



PLANNING COMMISSION
Mark Hammerness – Chairperson
Veronica Harvey – Vice Chairperson
Alice Abatti – Commissioner
Stacy Mendoza – Commissioner
\Ruben Rivera - Commissioner

AGENDA

**PLANNING COMMISSION
TRAFFIC COMMISSION**

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

**WEDNESDAY, OCTOBER 26, 2022
6:30PM**

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

1. You are encouraged to observe the City Council meetings via Livestream at the City of Imperial Facebook page.
2. Email public comments to publicinformation@cityofimperial.org by 5:00 pm on Wednesday, October 26, 2022. Comments received by 5:00 pm will be read into the record during the regular meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meeting, please contact (760) 355-4373. A notification of 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting [28CFR 35.102-35.104 ADA title II].

A. PLANNING COMMISSION CALL TO ORDER:

**6:30 PM
ROLL CALL
PLEDGE OF ALLEGIANCE
ADJUSTMENTS TO THE AGENDA**

B. PUBLIC APPEARANCES

B-1. Matters not appearing on the agenda: If you wish to address the Planning Commission please raise your hand and be acknowledged by the Chairperson. 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 Planning Commission in writing.

B-2. Matters appearing on the agenda. If you wish to address the Planning Commission concerning any item appearing on the agenda, please raise your hand and be acknowledged by the Chairperson. 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.

C. CONSENT CALENDAR

All items appearing under "Consent Agenda" will be acted upon by the Planning Commission in one motion without discussion. Should any Commissioner or other person request that any item be considered separately, that item will then be taken up at the time as determined by the Chairperson.

C-1. Approve Planning Commission Meeting Minutes for September 27, 2022.

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

D-1: Subject: Public Hearing, Discussion/Action: O Street Abandonment Between 12th Street and 13th Street

1. **Public Hearing**
2. **Staff Report – Public Comment**
3. **Commission Discussion**
4. **Close Public Hearing**
5. Recommended Action: Approval of Resolution No. PC2022-08: A Resolution of the Planning Commission finding conformance with the General Plan for the right of way abandonment/vacation of a portion of O Street between 12th Street and 13th Street. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines – Existing Facilities.

D-2: Subject: Public Hearing, Discussion/Action: Conditional Use Permit 22-05 for VelRom Collision to allow for the operation of an auto repair shop with a painting booth facility located at 408 E. 2nd Street (APN 064-180-003)

1. **Public Hearing**
2. **Staff Report – Public Comment**
3. **Commission Discussion**
4. **Close Public Hearing**
5. Recommended Action: Approval of Resolution No. PC2022-09: A Resolution of the Planning Commission approving Conditional Use Permit 22-05 for VelRom Collision with a paint booth facility located at 408 E. 2nd Street (APN 064-180-003). The project is categorically

exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines – Existing Facilities.

D-3 Subject: Public Hearing, Discussion/Action: Conditional Use Permit (CUP 22-06) for Donohue Painting to allow for the operation of a powder coating oven facility located at 608 E. 2nd Street (APN 064-174-005).

1. **Public Hearing**
2. **Staff Report – Public Comment**
3. **Commission Discussion**
4. **Close Public Hearing**
5. **Recommended Action:** Approval of Resolution No. PC2022-10: A Resolution of the Planning Commission approving Conditional Use Permit 22-06 to allow the operation of a powder coating facility located at 608 E. 2nd Street, APN 064-174-005. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines – Existing Facilities.

E. REPORTS:

E-1: Commissioners' Reports

E-2: Staff Reports

ADJOURN PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING NOVEMBER 9, 2022.

NOTE: Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available at the front counter at City Hall, located at 420 South Imperial Avenue, during normal business hours.



PLANNING COMMISSION
Mark Hammerness – Chairperson
Veronica Harvey – Vice Chairperson
Alice Abatti – Commissioner
Stacy Mendoza – Commissioner
Ruben Rivera – Commissioner

Minutes

**PLANNING COMMISSION
TRAFFIC COMMISSION
Adjourned Regular Meeting**

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

**TUESDAY, SEPTEMBER 27, 2022
6:30 P.M.**

A. PLANNING COMMISSION CALL TO ORDER:

Chairperson Hammerness called the meeting to order at 6:30 p.m.

ROLL CALL:

Commissioners Present:

Mark Hammerness – Chairperson, Veronica Harvey – Vice Chairperson,
Alice Abatti – Commissioner, Stacy Mendoza – Commissioner, Ruben Rivera – Commissioner

City Staff Present:

Dennis Morita- City Manager, Alexis Brown- Assistant City Manager, Katie Turner- City Attorney, Jillian Mehdipour- Public Records Analyst, Othon Mora- Director of Community Development, Yvonne Cordero- Community Development Planner, Luis Anguiano-Information Technology Support Technician.

PLEDGE OF ALLEGIANCE:

Led by Veronica Harvey

ADJUSTMENTS TO THE AGENDA:

None

B. PUBLIC APPEARANCES:

B-1. Matters not appearing on the agenda.

None

C. CONSENT CALENDAR:

C-1. Approve Planning Commission Meeting Minutes for September 14, 2022.

Action:

Mendoza, made a motion to approve the consent agenda item B-1. **Harvey, seconded** the motion.

Ayes: 5-0

Nays: 0

Absent: 0

Abstained: 0

Motion Passed 5-0

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

D-1: Subject: Continued Public Hearing, Discussion/Action: Conditional Use Permit (CUP 22-01) for Quality Dismantling to allow for the operation of an auto dismantling and towing facility located at 601 E. Barioni Boulevard (APN 064-072-001).

Chairperson Hammerness Resumed Public Hearing at 6:37 p.m.

Discussion:

Cordero, presented the staff report. Sam, the applicant, thank you all for your comments. They have helped with understanding and getting through this process. I did notice at the beginning you said the address was 604; I want to point out it's 601. Mendoza, I want to stress to the applicant that there is still some hesitation on my end. This is the main entrance to our city and that is what people see when they come into the city. Please do not turn this into a junk yard. Abatti, it looks like they removed the mason wall and the street paving. That is good. Hammerness, I see the shrubbery has been removed. Rivera, the vehicles have they been defueled and drained of other liquids before they go to the yard? Sam, yes when they are shipped from Hawaii they are drained of all liquids and the battery is removed. Rivera, I noticed that all sales are non-cash and online only, so that will eliminate foot traffic. What is the turnaround time on the vehicles on the premise? Sam, the conditional use permit, limits me to 90 days that a vehicle can sit on the yard. Abatti, there is no storage for impounded vehicles, this is towards the towing of vehicles not the dismantling. You will be restricted to the dismantling of vehicles.

Chairperson Hammerness Closed Public Hearing at 6:51 p.m.

Action:

Turner, I recommend removing in line two, number six in the CUP, the word impounded.

Abatti, made a motion to approve “*Resolution No. PC2022-07: A Resolution of the Planning Commission approving Conditional Use Permit (CUP 22-01) to allow the operation of an auto dismantling and towing business located at 601 E. Barioni Boulevard, APN 064-072-001. The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines – Existing Facilities.*” **Rivera, seconded** the motion.

Ayes: 5-0

Nays: 0

Absent: 0

Abstained: 0

Motion Passed 5-0

E. REPORTS:

E-1: Commissioners’ Reports:

Abatti, I have two points I want to talk about. One, when are they going to start the landscaping on Aten Rd to the West? Second, is the hotel. I have heard from some people it will become a place for the homeless. Does the permit allow the hotel to be used for transients homeless? Morita, the word transient comes up when discussing a hotel, and in our case, it is used in the transient tax for the hotel. That is a tax issued to the travelers that use the hotel. We have a specific agreement that the hotel and the conditional use permit must maintain a certain level of performance and service. Abatti, what about the illegal aliens that took over the country club? Will the federal government be able to contract with the hotel? Morita, I would say no, because of the commitment to the conditional use permit. Turner, I haven’t looked at it lately, but Othon can get conditions pulled up and sent to everyone. Brown, I would like to add that this is a Cambria. That is a luxury line of hotels. They have guidelines of standards they must follow. The landscaping on the West Aten is going to be completed. The materials are purchased and secured. We are just waiting for the weather to cool down. Mendoza, with the new PACE center going in, how will parking work? Brown, there are 22 acres that will be used for the area, and the PACE center will be placed in the back of the hotel.

Rivera, the park projects are great. We have another coming up on October 8th at 9 a.m.

Hammerness, I am going to ask about the street light again on 15th street. Mora, we are still working on that. We have to gather a lot of information and look at all of our options before we make any changes. Hammerness, as for the school providing us with a traffic plan, we have not received one from them, and I have not personally gone over there to see it for myself. We had the ribbon cutting this morning at the Starbucks. Thankfully, it was not as hot as the ribbon cutting for the McDonalds was months prior. Do we have anything further on the Victoria Terrazas homes? Turner, we are making progress and are almost there, just finishing up a few things.

E-2: Staff Reports:

Morita, on the 15th Street discussion, we have a traffic study that currently says Worthington should mirror the action taking place at 15th Street. As Mr. Mora said, we have a traffic study that we use to help with guidance. We don't want to put up a stop sign and then take it down. People will get an expectation. Hammerness, I appreciate the traffic studies, but there is a stop sign just feet away and this interrupts the flow of traffic.

Brown, I just want to re-mention that the work park will be at Eager Park on October 8th at 9 a.m. This will be a collaboration with the library and there will be a story book walk.

Hammerness, when is our first market day? Brown, it will be on October 15th, from 5 p.m. to 9 p.m.

Chairperson Hammerness adjourned the Planning Commission meeting until the next regularly scheduled meeting October 12, 2022.



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: October 17, 2022

Subject: O Street Abandonment between 12th Street and 13th Street

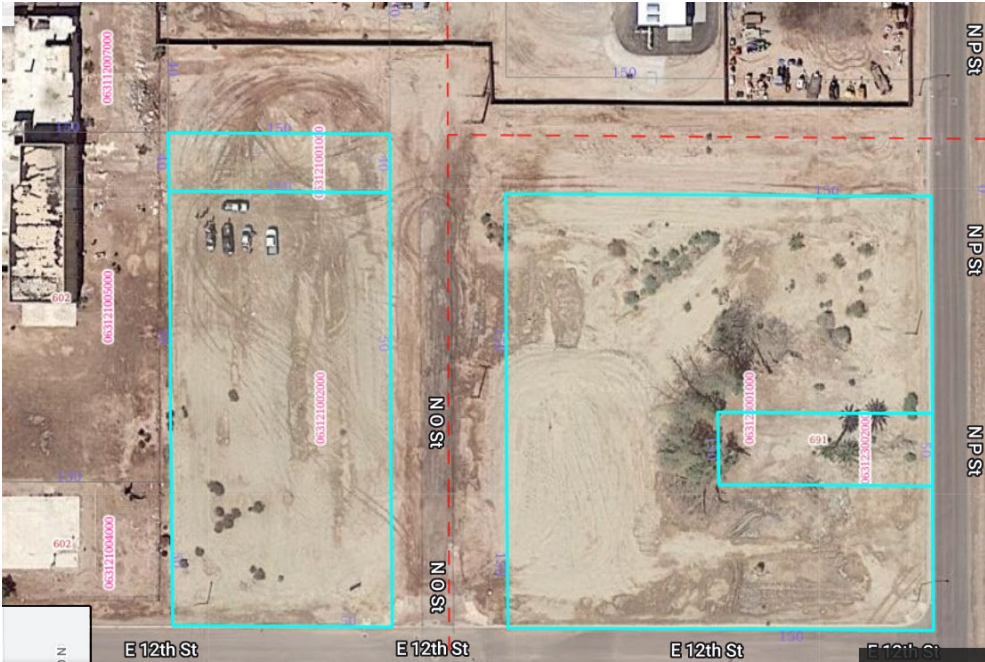
Summary:

Applicant:	Precision Engineering & Surveying, Inc. on behalf of Joshua Quintero
Project Location:	O Street between 12 th Street and 13 th Street
Project Description:	Abandonment of O Street between 12 th Street and 13 th Street
Zoning:	Rail Served Industrial (I-2)
General Plan:	Industrial Zone
Environmental:	Categorically Exempt – 15301 Existing Facilities
Recommendation:	Approve, subject to conditions

Background

Precision Engineering & Surveying, Inc. on behalf of Joshua Quintero is requesting the abandonment of the portion of O Street between 12th Street and 13th Street. The approximate 380-foot long portion of O Street requested to be abandoned will allow for a future project which consists of an industrial park constructed in two phases. The first phase will be a welding and machining shop placed over APN 063-012-001 and 063-121-002 with a section reserved for a retention basin with the water capacity of 10,130 cubic feet. The second phase is contingent on the street abandonment and if approved, an industrial park on APN 063-123-001 is being proposed. The abandonment of O Street will add more usable space to build a suitable retention basin and allow adequate space to build the industrial park. Mr. Quintero owns the parcels abutting O Street and is in the process of acquiring the final parcel to be able to build the industrial park. Currently, O Street between 12th and 13th Streets is unimproved and does not provide access to any of the abutting properties except as an alternate access to the City of Imperial's Waste Water Facility and Maintenance Shop.

Highlighted parcels are owned by the applicant.



Aerial View of Proposed Street Abandonment



Discussion/Analysis

City staff has reviewed the proposed abandonment of O Street between 12th Street and 13th Street. The Development Review Committee met and discussed the project for compliance with the City's General Plan and development standards on August 18, 2022. Staff comments and recommended Conditions of Approval have been provided in the Department Comments in Resolution PC2022-08, Exhibit A.

Environmental Compliance

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

Evaluation

California Government Code 65402 requires the City of Imperial not to vacate or abandon any streets unless the abandonment has been found to be in conformance to the General Plan. The abandonment of O Street between 12th Street and 13th Street has been found to be in conformance with the Land Use and Circulation Elements of the General Plan. The City of Imperial General Plan Circulation Element requires that streets be functionally classified according to the type of level of traffic they are designed to accommodate. O Street in its entirety is not classified as a Major or Secondary Arterial nor considered Industrial or Residential Collectors. All portions of O Street are classified as a local street and therefore not essential for traffic flow. P Street is classified as a secondary arterial and has sufficient capacity to handle any additional traffic resulting from the vacation and abandonment and will not interfere with local circulation.

Public Notification

The public hearing scheduled for October 26, 2022 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation on October 13, 2022 and a Notice of Public Hearing was sent to all property owners within 300-feet of the properties.

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 find that the proposed street abandonment is in conformity with the General Plan and forwards their recommendation for approval to City Council.

Attachments

- Resolution PC2022-08
- Legal Description
- Preliminary Site Plan

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

RESOLUTION NO. PC2022-08
FOR
FINDING OF CONFORMANCE WITH THE GENERAL PLAN FOR
THE RIGHT OF WAY VACATION OF A PORTION OF
O STREET BETWEEN 12TH STREET AND 13TH STREET

WHEREAS, the owner of property adjoining a city street has requested the City to vacate a portion thereof; and

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not vacate or abandon any streets until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto; and

WHEREAS, the portion of O Street between 12th Street and 13th Street is not identified in the Circulation Element of the General Plan as a major or secondary arterial roadway circulation system nor will it restrict access to private property; and

WHEREAS, the finding of conformance is with the General Plan is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061 (b) (3)

NOW, THEREFORE, be it resolved that the Planning Commission does hereby find the proposed vacation of the portion of O Street between 12th Street and 13th Street to be in conformance with the City of Imperial General Plan and determines that the City Council take the necessary procedures to effect the vacation as shown in Exhibit A and Exhibit B and be subject to the Conditions of Approval outlined in Exhibit C.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 26th day of October, 2022.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT "A"

STREET ABANDONMENT LEGAL DESCRIPTION

A PORTION OF "O" STREET IN THE TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER 883 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF "O" STREET BOUND TO THE NORTH BY A LINE CONNECTING THE NORTHEAST CORNER OF BLOCK 24 AND THE NORTHWEST CORNER OF BLOCK 23 AND BOUND TO THE SOUTH BY A LINE CONNECTING THE SOUTHEAST CORNER OF BLOCK 24 AND THE SOUTHWEST CORNER OF BLOCK 23, TOWNSITE OF IMPERIAL, IN THE CITY OF IMPERIAL, COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER 883 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A COPY OF SAID MAP BEING ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF IMPERIAL COUNTY.

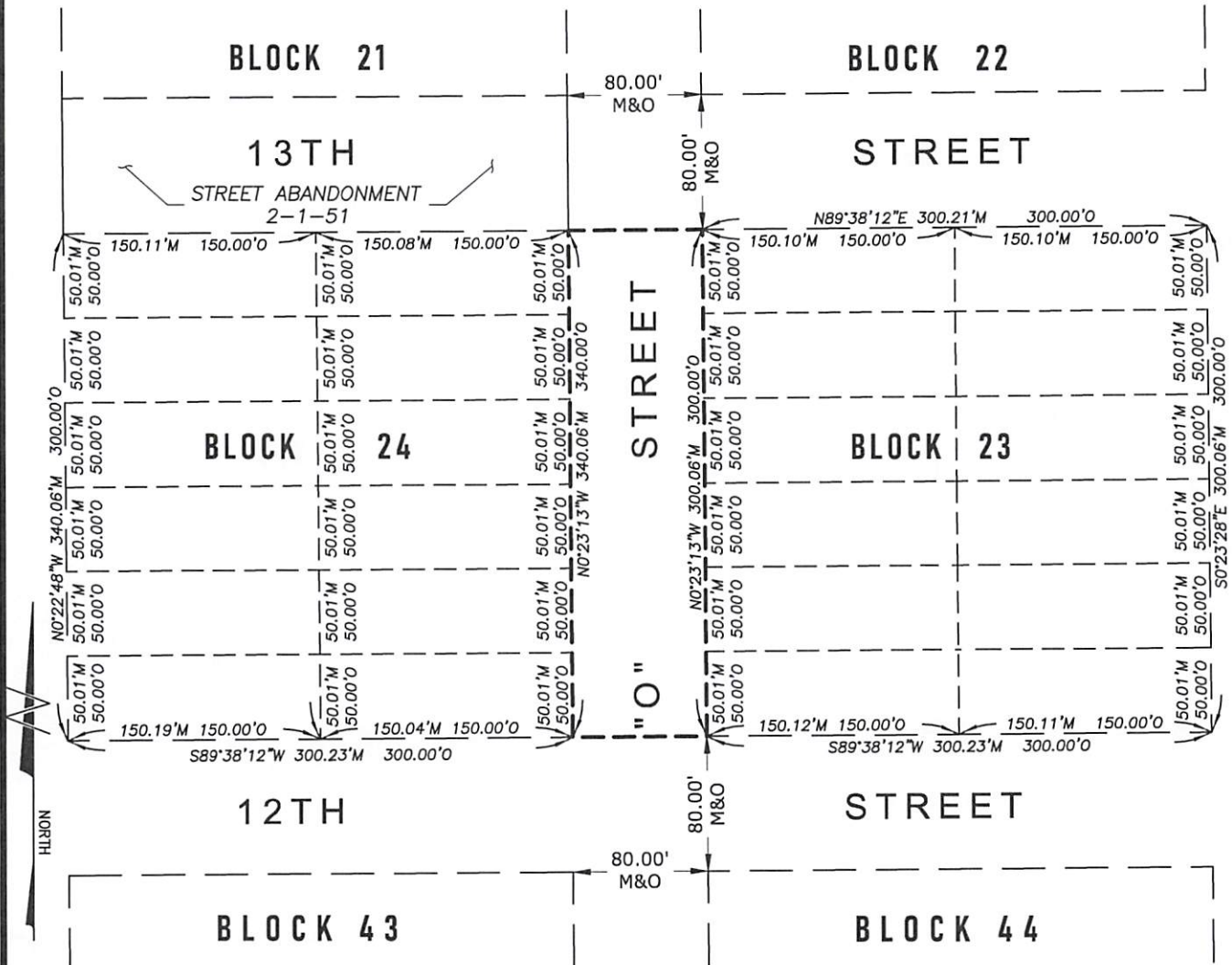
CONTAINING 0.55 ACRES MORE OR LESS.

THE ABOVE DESCRIBED PROPERTY IS SUBJECT TO ALL COVENANTS, EASEMENTS, AND AGREEMENTS OF RECORD.

AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



EXHIBIT "B"



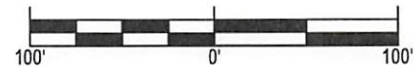
LEGEND:

- AREA TO BE ABANDONED
- BLOCK LINES
- LOT LINES

M MEASURED DATA PER
RECORD OF SURVEY
ICSRN _____

O RECORD DATA PER OM 1-6

PORTION OF "O" STREET TO BE ABANDONED
MEASURES 0.55 ACRES ±



SCALE: 1"=100'

TAYLOR PREECE, PLS 9436

5-11-22

DATE



Precision Engineering & Surveying, Inc.



P.O. Box 2216
El Centro, CA 92244
Telephone: (760) 353-2684

799 E. Heil Avenue
El Centro, CA 92243
Fax: (760) 353-2686

ABANDONMENT OF A PORTION OF "O" STREET FROM 12TH TO 13TH STREET

DRAWN BY: A.D.

CHECKED BY: T.P.

CLIENT: JOSH QUINTERO

JOB No. 21-157

Date: May 11, 2022

SHEET

1

OF 1

EXHIBIT C

CONDITIONS OF APPROVAL

O Street Vacation between 12th Street and 13th Street

Josh Quintero

306 S. N Street

Imperial, CA 92251

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 impact and capacity fees.
3. The right-of-way vacation 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 right-of-way vacation. 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 public right-of-way vacation, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. All conditions of approval for this right-of-way vacation shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
6. Department Comments
 - Public Services
 - a. Applicant shall provide access to repair underground utilities, such as storm water and potable water, on O Street between 12th Street and 13th Street, running North and South, if needed.
 - b. City of Imperial Shop South entrance gate located on O Street and northern portion of 13th Street may be used as an additional access point, if needed.
 - c. All paving material shall be asphalt and shall maintain line of site to existing O Street City of Imperial Shop entrance.

Fire Department

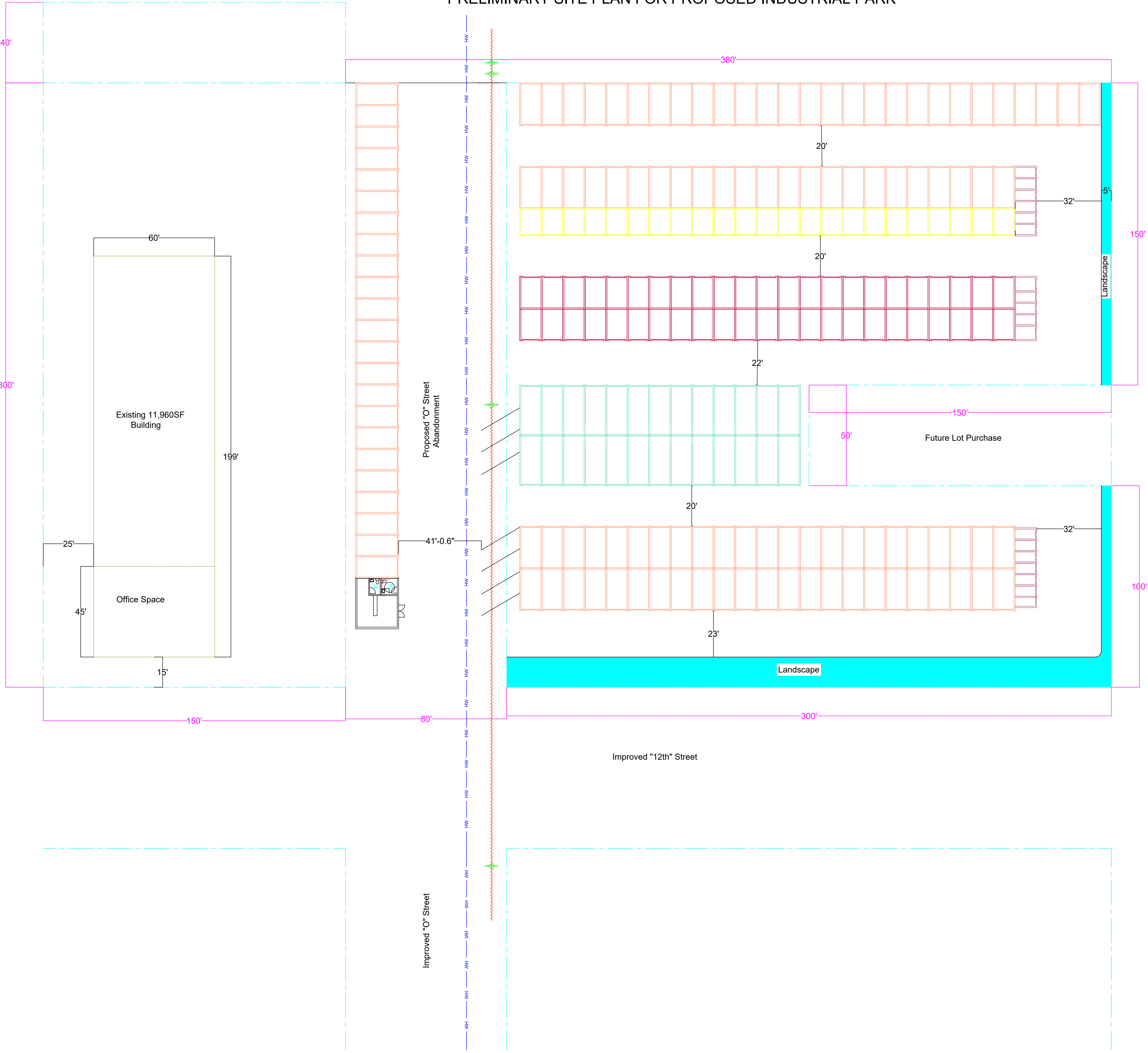
- d. Abandonment of public streets are of concern as they could lead to operational challenges in emergency situations that could cause unforeseen issues. As presented, this private enterprise project does not currently present an issue.
- e. Right-of-Way vacation procedures are to be executed according to City of Imperial specifications.

Community Development

- f. A Site Plan Review is required prior to the construction of any building or structure on any Industrial Zone property pursuant to Section 24.19.500 of the City of Imperial Zoning Ordinance.
- g. Industrial Zone property development and performance standards shall apply to all land and buildings authorized within this zone.

- 7. The provisions of the 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.
- 8. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions listed herein, or the Planning/Building Department determines that the activities constitute a nuisance, the City shall provide Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1), Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth herein, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority for termination of the right-of-way abandonment of the portion of O Street, between 12th and 13th Street.
- 9. As between the City and the Applicant, any violation of these Conditions of Approval may be a "nuisance per se". The City may enforce the terms and conditions of these conditions 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. Applicant 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.

PRELIMINARY SITE PLAN FOR PROPOSED INDUSTRIAL PARK



Unit Qtys:

5 x 10	18 units	\$85.55 =	\$1539.90	10 future	\$855.5
10 x 12	23 units	\$117.65 =	\$2705.95		
10 x 15	46 units	\$155.10 =	\$7134.60		
10 x 20	119 units	\$192.55 =	\$22913.45		
10 x 25	26 units	\$230.15 =	\$5983.90	20 future	\$4603
Monthly Rev		\$40,277.80	Future	\$45736.30	



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: October 18, 2022

Subject: **Conditional Use Permit 22-05**
VelRom Collision – Auto Repair Shop with a Paint Booth Facility

Summary:

Applicant:	Jose Luis Garcia Velasco
Project Location:	408 E. 2nd Street
Project Description:	Conditional Use Permit (CUP) to allow for the operation of an auto repair shop with a paint booth facility within an Industrial Zone
Zoning:	General Industrial (I-1)
General Plan:	Industrial
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to conditions

Background

Applicant, Jose Luis Garcia Velasco, along with his partner Fernando Romero are proposing to operate VelRom Collision, an automotive repair shop with a paint booth facility within an existing facility located at 408 E. 2nd Street. VelRom Collision is an experienced, small family owned business devoted to supplying quality vehicle repairs and vehicle painting services. VelRom intends to employ up to five employees, open 8:00am to 5:00pm from Monday through Friday, but requested the flexibility to be able to extend the days and time as operating times are determined by their workflow demands.

The existing building will be shared with an existing RV storage business and VelRom Collision will occupy seven workbays. The building is well suited for auto repair shop as it contains auto bays with plenty of workspace and an office.

Aerial View



Paint Booth Facility/Eastern View



Garage Bays/Western View



Discussion/Analysis

The subject site is zoned I-1 General Industrial. The surrounding land uses and zoning of the project site are I-2 Rail-Served Industrial and I-1 General Industrial as well. The I-1 General Industrial zoning designation is intended as an area for modern industrial, research, and administrative facilities. Section 24.07.120 of the Imperial Zoning Ordinance lists automobile body repair facilities as a use subject to a Conditional Use Permit.

Environmental Compliance

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

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a 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 standards of the City.***

The subject site is located within the I-1 General Industrial Zone. The auto body repair shop with paint booth facility will not interfere or conflict with the purposes of the zone, which is intended to provide general industrial uses.

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

The proposed location is suitable for the auto repair and paint booth facility as it is surrounded by industrial land uses. The Dune Company, a crop protection and crop fertilizer business is located directly to the East, the California Mid-Winter Fairground's parking lot is located to the South and to the West of the site. The Imperial County Public Works Road Distribution Facility and Premier Towing are situated to the North of the project location. The project is compatible with the adjacent industrial land uses and it is more than 600 feet from any Residential Zone, therefore not adversely affecting any residents.

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

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

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

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

Public Notification

The public hearing scheduled for October 26, 2022 was duly noticed in the Calexico Chronicle and Holtville Tribune, newspapers of general circulation on October 13, 2022 and a Notice of Public Hearing was sent to all property owners within 300-feet of the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) 22-05 to allow for the use and operation of an auto repair shop with a paint booth facility.

Attachments

- RESO PC2022-09
- Site Plan

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

RESOLUTION NO. PC2022-09
A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 22-05 FOR VELROM COLLISION WITH A
PAINT BOOTH FACILITY LOCATED AT 408 E. 2ND STREET (APN 064-180-003)

WHEREAS, Jose Luis Garcia Velasco submitted an application for the operation of an auto repair shop with a paint booth facility; and

WHEREAS, the subject site is located within the General Industrial Zone and auto repair shops are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on October 26, 2022, to hear testimony for and against the proposed Conditional Use Permit; and

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

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

- A) That the foregoing recitations are true and correct; and
- B) 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 of the California Environmental Quality Act; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 22-05** to allow the operation of an automobile repair shop with a painting booth facility at 408 E. 2nd Street, subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. The project meets all the requirements per section 24.19.340 of the Imperial Zoning Ordinance for granting said Conditional Use Permit as follows:
 - a) **That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and**

Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standards of the City.

The subject site is located within the I-1 General Industrial Zone. The auto body repair shop with paint booth facility will not interfere or conflict with the purposes of the zone, which is intended to provide general industrial uses.

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

The proposed location is suitable for the auto repair and paint booth facility as it is surrounded by industrial land uses. The Dune Company, a crop protection and crop fertilizer business is located directly to the East, the expanse parking lot for the California Mid-Winter Fairgrounds is located to the South and to the West of the site. The Imperial County yard and Premier Towing are situated to the North of the project location. The project is compatible with the adjacent industrial land uses and it is more than 600 feet from any Residential Zone, therefore not adversely affecting any residents.

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

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

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

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

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 26th day of October, 2022.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT 22-05

VELROM COLLISION

408 EAST 2nd STREET

1. Conditional Use Permit 22-05 is valid for the operation of an auto body shop for damaged vehicle restoration and a paint booth facility.
2. 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.
3. The Applicant shall pay all applicable impact and capacity fees.
4. 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.
5. 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.
6. All conditions of approval for this Conditional Use Permit shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
7. All equipment stored on the premises shall be maintained at all times so that fire, health, law enforcement and building officials have access to and can inspect any materials within the building for the proper removal and disposal thereof.
8. All storage of materials waiting to be worked on shall be stored within the building during the time that the business is not open for business. There shall be no outdoor storage of materials.

9. Department Comments

A) Fire Department

1. Fire Department Access

- a. Minimum 20-foot unobstructed fire access lane shall be provided to the rear of the property of firefighting equipment.
- b. All gates shall meet minimum width of 20 feet (6096mm).
- c. Gates shall be of the swinging or sliding type.
- d. Construction of gates shall be of materials that allow manual operation by one person.
- e. Gates shall have approved locks box or locks from KNOX (information can be obtained from Imperial County Fire Department Prevention Bureau).

2. Fire Suppression

- a. Spray booth(s) shall be protected by an approved automatic fire-extinguishing system.
- b. Fire extinguishers shall comply with Chapter 9 section 906 in the California Fire Code for sizing, placement, and quantity for Extra (high) Hazard Occupancy.

3. Operations

- a. Storage, use, and dispensing of combustibles and flammables shall be in accordance of Chapter 57 of the California Fire Code.
- b. Combustible and flammable liquids shall not exceed the maximum allowable quantity state in the California Fire Code without fire suppression installed.
- c. Spray operations shall be in accordance with Chapter 24 section 2404 of the California Fire Code.
- d. Storage of vehicles and inventory shall not produce conditions that will create a nuisance or hazard to the public health, safety or welfare.
- e. A hazard materials management plan and hazardous materials inventory statement shall be created and reported to California Certified Unified Program Agency (CUPA) and shall follow CUPA regulations.
- f. Applicant shall comply with all Imperial County Fire Department requirements and the California Fire Code.
- g. Spray booth shall be installed in accordance with 2019 California Fire Code Chapter 24, and the California Building, electrical and mechanical code.

B) Public Services

1. All surplus or used parts shall be shielded from public view.
2. Automobiles and equipment that may leak fluids must have drip pans placed underneath or stored on a non-porous ground covering. 
3. Storage of tires and wheels, unless for sale, shall not be visible from public view. 
4. Incorporation of a noise pollution plan to restrict or regulate noise when operating noise generating equipment such as generator, blowers or air compressors.
5. All floor drains must be equipped with an oil and grit trap chamber.

C) Community Development

1. The project site shall be maintained in a clean, orderly manner, free of weeds, debris or junk materials.
 2. The Applicant shall monitor the tracking of dirt from the project site onto adjacent public roadways. Excessive accumulation of dirt onto nearby and adjacent roadways fronting the project site driveways shall be mitigated by the applicant or business owner through street sweeping, installation of stabilized entrances and periodic maintenance.
 3. Light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties. Freestanding lamp posts shall be no taller than eighteen (18) feet. The intensity of light at the boundary of any Industrial Zone shall not exceed seventy-five (75) foot lamberts from a source of reflected light. All exterior light shall be LED .
 4. All activities involving flammable and explosive materials shall be provided with adequate safety and fire-fighting devices to the specification of the California Fire Code. All incineration is prohibited.
 5. The applicant shall ensure noise levels meet all the requirements outlined in the City of Imperial's Noise Element. Noise levels are not to exceed 75 decibels within Industrial Zones. If complaints arise, the City of Imperial may impose noise pollution mitigation measures on the business.
 6. No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
 7. There shall be no emission of air contaminants which, at the emission point or within a reasonable distance of the emissions point, are as dark or darker in shade as that designated as No. 1 on the Ringelman Chart as published in the United States Bureau of Mines Information Circular 7718.
 8. Outdoor storage areas shall be entirely screened not less than six feet in height to adequately screen the view from the external boundaries of the property.
 9. The installation of the paint booth shall be subject to the requirements of the Imperial County Air Pollution Control District, Imperial County Health Department and other applicable State and Federal requirements.
10. The provisions of the 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.
11. 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 Condition 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.
12. 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.

13. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) may include odors and fumes (2) 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 (3) 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 (4) occurs during or as a result of the re-located business.

[illegible]

(3) Rolling (RPH)

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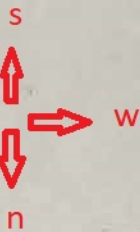
PRINT Booth

28' 10"

78' 0"

2nd Street Page 13

RV Packing Line



(f) Round



Staff Report

Agenda Item No. D-3

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: October 19, 2022

Subject: **Conditional Use Permit 22-06**
Donohue Painting – Commercial Painting with a Powder Coating Ovens

Summary:

Applicant:	Jack Donohue
Project Location:	608 E. 2nd Street
Project Description:	Conditional Use Permit and Similar Land Use Determination to allow for the operation of a powder coating oven facility within an Industrial Zone
Zoning:	Rail-Served Industrial (I-2)
General Plan:	Industrial
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to conditions

Background

Applicant, Jack Donohue, owns and operates Donohue Painting, LLC and is a State licensed painting contractor located at 608 E. 2nd Street. Donohue Painting is a family owned painting company that has made the City of Imperial their home for more than five decades. The business has expanded from being a residential painting company to commercial and industrial painting company that now offers powder coating services. Powder coating is a dry finish process created by an electric charge that causes a dry powder to fuse to a metal surface. The powder is applied with a powder coating gun and baked in an oven at 200

degrees Celsius for approximately ten minutes. Once it is cured and cooled, the product is ready for its intended service. The coating provides an added layer of protection to any metal surface to add life to the product and provides a high-quality finish for functionality and overall look. The powder coating jobs Mr. Donohue currently executes are typically for commercial businesses and include gates, truck parts, signs, off-road parts, rebar anchors, manholes and pipes, but he would like to offer his services to the general public.

Donohue Painting, LLC, currently employs eleven people and operating hours are 8:00 am to 4:00 pm, Monday through Friday. Future business plans are to expand and build a new facility on N Street within the next five years.

Aerial View of Project Location



Powder Coating Ovens / Eastern View



Discussion/Analysis

The subject site and its surrounding land uses are zoned I-2 Rail Served Industrial. The Industrial Zoning designation and purpose is intended to provide for a quality working environment and to achieve a harmonious mixture of uses which might otherwise be considered incompatible when located in close proximity. Activities are intended to promote employment opportunities in manufacturing, service, research and development, engineering and wholesale trade. Section 24.07.120 of the Industrial Zoning Ordinance does not list powder coating as an allowed use, therefore staff is requesting a Similar Land Use Determination be applied. Staff consulted with the Imperial County Air Pollution Control District and the agency classifies powder coating ovens as spray booths and require powder coating facilities to comply as such. By classifying the powder coating ovens as a spray booth with a Similar Land Use Determination, the use is subject to a Conditional Use Permit.

Environmental Compliance

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

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a 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 located within an I-2 Rail Served Industrial Zone. The powder coating ovens will not interfere or conflict with the purposes of the zone which is intended to provide general industrial uses, especially those that need rail access.

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. The project's location is surrounded by and compatible with similar land uses. Although within an Industrial Zone, residential homes abut the project site to the East, West, and to the North of the site. The Dune Company providing crop protection and fertilizing services is located to

the South of the project. Staff has not received any comments opposing the use and has subject the powder coating ovens to comply with the mitigation measures and requirements Imperial County Air Pollution Control District impose through their permitting process in the Conditions of Approval. For further consideration, a Conditional Use Permit was issued in 2014 to an auto body shop that included a paint booth facility at this same location with no reported issues or concerns from neighboring residents.

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

With the Conditions of Approval put in place and Imperial County Air Pollution Control District's requirements and monitoring, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

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

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

Public Notification

The public hearing scheduled for October 26, 2022 was duly noticed in the Calexico Chronicle and Holtville Tribune, newspapers of general circulation on October 13, 2022 and a Notice of Public Hearing was sent to all property owners within 300-feet of the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit 22-06 to allow for the use and operation of the powder coating ovens with a Similar Land Use Determination.

Attachments

- Resolution PC2022-10 with Conditions of Approval
- Site Plan

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

RESOLUTION NO. PC2022-10
A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, APPROVING A
SIMILAR LAND USE DETERMINATION FOR
CONDITIONAL USE PERMIT 22-06 FOR DONOHUE PAINTING
LOCATED AT 608 E. 2ND STREET (APN 064-174-005)

WHEREAS, Jack Donohue submitted an application to allow the operation of powder coating ovens with a Similar Land Use Determination: and

WHEREAS, the subject site is located within the Rail-Served Industrial Zone and powder coating ovens with a Similar Land Use Determination of spray paint facilities is a conditionally allowed use within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on October 26, 2022, to hear testimony for and against the proposed Conditional Use Permit; and

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

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

- A) That the foregoing recitations are true and correct; and
- B) 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 of the California Environmental Quality Act; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 22-06** to allow the operation of powder coating ovens at 608 E. 2nd Street, subject to the Conditions of Approval outlined in Exhibit A and based on the following findings:
 - 1. The project meets all the requirements per section 24.19.340 of the Imperial Zoning Ordinance for granting said Conditional Use Permit as follows:
 - a) **That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standards of the City.**

The subject site is located within an I-2 Rail Served Industrial Zone. The powder coating ovens will not interfere or conflict with the purposes of the zone which is intended to provide general industrial uses, especially those that need rail access.

- b) That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.**
- c) The project's location is surrounded by and compatible with similar land uses. Although within an Industrial Zone, residential homes abut the project site to the East, West, and to the North of the site. The Dune Company providing crop protection and fertilizing services is located to the South of the project. Staff has not received any comments opposing the use and has subject the powder coating ovens to comply with the mitigation measures and requirements Imperial County Air Pollution Control District impose through their permitting process in the Conditions of Approval. For further consideration, a Conditional Use Permit was issued in 2014 to an auto body shop that included a paint booth facility at this same location with no reported issues or concerns from neighboring residents.
- d) That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.**

With the Conditions of Approval put in place and Imperial County Air Pollution Control District's requirements and monitoring, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

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

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

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 26th day of October, 2022.

Planning Commission Chairman

ATTEST:

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT 22-06 DONOHUE PAINTING 608 EAST 2nd STREET

1. Conditional Use Permit 22-06 is valid for the operation of a powder coating facility.
2. 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.
3. The Applicant shall pay all applicable impact and capacity fees.
4. 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.
5. 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.
6. All conditions of approval for this Conditional Use Permit shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
7. All equipment stored on the premises shall be maintained at all times so that fire, health, law enforcement and building officials have access to and can inspect any materials within the building for the proper removal and disposal thereof.
8. All storage of materials waiting to be worked on shall be stored within the building during the time that the business is not open for business. There shall be no outdoor storage of materials.
9. Department Comments
 - A) Fire Department
 1. Fire Department Access
 - a. Minimum 20-foot unobstructed fire access lane shall be provided to the rear of the property of firefighting equipment.

- b. All gates shall meet minimum width of 20 feet (6096mm).
- c. Gates shall be of the swinging or sliding type.
- d. Construction of gates shall be of materials that allow manual operation by one person.
- e. Gates shall have approved locks box or locks from KNOX (information can be obtained from Imperial County Fire Department Prevention Bureau).

2. Fire Suppression

- a. Powder coating operations shall comply with Chapter 24 section 2406 of the California Fire Code.
- b. 2406.4 Fire Protection. Areas used for powder coating shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9.
- c. Industrial ovens shall comply with Chapter 30 of the California Fire Code.
- d. 3006.1 Required Protection. Class A and B ovens that contain, or are utilized for the processing of combustible materials shall be protected by an approved automatic fire extinguishing system complying with Chapter 9.
- e. Fire extinguishers shall comply with Chapter 9, Section 906 in the California Fire Code for sizing, placement, and quantity for Extra (high) Hazard Occupancy.

3. Operations

- a. Storage, use, and dispensing of combustibles and flammables shall be in accordance of Chapter 57 of the California Fire Code.
- b. Combustible and flammable liquids shall not exceed the maximum allowable quantity stated in the California Fire Code without fire suppression installed.
- c. Spray operations shall be in accordance with Chapter 24 section 2404 of the California Fire Code.
- d. Storage of vehicles and inventory shall not produce conditions that will create a nuisance or hazard to the public health, safety or welfare.
- e. Hazard material management plan and hazardous material inventory statement shall be created and reported to California Certified Unified Program Agency (CUPA) and shall follow CUPA regulations.
- f. Applicant shall comply with all Imperial County Fire Department requirements and the California Fire Code.
- g. Spray and industrial oven(s) shall be installed in accordance with 2019 California Fire Code Chapter 24, and the California Building, electrical and mechanical code.

B) Police Department

- 1. Security lights and surveillance cameras shall be installed within the entire property for crime prevention.

C) Community Development

1. The project site shall be maintained in a clean, orderly manner, free of weeds, debris or junk materials.
 2. The Applicant shall monitor the tracking of dirt from the project site onto adjacent public roadways. Excessive accumulation of dirt onto nearby and adjacent roadways fronting the project site driveways shall be mitigated by the applicant or business owner through street sweeping, installation of stabilized entrances and periodic maintenance.
 3. Light sources shall be shielded in such a manner that no light is visible from streets or adjoining properties. Freestanding lamp posts shall be no taller than eighteen (18) feet. The intensity of light at the boundary of any Industrial Zone shall not exceed seventy-five (75) foot lamberts from a source of reflected light. All exterior light shall be LED .
 4. All activities involving flammable and explosive materials shall be provided with adequate safety and fire-fighting devices to the specification of the California Fire Code. All incineration is prohibited.
 5. The applicant shall ensure noise levels meet all the requirements outlined in the City of Imperial's Noise Element. Noise levels are not to exceed 75 decibels within Industrial Zones. If complaints arise, the City of Imperial may impose noise pollution mitigation measures on the business.
 6. No use shall be permitted which creates odor in such quantities as to be readily detectable beyond the boundaries of the site.
 7. There shall be no emission of air contaminants which, at the emission point or within a reasonable distance of the emissions point, are as dark or darker in shade as that designated as No. 1 on the Ringelman Chart as published in the United States Bureau of Mines Information Circular 7718.
 8. Outdoor storage areas shall be entirely screened not less than six feet in height to adequately screen the view from the external boundaries of the property.
 9. No use shall be permitted which creates changes in temperature or direct glare, detectable by the human senses without the aid of instruments, beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.
 10. No use shall be permitted which generates inherent and recurrent ground vibration perceptible, without instruments at the boundary of the lot on which the use is located.
 11. Landscaping shall consist predominantly of drought tolerant, low maintenance plant materials and shall be irrigated by automatic sprinklers. All landscaping shall be permanently maintained in a clean and healthy and thriving condition, free of weeds, trash and debris.
 12. The installation of the powder coating ovens shall be subject to the requirements of the Imperial County Air Pollution Control District, Imperial County Health Department and other applicable State and Federal requirements.
10. The provisions of the 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.

11. 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 Condition 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.
12. 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.
13. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) may include odors and fumes (2) 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 (3) 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 (4) occurs during or as a result of the re-located business.

CUP 22-06 DONOHUE PAINTING SITE PLAN

