



PLANNING COMMISSION

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AGENDA

PLANNING COMMISSION REGULAR MEETING

200 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, AUGUST 22, 2018
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 AT 6:30 P.M.

ROLL CALL
PLEDGE OF ALLEGIANCE

B. PUBLIC APPEARANCES

C. CONSENT CALENDAR

- a. Approve Planning Commission Meeting Minutes for June 13, 2018 and June 27, 2018.

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

D-1. Continued Public Hearing/Discussion/Action: Similar Land Use Determination of a Food Truck and Conditional Use Permit (CUP18-06) to allow the Operation of a Food Kiosk/Truck at 228 S Imperial Avenue; Imperial, CA 92251.

- 1. Staff Report.
- 2. Commission Discussion.
- 3. Recommended Action: **Approve RESO No. PC 2018-12** a Resolution of the Planning Commission of the City of Imperial granting a Similar Land Use Determination and Conditional Use Permit and Conditions of Approval Outlined in Resolution No. PC 2018-10 for the proposed Food Kiosk/ Food Truck Operation located at 228 S Imperial Avenue; Imperial, CA 92251 more formally known as APN: 064-105-003.

D-2.

Public Hearing/Discussion/Action: Variance Permit Application (VAR18-02) to allow the deviation from the ordained residential 5 foot “rear-yard” setback requirement- to a 3 foot “rear-yard” setback, in order to construct a swimming pool at 913 Fieldbrook Court; Imperial, CA 92251.

- 1. Staff Report.
- 2. Open Public Hearing
- 3. Commission Discussion.
- 4. Close Public Hearing
- 3. Recommended Action: **Approve RESO No. PC 2018-13** a Resolution of the Planning Commission of the City of Imperial granting a Variance Permit and Conditions of Approval Outlined in Resolution No. PC 2018-13 for the deviation of the ordained “5-foot rear-yard” setback to a “3-foot rear-yard” setback at the north-east portion of 913 Fieldbrook Ct.; Imperial, CA 92251 more formally known as APN: 044-714-011.

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: August 8, 2018

Subject: Raspalandia- Maria & Laura Cortez & Don Euhus
Similar Land Use Determination: Food Truck ≈ Food Kiosk
Conditional Use Permit Request CUP (18-06)
228 South Imperial Ave; Imperial, CA 92251

Background:

The “La Careta” food truck has been operating from the Raspalandia Businesses parking lot approximately the last two years. During May 2018, the “la Careta” food truck was moved to a adjacent parcel behind the Raspalandia business, at the time that occurred the owners of the food truck and the Leasers of the land were informed that the operation of a food truck was not a permitted use at that location. Currently, the zoning ordinance for the City of Imperial's Village Commercial District does not make reference to “Food Trucks” in that zoning district, however the Village Commercial zoning district does allow food kiosks with issuance of a Conditional Use Permit. Community Development Staff is asking the Planning Commission to make the determination if a food truck is similar to a food kiosk.

Attached you will find the beautification plan for the Food Truck/Food Kiosk business “La Careta”. The applicants will have 6 months to beautify the location where the food kiosk/food truck will be operating at. The applicants are also requesting that the Conditional Use Permit grant the business/location the ability to have onsite consumption and sales of beer and wine (in the future) along with live-entertainment. The Village Commercial zoning district requires a Conditional Use Permit for “Live Entertainment” and for the sale/consumption of alcoholic beverages. When hosting events outdoors in the parking lot and/or closing down the parking lot at any time of the day, the applicant will have to obtain a “Special Events” permit from the Community Service Department two weeks prior to the event/closing off of the parking lot. The applicants will be bound by the conditions set forth

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.

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 proposed project site is located within the V-C Village Commercial zone which, amongst other things, is intended as the social heart of the City. Land uses within this zone are intended to be less intensive than those in other commercial zones.

2. 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 "La Careta" Food Truck has been operating in front of Raspalandia in the Parking lot for approximately the last two years, which is located in the Village Commercial zone for 4 years. Through mitigation measures and conditions of approval for the outdoor live entertainment special events, will not be detrimental to the surrounding parcels.

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

The proposed facility shall comply with all provisions of the Zoning Ordinance.

Environmental Compliance:

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 1, 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 PC2018-12** approving the Similar Land Use Determination to find that a Food Truck is Similar to an Outdoor Food Kiosk and to approve the Conditional Use Permit (CUP 18-06) to allow the food truck/food kiosk to operate at the said location: 228 S Imperial Avenue; Imperial, CA 92251 and to allow the sale and consumption onsite of beer and wine and live outdoor entertainment which are subject to Conditions of Approval outline in **Resolution PC2018-12**.

Attachments:

- Location Map
- Resolution PC 2018-12
- Conditions of Approval
- Project Timeline
- Project Plan

Project Timeline

Recently a beautification project has been taken into consideration. In view of the prospect a time line of six months period. Plans will go as follow.

July phase 1: documentation submitted to city development department for review.

August phase 2: Meeting for review and suggestions. List of materials and partial budget plan

September phase 3: Obtain budget from contractors and materials. Obtain said materials. Paint Trailer and Incorporate Sign onto trailer front.

October phases 4: Push mobile food truck back and layout cement. Apply decorative skirts around mobile to hide tires and tanks and electrical wiring.

November phase 5: Set up patio decorations pot and plants. Canopy on mobile food truck. Christmas lights. Rustic countertop on wall.

December phase 6: Set up Pictures in sepia on canvas taken during community events.

Fencing

Raspalandia Snacks and Restaurant has a further desire to continue to beauty the area as well as provide quality services. As of now part of the plan is to level out 5 feet further from where the trailer will be set up. Cover the back of the trailer with decorative panels to create the illusion of brick and mortar. Apart from that a future projects is to set up a wire fence in the back with a gate in order for the mobile food truck to remain operational as a mobile unit.

A future project is to be able to offer night entertainment where alcoholic beverages will be offered. In order to comply with safety procedures a Metal gated fence will be installed in the front in order to have control of pedestrian traffic and decorated with screen panels for privacy.

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Raspalandia Beautification Project

Business and Business Venue:

As a food truck facility business can offer two forms of service through the mobile food kitchen. It has been originally included to expand the services provided to clients. It has been proposed for it to be viewed as an extension to the “brick and mortar” building that currently operates Monday through Sunday from 10am to 9pm.

Projected it would be able to function from 5am to 12pm as breakfast and lunch stop. With potential to offer night life with a second shift from 5pm to 11pm. During which time would be utilized for dinner and appetizers.

Venue for which night life has potential for community events. Projected properly serves great opportunity for mini markets among other community events that attract customers from surrounding cities.

Business History:

In 2010 Raspalandia was purchased under the Cuchis Franchise. The venture was sought out more to provide bread and butter than to pursue a dream. Due to an unforeseen illness in the family the only way to provide bread and butter was to create income.

During the following years it was made clear that in order to keep providing quality service menu options needed to expand.

A petition for a grant to purchase a mobile food truck was authorized. This allowed for a more economic expansion for the business.

The business has served the community by providing social services to students with disabilities. Providing them with a place and opportunity to practice their social and coping skills.

The business has also aided in providing “bread and butter” for other families in the community as well and with the potential the food truck facility offers much more room for job opportunities in the future.

Food Cart and Pop Culture:

Food booths have provided convenience to consumers since early of times and the trend has rapidly been growing to what we now know as convenience food facilities, more commonly known as food trucks.

Food trucks have become one of the most popular pop culture trends in this generation. Movies have added to the increasing demand of creating memories around getting local cuisine while walking on a first date. Or the sense of feeling that you are in a community that everybody knows your name. The feeling of stopping everyday on your way to work or school at the exact same time and your potato and egg with a large iced tea is ready for you.

Food trucks provide more than a variety of food at moderate prices. They provide memories and topics of conversation. They provide sustenance to families both physically and economically. Due to the recession in 2007 cities saw a boom in food trucks to provide for families both for consumers and providers. In addition the National Restaurant Association estimated that by 2017 food trucks would provide 2.7 billion in revenue.

Beautification Project:

The proposed project is to work alongside the city to bring the vision of downtown to life.

The vision is to integrate the mobile food truck as a food kiosk. The advantages of placing the food kiosk in the north portion of the parcel due to the attraction the walking trail brings.

The space offers ample opportunities to place patio furniture or tables and an information booth to supply the needs of a growing city.



The vision the city proposes is to bring nostalgia with a modern twist. The history of Imperial started in the early 1900's so now just imagine bringing the city a moment to step into a small time machine for a brief moment in time. A food kiosk provides that opportunity.

Option A:

The first option is to arrange the food truck in the style of the 1900's food booths. It would have been common to see food booths in the early 1900's with rustic style benches and quaint little gardens.

In reference to that the food truck shall be painted in light brown with brick red lettering and a retractable old fashioned retractable shade. The façade will be decorated with a variety of succulents since they provide visual appeal and withstand high temperatures with very little water.

Option B:

The second option is to push the mobile food truck back towards the middle of the building in the north portion of the parcel. The food truck shall be decorated in the same manner as mentioned above. This will provide enough room for a walkway up to the food truck and with a small amount of patio lofts with decorative shades. The area will be leveled out with a brick layout or concrete or a combination of both. This arrangement will allow for business hours to be expanded. The first shift will be in the morning from 5am to 12pm for breakfast

and lunch and in the evening from 6pm to 11pm providing night life with live music and bohemian nights.

Option C:

The proposed project is to push the mobile food truck to the middle of the building. Paved and leveled with a combination of concrete and brick. A large pot filled with succulents and flapjacks right in the middle. The mobile truck will be painted in brown with brick red Antique lettering for the name on the truck. White Christmas lights extending out from the mobile truck towards the sides of the buildings with countertops slightly off the back wall of Raspalandia with a rustic touch. The wall will be decorated with pictures in black and white from the community. The space will serve as a contemporary museum.

Phases:

Initial Phase involves initial meeting to obtain guidelines for project. Submit appropriate paperwork.

Phase two get estimates for the three proposed projects. Process will take about a month.

Phase three implementation of approved project estimated time is six to eight months.

Timeline:

June 2018 meeting to obtain guidelines for beautification project

July 2018 obtain the budget and expenses for the project

August 2018 obtain materials for project

September 2018 implement approved project until completion process may take several months.

Brief Overview of Business

Mobile Kitchen is projected to serve clients at very convenient hours for easy access and commodity. The intention is to provide quality meals with the touch of home. Mobile food truck counts with the authorization from the food department to operate 23hrs a day.

Providing thus flexibility and convenience, the food truck has the potential to serve the community during the whole day or 2 different shifts. It is prospected to serve from 5am to 12pm and later in the evening from 6pm to 11pm to promote night life in the city of Imperial.

The culinary niche that the mobile food truck offers is Mexican cuisine. The traditional taste homemade burritos offer sparks not only tastes buds but childhood memories as well.

Taking in consideration the advantages of being the first city to allow a stationed food truck would allow the use of it during multiple events.

Projected Use:

Community Events with live music

Movie nights

Parking lot market days

Bohemian nights

Community fair

Outdoor café

Hours of Operation:

Monday through Saturday

5am to 12pm

Thursday through Sunday

6pm through 11pm

Brief Overview of Business

Suggested Food Menu:

See attachment with a list of preapproved food items from Health Department that comply with Health standards and with the intended niche of the Mobil Food facility of Raspalandia

COCINA MOVIL DE RASPALANDIA

MENU:

TACOS DE CARNE ASADA (*HARINA, MAIZ*)

TACOS DE POLLO ASADO (*HARINA, MAIZ*)

CEBOLLITAS ASADAS, CHILES ASADOS

TACOS AL PASTOR

TACOS DE GUISADO- TACOS AL VAPOR- GORDITAS:

MACHACA, BISTEC RANCHERO CON PAPA Y VERDURA

CHORIZO CON PAPA, FRIJOL , CHICHARON CON CHILE

DE PUERCO EN SALSA VERDE CON NOPAL, CHILE RELLENO

QUESADILLAS, CON CARNE

ENSALADAS: *POLLO, POLLO ASADO, CARNE ASADA,*

ATUN, DE FRUTAS. VASOS DE FRUTA, PICO DE GALLO

NACHOS, CON POLLO ASADO, CARNE ASADA

PAPAS FRITAS: *POLLO O CARNE ASADA, QUESO, GUACAMOLE*

HOT DOGS: *CON TOCINO ,CHILI BEANS Y NACHO CHESSE*

CHILES RELLENOS CON CARNE ASADA, CAMARON Y QUESO

MEGACLAMATO

FRITO LAY Y TAKIS CON CARNE ASADA, QUESO, GUACAMOLE

MUCHIES CON PAPA FRITAS Y QUESO

TAMALES, RES, POLLO, PUERCO, ELOTE Y DULCE

CHAMPURRADO, CAFÉ FRIO Y CALIENTE

COCTEL DE ELOTE, ELOTES AZADOS, ELOTES COCIDOS

ICE TE

AGUAS FRESCAS

RASPADOS

GELATINAS

MOLLETES

PAN PIZZA

PAPAS LOCAS, CHURROS, CACAHUATES Y CUERITOS LOCOS

BARBACOA

POZOLE, MENUDO

TOSTADAS DE CEVICHE,

FLAUTAS CON PATITA CURTIDA

TACOS DE PESCADO

TORTAS FRIAS Y CALIENTES

CALDITOS DE VERDURA CON CARNE, SOPA DE PASTA Y TORTILLA

CEBOLLITAS EMPANIZADAS

SODAS, AGUA NATURAL

CREPAS, PAN CAKES, HUEVO, SAUSAGE. OMELETS

BUBAS CON QUESO Y CARNE ASADA,

PROVEEDORES:

EL SOL MARKET

LOS ALTOS DE JALISCO

ALEX PRODUCE

FOOD FOR LESS

COSTCO

WALMART

CARDENAS

CALIFORNIA MARKET

FRITO LAY

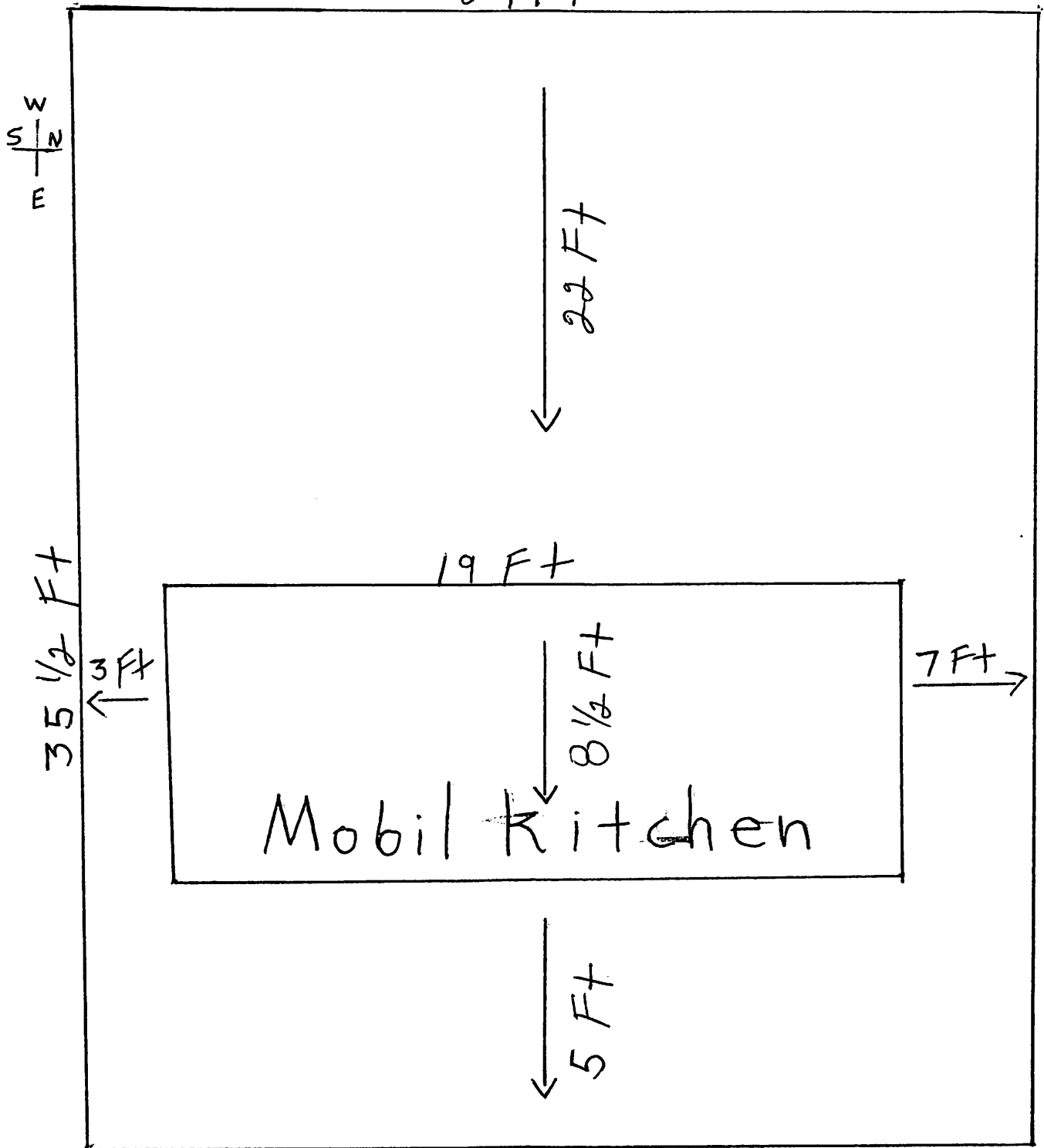
FLORES BROTHERS

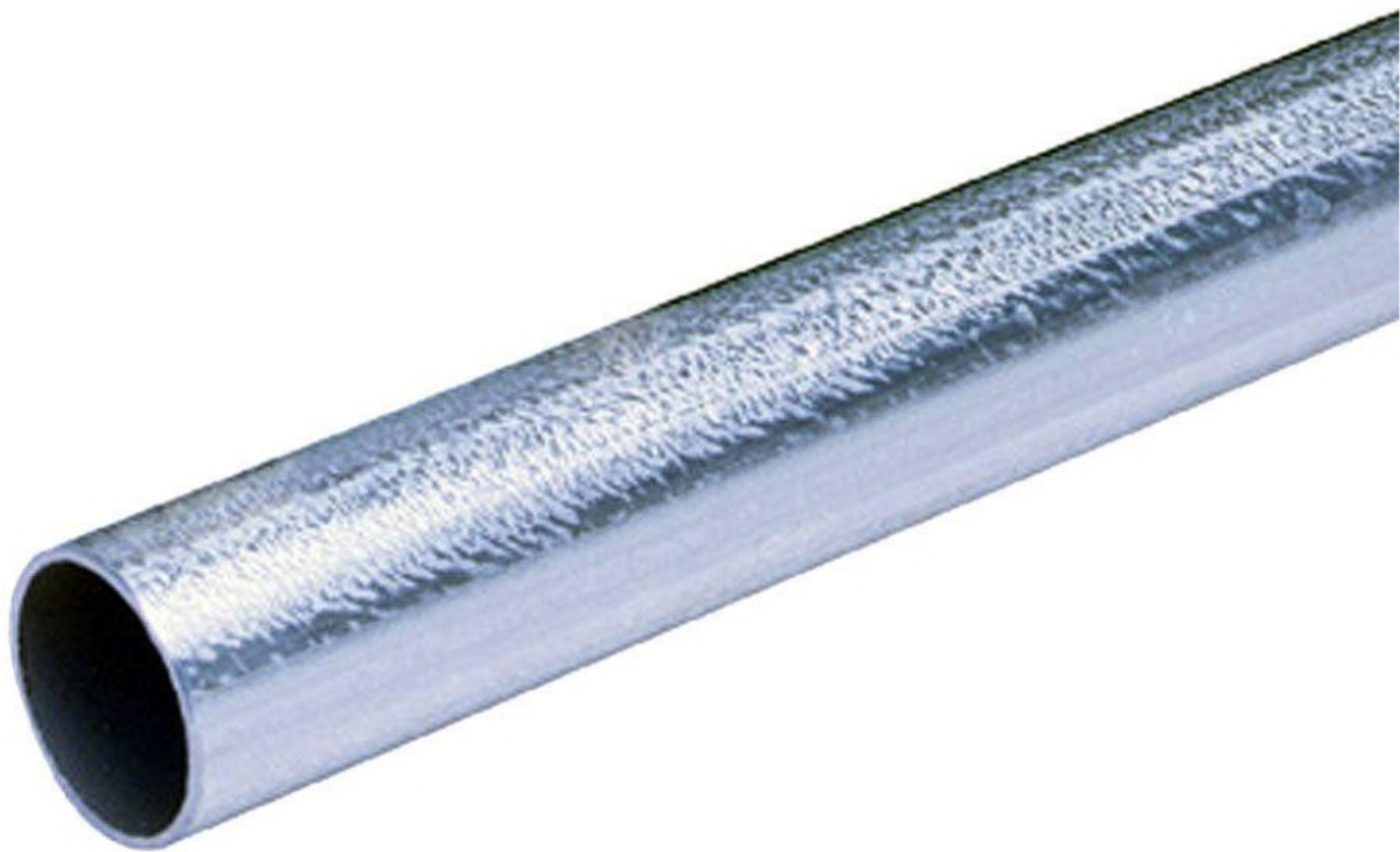
VONS

SMART & FINAL

REDDY ICE

RASPALANDIA "La Carreta"







GENERAL PURPOSE

CEMENT

25 KG

GENERAL PURPOSE

CEMENT

25 KG

GENERAL PURPOSE

CEMENT

25 KG









CUP 18-06 & SIMILAR LAND USE DETERMINATION



1" = 47 ft	LA CARETA KIOSK	08/03/2018		
This map may represents a visual display of related geographic information. Data provided here on is not guarantee of actual field conditions. To be sure of complete accuracy, please contact the responsible staff for most up-to-date information.				





Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission
From: Lisa Tylenda, Planner
Date: August 22, 2018
Subject: Variance Application-VAR(18-02)

Summary:

Applicant:	Alex King
Project Location:	913 Fieldbrook Ct.; Imperial, CA 92251 APN: 044-714-011
Zoning:	R-1 (Single Family Residential)-Mayfield Subdivision
Land Use:	Residential Designation
Environmental:	CEQA Exempt
Recommendation:	Review Variance application with attached Conditions of Approval. Planning Commission to Approve or Deny.

Background

Alex King has applied for a Variance Permit to allow the deviation from the City ordained “rear-yard setback” requirements for R-1 (Single Family Residential) Zones (development standards attached). The applicant is requesting the granting of a variance permit to allow the construction of a new 167.9 square-foot swimming pool in the applicant’s backyard. The project in question is located within the Mayfield Subdivision.

The applicant would like the current City ordained rear-yard setback requirement of 5 feet to be reduced to 3 feet, so that a new swimming pool may fit in the back-yard. The applicants total lot size is 6026.55 square-feet and the total “living area” square-footage is: 2,712. The positioning and size of the single story home is the causation of the need for a variance. There is currently a home down the street from the applicant, that was allowed to construct a pool and allowed to deviate from the required City setbacks.

Parcels within 300 feet of the residence were notified by mail in regards to the Variance Application and Public Hearing.

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.

The size of the lot in the planned unit development along with the angular orientation of the rear property line precludes the construction of an enjoyable, attractive and regularly sized pool.

- 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.

As stated above, the size of the lot in the planned unit development along with angular orientation of the rear property line precludes the construction of an attractive, usable swimming pool, and hinders the applicant from using their property to its full potential.

- 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.

This Variance is not a special privilege and the proposed swimming pool is otherwise consistent with other provisions of the Imperial Zoning Ordinance.

- D. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

This proposed swimming pool does not conflict with the goals, policies and objectives of the Imperial General Plan.

The City of Imperial's Development Review Committee has reviewed the proposed variance and the committee concluded that this variance would not affect delivery of City services or create any practical difficulties. Staff recommends that this variance be approved.

Attachments:

- O Location Map
- O Assessor Parcel Map
- O Swimming Pool Site Plan
- O Conditions of Approval for Mayfield Planned Unit Development Subdivision
- O Building Permit & Plans approved for 1108 Fieldbrook Ct.; Imperial, CA 92251

RESOLUTION PC2018-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE FOR THE DEVIATION OF THE ORDAINED REAR AND SIDE YARD SETBACKS FOR THE CONSTRUCTION OF A NEW SWIMMING POOL AT 913 FIELDBROOK CT.; IMPERIAL, CA 92251

WHEREAS, Alex King submitted a request for a Variance in order to deviate for the required rear and side yard setbacks of 5' to a rear and side yard setback of 3' for the construction of a new swimming pool; and

WHEREAS, a duly notified public hearing was held by the Planning Commission during an adjourned meeting on August 22, 2018 and;

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a 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 swimming pools are 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 #**VAR18-02** for Alex King to allow for the deviation of the ordained rear and side yard setbacks from 5 feet to 3 feet 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 August 22, 2018.

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION PC2018-13
CONDITIONS OF APPROVAL**

For

**Variance Permit #VAR 18-02
Alex King
APN#: 044-714-011
913 Fieldbrook Court;
Imperial, CA 92251**

1. An encroachment and building permit from the City of Imperials' Community Development Department must be obtained before any construction may take place.
2. Applicant shall not hold the City of Imperial or any of its employees responsible for any incidents regarding this Variance Permit. Applicant is full responsible for advertising signs and flags and any happenings that may transpire while they are in use.
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. 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.
5. 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.
6. The Applicant shall pay all building fees, impact and capacity or associated permit fees as required by the city.
7. All applicable Conditions of Approval shall be completed prior to replacement of the fence occur.
8. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the Variance, or the Community Development 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 Permit, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
9. 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.
10. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.

RESOLUTION PC2018-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A SIMILAR LAND USE DETERMINATION TO FIND A FOOD TRUCK SIMILAR TO A FOOD KIOSK AND FOR A CONDITIONAL USE PERMIT (18-06) TO ALLOW THE OPERATION OF A FOOD TRUCK/FOOD KIOSK, TO ALLOW FOR OUTDOOR LIVE-ENTERTAINMENT AND ONSITE CONSUMPTION OF ALCOHOLIC BEVERAGES AT 228 SOUTH IMPERIAL AVENUE; IMPERIAL CA 92251

WHEREAS, Maria & Laura Cortez and Don Euhus submitted a Conditional Use Permit and Similar Land Use Determination application to operate a food truck/ food kiosk and have outdoor live entertainment and alcohol consumption at 228 South Imperial Avenue; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on August 8, 2018; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Similar Land Use Determination and 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 food truck/ food kiosk, onsite outdoor alcohol consumption and outdoor live entertainment, is consistent with those uses allowed in the V-C Village Commercial Zone.

- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** a Similar Land Use Determination and Conditional Use Permit #CUP18-06 (La Careta) for the operation of a food truck/food kiosk, outdoor onsite alcohol consumption and outdoor live entertainment at 228 South 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 8th day of August 2018.

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION PC2018-12**

CONDITIONS OF APPROVAL

For

Conditional Use Permit (18-06)

**Raspalandia/La Careta Business
228 South Imperial Avenue
Imperial, CA 92251**

1. These conditions of approval refelect that a food truck has been found similar to a food kiosk through the process of a Similar Land Use Determination process.
2. The business has six (6) months to complete their beautification plan. Every phase is to be completed by the timeline provided.
3. Every phase of the beautification plan must be reviewed by the Community Development Department prior to integration for approval.
4. This Conditional Use Permit is granted for food truck/food kiosk, outdoor live-entertainment and outdoor onsite alcohol consumption at 228 South Imperial Avenue, Imperial, CA 92251. This Conditional Use Permit shall only be valid so long as a Type 41 ABC License is obtained and valid.
5. Business hours shall be limited from 5:00 AM to 12:00 PM & 5:00PM to 10PM Mondays through Sundays.
6. Live-Onsite entertainment is bound by the noise element standards and any future noise ordinances.
7. Live-Onsite entertainment days and hours are as follows: Fridays & Saturdays from 8:00PM-11:00PM and are bound by the City of Imperial's Noise Element Standards.
8. Before any outdoor "live-entertainment" events of special events, the applicants/owners must obtain a "Special Events" permit from the Community Services Department and notify parcels within 300 feet of said special event at least two weeks prior to the event.
9. No sales or service to intoxicated patrons.

10. No alcoholic beverages shall be consumed outside of the designated patio/parcel. The City, at its sole discretion, may issue a Temporary Use Permit to allow for special events where alcoholic beverages may be consumed outdoors.
11. 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 228 S Imperial Avenue.
12. 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.
13. 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.
14. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times.
15. 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.
16. 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.
17. Applicant must implement sound maintenance and housekeeping procedures.
18. Dispose of process solid wastes.
19. The Applicant shall pay all impact and capacity fees as required by the city.
20. All applicable Conditions of Approval shall be completed prior to opening for business.
21. 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.

22. 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.
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.