



PLANNING COMMISSION

Ruben Rivera –Chairperson

Lisa Winkler – Vice-Chairperson

Alice Abatti – Commissioner

Rebecca Terrazas-Baxter – Commissioner

Francisco Curiel – Commissioner

AGENDA

PLANNING COMMISSION

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

**WEDNESDAY, SEPTEMBER 25, 2024
6:30 P.M.**

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. If you are unable to participate in-person, and wish to address the City Council on matters within their jurisdiction, please email public comments to cityclerk@imperial.ca.gov
3. All documents containing an executive summary and staff recommendation associated with open session action items are made available for public inspection on the City's website, www.cityofimperial.org seventy-two (72) hours prior to the posted meeting time. Government Code Section 54957.5(b)(2)(B).

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 CONVENES TO OPEN SESSION AT 6:30 PM:

ROLL CALL
PLEDGE OF ALLEGIANCE
ADJUSTMENTS TO THE AGENDA

B. PUBLIC APPEARANCES

B-1: Matters not appearing on the agenda.

If you wish to address the Planning Commission concerning any item not appearing on the agenda and 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 August 28, 2024

C-2: Approve Planning Commission Meeting Minutes for May 8, 2024

C-3: Approve Planning Commission Meeting Minutes for April 24, 2024

D. PUBLIC HEARING: (DISCUSSION/ACTION – RECOMMEND/DENY)

D-1. Subject: Public Hearing, Discussion/Action: Conditional Use Permit 24-08 for Imperial Electric Tattoo Studio to allow the operation of a tattoo shop within the Village Commercial Zone located at 116 S. Imperial Ave. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301-Existing Facilities.

1. Public Hearing
2. Staff Report – Public Comment
3. Commission Discussion
4. Close Public Hearing
5. **Recommended Action: Approve/Deny Resolution No. PC2024-08:** A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING CONDITIONAL USE PERMIT 24-08 TO ALLOW THE OPERATION OF IMPERIAL ELECTRIC TATTOO STUDIO LOCATED AT 116 S. IMPERIAL AVE. (APN 064-3514-026).

D-2 Subject: Public Hearing, Discussion/Action: Conditional Use Permit 24-06 for to allow a drive-thru for a proposed coffee shop located at 431 W. Aten Road. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303-New Construction of Small Structures.

1. Public Hearing
2. Staff Report – Public Comment
3. Commission Discussion
4. Close Public Hearing
5. **Recommended Action: Approve/Deny Resolution No. PC2024-09:** A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL APPROVING CONDITIONAL USE PERMIT 24-06 FOR THE OPERATION OF A DRIVE-THRU AT A COFFEE SHOP LOCATED AT 431 W. ATEN ROAD (APN 064-351-026).

E. REPORTS

E-1: Commissioners' Reports

E-2 Staff Reports

F. ADJOURNMENT

F-1. Subject: Adjourn the Planning Commission meeting until the next regularly scheduled meeting on October 9, 2024 at 6:30pm.

NOTE: Any documents produced by the City and distributed to a majority of the Planning and Traffic 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.



PLANNING COMMISSION
Ruben Rivera—Chairperson
Lisa Winkler – Vice-Chairperson
Alice Abatti – Commissioner
Rebecca Terrazas-Baxter – Commissioner
Francisco Curiel -Commissioner

MINUTES

PLANNING COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, AUGUST 28, 2024
6:30 P.M.

A. PLANNING COMMISSION CONVENES TO OPEN SESSION AT 6:30 PM:

CALLED TO ORDER: Vice Chairperson Rivera called the meeting to order at 6:41 p.m.

ROLL CALL: Commissioners Terrazas-Baxter, Curiel, Winkler, Vice Chairperson Rivera

ABSENT: Commissioner Abatti

PLEDGE OF ALLEGIANCE: The pledge of Allegiance was led by Ruben Rivera.

ADJUSTMENTS TO THE AGENDA: None

B. PUBLIC APPEARANCES

B-1: Matters not appearing on the agenda.
None

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

C-1: Administration of Oath of Office for newly appointed Planning Commissioner, Francisco Curiel.

The City Clerk Kristina Shields administered the Oath of Office to Commissioner, Francisco Curiel.

C-2: Appoint Planning Commission Chairperson

Moved by Terrazas-Baxter, seconded by Winkler to approve Ruben Rivera as Chairperson.

AYES: Terrazas-Baxter, Curiel, Winkler and Rivera

NOES: None

ABSTAIN: None

ABSENT: Abatti

MOTION CARRIES: 4-0

Moved by Curiel, seconded by Rivera to approve Lisa Winkler as Vice Chairperson.

AYES: Terrazas-Baxter, Curiel, and Rivera

NOES: None

ABSTAIN: Winkler

ABSENT: Abatti

MOTION CARRIES: 3-0-1

D. CONSENT CALENDAR

D-1: Approve Planning Commission Meeting Minutes for November 8, 2023.

D-2: Approve Planning Commission Meeting Minutes for February 28, 2024.

D-3: Approve Planning Commission Meeting Minutes for June 26, 2024.

D-4: Approve Planning Commission Meeting Minutes for July 24, 2024.

Moved by Winkler, seconded by Terrazas-Baxter to approve Consent Calendar.

AYES: Terrazas-Baxter, Winkler and Rivera

NOES: None

ABSTAIN: Curiel

ABSENT: Abatti

MOTION CARRIES: 3-0-1

E. PUBLIC HEARING: (DISCUSSION/ACTION – RECOMMEND/DENY)

E-1. Subject: Public Hearing, Discussion/Action: Conditional Use Permit 24-07 for Aten Express to allow the off-sale of beer and wine under a type 20 ABC license at 390 W. Aten Road. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15061 (b)(3) Common Sense and Section 15301, Existing Facilities.

The public hearing was opened at 6:51 p.m.

The staff report was presented by Yvonne Cordero, City Planner.

The public hearing was closed at 6:57 p.m.

Moved by Winkler, seconded by Terrazas-Baxter to approve Resolution No. PC2024-07 and Conditional use permit 24-07.

AYES: Terrazas-Baxter, Curiel, Winkler and Rivera

NOES: None

ABSTAIN: None

ABSENT: Abatti

MOTION CARRIES: 4-0

F. TRAFFIC COMMISSION NEW BUSINESS: (DISCUSSION/ACTION-RECOMMEND/DENY):

F-1: City Hall Parking Lot Improvements: Reported by Public Services Director, David Dale.

Moved by Winkler, seconded by Curiel to approve City Hall parking lot improvements with conditions on the 15-minute parking signs to say Monday thru Friday 8:00 a.m. to 5:00 p.m.

AYES: Terrazas-Baxter, Curiel, Winkler and Rivera

NOES: None

ABSTAIN: None

ABSENT: Abatti

MOTION CARRIES: 4-0

F-2: Split Phase Highway 86 and 15th Street: Reported by Public Services Director, David Dale.

Moved by Terrazas-Baxter, seconded by Winkler to approve Split Phase on Highway 86 and 15th Street and removal of the unmarked pedestrian crosswalk.

AYES: Terrazas-Baxter, Curiel, Winkler and Rivera

NOES: None

ABSTAIN: None

ABSENT: Abatti

MOTION CARRIES: 4-0

G. REPORTS

G-1: Commissioners reported on their activities and concerns since last planning commission meeting.

G-2: Staff reported on their activities and upcoming activities since last planning commission meeting.

H. ADJOURNMENT

Seeing no further business before the commission, Chairperson Rivera adjourned the meeting at 7:19 p.m.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California this ____ day of September, 2024.

KRISTINA SHIELDS
City Clerk



PLANNING COMMISSION

Veronica Harvey – Chairperson

Ruben Rivera – Vice Chairperson

Alice Abatti – Commissioner

Rebecca Terrazas-Baxter – Commissioner

Lisa Winkler-Commissioner

MINUTES

PLANNING COMMISSION
TRAFFIC COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, MAY 8, 2024
6:30 P.M.

A. PLANNING COMMISSION CONVENES TO OPEN SESSION AT 6:30 PM:

CALLED TO ORDER: Vice Chairperson Rivera called the meeting to order at 6:31 p.m.

ROLL CALL: Commissioners Terrazas-Baxter, Winkler and Vice Chairperson Rivera

ABSENT: Commissioner Abatti and Chairperson Harvey

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Vice Chairperson Rivera

ADJUSTMENTS TO THE AGENDA: None

B. PUBLIC APPEARANCES: None

C. PUBLIC HEARING: (DISCUSSION/ACTION-RECOMMEND/DENY):

- C-1: Subject: Public Hearing, Discussion/Action: Conditional Use Permit 24-04 for Miguel Meza to allow for the operation of a storage facility located on APN 063-143-007, APN 063-143-010 and APN 063-143-011. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15332, In-fill Development Projects.**

The public hearing was opened at 6:34 p.m.

The staff report was presented by Yvonne Cordero, City Planner.

The public hearing was closed at 6:57 p.m.

Moved by Terrazas-Baxter, seconded by Winkler to approve PC Resolution No. PC2024-04 with revision to Exhibit A outlining conditions of approval to defer condition B to a point in time in the future when area develops begin to develop more or as approved by the City Attorney and with removal of condition DD.

AYES: Terrazas-Baxter, Winkler and Rivera

NOES: None

ABSTAIN: None

ABSENT: Abatti and Harvey

MOTION CARRIES: 3-0

D. REPORTS:

D-1: Commissioners reported on their activities and concerns since last planning commission meeting.

D-2: Staff reported on their activities and upcoming activities since last planning commission meeting.

E. ADJOURNMENT:

Seeing no further business before the commission, Chairperson Rivera adjourned the meeting at 7:06 p.m.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California this ____ day of September, 2024.

KRISTINA SHIELDS

City Clerk



PLANNING COMMISSION
Veronica Harvey – Chairperson
Ruben Rivera – Vice Chairperson
Alice Abatti – Commissioner
Rebecca Terrazas-Baxter – Commissioner
Lisa Winkler-Commissioner

MINUTES

PLANNING COMMISSION
TRAFFIC COMMISSION

220 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, APRIL 24, 2024
6:30 P.M.

A. PLANNING COMMISSION CONVENES TO OPEN SESSION AT 6:30 PM:

CALLED TO ORDER: Chairperson Harvey called the meeting to order at 6:30 p.m.

ROLL CALL: Commissioner Winkler, Vice Chairperson Rivera and
Chairperson Harvey

ABSENT: Commissioners Abatti and Terrazas-Baxter

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Chairperson Harvey.

ADJUSTMENTS TO THE AGENDA: None

B. PUBLIC APPEARANCES: None

C. PUBLIC HEARING: (DISCUSSION/ACTION-RECOMMEND/DENY):

- C-1: Subject: Continued Public Hearing, Discussion/Action: Variance 23-04 and Conditional Use Permit 23-07 for Mark Gaddis to allow the deviation of the Residential Zone Property Development Standards for maximum height and side yard setback requirements for an accessory structure located at 121 North F Street (APN 064-042-0001). The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities.**

The public hearing is being continued from March 27, 2024.

The staff report was presented by Yvonne Cordero, City Planner.

The public hearing is being continued to June 12, 2024.

Moved by Rivera, seconded by Winkler to approve this matter to a continued date of June 12, 2024.

AYES: Winkler, Rivera and Harvey

NOES: None

ABSTAIN: None

ABSENT: Abatti and Terrazas-Baxter

MOTION CARRIES: 3-0

E. REPORTS:

E-1: Commissioners reported on their activities and concerns since last planning commission meeting.

E-2 Staff reported on their activities and upcoming activities since last planning commission meeting.

F. ADJOURNMENT:

Seeing no further business before the commission, Chairperson Rivera adjourned the meeting at

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Imperial, California this ____ day of September, 2024.

KRISTINA SHIELDS
City Clerk



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: September 18, 2024

Applicant:	Russell McCracken
Project Location:	116 S. Imperial Avenue
Project Description:	Conditional Use Permit 24-08 to allow the operation of a tattoo studio
Zoning:	Village Commercial (VC)
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to Conditions of Approval

Background

Russell McCracken, owner of Imperial Electric Tattoo Studio, submitted an application for a Conditional Use Permit (CUP) to operate a tattoo shop within the Village Commercial (VC) Zone. Historically, body piercing and tattoo/branding shops, pawn shops and smoke/tobacco shops were not listed as allowed land uses in the City. The City's Zoning Code states that land uses that are not specifically listed as permitted or prohibited unless determined to be a land use similar in development characteristics, are not permitted. A zoning text amendment adding the aforementioned land uses within all Commercial Zones was approved in Resolution PC2012-02 (Attachment B) on October 24, 2012.

The applicant is currently the sole proprietor of a tattoo shop in El Centro and learned of available space inside the Nineties Hair Studio, located at 116 S. Imperial and made the decision to relocate to Imperial. He is excited to open Imperial's only tattoo studio at the new location and intends to provide Imperial Valley residents with artistic, custom tattoos in a clean, safe and professional environment. Mr. McCracken recognizes the rapid growth of the City of Imperial and aims to be a part of the thriving business community while preserving the small-town charm that Imperial is renowned for.

Mr. McCracken is an Imperial Valley native who began his tattooing career with an apprenticeship in 2012 while working as a Correctional Officer. He has completed extensive industry-required courses, including SHARPS Safety training, Bloodborne Pathogens Certification, Universal Precautions training, and CPR/First Aid Certification. Upon retiring, he opened his tattoo shop in September 2022 and has operated

by appointment only in El Centro. His artistic, intricate, and colorful body art has acquired a large social media following, clearly demonstrating his talents and love for the art of tattooing.

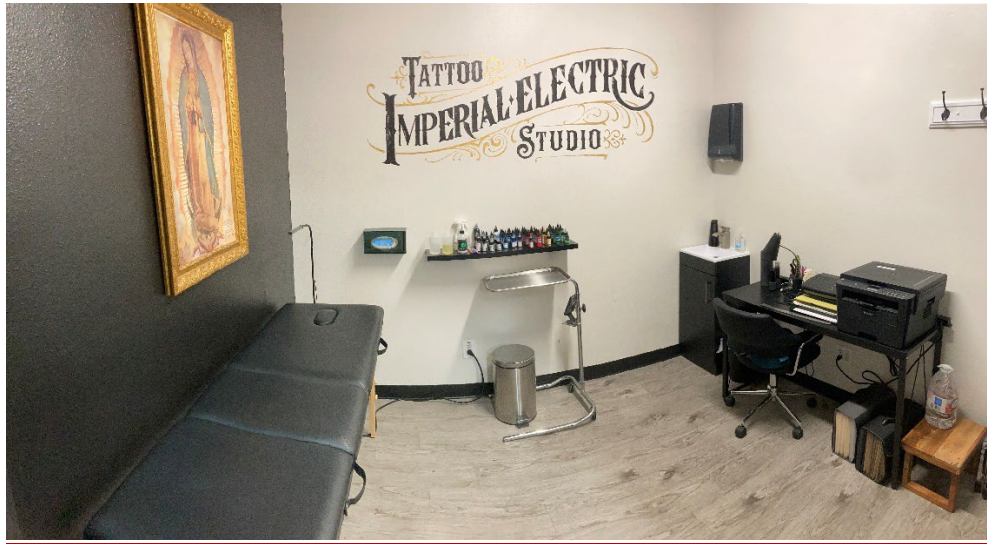
Based on his experience working in the industry and due to customer demand, Imperial Electric Tattoo Studio intends to continue operating by appointment only. However, he will establish provisional hours of operation from 10 a.m. to 4 p.m. to accommodate walk-in customers and to establish additional clientele as he settles into the new location.

The Development Review Committee (DRC) reviewed the project and provided their comments incorporated in the Conditions of Approval in Exhibit A of Resolution PC2024-08 (Attachment A). The applicant has reviewed and agreed to the Conditions of Approval and is eager to open his business. It is important to note that the applicant has been inspected and approved by the Imperial County Health Department and the Imperial County Fire Department.

Project Site Location



Imperial Electric Tattoo Studio



Discussion/Analysis

The subject site is zoned within the Village Commercial (VC) Zone. The surrounding designated land uses and zoning to the North, South, East and West of the project site are Village Commercial (VC) as well.

Environmental Compliance

The operation of an existing private structure involving no expansion of the existing use categorizes this project to be categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301-Existing Facilities.

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 when reviewing a Conditional Use Permit. 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 within the Village Commercial (VC) Zone, intended as the social and civic heart of the City. Small shops, such as Imperial Electric Tattoo Studio aligns with this zoning by providing the only tattooing services in the City in a vibrant and family-oriented atmosphere. Its operations support the goals of the Imperial General Plan, ensuring a pedestrian-friendly and unique cultural experience within the Downtown Character Area. Its operation is consistent with the objectives of the Village Commercial Zone and the City's development goals.

- 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 a tattoo shop, offering patrons of the hair studio, and the surrounding businesses additional services in a centralized location, within the City's Downtown area. The site's location is in a highly visible, well-trafficked intersection making it a suitable location for retail services. The project does not present to create any adverse effects or be of any material detriment to adjacent land uses, residents, buildings, structures, or natural resources. The operational characteristics further ensure that the proposed use remains compatible with the surrounding Village Commercial area. Given these factors, the project will not negatively impact the community or environment and is consistent with the objectives outlined 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.*

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare. Mr. McCracken has demonstrated professionalism and a high regard to public health, safety and welfare by completing and implementing the industry-required education and complying with the regulations under the California Health and Safety Code (Safe Body Art Act).

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 applicable provisions of the City of Imperial's Zoning Ordinance. Imperial Electric Tattoo Studio will be located in the Village Commercial (VC) Zone, where tattoo shops are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements will be fully adhered to. By meeting these conditions, the project ensures alignment with the City's zoning standards and regulations.

Public Notification

The public hearing scheduled for September 25, 2024, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on September 12, 2024. A Notice of Public Hearing was mailed to all property owners within 300 feet of the property. The City of Imperial has not received any public comments for or against this project as of the date of this report's publication.

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 24-08 to allow the operation of Imperial Electric Tattoo Studio.

Attachments

- Attachment A – Resolution PC2024-08 with Conditions of Approval
- Attachment B – Resolution PC2012-02

Prepared by: Yvonne Cordero, Planner

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Othon Mora', is written over a horizontal line.

Othon Mora, MCM, CBO
Community Development Director

RESOLUTION NO. PC2012-02

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL RECOMMENDING AN AMENDMENT OF THE ZONING CODE RELATED TO BODY PIERCING/TATTOO/BRANDING PARLORS, PAWN SHOPS, AND SMOKE OR TOBACCO SHOPS

WHEREAS, a duly notified public hearing was conducted on September 12, 2012, and continued to October 10, 2012 and October 24, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial to recommend the amendment of Section 24.01.180 of the Imperial Zoning Ordinance to include the following definitions:

1. **"Body-piercing shop"** means a building or portion thereof where piercing, branding, or other similar modification of human body parts is administered or from which a body-piercing business or service is operated. This shall not include establishments which limit their piercing to ears only.
2. **"Pawn shop"** means a building or portion thereof where personal property is received and for which money is advanced, with the right of privilege granted to the person to whom said money is advanced to reclaim such property upon repayment of said money, together with all legal charges incident thereto. This chapter does not regulate banks, saving and loan institutions, credit unions, or other banking organizations regulated by State or Federal law.
3. **"Tattooing or branding shop"** means a building or portion thereof where the tattooing or branding of human body parts is administered or from which a tattooing or branding business or service is operated.
4. **"Smoke shop or Tobacco shop"** shall have the same definition as provided by State law, except that businesses such as convenience stores, grocery stores, or other similar stores that sell tobacco as an ancillary use is not considered a regulated business.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Imperial to recommend the amendment of Section 24.05.120.B of the Imperial Zoning Ordinance as follows:

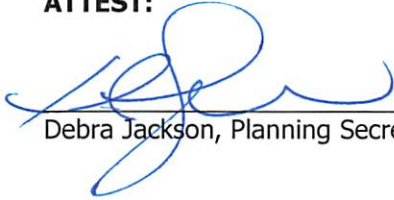
B. General Commercial Uses (cont.)	C-1	C-2	VC
54. Body Piercing, Tattoo, and/or Branding Parlors	C	C	C
55. Pawn Shops	C	C	C
56. Smoke or Tobacco Shops	C	C	C

PASSED AND ADOPTED by the Planning Commission of the City of Imperial at a regular meeting held on October 24, 2012.



Sam Ross, Planning Commission Chairman

ATTEST:



Debra Jackson, Planning Secretary

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

I, Debra Jackson, the undersigned, Secretary of the City of Imperial Planning Commission, DO
HEREBY CERTIFY that the foregoing Resolution No. PC 2012-02 was duly and regularly
adopted at Regular meeting of the City of Imperial Planning Commission held on the 24th day of
October 2012, by the following vote:

AYES: HONSE, LUCAS, MCDADE, PECHTL, AND ROSS

NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION 5-0



DEBRA JACKSON, SECRETARY
CITY OF IMPERIAL PLANNING COMISSION

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

I, Debra Jackson, the undersigned, Secretary of the City of Imperial Planning Commission, DO
HEREBY CERTIFY that the foregoing Resolution No. PC 2012-02 was duly and regularly
adopted at Regular meeting of the City of Imperial Planning Commission held on the 24th day of
October 2012, by the following vote:

AYES: HONSE, LUCAS, MCDADE, PECHTL, AND ROSS

NAYES: NONE

ABSTAIN: NONE

ABSENT: NONE

MOTION 5-0



DEBRA JACKSON, SECRETARY
CITY OF IMPERIAL PLANNING COMMISSION



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: September 18, 2024

Applicant:	Jerry Tucker
Project Location:	431 W. Aten Road
Project Description:	Conditional Use Permit 24-06 to allow a drive-thru at a proposed coffee shop
Zoning:	Neighborhood Commercial (C-1)
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to Conditions of Approval

Background

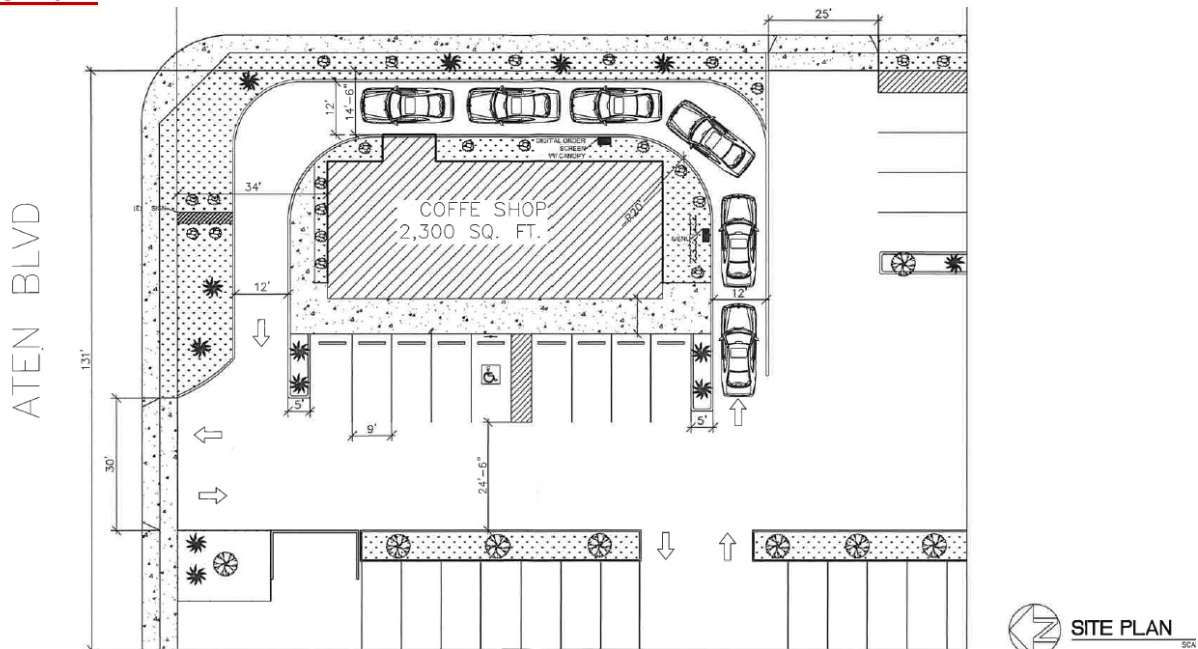
Jerry Tucker is proposing to construct a 2,300-square-foot coffee shop with a drive-thru at 431 W. Aten Road. The proposed project is in the inception phase, and details for the building or future business are not readily available, but the applicant wants to ensure the Conditional Use Permit for a drive-thru is approved before solidifying any future business plans.

The proposed coffee shop is anticipated to bring significant community benefits to the City of Imperial. Job creation is a primary advantage, as the new establishment will offer employment opportunities during both the construction phase and the operational period. Positions ranging from management to baristas and customer service staff will be available, providing work for local residents and stimulating the local economy. The coffee shop will also contribute to increased tax revenue through sales and property taxes. This additional revenue can support vital public services, infrastructure improvements, and community programs, enhancing the overall well-being of the city. Furthermore, the coffee shop will offer enhanced services for residents by providing a convenient and accessible location for quality food and beverages. The inclusion of a drive-thru facility caters to the needs of busy community members seeking quick and efficient service without leaving their vehicles. This aligns with Mr. Tucker's history of developing popular establishments that not only serve local patrons but also attract visitors from across the Imperial Valley, thereby promoting economic growth and elevating the city's profile as a regional destination.

The City of Imperial's Commercial Zoning Code details that eating and drinking establishments, such as fast food restaurants with a drive-thru, require a Conditional Use Permit. The Conditional Use Permit process allows staff to place conditions on a project upon review. The probable

increase in traffic the proposed coffee shop may generate presented concerns to the Development Review Committee and traffic mitigation measures for the drive-thru were incorporated into the Conditions of Approval within Resolution PC2024-09 (Attachment A). To eliminate traffic obstructions on Aten Road, Mr. Tucker has agreed to the conditions, which include monitoring the drive-thru queues, installing traffic control devices, rerouting traffic to the Myrtle Road entrance, and expediting the ordering process by placing an employee outside taking orders, when weather permits.

Site Plan:



Project Location



Discussion/Analysis

Land Use - The subject site is zoned within the Neighborhood Commercial (C-1) Zone. This zone is intended for professional offices, restaurants, health clubs and neighborhood shopping centers which provide limited retail business service and office facilities for the convenience of residents of the surrounding neighborhoods and are intended to be compatible with residential environments. The surrounding designated land uses are as follows:

Direction	Land Use	Zoning
North	Vacant Building	General Industrial (I-1)
South	Retail Shops (Lisa Tucker Shopping Center) and Imperial Gardens Senior Apartments	Neighborhood Commercial (C-1) Residential Apartments (RA)
East	Ahumada's Outlet and Kameleon Monkey Auto Body Shop	General Commercial (C-2)
West	Retail Shops (Lisa Tucker Shopping Center)	Neighborhood Commercial (C-1)

The land use and zoning compatibility relationship within the Imperial General is important for orderly development. Land uses must be arranged for compatibility with abutting land uses and properties should be zoned to be consistent with the land use policy map. Using the General Plan's Land Use Compatibility Matrix, the abutting land uses of General Industrial, General Commercial, and (high density) Residential Apartments are all compatible land uses.

Traffic and Circulation - the project site is fronting and accessed directly from Aten Road. Aten Road is designated as one of the City's major arterials that move traffic through a City from one point to another. Mitigating the potential for excessive drive-thru queues extending out to Aten Road was a main concern for this project.

Traffic mitigation measures include:

- 1) Aten Road traffic routed to Myrtle Road entrance with directional signage.
- 2) Installation of traffic control devices, such as cones, and directional signage.
- 3) Placing an employee expediting drive-thru orders with a headset (weather permitting).
- 4) Adding equipment and shift employees to maximize productivity.
- 5) Modification of business operations to include curbside pick-up.

Staff and the Applicant agree that the recommended traffic mitigation measures are sufficient to prevent any potential traffic safety issues. Monitoring and execution of the traffic mitigation measures will be addressed by the Applicant and the City of Imperial.

Parking - Parking requirements were reviewed during the Site Plan Review process and parking requirements were met. The Applicant executed the recorded Reciprocal Ingress/Egress and Parking Easement provided in Attachment B.

Environmental Compliance

The operation of an existing private structure involving no expansion of the existing use categorizes this project to be categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303-New Construction of Small Structures. The drive-thru component of the project is designed to minimize traffic impacts, and adequate parking will be provided on-site. Traffic generation is expected to be typical for a small coffee shop and will not exceed the capacity of the surrounding roadways. Furthermore, the project is excluded from Vehicle Miles Traveled (VMT) analysis under the Retail Nature exemption in the City of Imperial's VMT guidelines, as it is presumed

to have a less than significant impact on transportation. Any potential traffic or parking concerns will be addressed through compliance with local traffic ordinances and regulations.

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 when reviewing a Conditional Use Permit. 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 within the Neighborhood Commercial (C-1) Zone, intended as community-serving commercial uses compatible with residential environments. The proposed coffee shop will provide patrons of the surrounding commercial businesses and residents in proximity of the project site an enjoyable meeting place and a quick place to stop for a treat. Its operation is consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

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 idyllic for a drive-thru coffee shop. The use would be consistent with the General Plan and would provide an additional eating establishment for the neighboring communities. The coffee shop does not present to be detrimental to adjacent uses, residents, or buildings. Hours of operation will be primarily daytime hours, very similar to existing surrounding retail shops' hours of operation currently are.

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 established Conditions of Approval and traffic mitigation measures, the proposed project will not negatively impact public health, safety, or welfare, or materially injurious to properties in the vicinity.

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 applicable provisions of the City of Imperial's Zoning Ordinance. There are no variances requested or required for

this project, and all zoning regulations and requirements will be fully adhered to. By meeting these conditions, the project ensures alignment with the City's zoning standards and regulations.

Public Notification

The public hearing scheduled for September 25, 2024, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on September 12, 2024. A Notice of Public Hearing was mailed to all property owners within 300 feet of the property. The City of Imperial has not received any public comments for or against this project as of the date of this report's publication.

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 24-06 to allow a drive-thru at the proposed coffee shop.

Attachments

- Attachment A – Resolution PC2024-08 with Conditions of Approval
- Attachment B – Reciprocal Ingress/Egress and Parking Easement

Prepared by: Yvonne Cordero, Planner

Respectfully submitted,



Othon Mora, MCM, CBO
Community Development Director

RECORDED

RECORDING REQUESTED BY:

Jerry L. Tucker and Susan K. Tucker

MAR 02 2023

CHUCK STOREY
Imperial County Clerk-Recorder

WHEN RECORDED MAIL TO:

Jerry L. Tucker and Susan K. Tucker, Trustees
2961 Lenrey Court
El Centro, CA 92243

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2023003042
03/02/2023 11:12 AM

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Reciprocal Ingress/Egress and Parking Easement

DOCUMENTARY TRANSFER TAX IS \$ 5 R-T 11911

____ Computed on full value of property conveyed, or

____ Computed on full value less liens and encumbrances remaining at time of sale.

Property is located in the City of Imperial

Jerry L. Tucker and Susan K. Tucker, Trustees of The Tucker Revocable Family Trust

dated February 19, 1988 and amended July 21, 2004

City of Imperial
Do, hereby grant to, his, (their) successors and assigns, a reciprocal right of ingress/egress and parking at all time easement for purposes and incidents thereto, over and across the adjoining parking lots in those certain real properties in the City of Imperial, County of Imperial, State of California, described as:

Parcel 1:

That portion of Lots 2 and 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County, shown and designated as Parcel 1 of Parcel Map No. 44-92 in Book 9, Pages 47 & 48 of Parcel Maps on file in the office of the County Recorder of Imperial County.

APN 064-351-026-000

Parcel 2:

That portion of Lot 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County, shown and designated as Parcel 2 of Parcel Map No. 44-92 in Book 9, Pages 47 & 48 of Parcel Maps on file in the office of the County Recorder of Imperial County.

APN 064-351-027-000

Parcel 3:

That portion of Lots 2 and 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County, shown and designated as Parcel 3 of Parcel Map No. 44-92 in Book 9, Pages 47 & 48 of Parcel Maps on file in the office of the County Recorder of Imperial County.

APN 064-351-028-000

Parcel 4:

The East 121.75 feet of the West 362.19 feet of Lots 2 and 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, as per Map recorded in Book 10, Page 31 of Official Maps in the office of the County Recorder of said County. Said land is also shown on Assessor's Map No. 373, on file in the office of the County Recorder of Imperial County.

APN 064-351-004-000

Parcel 5:

The West 240.44 feet of Lots 2 and 3 of Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County.

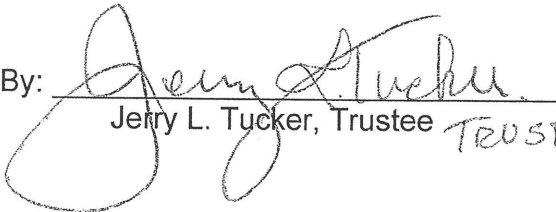
APN 064-351-003-000

(SEE EXHIBIT "A" ATTACHED HEREWITH)

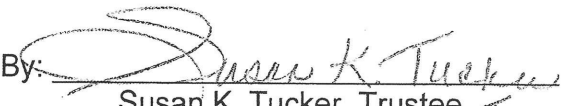
The grantor(s), for himself (themselves), his (their) successors and assigns hereby waive(s) any claim for any and all damages to the grantors remaining property contiguous to the right of way hereby conveyed by reason of the location, construction, landscaping or maintenance of said driveway.

IN WITNESS WHEREOF, said Grantor has caused _____ name to be hereunto subscribed this 3rd day of February, 2023.

The Tucker Revocable Family Trust dated February 19, 1988, and amended on July 21, 2004

By: 
Jerry L. Tucker, Trustee *TRUSTEE*

The Tucker Revocable Family Trust dated February 19, 1988, and amended on July 21, 2004

By: 
Susan K. Tucker, Trustee *Trustee*

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individuals who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

)
)SS.

COUNTY OF IMPERIAL

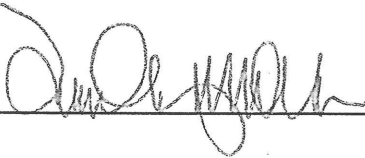
)

On February 3, 2022 before me, Marcella M. Zamora, Notary Public, personally appeared Jerry L. Tucker and Susan K. Tucker, who proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

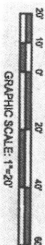
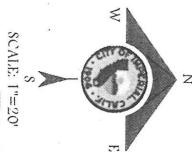
Signature



SHILOH WAY

ATEN BLVD

MYRTLE ROAD



PARCEL 5
APN 064-351-003
Jerry & Susan Tucker
Trust

PARCEL 4
APN 064-351-004
Jerry & Susan Tucker
Trust

PARCEL 3
APN 064-351-028
Jerry & Susan Tucker
Trust

PARCEL 2
APN 064-351-027
Jerry & Susan Tucker
Trust

PARCEL 1
APN 064-351-026
Jerry & Susan Tucker
Trust

NOTE:
PHOTOGRAPHIC BACKGROUND
IS FOR REFERENCE ONLY.
SCALE IS APPROXIMATE.



400 South Imperial Avenue, Suite 101
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760) 355-4718

EXHIBIT A

Reciprocal Ingress/Egress
& Parking Easement

COMPLAINT DEVELOPMENT DEPARTMENT

TUCKER
COMMERCIAL
CENTER

DATE: 01/25/2023

SHEET

1

OF 1 SHEETS

CHUCK STOREY
IMPERIAL
CLERK-RECORDER
940 MAIN STREET, SUITE 202
EL CENTRO, CA 92243-2039
(442) 265-1076

VITALCHEK

Receipt No.: RPT20230004446
Finalization No.: 2023004252
Cashier: IV

Register: CC1-REC-WKS006
Date/Time: 03/02/2023 11:12 AM

Description	Fee
EASEMENT - BY GRANT	
Document No.:	2023003042
Recording Time:	11:12 AM
Recording Total:	\$100.00
Recording Fee:	\$23.00
SB 2 Fee:	\$75.00
Real Estate Fraud:	\$10.00

Total Amount Due:
Total Paid
House Charge: \$100.00
Amount Due: \$0.00

THANK YOU
PLEASE KEEP FOR REFERENCE

RESOLUTION NO. PC2024-08

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 24-08 TO ALLOW THE OPERATION OF
IMPERIAL ELECTRIC TATTOO STUDIO LOCATED AT 116 S. IMPERIAL
(APN 064-351-026)**

WHEREAS, Russel McCracken submitted an application to operate a tattoo shop at 116 S. Imperial Avenue; and

WHEREAS, the subject site is located within the Village Commercial (VC) Zone where tattoo shops are a conditionally allowed use within that zone; and

WHEREAS, a duly notified public hearing was published on September 12, 2024, in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 24-08, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on September 25, 2024, to hear testimony for and against the proposed Conditional Use Permit;

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 request for a Conditional Use Permit; and

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

- A) That the foregoing recitations are true and correct; and
- B) The 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 15301 pertaining to existing facilities of the California Environmental Quality Act and is exempt from further environmental review requirements; and
- E) That allowing the operation of a tattoo shop at the project site is consistent with the land uses allowed within the Village Commercial (VC) Zone; and

- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 24-08**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, 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.**

The subject site is within the Village Commercial (VC) Zone, intended as the social and civic heart of the City. Small shops, such as Imperial Electric Tattoo Studio aligns with this zoning by providing the only tattooing services in the City in a vibrant and family-oriented atmosphere. Its operations support the goals of the Imperial General Plan, ensuring a pedestrian-friendly and unique cultural experience within the Downtown Character Area. Its operation is consistent with the objectives of the Village Commercial Zone and the City's development goals

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 a tattoo shop, offering patrons of the hair studio, and the surrounding businesses additional services in a centralized location, within the City's Downtown area. The site's location is in a highly visible, well-trafficked intersection making it a suitable location for retail services. The project does not present to create any adverse effects or be of any material detriment to adjacent land uses, residents, buildings, structures, or natural resources. The operational characteristics further ensure that the proposed use remains compatible with the surrounding Village Commercial area. Given these factors, the project will not negatively impact the community or environment and is consistent with the objectives outlined 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.**

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare. Mr. McCracken has demonstrated professionalism and a high regard to public health, safety and welfare by completing and implementing the industry-required education and complying with the regulations under the California Health and Safety Code (Safe Body Art Act).

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 applicable provisions of the City of Imperial's Zoning Ordinance. Imperial Electric Tattoo Studio will be located in the Village Commercial (VC) Zone, where tattoo shops are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements will be fully adhered to. By meeting these conditions, the project ensures alignment with the City's zoning standards and regulations.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 25th day of September, 2024.

Ruben Rivera
Planning Commission Chairman

ATTEST:

Kristina Shields
City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL
for
CUP 24-08 IMPERIAL ELECTRIC TATTOO STUDIO

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. 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.
6. 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.
7. 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.
8. 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.

9. A Knox Box entry system as approved by Imperial County Fire Department shall be installed.
10. A pre-incident plan shall be developed and approved by the Imperial County Fire/OES Department in a format and using a platform determined by Imperial County Fire Department.
11. The project shall comply with all applicable fire codes, including the California Fire Code, NFPA standards and any other regulations that pertain to the project.
12. The Applicant shall comply with the design guidelines for signage detailed within the City of Imperial's Downtown Imperial Redevelopment Master Plan and Section 24.16 of the Municipal Code pertaining to sign regulations.
13. Applicant shall comply with all regulations under the California Health and Safety Code § 119300 to 11932 (Safe Body Art Act).

RESOLUTION NO. PC2024-09

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 24-06 FOR THE OPERATION OF A
DRIVE-THRU AT A COFFEE SHOP LOCATED AT 431 W. ATEN ROAD
(APN 064-351-026)**

WHEREAS, Jerry Tucker submitted an application to operate a drive-thru at a coffee shop located at 431 W. Aten Road; and

WHEREAS, the subject site is located within the Neighborhood Commercial (C-1) Zone where the inclusion of a drive-thru at a restaurant is a conditionally allowed use within that zone; and

WHEREAS, a duly notified public hearing was published on September 12, 2024, in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 24-06, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on September 25, 2024, to hear testimony for and against the proposed Conditional Use Permit;

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 request for a Conditional Use Permit; and

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

- A) That the foregoing recitations are true and correct; and
- B) The 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(c)-New Construction of Small Structures, of the California Environmental Quality Act and is exempt from further environmental review requirements; and
- E) That allowing the operation of a drive-thru coffee shop at the project site is consistent with the land uses allowed within the Neighborhood Commercial (C-1) Zone; and

F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 24-06**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, 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.**

The subject site is within the Neighborhood Commercial (C-1) Zone, intended as community-serving commercial uses compatible with residential environments. The proposed coffee shop will provide patrons of the surrounding commercial businesses and residents in proximity of the project site an enjoyable meeting place and a quick place to stop for a treat. Its operation is consistent with the objectives of the Neighborhood Commercial Zone and the City's development goals.

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 idyllic for a drive-thru coffee shop. The use would be consistent with the General Plan and would provide an additional eating establishment for the neighboring communities. The coffee shop does not present to be detrimental to adjacent uses, residents, or buildings. Hours of operation will be primarily daytime hours, very similar to existing surrounding retail shops' hours of operation currently are.

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 established Conditions of Approval and traffic mitigation measures, the proposed project will not negatively impact public health, safety, or welfare, or materially injurious to properties in the vicinity.

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 applicable provisions of the City of Imperial's Zoning Ordinance. There are no variances requested or required for this project, and all zoning regulations and requirements will be fully adhered to. By meeting these conditions, the project ensures alignment with the City's zoning standards and regulations.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 25th day of September, 2024.

Ruben Rivera
Planning Commission Chairman

ATTEST:

Kristina Shields
City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL
Conditional Use Permit 24-06 - Jerry Tucker/Coffee Shop
431 W. Aten Road (APN 064-351-026)

1. This Conditional Use Permit is granted for a coffee shop drive-through at 431 W. Aten Road, Imperial, CA 92251.
2. The 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 the proposed building must be ADA compliant with the State of California American Disabilities Act Standards.
4. In the event that the coffee shop's operations result in excessive queues, including queues extending into Aten Road's right of way, blocking traffic and creating potential for safety concerns by blocking traffic, even on an intermittent basis, the Aten Road traffic shall be routed to the Myrtle Road entrance. The installation of traffic control devices, such as cones, directional signage, or other approved traffic management measures, shall be implemented at the owner's expense, subject to City approval. The monitoring and execution of the above traffic mitigation measures will be handled administratively and collaboratively between the coffee shop's owner(s) and the City of Imperial.
5. To mitigate the potential for excessive drive-through queues, the owner shall place one or more employees with a headset outside the store to expedite orders, add equipment, and shift employees to the store to maximize productivity, and modify business operations to include curbside pick-up to relieve drive-through queuing pressures, at the owner's discretion. The monitoring and execution of the above traffic mitigation measures will be handled collaboratively and at the discretion of the coffee shop's owner(s) and the City of Imperial.
6. Directional signage and directional arrows and striping are to be provided for access to the coffee shop parking lot and drive-through. Directional signage for "Drive-Thru Entrance Only" shall be installed.
7. 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.
8. The Applicant shall pay all applicable permit and development impact fees.
9. 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.

10. 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.
11. 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.
12. 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 a permit modification, suspension, or termination, or to the appropriate enforcement authority.
13. 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.
14. 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.
15. A Knox Box entry system as approved by the Imperial County Fire Department shall be installed.
16. A pre-incident plan shall be developed and approved by the Imperial County Fire/OES Department in a format and using a platform determined by the Imperial County Fire Department.
17. The project shall comply with all applicable fire codes, including the California Fire Code Chapter 3 (General Requirements), Chapter 5 (Fire Service Features), Chapter 9 (Fire Protection and Life Safety Systems), Chapter 10 (Means of Egress), NFPA standards and any other regulations that pertain to the project.