hughes' mitigation efforts addressing Mrs. Johnson's concerns. Ms. Johnson was asked to provide a written opposition letter, which we did not receive.

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

With the Conditions of Approval put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

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

The proposed project complies with all provisions of the Zoning Ordinance.

Public Notification

The public hearing is scheduled for July 13, 2022 and was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation on June 30, 2022. A Notice of Public Hearing was sent to all property owners within 300-feet of the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit 22-03 to allow for the use and operation of a restaurant with onsite sale and consumption of alcoholic beverages an onsite live entertainment.

Attachments

- RESO PC 2022-04
- Conditions of Approval

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

**CONDITIONS OF APPROVAL
FOR
SALT CEDAR BBQ CONDITIONAL USE PERMIT 22-03
FOR THE USE OF ONSITE CONSUMPTION, SALE OF ALCOHOLIC
BEVERAGES AND ONSITE LIVE ENTERTAINMENT
AT 297 S. IMPERIAL AVENUE; IMPERIAL, CA 92251 (APN 064-103-005)**

1. This Conditional Use Permit is granted for the use, onsite consumption, sale of alcoholic beverages and onsite live entertainment at 297 South Imperial Avenue; Imperial, CA 92251. This Conditional Use Permit shall only be valid so long as a Type 41 California Alcoholic Beverage Control Licenses are valid.
2. Hours of operation shall be limited to 10:00 AM to 10:00 PM Monday through Sunday.
3. Onsite live entertainment will mirror the hours of operation for the business outlined in condition of approval #2 within this document. The onsite live entertainment must meet all the requirements outlined in the City of Imperial's Noise Element. If complaints arise, the City of Imperial may impose noise pollution mitigation measures on the business.
4. There shall be no sales or service to intoxicated patrons.
5. California Fire Code occupant load is limited to under 100 occupants for establishments without an automatic fire sprinkler system installed. Applicant shall be responsible to maintain and post the establishment's occupant load. All outdoor events will be subject to occupant load requirements based on events' size information submitted for approval to the Imperial County Fire Department Fire Prevention Division.
6. Any outdoor event shall require approval from Imperial County Fire Department Fire Prevention Division prior to the event by submitting a detailed site plan and description specified by the Fire Prevention Division.
7. Prior approval for the use of fireworks and/or pyrotechnics shall be obtained by Imperial County Fire Department and conducted by a California licensed Professional Public Display Pyrotechnics in accordance with California Fire Code Chapter 56. Pyrotechnics include fireworks (including California Safe and Sane), sky lanterns and any open flame devices.
8. Any tents, canopies and special event structures shall comply with the California Fire Code Chapter 31 and be approved by the State of California Fire Marshall's office flame-retardant rating.

9. Any type of stage, musical equipment and/or production equipment shall not impede on the egress routes, exit doors, aisle way width. All fire protection equipment shall not be blocked or covered by any means.
10. Access for fire department apparatus is required to be a minimum of twenty (20) feet at all times. Fire lanes shall not be blocked by vehicles, products, or displays.
11. No alcoholic beverages shall be consumed outside of the enclosed building or the designated outdoor patio area. The City, at its sole discretion, may issue a Temporary Use Permit and/or Special Events Permit to allow for special events where alcoholic beverages may be consumed outdoors in areas not approved/designated by this Conditional Use Permit.
12. The provisions of this Conditional Use Permit are to run with the business (Saltcedar BBQ) 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 297 South Imperial Avenue; Imperial, CA. More specifically Assessor Parcel Number: 064-103-005.
13. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control (ABC) license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
14. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within seventy-two (72) hours of its appearance on the property.
15. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of debris at all times.
16. Applicant must implement sound maintenance and housekeeping procedures.
17. Applicant must ensure a grease interceptor is installed and in working condition at all times to protect the integrity of City's sewer service.
18. 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.
19. 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.
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. 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 Conditional Use Permit, 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.
23. 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.
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.

The undersigned hereby declare and certify that under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval as outlined above. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Daniel Hughes, Applicant
Saltcedar BBQ

Date

RESOLUTION NO. PC2022-04

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING A CONDITIONAL USE PERMIT FOR THE ONSITE SALE AND
CONSUMPTION OF ALCOHOLIC BEVERAGES AND ONSITE LIVE
ENTERTAINMENT AT SALT CEDAR BBQ LOCATED AT 297 S. IMPERIAL AVENUE
SUBJECT TO THE ATTACHED CONDITIONS**

WHEREAS, Daniel Justus Hughes submitted an application for the onsite sale and consumption of alcoholic beverages and onsite live entertainment for Saltcedar BBQ located at 297 S. Imperial Avenue; and

WHEREAS, the subject site is located within the V-C Village Commercial Zone and eating and drinking establishments with alcoholic beverages and/or entertainment are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on July 13, 2022, to hear testimony for and against the proposed Conditional Use Permit; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the 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 project; and

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

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit #22-03** subject to the conditions of approval outlined in Exhibit A and 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 initial environmental assessment shows that there is no substantial evidence that the proposed land use will have a significant impact on the environment.
 - 3. The project meets all the requirements per section 24.19.340 of the Imperial Zoning Ordinance for granting said conditional use permit as follows:
 - a) That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the

Imperial General Plan, and the development policies and standard of the City.

The subject site is located within a Commercial Village zone, which is intended to provide restaurants, retail and business uses located within the Downtown Core area.

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

The location is ideal for the restaurant as it is surrounded by other downtown restaurants, retail shops and businesses. The project is compatible with the adjacent land uses and it will not adversely affect residents living in the apartment complex within the abutting the restaurant with the established conditions of approval and the applicant's mitigation efforts.

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

With the Conditions of Approval put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

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

The proposed facility complies with all provisions of the Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of July, 2022.

Planning Commission Chairman

ATTEST:

City Clerk

RESOLUTION NO. PC 2022-05
A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING A CONDITIONAL USE PERMIT FOR AN EIGHTEEN FOOT
ACCESSORY STRUCTURE WITHIN A RESIDENTIAL ZONE LOCATED AT
253 W. PUERTO ESCONDIDO DRIVE SUBJECT TO THE ATTACHED CONDITIONS

WHEREAS, Guadalupe Cardenas submitted an application for an eighteen-foot accessory structure within a Residential Zone; and

WHEREAS, the subject site is located within an R-1 Residential Single-Family Zone and accessory structures over twelve feet in height are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on July 13, 2022, to hear testimony for and against the proposed Conditional Use Permit; and

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

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

- A) That the foregoing recitations are true and correct; and
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit #22-04** subject to the conditions of approval outlined in Exhibit A and 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 initial environmental assessment shows that there is no substantial evidence that the proposed land use will have a significant impact on the environment.
 - 3. The project meets all the requirements per section 24.19.340 of the Imperial Zoning Ordinance for granting said conditional use permit as follows:
 - a) That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.

The subject site is located within an R-1 Residential Single Family zone which is intended to provide for small-lot single family detached residences

and single family attached residences with densities ranging from 5 to 20 dwelling units per acre.

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

The proposed location of the accessory structure conforms to the surrounding Residential Single Family homes. The project is compatible with the adjacent land uses and will not adversely affect residents.

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

With the Conditions of Approval put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

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

The proposed facility complies with all provisions of the Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of July, 2022.

Planning Commission Chairman

ATTEST:

City Clerk