



PLANNING COMMISSION
ANDREA GUILLIEN
MARK HAMMERNESS
VERONICA HARVEY
STACY MENDOZA
ONE VACANCY

AGENDA

CITY OF IMPERIAL
PLANNING COMMISSION
TRAFFIC COMMISSION
REGULAR MEETING

200 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, July 14th, 2021
6:30PM

**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, July 9, 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

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 AGENDA

1. Approval of Minutes from Wednesday, June 23, 2021 Regular Meeting of the Imperial Planning Commission

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

- D-1: Public Hearing, Discussion/Action: Conditional Use Permit (21-04): Conditional Use Permit request to operate a, fast food-drive-through at 802 N. Imperial Avenue; Imperial, CA 92251.
1. Open Public Hearing
 2. Staff Report
 3. Commission Discussion
 4. Recommended Action: Approve **RESO No. PC 2021-08**: A Resolution of the Planning Commission approving the Conditional Use Permit to operate a fast food-drive-through at 802 N. Imperial Avenue; Imperial, CA 92251. The Project is Categorically Exempt per the California Environmental Quality Act.

E. OTHER BUSINESS(DISCUSSION/ACTION-RECOMMENDATION)

- E-1: Discussion and Introduction of New Appointments to the Imperial Planning Commission and Outgoing Remarks by Vice Chairperson and Commission Andie Guillen
1. Recognition and Outgoing Remarks by Vice Chairperson Andrea Guillen
 2. Introduction of New Appointee Ruben Rivera
 3. Introduction of New Appointee Alice Abatti
- E-2: Administration of Oath of Office to those commissioners who were appointed to the Imperial Planning Commissioners
- E-3: Re-Organization of the Imperial Planning Commission
1. Selection of Chairperson
 2. Selection of Vice Chairperson
- E-4: Appointment of one (1) primary and one (1) alternate representative(s) to participate on the Imperial Arts District Advisory Committee.
1. Staff Report
 2. Commission Discussion

3. Recommended Action: Appointment of two Planning Commissioners to serve on the Imperial Arts District Advisory Committee

F. REPORTS:

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

ADJOURN PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING ON JULY 28, 2021.

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: Othon Mora, Community Development Director

Date: July 9, 2021

**Subject: Conditional Use Permit Request #21.04
Fast Food-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 fast food drive-through at 802 N. Imperial Avenue. At this time the developer is proposing a Starbucks, a multinational chain of coffeehouses. 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.) The item was continued by the Planning Commissions on June 23, 2021 at the request of the property owner. After further discussions with the developer updated resolution and recommended conditions of approval are attached to the staff report.



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

RESOLUTION PC2021-08

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

WHEREAS, 5th Street Development Imperial submitted a Conditional Use Permit application to operate a, Fast Food-drive-through at 802 N. Imperial Avenue; and

WHEREAS, a duly notified public hearing was held by the Planning Commission June 24th and July 14th 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 Fast Food-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 14th day of July.

Planning Commission Chairman

ATTEST:

City Clerk

**EXHIBIT A
RESOLUTION PC2021-08**

CONDITIONS OF APPROVAL

For

Conditional Use Permit #21-04

**Fast Food-Drive Through
802 N Imperial Avenue
Imperial, CA 92251**

1. This Conditional Use Permit is granted for a drive-through restaurant/coffee shop at 802 N. Imperial Ave, 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 and to maximize productivity the Tenant shall 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 Tenant shall close the 15th street driveway temporarily by using cones.

An internal striping plan shall be reviewed and approved by the Community Development Department during the Building Permit Process. The striping plan shall include wording such as "Do Not Block" at the entrances on 15th street and Imperial Ave., for the referenced parcel.

A signage plan shall be reviewed and approved by the Community Development Department during the Building Permit Process. The signs will denote route to drive through.

5. Proprietor/owner shall maintain a paved walking path at all times.
6. Internal Fire Hydrants may be required for the project and that determination will be made during the Building Permit Process.
7. A Drainage Plan shall be reviewed and approved by the Community Development Department during the Building Permit Process.
8. 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.
9. Decorative architectural treatments shall be provided on all sides of the building, as shown on the proposed elevations.

10. Prior to issuance of a Certificate of Occupancy there shall be a reciprocal driveway access agreement or Declaration between APN 064-040-038 (subject site) and APN 063-040-039 (adjacent parcel to the north).
11. The developer shall be responsible for the installation of one (1) master sign displaying all lessees at the location. The sign shall conform to zoning code 24.16.
12. 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.
13. Decorative architectural treatments shall be provided on all sides of the building; features, enhancements and structures as shown on the proposed elevations
14. 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.
15. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times.
16. Hours of operation will be 24/7. Delivery trucks (arrivals and departures) are limited to 6:00am to 11:00pm and no storage containers or materials inside the facility shall be moved outside of these hours.
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 major trim color.

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.



Staff Report

Agenda Item No.

E-4

To: City of Imperial Planning Commission

From: Alexis Brown, Assistant City Manager

Date: July 9, 2021

Subject: APPOINTMENT OF ONE (1) PRIMARY REPRESENTATIVE AND ONE (1) ALTERNATE TO PARTICIPATE ON THE CITY OF IMPERIAL ART'S DISTRICT ADVISORY COMMITTEE

Summary:

In 2014 the Imperial City Council adopted Resolution 2014-43 identifying a portion of the "Downtown Imperial" as an Art's District. The boundaries include Imperial Avenue between 11th and 4th streets, and Barioni Blvd. between G and M streets. The City of Imperial is putting together an Advisory Committee for the Imperial Art's District to establish guidelines and locations for future projects to inspire culture and civic pride within the community. As such, we are requesting the Imperial Planning Commission to appoint one representative and an alternate to participate on the advisory committee.

Attachments:

- Copy of 2014 Staff Report of the Resolution of the City Council
- Exhibit A of Resolution No. 2014-43, Map of Imperial Art District Boundaries

DATE SUBMITTED 7/14/14
SUBMITTED BY City Manager's Office
DATE ACTION REQUIRED 7/16/14

Agenda Item No. **C-5**
COUNCIL ACTION (x)
PUBLIC HEARING REQUIRED ()
RESOLUTION (x)
ORDINANCE 1ST READING ()
ORDINANCE 2^{DN} READING ()
CITY CLERK'S INITIALS ()

CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: RESOLUTION NO. 2014-43 DECLARING CITY OF IMPERIAL'S DOWNTOWN AN ARTS DISTRICT FOR THOSE PROPERTIES FRONTING ON BARIONI BLVD BETWEEN G STREET AND M STREET, 9TH STREET BETWEEN G STREET AND STATE HWY 86, AND IMPERIAL AVENUE BETWEEN 4TH STREET AND 11TH STREET.

DEPARTMENT INVOLVED: CITY MANAGER'S OFFICE

BACKGROUND/SUMMARY: The City of Imperial has already taken steps to enhance the quality of life of Imperial's downtown through the utilization of the local artists and programs such as the Rainforest Art Project. Through programs like these, the City of Imperial has established an artistic foothold in Downtown with murals at Finger Park, the implementation of mosaic bus stops, planter boxes and trash cans, and the construction of the Sculpture Park located adjacent to City Hall.

By formally naming the areas of Imperial's Downtown shown in Exhibit A of Resolution No. 2014-43, the City Council of the City of Imperial would advance the goals, policies and objectives of the City's General Plan, further enhance the existing local businesses and the community's quality of life, and promote creative arts that will draw audiences from throughout the region who will patronize local restaurants and businesses. As such, it is the City's belief that this "District" will facilitate development of public-private partnerships with local industries which will service as a catalyst to attract employers to the City of Imperial.

FISCAL IMPACT: NONE

F.O. INITIALS _____

MANAGER'S RECOMMENDATION:

MANAGER'S INITIALS *MD*

It is the City Manager's Recommendation that the City Council declare the City of Imperial's Downtown an "Arts District" in the specified areas show in Exhibit A of Resolution No. 2014-43.

MOTION:

SECONDED:
AYES:
NAYES:
ABSENT:

APPROVED () REJECTED ()
DISAPPROVED () DEFERRED ()

REFERRED TO:

RESOLUTION NO. 2014-43

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IMPERIAL ESTABLISHING AN ARTS DISTRICT**

WHEREAS, the City Council of the City of Imperial finds that a creative economy can be a positive influence on an overall plan of economic development as well as foster cultural expression and diversity; and

WHEREAS, the City Council of the City of Imperial further finds that formation of an Arts District ("District") would advance the goals, policies and objectives of the City and its general plan; including, but not limited to, enhancement of the area included within the District and the City as a whole; and

WHEREAS, the City Council of the City of Imperial further finds that a District which promotes creative arts will draw audiences from throughout the region who will also patronize local restaurants and businesses; and

WHEREAS, the City Council of the City of Imperial further finds that a District will facilitate development of public-private partnerships with local industries which will serve as a catalyst to attract employers to Imperial and the region; and

WHEREAS, the City Council of the City of Imperial further finds that the creative arts can encourage future generations of Imperialites to live, work and raise families in Imperial; and

WHEREAS, the City Council of the City of Imperial further finds that the creative arts can influence the City of Imperial's brand in a positive way; and

WHEREAS, the City Council of the City of Imperial further finds that a District and the creative arts it supports can assist in mitigating the loss of the City of Imperial Redevelopment Agency and reliance upon publicly funded art programs; and

WHEREAS, the City Council of the City of Imperial further finds that locating creative economy businesses within the District can facilitate collaboration between business, nonprofits and others to enhance tourism and the local economy.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1: The recitals are incorporated herein by this reference.

Section 2: The Imperial Downtown Arts District is hereby established.

Section 3: The area of the District is as follows:

Those properties fronting on Barioni Boulevard between G Street and M Street

Those properties fronting on 9th Street between G Street and State Highway 86

Those properties fronting on Imperial Avenue between 4th Street and 11th Street.

A map depicting the District is attached hereto as Exhibit A.

Section 4: The District shall, under the direction of the City Manager, pursue activities, collaborations and partnerships that would accomplish the goals as set forth in the recitals hereto, support development of a creative economy and engage in such other activities that would facilitate the District.

APPROVED, PASSED AND ADOPTED, at the regular meeting of the City Council this 16th day of July, 2014.



Mayor

ATTEST:



City Clerk

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

I, the undersigned, City Clerk of the City of Imperial, DO HEREBY CERTIFY that the foregoing Resolution No. 2014-43 was duly and regularly adopted at a Regular meeting of the City Council of the City of Imperial held on the 16th day of July 2014, by the following vote:

AYES: BRELAND, COX, GRAN, SAMPSON, AND DALE
NAYES: NONE
ABSTAIN: NONE
ABSENT: NONE

MOTION CARRIED 5-0



DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA

IMPERIAL DOWNTOWN ARTS DISTRICT

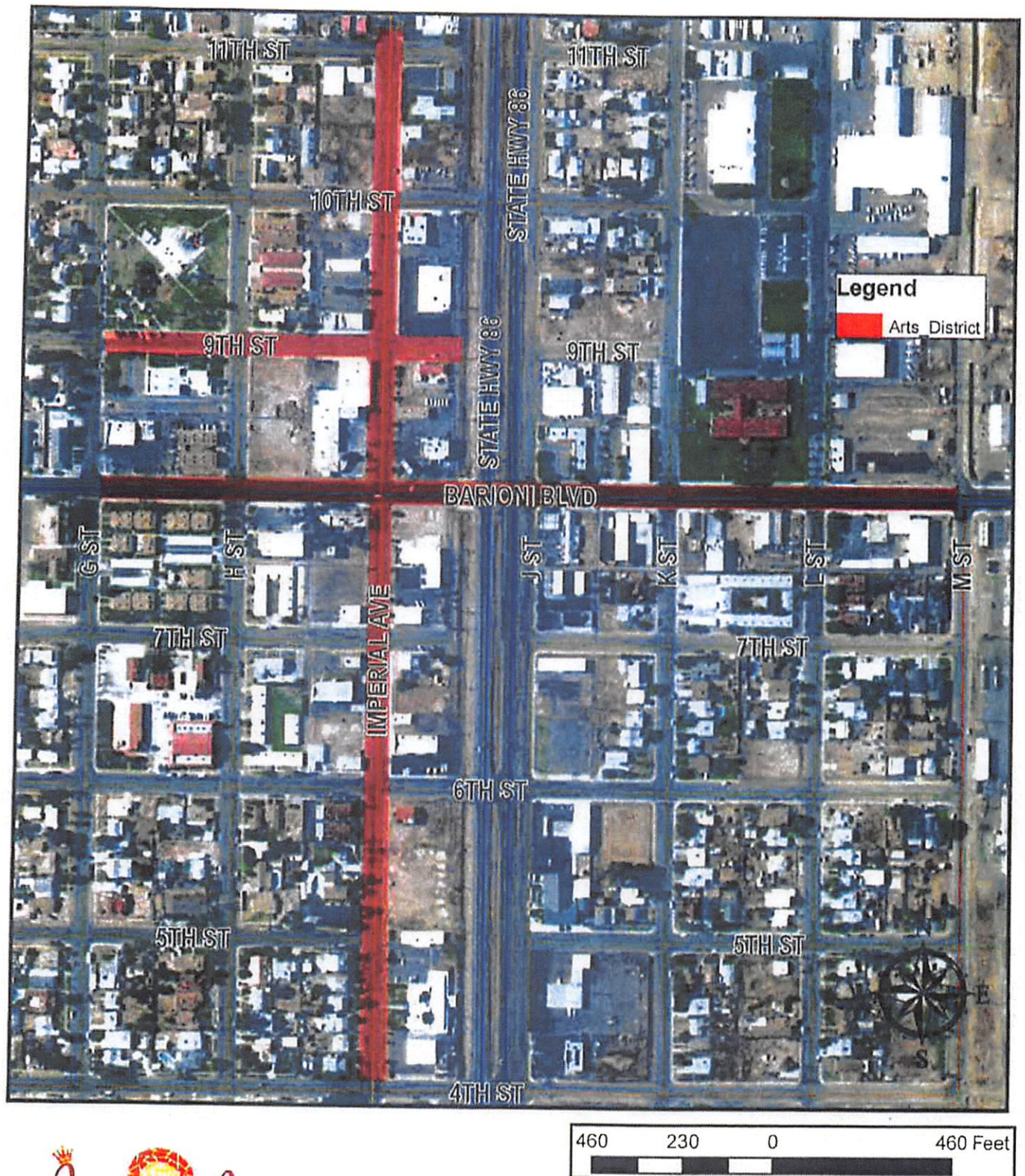


EXHIBIT A